

KAUA'I PLANNING COMMISSION
SUBDIVISION COMMITTEE MEETING
June 27, 2023

***As a disclaimer, the audio setup was "spotty" which made it difficult to accurately document, so there were pockets of testimony and conversations that were inaudible and were unable to be dictated in the minutes. ***

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

The following Commissioners were present:

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

Excused or Absent

The following staff members were present: Planning Department Deputy Director Jodi Higuchi Sayegusa, Staff Planner Dale Cua, Kenny Estes, and Planning Commission Secretary Shanlee Jimenez; Office of the County Attorney – County Deputy Attorney Laura Barzilai, Office of Boards and Commissions – Support Clerk Lisa Oyama.

Discussion of the meeting, in effect, ensued:

CALL TO ORDER

Subdivision Committee Chair Gerald Ako: Good morning. Today is Tuesday June 27, 2023, and I'd like to call to order the Subdivision Committee Meeting of the Planning Commission, and right now it is 8:30 a.m. I want to thank all of you for coming. One note before we start, because we're in a new facility here, the camera is actually right in the middle of the room, it's not only the camera but also the mic for this whole room, so when someone is speaking here or there or back there, it'll pick it up, and then it'll cut somebody off, so I'm hoping that whoever has the floor, please give them the respect so that whoever is taking the minutes will be able to have the full conversation as we go through. So, with that I want to thank you as well as thanking Ellen Ching for letting us use this room here, it's like having a guest at your house every night, gotta keep the house clean, so Ellen thank you very much. So, with that, Madam Clerk, can we have a roll call?

Planning Deputy Director Jodi Sayegusa: Commissioner Ako?

Chair Gerald Ako: Here.

Ms. Sayegusa: Commissioner Apisa?

Commissioner Donna Apisa: Here.

Ms. Sayegusa: Commissioner Ornellas?

Commissioner Jerry Ornellas: Here.

Ms. Sayegusa: Okay. You have a quorum, I'm sorry, can you hear? Sorry about that. We are unmuted now on the livestream.

Chair Ako: Good to go?

Ms. Sayegusa: Good to go.

APPROVAL OF AGENDA

Chair Ako: With that, we have the agenda in front of us. Do we have any changes that we'd like to propose to the printed agenda?

Ms. Apisa: No change.

Chair Ako: If not, we'll entertain a motion to approve the agenda.

Ms. Apisa: Move to approve the agenda as presented.

Mr. Ornellas: Second.

Chair Ako: Any questions about that? If not, I think we can do a voice vote on this. All those in favor for the approval of the agenda say aye. Aye (unanimous voice vote). All those oppose. Motion passes. 3:0.

MINUTES of the meeting(s) of the Subdivision Committee

Chair Ako: Item D., the minutes, and I see we have none for this meeting.

RECEIPT OF ITEMS FOR THE RECORD

Chair. Ako: Item E., Receipt of Items for the Record.

Ms. Sayegusa: On your table you did receive a packet of testimonies that were received after the agenda was posted but 24-hours prior to the meeting today. So, those were the items for you folks for the record.

UNFINISHED BUSINESS

Chair Ako: Do we have any Unfinished Business?

Ms. Sayegusa: None.

Chair Ako: None for this meeting. And with that Madam Clerk (inaudible).

Ms. Sayegusa: Sure. We are on Item G., New Business for Action.

NEW BUSINESS (For Action)

Preliminary Subdivision Extension Request

Subdivision Application No. S-2017-6
Moloa'a Valley Homeowners, LLC.

Proposed 7-lot Subdivision
TMK: (4) 4-9-011: 013
Kawaihau, Kaua'i

Ms. Sayegusa: Is there anyone here wishing to testify on this item? (Inaudible). So, with that, I'll turn it over to Kenny.

Staff Planner Kenny Estes: (Inaudible).

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

Chair Ako: (Inaudible).

Ms. Maren Arismendez: (Inaudible). We would like to respectfully request the extension (inaudible) while the redesign of the roadways to bring them up to current county code and make sure they're providing adequate access for emergency vehicles. They are currently in the process of clearing the site for us to have the (inaudible) survey done (inaudible). (Inaudible).

Chair Ako: (Inaudible).

Ms. Sayegusa: Okay.

Chair Ako: Madam Clerk (inaudible).

Ms. Sayegusa: Commissioner Apisa?

Ms. Apisa: Aye.

Ms. Sayegusa: Commissioner Ornellas?

Mr. Ornellas: Aye.

Ms. Sayegusa: Commissioner Ako?

Chair Ako: Aye.

*Motion passes 3:0.

Subdivision Application No. S-2021-7
5425 Pa'u A Laka, LLC.
Proposed 2-lot Consolidation and Resubdivision into 4-lots
TMK: (4) 2-8-014: 032
Koloa, Kaua'i

Ms. Sayegusa: Before I turn it over to Kenny, is there anybody in the audience wishing to testify on this item? Come forward please. (Inaudible). (Inaudible) is sort of spotty, so if we could just talk into the mic (inaudible) we'll be able to pick it up for the (inaudible).

Ms. Elizabeth Okinaka: (Inaudible). Is there a legal representative present (inaudible). (Inaudible) opposition I would like to (inaudible) opposition of S (inaudible), and there's no (inaudible) of this project. No valid Ka Pa'akai Analysis for this project. This developer (inaudible), a lot of them are adjoining or even in the same ahupua'a essentially, so I'd like you guys to realize and if you have time,

scrutinize this Ka Pa`akai Analysis, it should be deemed incomplete, essentially. I would also like to say that (inaudible) valid archaeological site, survey for the site. I was on site the day that the partial draft (inaudible) was (inaudible). I say attempted because the grass was seven foot tall and there's no possible way that an archaeological survey would ever (inaudible). There's been no biological surveys. We know that there was a partial (inaudible) that (inaudible) grubbing (inaudible), it was never signed by a biologist (inaudible) no comprehensive drainage plan for the property, there's no traffic study and this road will be a death trap in the event of (inaudible) or any other massive evacuation. Also, I'd like to state that the Koloa cave eco system is one of the (inaudible) most (inaudible) in the world. These two species that reside here are found no where else, the Koloa cave arthropod is a (inaudible) that is blind, translucent, and drinks sugars off of (inaudible). Even with attempting to do a biological survey destroyed all the ground, ripping out the vegetation from this property, destroyed the food source for this endangered (inaudible), other endangered species that lives along with this other one (inaudible), so essentially you are (inaudible). No where else in the world biologists believe there's (inaudible). And (inaudible), so the backlash just recently, this property there's (inaudible) in this (inaudible) than there are culturally and historically (inaudible) site of (inaudible) burial sites, if anything it should never happen (inaudible) attempted to complete (inaudible) that they never had and I (inaudible) it's natural thing. It's part of the Koloa field system which (inaudible) and fed families for thousands of years and now we've (inaudible). (Inaudible) for agricultural use (inaudible) project (inaudible) and I think Kaua'i needs to stop being bullied around by these (inaudible) continue to keep threatening to sue us and using leverage while they destroy our natural resources and extort our community. (Inaudible).

Ms. Sayegusa: (Inaudible). Just a reminder, the audio mic (inaudible) in the audience, so it's not going to properly record the meeting if there's too much, talking within the audience, so sorry. Thank you.

Ms. Bridget Hammerquist: Good morning, Commissioners, and members of the Planning Commission. My name is Bridget Hammerquist, and I want to start by at least expressing disappointment that (inaudible) did not show the planning meeting (inaudible) probably an oversight. We happened to come early because we wanted to get good parking, and then when the meeting was already underway, so the (inaudible) at 9 a.m. and there is no (inaudible) excavators, rocks brought in, I (inaudible) myself personally, truckload, after truckload, after truckload that were being dumped into a (inaudible) in the ground (inaudible). (Inaudible) requirement and archaeological requirement (inaudible) completed before any work (inaudible) condition 7 (inaudible) court proceeding before Judge Watanabe, which is still pending (inaudible) hours before this meeting (inaudible) supposed to be 24 (inaudible) that you take a look at the time because I really (inaudible) the bottom line (inaudible) was (inaudible) condition 7 (inaudible) satisfied with (inaudible) no mention about (inaudible) conditions and (inaudible) it would be (inaudible) Mr. Estes said (inaudible) condition (inaudible) and it (inaudible) a draft (inaudible) report that is (inaudible) survey had been done, but rather the person who wrote the draft said, you need to do (inaudible), they listed what the developer needed to do (inaudible) biologic, and said, we did it, here it is, we're clear, and then reported (inaudible) on (inaudible) there's a drainage issue, there's (inaudible) nothing like it in (inaudible). Thank you.

Ms. Sayegusa: (Inaudible) on the sign-up sheet for testimony, Billy Kaohelaulii. I'm sorry, and just to note there is a Subdivision Committee agenda, which is separate than the Planning Commission agenda. The Subdivision did note that it was starting on June 27, Tuesday at 8:30 a.m.

Ms. Hammerquist: Not on the website.

Ms. Sayegusa: There's a link for the Subdivision Committee agenda on the website.

Ms. Hammerquist: (Inaudible). Nope.

Mr. Billy Kaohelaulii: (Inaudible). I'm the po`o of Kaua`i. The culture and the resource and (inaudible) Kānei`olouma, member of Kānei`olouma (inaudible). This (inaudible)...

Ms. Sayegusa: (Inaudible). I just want to make sure that everybody's able to hear the testimony that's recorded, again the audio is connected to the camera, so we cannot have too much talking in the audience (inaudible) record (inaudible).

Mr. Kaohelaulii: (Inaudible) talking about they blew up all the caves now we don't have water, even in our heiau (inaudible), we need all the water to go in the ocean for the resources of the fish to come again all the spawning (inaudible). You know, this drainage thing, I mean it cannot in a sewer, but everything is going into the sewer plant, it's going into (inaudible). I was down there, nobody's in there (inaudible) some more. (Inaudible) the people over here no more homes (inaudible) and change because get so much people (inaudible) get all this stuff down there (inaudible). I lived through it, I know that. (Inaudible) nothing buildings (inaudible) they the only housing in the front line (inaudible) plan for Po`ipū (inaudible). I wish you guys no give the permits or whatever agreed to them to build because (inaudible) Po`ipū already (inaudible).

Ms. Sayegusa: Next testifier on the sign in sheet, Rupert Rowe. (Inaudible) on the sign in sheet, Terrie Hayes.

Ms. Terrie Hayes: (Inaudible) I have been before the Planning Commission prior to your being here many times and discuss Kānei`olouma. I was one of the founding members of the board of Hui Malama (inaudible) Kānei`olouma, the archaeological site (inaudible) we (inaudible) Kānei`olouma (inaudible) brought it out what actually is out there, there's (inaudible) the 500 homes (inaudible) the Knudsen Trust (inaudible) the whole thing, and a lot of things were supposed to happen that haven't (inaudible) was an adult (inaudible) for reason (inaudible) they looked into it, do they understand what it would cost to make one and not (inaudible) because nobody has taken the effort, done what has been recommended by Ian Costa, Item 26 (inaudible) Billy and I are significant others for over 20 years, I've had the pleasure of being part of the Aka Moku Advisory Council, Billy is the po`o, I don't believe he even introduced himself but for the island of Kaua`i, he took Uncle Tommy Hashimoto's place (inaudible) on O`ahu with the DLNR (inaudible) before the Land Use Commission (inaudible) many parcels, many issues, but specifically the development there because there isn't any proper drainage (inaudible) we were having funky water come in to Kānei`olouma (inaudible) dead birds, luckily Jay Furfaro, when he was on the Planning Commission took the time to read their proposal, which was, well we're gonna send the water upstream, we're gonna send it over to this other area, well we might use that 16-inch culvert we just put under the road and (inaudible) the lowest spot and as the educator I hope we understand that. Where is their plan? We have a sewage treatment plant, and sold, and I understand it's ready to be resold because of all the issues that are there. Nobody is addressing drainage, sewage (inaudible) and the complications that come from that (inaudible) flows, it needs to flow, it can't be stopped up (inaudible)...

Ms. Sayegusa: Three minutes.

Ms. Hayes: ...by somebody because of their (inaudible), it shouldn't be. Don't allow this to happen. We fought tirelessly since 2008 to protect (inaudible) myself, Billy's been fighting his whole life. (Inaudible) Jimmy went with him to the Land Use Commission (inaudible) wasn't an easy task to get what (inaudible) do (inaudible) we've done, it's (inaudible). Kānei`olouma needs a lot of work yet, and it certainly (inaudible) water, we need the water that it needs, don't destroy our fishery, it's all connected, everybody from the DLNR is very aware of what's happening, and let me (inaudible) we're all here to let

you know (inaudible) somebody that's going to sue you because (inaudible) come from any other lawsuits (inaudible).

Ms. Sayegusa: (Inaudible) sign in sheet list is, Roslyn Cummings.

Ms. Roslyn Cummings: (Inaudible), kou inoa Roslyn Nicole Manawai`akea Malama mare Cummings, noho au Kalaheo ahupua'a (speaking in Hawaiian). First and foremost, is there a legal representative for the Subdivision Committee present?

County Deputy Attorney Laura Barzilai: Morning Ros, Laura Barzilai.

Ms. Cummings: (Inaudible). For your commitment in addressing who you are. (Inaudible) that's on the subdivision (inaudible). I wanna bring forward (inaudible), my tutu kane (inaudible) has thousands of writings located in Bishop Museum (inaudible) there's a newspaper article that states he was the oldest living kānaka (inaudible) in celebration and (inaudible) because he knew all of our ancient pasts and (inaudible) known as Kuwalu, and (inaudible) Kukui'ula is a (inaudible) George Humehume, prior to George Humehume, (inaudible), prior to that you have Kamakahēlei, and these are very significant people of our (inaudible), our kūpuna. The Kukui'ula Development is well aware of the cave system. There's a 2015, between 2009 and 2015, there's an email that surfaced, (inaudible) has one of them, stating a cover up of a cave system where they found a wa'a and iwi kūpuna (inaudible) reinternment located on the southside of Kaua'i, so any bones that is found and even not in the Koloa ahupua'a is (inaudible) burial council to be placed inside there, which is completely (inaudible) air is (inaudible) and water (inaudible), contract, you are binded by that contract, (inaudible) let me just remind you that (inaudible). (Inaudible) numerous (inaudible) that (inaudible) into the county executives, the mayor (inaudible), and those that I stated the ike papalua, Na Mo'okū'auhau that has not been actually challenged with an affidavit, it's been challenged here numerous times by someone in a political law standing (inaudible) complaint against because you cannot go against something that you don't completely understand. For me, what I understand is what Tutu Pele came for (inaudible), and it's called a waiwai and waiwai is nutrients, so anything that happens mauka, affects makai, so when the water travels down from mauka into makai there's nutrients that it picks up in the `aina, so when we were (inaudible) heavily against the subdivision and Kiahuna, we warned multiple people because (inaudible) came forward and stated the significance (inaudible), so basically what happened was the micro-blasting, not only defeated the water (inaudible) in there, there's over 13 punawai in there, now completely gone. We watched as they piped all that (inaudible) department came in (inaudible) have that authority to (inaudible) and so I just want to share with you guys that there is no trust and I want to gain trust (inaudible) I'm also here to utilize this as evidence, as a claim as transgression against myself (inaudible) of this land, and so on the agenda on the subdivision, okay (inaudible) how does it come out? When you build large amounts of units like that, the water doesn't come out naturally the way should be when (inaudible) a mahi'ai, kalamai, it affects kahakai, the shoreline, it affects our ocean, it affects our (inaudible), it affects our i'a, our fish, and (inaudible) gonna see me and my family down there fishing, doing things that we were raised to do (inaudible). (Inaudible) you guys don't understand Moloa'a, all (inaudible) that you guys have out here on the subdivision it upsets us, as kānaka maoli, and I need you guys to understand the significance of the waiwai, of the (inaudible) the subdivision, so I just wanted to let guys know, and I will come back later and mahalo for all of your time.

Ms. Sayegusa: Is there anyone else in the audience wishing to testify on this item? (Inaudible) public testimony at this time. (Inaudible) Kenny for his report.

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

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

Chair Ako: (Inaudible).

Ms. Apisa: (Inaudible) pertained to the (inaudible).

Mr. Estes: (Inaudible) the (inaudible) report has been submitted by applicant (inaudible) it'll be reported to the (inaudible).

Ms. Sayegusa: (Inaudible) and again, just to clarify, the request on the agenda today, on the subdivision agenda is pertaining to the subdivision and really the (inaudible) of the four lots including the carving out of the roadway. There are other matters that in other conditions attached to the underlying zoning permit that are still being reviewed (inaudible) of instance the drainage study, we put on a future agenda for the commissions review and (inaudible) as an opportunity to write comment on whether the drainage study is, meets (inaudible) slightly aside, but today what's being requested is an extension. (Inaudible) the subdivision code, the map, the developer must submit the final map approval within one year of the preliminary (inaudible), so that's what's being requested, and extension (inaudible) for their ability to file the final subdivision map before filing and receiving approval for the final map approval (inaudible) tentative conditions satisfy, so they're asking for more time to satisfy (inaudible) conditions required by a tentative subdivision approval. There were requests for, various requests of, right now what's on the Subdivision Committee's (inaudible) grant that one year extension (inaudible).

Ms. Apisa: (Inaudible) one year or two (inaudible)?

Ms. Sayegusa: I'm sorry (inaudible), but yes, the request and the recommendation is just a six-week extension (inaudible).

Ms. Apisa: (Inaudible) it's not an approval. Thank you clarifying that.

Chair Ako: (Inaudible).

Mr. Rupert Rowe: (Inaudible). Po'o of Kānei'olouma Heiau (inaudible) about the drainage (inaudible) for drainage by (inaudible). I testified in front the Land Use Commission (inaudible) 400 acres (inaudible) residential (inaudible). What has happened? Hearings going along, (inaudible) made a mistake (inaudible) on the lower end (inaudible) so they (inaudible) water running (inaudible) and the Land Use Commission (inaudible) I testified (inaudible) in front this body right here (inaudible), represented the Koloa Community Association (inaudible) we all testified, where is the drainage plan. Let's not move around and say that (inaudible) the detention (inaudible) violation is desecrating the heiau in place of worship (inaudible) where (inaudible) say that you guys are gonna alter the plan (inaudible) not move not around the plan (inaudible) very direct because I hear there's a lot of lawsuits (inaudible) the culture (inaudible) we will take (inaudible) Planning Commission and the County (inaudible) for natural resource (inaudible). I know there's no answer (inaudible).

Mr. Ornellas: Thank you.

Chair Ako: (Inaudible).

Ms. Apisa: (Inaudible). Question of Kenny if you could just clarify what this six-week extension (inaudible).

Mr. Estes: The six-week extension is just an extension for the applicant to file (inaudible) subdivision (inaudible). August (inaudible) applicant will be required to submit another (inaudible) for (inaudible) extension (inaudible).

Ms. Apisa: (Inaudible) six-week extension to (inaudible) map.

Mr. Estes: (Inaudible).

Ms. Apisa: Thank you for clarifying.

Ms. Sayegusa: (Inaudible) what more needs to be done.

Ms. Arismendez: Good morning, Maren Arismendez, Esaki Surveying, here on behalf of the (inaudible). So, the extension that we (inaudible) is till August 23rd of this year. The requirements are (inaudible) so if another extension is needed, we will file it when the time comes, for now the extension is requested because the construction plans for various improvements are being routed through county and other approving agencies, we need the time to allow the agencies to complete those reviews (inaudible) correlating to grating and infrastructure (inaudible). The plans are (inaudible) we've been working with county and (inaudible) agency and addressing whatever comments we received to make sure (inaudible) ordinance and requirements from whatever county or agency we (inaudible) comments from. (Inaudible).

Chair Ako: (Inaudible) early time in the same thing in terms of the work (inaudible) like a practice in terms of the length of time that the extensions are given for (inaudible).

Mr. Estes: (Inaudible) typically the Department would recommend an extension of (inaudible) for the time tentative (inaudible) they can have one year to file the final subdivision map. If the applicant is not ready to file, the final subdivision map the applicant (inaudible).

Ms. Sayegusa: (Inaudible) we're requesting not a full year (inaudible) from this final subdivision map isn't (inaudible) and another (inaudible) will be heard prior to August (inaudible).

Ms. Apisa: I've heard two dates, the extension till August 10, and August (inaudible).

Mr. Estes: (Inaudible) 2023.

Mr. Ornellas: (Inaudible) part of a larger project (inaudible).

Ms. Sayegusa: Again, this subdivision pertains to essentially carving the roadway out. There are other permits that have already been (inaudible) if (inaudible) as a subject of other lawsuits (inaudible) so the zoning permits are pertaining to the development of the 280 or so homes or (inaudible), again this subdivision is pertaining to the roadway (inaudible) so, again there are other (inaudible). So, the zoning permits also have various conditions which are being steadily addressed and reviewed by various agencies (inaudible). The drainage study was recently submitted waiting (inaudible) and then after which it will (inaudible) commission for the Planning Commissions review (inaudible).

Mr. Ornellas: (Inaudible).

Mr. Estes: The Ka Pa`akai Analysis was submitted for the project and it's still under review (inaudible).

Mr. Ornellas: (Inaudible).

Chair Ako: (Inaudible).

Ms. Apisa: Again, just to clarify, today (inaudible) ask to grant an extension to August (inaudible).

Chair Ako: (Inaudible).

Ms. Hammerquist: (Inaudible) revocation (inaudible) letter went out August 11th, 2021 (inaudible) request for contested case on the full development issue (inaudible) the planning (inaudible) extension (inaudible) 2021 there was a (inaudible) on the agenda and August of 2022 (inaudible) you can't extend after expiration. I don't know how they're here before you trying to extend now. (Inaudible) please (inaudible) before making any decision (inaudible) there have been some (inaudible) blasting, they call it micro blasting, but we have pictures in an (inaudible) homes as far away as 1 ½ miles from the site (inaudible) the fresh water that used to roll into Kānei'olouma (inaudible) there has been an alteration drainage (inaudible) had their one year didn't ask (inaudible) don't know the printed agenda (inaudible) it came back out and was modified within (inaudible) was amended (inaudible) staff filed (inaudible).

Ms. Sayegusa: (Inaudible).

Ms. Barzilai: (Inaudible).

Ms. Sayegusa: (Inaudible) again, so, we changed locations because of the massive floods that happened within the Engineering Division and Building Division, offices that spilled over and so, the (inaudible) occupied by the Engineering and Building Division, as well as various other vacant meeting rooms (inaudible) available, so we had to reschedule that, I meant, issue an updated agenda that only changed the meeting location provided after, and that was published six days prior to this meeting, that was the only change (inaudible).

Chair Ako: (Inaudible).

Ms. Sayegusa: (Inaudible) yes, both agendas were amended, both were posted and available on the Planning Commission website (inaudible).

Chair Ako: (Inaudible)

Ms. Hayes: (Inaudible) thank you for clarifying about the road. What I can say being a long-time resident on the south shore, Ku'ai Road, which is the (inaudible) road over from Ho'owili Road, which is (inaudible) Kānei'olouma there's questions (inaudible) that road. Before you start (inaudible) more roads, I want (inaudible) our road has flooded at the bottom of (inaudible) Road for over 20 years, it recently happened (inaudible) on the corner, paid an absorbent amount of money for a (inaudible) 20 years they've attempted to repair it, we (inaudible) it worked (inaudible) honestly, try driving here like we do, luckily they are kind of fixing Maluhia (inaudible) just seems like our energy (inaudible) focus, your focus, not my focus, cause I can see that it's wrong, we don't need (inaudible) for resources, which is the total focus of aha moku (inaudible) Billy was appointed by the Governor is because the DLNR was (inaudible) is the way we think about this (inaudible) think about (inaudible) anybody do anything (inaudible) happen to the water that had (inaudible) Hapa Trail (inaudible) save the (inaudible) preservation site by the way, we don't (inaudible) care about the people that belong here (inaudible) everybody walk all over this is the very (inaudible) out in the middle of the ocean. I came from California, it was a different thing, reservations they've (inaudible) figured it out, now I'm not advocating for casinos, but however (inaudible) people, you know this (inaudible) place to be (inaudible) it all for (inaudible) they gonna go (inaudible) they wanted to drive on Hapa Trail towards (inaudible) stop the (inaudible) it can't happen, there's lava tubes under there, it would collapse, and in an emergency, what are we gonna do? One person ran into the roundabout that's in Koloa, it stopped up traffic everywhere...

Ms. Sayegusa: Three minutes.

Ms. Hayes: ...one little bumper accident (inaudible).

Chair Ako: Thank you. (Inaudible).

Mr. Rowe: (Inaudible) some things that happen in the (inaudible) the well went dry (inaudible) and the fish (inaudible), what is happening in the ocean (inaudible) of the fresh water (inaudible) lot of you people don't know that when Hurricane Iniki and Iwa came (inaudible) we had down there was to swim our use the (inaudible) let the air out and catch the fresh water, that's no longer there. What has happened too, does the County have a drainage plan? (Inaudible) everything from Brenneke's Beach all the way down to the Sheraton (inaudible) all the way down to Koloa Landing, there's no place for the water to drain. What happened in this area, (inaudible) so that they don't have to come (inaudible) drainage plan. (Inaudible) problem that is taken place there. (Inaudible) Waita Reservoir is a hazard to everything on this whole project area, the liability to the (inaudible) is very critical, so (inaudible) the Hawaiian people knew how the water drains, what has happened, we altered the flow of the water to (inaudible) whatever was taking place over there. Remember, we can never put the well back at Kānei'olouma, and what happened to all the (inaudible) all of this dynamiting, did the County go out, take water samples (inaudible) I've been in this area (inaudible) concern because as a kānaka, as I look forward in our lives on this island, destruction has come very rapidly (inaudible) the chance to understand where we live in (inaudible).

Chair Ako: (Inaudible).

Ms. Robin Wong: (Inaudible). I just wanted to say with regard to the extension, we say no. They (inaudible) and the desecration and the lack of integrity with this developer (inaudible) comment his last (inaudible) period, and that's we want the Planning Department to recognize and abide by.

Ms. Okinaka: I would also like to add, I'm sure you guys are aware, but just know that there is an active, like Jodi said, there is an active lawsuit, and we currently just finished the trial portion, so we're literally awaiting our decision (inaudible) you guys realize how much of an issue this is, that developers are using these agreements, leverage against the County, which is forcing community members like us to have a lawsuit, when really it should be County and Planning Commission standing up against these bullies. (Inaudible) know that there is an active lawsuit on this case and there will be more, if that's what has to happen, so please do the right thing.

Ms. Cummings: I have something quick to add if I can.

Chair Ako: Please.

Ms. Cummings: I believe as a commission there's some kind of (inaudible) question everything that's going within your agency (inaudible) when you gotta (inaudible) it (inaudible) throw it out we're gonna feed our families (inaudible) there is plenty of evidence, myself and Liz sent almost three now, and I know uncle guys came before me, and Liz, and all of us, but there's plenty of evidence. I came up to the burial council (inaudible), I gave burial locations, which I shouldn't have, but I think our kūpuna test us out to see how well we would protect that water that was in that land. There's over 13 natural waterways that they (inaudible) 11 untouched, now 9 is gone, at least. We had to stand by and watch as the (inaudible), when I go down I always looking for the punawai cause I know that that's our well, that is what keeps us healthy, but I gotta teach my kids that we gotta spend every minute of our extra time down there to prove that we still (inaudible), to teach them things that sometimes we don't even go down because we fight for parking. The conditions wasn't even met, there is (inaudible) null and void in contract because it wasn't met. The archaeological (inaudible) was not done, Hal Hammatt, I do not trust that man and his company, they lied, it said no cultural significance, what can that mean, I had employee admit to me they never did a full survey of that lot. They use that lot as a drainage (inaudible) connectivity, just because (inaudible) pay taxes, that's all it does. That's another thing, how you gonna

have Kānei'olouma, multiple (inaudible) report dating back to the 70's (inaudible) and Planning Department (inaudible) multiple to so we would always be here just like our kūpuna, they are in that `aina whether you believe it or not (inaudible) more than what he says, and the county (inaudible) that day when they did the blessing, just wanna mention this, so if I have two companies (inaudible) two companies and I (inaudible) between two companies, what is that called. (Inaudible) that's two different agencies, what is that (inaudible).

Chair Ako: (Inaudible). I want to thank everybody because I think for me it's been a very educational (inaudible) hearing from all of you that have come up (inaudible) not only for you guys but everybody that's going to follow you, so with that before we move (inaudible).

Ms. Sayegusa: (Inaudible).

Ms. Apisa: (Inaudible).

Chair Ako: So, recess till 9:45 (inaudible).

Subdivision Committee went into recess at 9:35 a.m.
Subdivision Committee reconvened from recess at 9:47 a.m.

Chair Ako: (Inaudible) questions or concerns from our (inaudible).

Ms. Sayegusa: Just a reminder as well, we're having some audio issues, the microphone is connected to the camera that's projecting the image (inaudible) that we're able to catch all the audio and all the discussion, and the Commission, etc., so we have to limit some of the noise around the camera. Thank you.

Chair Ako: (Inaudible). And with that, I think at this time, I'd be looking to entertain a motion. (Inaudible) of the several issues that have come forward (inaudible) that (inaudible).

Ms. Apisa: I would like to defer this agenda item, Subdivision Application S-2021-7 to our next Planning Commission meeting on July 11, 2023. It will give us additional time to (inaudible).

Chair Ako: (Inaudible). With that, Madam Clerk.

Ms. Sayegusa: (Inaudible). Commissioner Apisa?

Ms. Apisa: Aye.

Ms. Sayegusa: Commissioner Ornellas?

Mr. Ornellas: Aye.

Ms. Sayegusa: Commissioner Ako?

Chair Ako: Aye.

*Motion passes 3:0.

Subdivision Application No. 5-2022-6
Kukui'ula Development Company, LLC./
MP Kaua'i HH Development Fund, LLC.
Kukui'ula Parcel HH Subdivision
Proposed 3-lot Consolidation and Resubdivision into 51-lots
TMK: (4) 2-6-019: 026, 029, 031
Koloa, Kaua'i

Ms. Sayegusa: (Inaudible). Before we hand it over to Kenny, is there anyone in the audience wishing to testify on this agenda item. (Inaudible) audience anyone in the public wishing to testify?

Ms. Okinaka: Aloha, (inaudible) LLC. (inaudible) all the backlash with the other project this is the same exact company. I'd also like you guys to scrutinize where this project is, it's (inaudible) on and it will directly impact the southside community, as a few of the other community members stated, we have a hard time even going to the beach, Po'ipū Beach is out of control, as a Koloa resident, I can't even take even take my kids to the beach on a normal weekend. The boat harbor has become a really good resource for us, it's one of the few areas where the southside families can go and our kids can truly play, and we can actually find parking and spend time there as a family. This project will develop hundreds of residential electric (inaudible), whatever they're pitching (inaudible), it's more gentrification that will not benefit the local community. There will be hundreds of tourists that will have direct walking access to Po'ipū Beach. There's also drainage issues, all of the development that is happening in Kukui'ula, which is a huge area, thousand of acres, obviously all these multiple different subdivisions, we have also on the next agenda item, so I'd like to include this in my testimony for the next agenda item, which is also Kukui'ula, but it is a culturally significant area, again there are caves which are a part of the Koloa cave eco system, one of the ten most critically endangered cave systems in the world, and there are multiple burial sites here. They are registered, and the company Cultural Surveys Hawai'i which blatantly continues to claim no cultural significance on thousands of acres, is the company which have approved most of the development you see on the southside today. Koloa Landing had burials and caves that were dynamited, destroyed to build the swimming pool. Wainani Subdivision, three caves destroyed, burials destroyed. Kiahuna near Laka Heiau, eight lava tubes destroyed. Why do we continue to destroy our natural resources? (Inaudible) for water, our water resources, when the spring water stops entering into the ocean, the limu will stop growing, the fish will stop spawning, the reef will eventually die, and whether you're a surfer or fisher, and hunter, or if you don't want to stand against all this development happening, it will affect all of us, and please start thinking about the future generations. The southside community will not be able to even go to the beach anymore, all of our beaches will be for tourists, the one area that the local community has down there, is being (inaudible) by these developers. Thank you.

Chair Ako: Thank you. (Inaudible).

Ms. Hayes: (Inaudible) the items more carefully next time. Yes, everything that Liz said is ditto.

Ms. Sayegusa: Sorry, state your name.

Ms. Hayes: Terrie Hayes for the record. Okay, Dr. Hammatt, we know him well, Cultural Survey of Hawai'i, we know what they do, we've spent many hours with him. I'm appalled that he combined these projects into one analysis (inaudible) it works, that's who pay him, let's be very clear of what's happening here. He's manipulating you (inaudible) road that floods, just got fixed, 24 vacation rentals, 24, there are three families that still live there (inaudible) will they (inaudible) this morning, no, have they been, do we go to the beach anymore, barely, you know why, there's 250 people on Po'ipū Beach looking at my precious turtles that thank God that Noah came to help protect them (inaudible) working on that trust, working with the DLNR about it. To use Ho'owili Road for parking when they can't park (inaudible)

why, because hey, (inaudible) because it shouldn't be, they paved paradise to put up a parking lot, some of you are old enough to remember the song. I understand Joni wrote it about that parking lot, Joni Mitchell, if you know who she is (inaudible) we stopped it one time but now they're (inaudible) away, that's what they're doing now, they're trying to come in and sub divide, it was 500 homes, mauka and makai, St. Raphael Church, please read about it, please listen to it, that's where many of these issues came about. You know what they did at the (inaudible) when Karma Lee Knudsen, who was Valdemar's wife, she was with us, this is Valdemar Knudsen's wife, she was outside of the Planning Commission and she had to (inaudible) walk and she hit the side of the building with the walking stick, prayed for akua to come in and they revoked their application, you remember, they were there, just a few faces I remember. They revoked the application to the 500 houses, which maintained (inaudible), now, I've learned a lot since then, (inaudible) been able to come back do what they're doing, they put it on ice, now they want to kick it down the road, we're going to kick this can down the road until you tell them no more. (Inaudible) great idea what they're going to do to Kaua'i and Teddy Blakes' going to build a (inaudible) that's (inaudible), which is beyond. There's a lot of mana in what's going on here, there's one person that's gonna make sure it all happens right, where does that (inaudible) please open your eyes to what's really coming before you, there's little bit chicken (inaudible) here and there...

Ms. Sayegusa: Three minutes.

Ms. Hayes: ...oh, that's (inaudible) over here. Not right, my mama would say, two wrongs don't make a right, and this is many more than that.

Chair Ako: (Inaudible).

Ms. Hammerquist: I just wanted to say when you are (inaudible) there is really only one Ka Pa`akai Analysis (inaudible) you have developments (inaudible) and Kiahuna (inaudible) with one Ka Pa`akai (inaudible) lapsed together. A lot of citizens took the time, respond to the various (inaudible) developments, they wanted the response (webcast frozen)

Ms. Sayegusa: Sorry about that, technical difficulties. We just want to make sure that all the equipment is connected again. Okay, thank you.

Chair Ako: Apologize for all the difficulties we are having. Jodi, you did a good job, the whole room was watching.

Ms. Sayegusa: Sorry, we're a little out of our element with the relocation, but we're making do.

Chair Ako: Anybody else would like to testify? Please.

Ms. Cummings: Aloha, Roslyn Cummings on the record, for the record. So, I was able to submit a statement in the Ka Pa`akai Analysis, so in the time that the (inaudible) I call it the Palekua lot because, Tutu Kane Palekua is (inaudible) in that lot, he's buried in that lot, now whether they removed him, that's something that these guys gotta take that kuleana on. So, basically when I gave the submittal of my statements it was during the time of construction, so we were kind of rushing and it was a last minute thing that they ask us, and it was in an inquiry stating that they wanted to keep it among the people that they chose, so basically they wanted us to not make it public, the Ka Pa`akai Analysis, which I find very fishy and low and behold, it's like a (inaudible) that all of you, as humans, as kānaka, first and foremost I'm living (inaudible), I'm a wāhine maoli and it's my due diligence to figure out how things operate, and so when this analysis came out it was right after the last Planning, not Planning kalamai, it was after the last Burial Council meeting that I was in last year, February or March of 2022, because they had found iwi kūpuna in Lawai and they had an inquiry with the developers of Kukui'ula. This particular parcel is

pertaining to this particular development that happened in Kiahuna, the whole section of that is called Moana LLC., and when you look at the old archaeological surveys from the 1970's, I believe there was one about 1950, don't quote me on that but you're going to see multiple structures that had been pretty much wiped out in the last 60 years, and then when we come into Kukui'ula, this one is really questionable because, how all of sudden get one area that we consider, as kānaka maoli lo'i and you look at the (inaudible) of everything, how everything interconnect. Water usage should be a priority because when you have multiple units like this there going to require amounts of water and I've been in the Board of Water Commissions when they been permitting a lot and allowing, and even the Hawai'i Board of Water Commission because all that water gotta come from somewhere else to feed this particular development, and when it comes in it has to be controlled, managed, and when it out, where does it come out, so these are questions I'm asking you to ask yourself, to find answers to, and when you have the requirements of a subdivision any of (inaudible) Land Commission Use, from the Ag to Urban to whatever it's zoned in now from Ag, there is requirements, biological, archaeological, and I'm a 100% sure if you go in you're gonna find the archaeological part and the excuse is always this, oh the plantation came in and did this, I'm a product of the plantation as well, I'm Filipino, Portuguese. Plantation never go in an dig the amount of digging...the structures, the structures, they didn't have structures like today and the structures that they use now is big enough to deplete the caves systems below. Pilimai has a lawsuit that nobody wants to talk about. Cracked foundation. It's interesting how in that meeting on the Burial Council they mentioned, the Burial Council members, the head of the Burial Council mentioned about the cave systems, that they are well aware of, that the developers are well aware of. These systems should be protected, our burials should be protected...

Ms. Sayegusa: Three minutes.

Ms. Cummings: ...and our waiwai, our resources should be protected. So, I am speaking up against this development and I'm asking the Board to do your due diligence just like I do, and I'm learning and I'm not expecting you to know everything, I'm just asking you guys to ask questions and do your research. Mahalo for your time.

Chair Ako: Thank you.

Ms. Okinaka: Sorry, I'll be brief. I just want to add also, that this same developer is pending Federal IRS charges, and I think that the County should start looking into this, the Board of Commerce, all of guys are doing business with this man, and he is facing two Federal IRS charges for the depreciation of value of land. You can look up the IRS docket numbers, and you'll find that it's still currently happening, so why this developer continues to buy land, pass it around through these different LLC's, I think you guys should really start seeing that they're viewing Kaua'i as just a monopoly game. They're trying to buy out piece by piece and profit off of every little inch that they can, and they're going to leave and we're going to suffer. This area, I invite you guys, you should go drive by, if you ever are down past the Lawai Beach Resort, as soon as Lawai Beach Resort ends that entire open space, the only open space essentially until Spouting Horn is all going to be developed. This is going to directly, directly impact, like I said, mainly the local community. Essentially what they've done is make this road into a private community, it feels like a private community, it's surrounded by multi-million-dollar homes, and this project is only going to heighten that feel. It's hard enough that a lot of these other areas Kiahuna are private roads in, this developer privately contracted the Police Department, and they spent weeks harassing us, we had off duty officers with guns on their hips, standing in front of women and children in squad cars, representing the County, it's deplorable that these developers are coming and literally bullying their way around to get what they want. So, just be aware this is a huge, huge open area and I think you guys should do a site visit, it's also going to be another death trap, this area that they're developing, the roadway in is the Kukui'ula entrance, so essentially these thousands of homes, condos, they're even trying to do a hotel, they're all going to be trapped down there just like Kiahuna, and they did mention in one way that they're

going to maybe create and exit out onto the Lawai Road, which I don't think is legal, so just know that these communities are being greatly affected. Kukui'ula is purchasing a lot of the homes that are going up for sale along Lawai Road and they're all becoming vacation rentals, so even a few little local families that were down there are being pushed out. One home in Kukui'ula, right now is estimated at 4 million dollars to bring it back up to ground level. This was one of the first homes that were constructed there, and they are sinking into the cave system. I've spoken with the Department of Water who confirmed this and it's going to be an ongoing issue, so just note that this entire area is caves, lava tubes, and it's culturally significant and it was approved by the same man Hal Hammatt who personally dug up thousands of burials at Kawaiaha'o Church, so just don't take this lightly, it's not an...you can't blatantly say that thousands of acres are not culturally significant, I gave my input for the Ka Pa`akai Analysis and when I did, they never notified me that this analysis...

Ms. Sayegusa: Three minutes.

Ms. Okinaka: ...would be for three completely different projects. So once again, this developer has no drainage, no traffic, no archaeological, no biological, and no Ka Pa`akai Analysis. Thank you.

Chair Ako: Thank you.

Mr. Kaniela Matsushima: Aloha, my name is Kaniela Kaleikaumaka Matsushima. I'm from Hanamā'ulu Valley, I come in here today to testify against this project, all these projects in Koloa. The reason why I stayed away from Hanamā'ulu is because the impact on this project, these projects impact us in Hanamā'ulu as well as Wailua. Our family in Wailua, our family in Hanamā'ulu suffers because those developments need water, you ask them where they get their water from, they going tell you or they may not tell you, but that is on (inaudible) he work for the State, he used to be a plantation worker but he's knows all the pump houses up in the mountains, he knows all where all the diversions goes to, the farmers in Hanamā'ulu suffer, they cannot even water their crops, they gotta water every other day, how you going water your crops every other day. They were told they can water their crop only every other day, and I ask my dad, why is that? Because majority of the water is being pumped from Wailua, and Hanamā'ulu going all through Koloa for those developments, so we suffer. You gotta stop thinking about housing, because the housing is not for us, it's not for our people, but we need to feed our people and the farmers are suffering, so I just want to say, I oppose these developments and that's the main reason why. Also, I want to say, in Kukui'ula, I've gone in there before to do my cultural practices as a kānaka maoli and I go in there and I gotta get told by the security that I gotta get outta there because I not wanted there, that's the kind of stuff that we kānaka gotta deal with and that's why a lot of us fly away and move away because they said there's a better life somewhere else, but you know what, we belong here. Hawai'i is not Hawai'i without Hawaiians. Mahalo.

Chair Ako: I'm sorry, what was your name again?

Mr. Matsushima: My name is Kaniela.

Chair Ako: Kaniela. Okay, thank you.

Mr. Matsushima: Mahalo.

Chair Ako: Is there anyone else that would like to testify on this item?

Mr. Mauna Kea Trask: (Inaudible) Chair and Commission. Mauna Kea Trask for the record. I'm not here on behalf of the applicant.

Ms. Sayegusa: Make sure you talk into the mic.

Mr. Trask: Mauna Kea Trask on behalf of myself. I'm not here on behalf of the applicant. I have no position on the request, but I frequently get asked by my kids about the stuff they see on Instagram and social media as far as what's happening in Koloa, and I'm constantly having to correct them and then comfort them to know it's not really what's going on. I didn't want to testify today, but I couldn't help myself because there's some inaccuracies. It's a very complex problem at the (inaudible). It's more than just development, it's a land use issue, it's a social justice issue, it's a historical issue, spiritual issue, but with regard to line use context, Ms. Okinaka mentioned the harbor and there's parking there, there's a park there, that was an (inaudible) my understanding from A&B when they did this development, so that whole area with the locals (inaudible) to go hang and fish off the pier, that was part of this development. Three hundred (inaudible) of housing from (inaudible) all the way to 'Ele'ele, it was all (inaudible) for the construction, the entitlements, so 300 units of housing went to local people. The bypass road for traffic, the 18 acres mauka of Prince Kuhio Park, those are all exactions for development. Now I'm not saying that it's good or bad, it's just what it is, and if you look, this is not a surprise, it's been going on since, this is 93, I think Kiahuna was the 70's, and so, Hawai'i is expensive, and another thing, sugar, nothing (inaudible) more (inaudible) effective at changing Hawai'i than sugar, the down payment of the industry was the overthrow of the Hawaiian kingdom because two cents on a dollar (inaudible), so it's a complex thing and I know that the Planning Commission is an available public venue and you guys deal with a lot of complaints. The fact of the matter is that one of the biggest impediments to Hawaiians is getting on Hawaiian land is land use policy, the inability to subdivide Ag land after 1972 more than once and keeping land in huge singular parcels from mono crop agriculture that's not a viable business (inaudible) anymore, that's a huge problem. Hawaiians didn't have thousands or even pennies of acres to tend to, they had one lo'i. Look at the Mahele, the kuleana land (inaudible) they're small. You got a house lot (inaudible). Anyway, point what I'm saying is that there's, it's a very complex situation, but just so the public knows more than this room, the housing has been provided for, whether good or bad, the traffic, all these things that are happening, the wastewater treatment plant, the expansion of water, source and storage on the south side, it's all tied up with these developments. A mention was made about educating yourself, please do go to the LUC website, and look up Moana Corp. LUC, or Kukui'ula LUC, you can Google it and it's all there. These people have archaeological monitoring plans, preservation plans, burial treatment plans, I've read them, I may not agree with them all. None of us may agree with them, but they're there, they've been approved.

Ms. Sayegusa: Three minutes.

Mr. Trask: Thank you.

Chair Ako: Thank you. Is there anyone else?

Ms. Cummings: Roslyn Cummings, again. So, I'm (inaudible) there today with my family cause I try to do as much as I can. I learned how to swim at that harbor, Kukui'ula. My dad used to make us jump off and see how good we would swim. I know for a fact that there's more than meets the eye in these developments, and you guys have to understand that I'm coming from my standpoint. My father was a surfer, we grew up in Hanapēpē Valley, in a place called Koula, we grew up off grid. Everything that was on that land is what we ate. We spent 4 times a year walking the waterways because that was the way our kūpuna taught us how to protect the water. And for me, to see places like Wahiawa dried out, and get emails from the Water Commission, the Board of Water Commission stating that there's...at the end of the day, there's interconnections and your board has a limited amount of resources and what you guys have as a kuleana, but at the end of the day what I stand for is not just for myself, for my kūpuna that came before me, because in the time of the plantation, even they had hundreds of thousands of people that noho au, that lived on Kaua'i, and they have descendants, so I'm not here to disrespect that. I'm not here

to disrespect other people's point of views, I'm here to bring forward something that I was raised by. My grandmother taught me how to pick limu, we grew up Pakalas, my family is still till today, I have a lot of family on Molokai, we still have that practices. When I go to Molokai, I don't even want to come back home sometimes because I look at Kaua'i, from when I grew up, I was born in the 80's, and it wasn't that bad, I think only like Sheraton. When the Hyatt came up, my great grandmother, so all these people that come out and they talk about burials, before had all these burial paths, my great grandmother went down there because her kūpuna called her down there and she handled thousands of bones for the construction, I bet most people don't even realize they dredged all that sand and filled up the area of what we know as southside. So, to blatantly and speak about, oh, this had happen, that had happen, or this is already there, I cannot control it, well what can you control, cause I know what I can control, I can control my alo, my presence to take back our language. This is (inaudible), (inaudible) means consumption, everything around you gets consumed, but the stress again of us having, I don't just go down to Kukui'ula, and go and cruise and that's called leisurely kānaka, I cannot do that, my kuleana is beyond being leisure. You asked my family how it is to travel out throughout Kaua'i, north, south, east, and west, to do protocol, to revere our kupuna before us, to revere our children that's coming, the mo'opuna, the next generation so they know that the waiwai, the collective that we leave behind is there and they understand that...

Ms. Sayegusa: Three minutes.

Ms. Cummings: ...here I am today because I'm here for you, kūpuna, for you, mo'opuna. And at the end of the day, I hope and I pray that everybody in this room and everybody that watches and understands the importance of our waiwai, our resources, our nutrients, everything that we depend on, because when it comes to the cultural significance when it comes to law, when it comes to law, you really gotta question what law supersedes the laws that you understand. Mahalo.

Chair Ako: (Inaudible). Okay, with that, Mr. Estes.

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

Ms. Sayegusa: Kenny, make sure you put your mic on.

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

Chair Ako: Okay, is there any questions from staff, for staff?

Ms. Apisa: No questions.

Mr. Ornellas: No questions.

Chair Ako: Okay. Is there a representative from the applicant that would like to share?

Ms. Arismendez: Good morning. Maren Arismendez from Esaki Surveying here on behalf of the applicant. We'd like to ask any questions that the Commission may have. I did want to clarify that drainage, water improvements requirements are always tied to building permits, which are at the same time tied to grating plan, so the county does require for every of those requirements be met for development and these are also tied to the (inaudible), it's one of the requirements for the tentative approval.

Chair Ako: Any questions?

Ms. Apisa: No questions at this time.

Ms. Sayegusa: Just to underscore, I think the recommendation is to defer this particular item. I think we need to take a look a little bit further into some of the timelines. Thank you.

Chair Ako: Thank you.

Ms. Arismendez: Thank you.

Chair Ako: At this time, we've heard the public's testimony, we've heard from staff, we've heard from the applicant, are we ready for a motion?

Ms. Apisa: I move that we defer Subdivision Application S-2022-6 to our next Planning Commission meeting on July 11th, 2023.

Mr. Ornellas: Second.

Chair Ako: Any comments or concerns? Seeing none, Madam Clerk, if we can have a roll call vote, please?

Ms. Sayegusa: Sure. Commissioner Apisa?

Ms. Apisa: Aye.

Ms. Sayegusa: Commissioner Ornellas?

Mr. Ornellas: Aye.

Ms. Sayegusa: Commissioner Ako?

Chair Ako: Aye.

Ms. Sayegusa: Motion carries. 3:0. With that, we're on item G.1.d.

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

Ms. Sayegusa: Is there anyone in the audience wishing to testify on this item?

Chair Ako: Please step forward.

Ms. Okinaka: Aloha, Planning Commission, Elizabeth Okinaka, again. I just want to again add that this is the greater area of Kukui'ula. This was sold to a new company, it's called BBCP or Brue Baukol, and once again we have two foreign investors that have bought a huge section. They're now, considered, I think to be the third or largest landowner on the island and I think it's sad that we continue to watch this land. A&B it took so long for them, we know that Kukui'ula was approved in the 70's, and I think that's the biggest issue that we have to see today. Every single development that I've testified was all part of this plan that was pitched in the early 70's. The boat harbor might have been designed as a part of Kukui'ula, but if you actually go in and read the original EIS from the 1970's they wanted to dredge the stream and have homeowners in Kukui'ula be able to drive up their private boats to their homes, similar to some of

the development on O‘ahu. So, I think that you have to see that in the 70’s they were looking at these developments that were starting in Waikiki on O‘ahu and basically just copied and pasted and plan the same thing for Kaua‘i. Today in 2023 we can realize that these are not what we need today, we have a housing crisis, and we continue to watch these developers build multi-million-dollar homes. I stated earlier that one of the homes in Kukui‘ula is currently estimated at four-million-dollars to be raised to ground level, because this is an ongoing issue. This entire area is part of the cave system, it’s part of lava tubes that you can see, and its critical habitat, there’s multiple (inaudible) for those two endangered species in this general area, and I just like to say that this entire Kukui‘ula development is, it’s not okay to push affordable housing as a kid who grew up hanging out in Pa‘anau, and seeing generationally what it’s caused, I would invite any of you guys to go spend a couple of hours in Pa‘anau and see what the kids live like down there. It’s multiple generations of drug addiction. Not being able to ever thrive. If you make too much money, they kick you out and so essentially most of the k‘ānaka or even the local families that are forced to live there are forced to struggle. The Kaua‘i Housing Fund was implemented through the Moana Corporation, which was Kiahuna. The entire housing fund that we have today was started because the Knudsens were supposed to make a 2-million-dollar payout to the County, as far as I know that payout was never made. I know people who were in the council when it happened, and the county never received that money. So, when you see places like Pa‘anau, low-income housing, Hale Ohana, there’s no housing down here for us, there’s basically two neighborhoods where a last few of the families who were able to buy affordable homes in the early 90’s or 80’s have been able to hold on to because our parents or our grandparents bought it, but we live multi-generational. I’ve got my mom living with me because she can’t buy a home. She foreclosed on a home when I was a kid, and this is a continuing cycle that’s going to worsen. I will never be able to buy a home on Kaua‘i, probably, and it’s pretty sad to think that my children will never be able to either. So, I think we really need to re-analyze these projects that were pitched in the 70’s, are not what we need today, and it is part of the bigger problem and once again we have these large developers, Brue Baukol, and Turks and Caicos and many other poor communities that are being gentrified, we do not need these gated communities where they are actively pushing out again in Kukui‘ula like others have said, I’ve gone in there to see culturally significant sites and I’ve been harassed by the security. If you drive into Kukui‘ula and you’re a local person, and you’re not there to clean somebody’s house...

Ms. Sayegusa: Three minutes.

Ms. Okinaka: ...or build their house, they say, what the hell are you doing here. This is not what our future needs.

Chair Ako: Anyone else wishing to testify? Please.

Ms. Cummings: Aloha, Roslyn Cummings. So, I want to testify on behalf of (inaudible) I, this is my mana‘o from my kūpuna, our kūpuna. When Kamakāhelei came forward to me, so there’s a cousin of mine that did a blessing on that development, and it was right above the harbor, so if you go to the harbor and you go straight up, you can obviously see that there’s a natural drainage way that would come down naturally, not I’m not gonna call that a drainage, I’m gonna call it a kahawai, and when you see something like that and you look, okay, there’s a, there’s a way that comes through this reef over here, supposed to be naturally pushed through that, and you look at it, there’s a valley, when you also (inaudible) there’s a high (inaudible), so they adjusted a lot of that land already, but I know through my practices that was transferred and passed on to me for generations that anybody can look them up, look up William Nuiola Waikaka Kuwalu, very well known. I can name multiple kūpuna that are practice, in multiple (inaudible) that I have. They’re not any better than anybody, they just had a lot of kuleana at that time. That’s my kuleana to carry that over and when I go in, as soon as I...they already know my ka‘a, as soon as I enter, I’m being followed. And I gotta roll down my window now, and I can test them if I want to, I can say, you know what go ahead and call the cops, and then I gotta go to court, I gotta go do all these things, that’s

why I'm here, as evidence (inaudible) cause I'm going to start cleaning it, the damages that are occurring with every single person in this room that causing damage. This is unfair that you get, you know, there's all these written laws that are happening, right, and everybody's limited, I can only do this, I can only do that, but be aware of whoever's signing that contract or agreement, you are binding yourself to that agreement. That is, you that is saying yes. So, when the developers come in, BBCP, I don't know how well you know BBCP as a developer, but they pretty much took over A&B, so these guys are coming in and developing throughout Kaua'i. You're not talking only Kukui'ula, you're not talking only Koloa, you're talking about why Wahi'awa side, and then they also have Wainiha, thousands of acres in Wainiha. And I already know the game, conservation, (inaudible) taxes, we're gonna get a cultural person come in, we're gonna get a lawyer that knows culture, then they're gonna help us to commit this crime that they're committing, okay, but they're helping the community to understand them and what they do. So, there's a word that I was taught called waiwai, and waiwai, I speak it a lot, it's not just the collective, it's not just the resources, it's also our will, and a waiwai for a kānaka maoli should be, a kānaka should be, what is it important to us? What makes us wealthy? Not just money. Waiwai to most developers is money, it's equity because they gotta go and pay their mortgages, they gotta go and have their kids, I'm not here to become a millionaire, and I just wanna make (inaudible) an opening. These developers have offered money to a lot of people out there, but if you're doing something legal...

Ms. Sayegusa: Three minutes.

Ms. Cummings: ...and if you're doing something legitimately right, you don't have to pay nobody in the community to do it, so just be pono, be aware of what's happening because I will always be here as long as I can, I'm not gonna leave this island, somebody gotta fight for this island. Not only a handful of us. We gotta not let Kaua'i be like O'ahu, we gotta not let Kaua'i be like Maui or Hawai'i island. The only reason why we're not like those islands, cause we're the oldest. And you know what's interesting is, I found this out, how deep they gotta dig to get to the water? So, if you guys look at the 2018 reports pre-covid, you guys can see over 30 million gallons of water being pumped from the Waiehu, coming down into Koloa. Can you imagine with multiple like, we have like what, 19 developments up and coming? Imagine how much more water they're taking and where is it coming from. I know they do big work up in Kalaheo Dam, A&B, I know that they're gonna be developing in (inaudible) Valley, these are all offset, they all work together. There's an interconnection, the paradigm. So, mahalo you guys for your time.

Chair Ako: Is there anyone else that would like to testify?

Mr. Trask: Aloha, Mauna Kea Trask for the record, again on behalf of myself, I'm not here representing anybody. There's a lot of different types of native hawaiians, there's a lot of different hawaiian gods, there's a lot of different ways to look at a culture because like any viable community, there's not one type of (inaudible) and that's clear.

Ms. Sayegusa: So sorry, just one second. You need a moment. So. So sorry about that. That's the device that will record audio to allow the minutes to be made, so we want to make sure that we get that together. Good? Thank you. You can continue.

Mr. Trask: Thank you. So, just to suggest a couple of things for the record. If you read Hawaiian Legend by Kalākāua, King David Kalākāua, which was written and copyrighted in the Hawaiian kingdom. The myths, the Iron Knife, and the Royal Hunchback both talk about foreigner's (inaudible) to the Southern Islands, specifically (inaudible) and brought chiefs from Samoa. They changed how things got (inaudible) in Hawai'i. And we all know, 1778 on different migrations subsequently came (inaudible) attributing no value to that. The fact is, is that (inaudible), they say land is like a turtle and moves on, and the hawaiians power isn't only land, it never did, we never own land, but we have a fundamental constitutional right to access and work it, and we still can. I was down the south side this weekend. I go surf as much as I can,

my kids go down there all the time, and you do, you have to exercise it. You can't lose it, but the fact that whomever comes and buys properties in consequential is irrelevant and what I think we really need to focus on our solutions, anyone can identify a problem, right, but we need solutions. We're currently thousands of units of housing in (inaudible) and it's taken me my whole life to understand this. We need more development, we need more subdivisions, we need, you know, keep hawaiian land in hawaiian hands, I say, put hawaiian land in hawaiian hands. This island is owned by five people. So, that's the larger issue, these are the issues. It's looked down like development is anti-hawaiian, development is neither Hawaiian or non-hawaiian, it's just development. Hawaiians are the most industrious people in the world because they made it here, the most remote (inaudible) spot on earth with wood, rocks, and other people and animals (inaudible), that's a fact. Hawaiians use everything. If they couldn't use it, they didn't even bother naming it, that's the truth. So, we need to be proactive, not just reactive. There's two types of activists, there's proactivists and reactivists, I try to be the...

Ms. Sayegusa: Three minutes.

Mr. Trask: ...former. If I can just close real quick. Again, it's a complex problem and you have to simultaneously look at the issue before you, and down the line, but I tell you, small developments within resort districts aren't the issue. Thank you.

Chair Ako: Anyone else?

Ms. Hammerquist: Thank you. Bridget Hammerquist for the record. I just want to offer some help. If you want to look at the Kiahuna LUC site, you won't find anything there before 2010.

Ms. Apisa: Maybe put your speaker closer please.

Ms. Hammerquist: Thank you. If I can offer the Planning Department or the Commission, we actually went to the trouble of having many boxes of materials scanned, and it resulted in the Planning Commission giving us 3-megabyte thumb drive with the documents that aren't on the website. There really aren't cultural plans, there aren't drainage plans, there aren't solid waste plans, there aren't traffic plans. All those things have been asked for by the LUC, the Land Use Commission multiple times, in fact, the development at Kiahuna is still being required to report annually to the Land Use Commission. So, I think Mauna Kea is correct, that it should be taken a look at, but these are not small developments, there's over 600 (inaudible) by Mr. Pinkston in his three locations on the south side, and more by Mr. Brue. Not one of them is in the affordable category. When Mr. Trask talks about having a housing shortage, yes, we do, but we don't have a housing shortage of high-end homes. We have the housing shortage for the residents of Kaua'i, and there were supposed to be a 140 affordable workforce housing at Kiahuna, that never happened, it got turned into this 28 parcel, 28-acre parcel that turned into 280 units. So, if anybody wants anything before 2010, I'm happy to make it available, I'm happy to transfer through Dropbox or Google Drive. The entire file that we had copied at the Land Use Commission, they supervised it, it's all of their records. And I swam in the boat harbor when I was 16, 15, 14, and I don't think that boat harbor is just the result of Kukui'ula, I remember sitting with my mom and dad in Weliweli Track, when A&B was planning to develop part of the South Shore that they did, and there was a boat harbor there, it may have been improved. There was a better bathroom, there's a much better bathroom facility, there's better parking, and there might be an improvement on the boat moorings, so I'll leave that to the fishermen. But Roslyn is right if you stand at that boat harbor and look up.

Ms. Sayegusa: Three minutes.

Ms. Hammerquist: ...or you can see the topography of the land and you can see where more concrete, and more drainage is gonna go, and those aren't homes that are gonna help anybody on Kaua'i, those are all

investor properties that are gonna make money for their owners because they're gonna be vacation rentals, and that's something that we'd really appreciate the Commission considering (inaudible). Thank you. Thank you for your time.

Chair Ako: Anybody else? Roslyn.

Ms. Cummings: Aloha, Roslyn Cummings on the record. I forgot to add that, my keiki, (inaudible) seven, they love to go down at the harbor and swim but imagine a mother that understands the concept of drainage and understands the concept of lepo, what's dirty. Lepo can be good, there's good lepo, (inaudible) lepo dirt, right, but my son about two months ago had an ear infection after swimming there multiple times and just in that area, and so now I (inaudible) walk around. I'm going to have to tell my kids, if you guys going in there, if you guys get sick, (inaudible), at the end of the day, is this the kind of arguments we gotta have with our kids, huh...I gotta go and explain to them, you guys cannot swim inside there, had just rain, you guys gotta watch out, the manō. That's the life we live now. Not like before, we used to jump in there and never even care because we never have all this drainage issue. I can get accounts of witnesses of divers that talk about seeing feces, like toilet paper in the water throughout the coast, the kahakai in that area, I wonder why. Esaki's, they should come forward with things that they have admitted that about waste systems going directly into the cave system and burials being just, you know, covered up and you can tell when the burial is covered up because there's bars in there, you cannot go inside. This is not something that you just go around throwing and pretending like, oh yeah, that person did that. I seen this with my own eyes, and yeah, there is an agreement with the Kaumuali'i Royal Order, that they have, but that's their agreement, I not agreeing with this development because I don't have to, wanna have to worry about stressing, my kids getting ear infections or staph or any kind of infection, and then also you know people might say, oh they shouldn't be swimming in the harbor, well what was first then, the harbor or the people. Hi'ukai, hi'uwai, that's our way of cleansing, and it's sad because I gotta take our kids away from an area that all their friends wanna go and be like, no, we gotta go in this area because it's the only area (inaudible), and there's two to three sections of 'aina, the kahakai of the entirety of that area that we have access to that I feel safe to allow my children in to swim. And mind you, I gotta call the hotels and ask them to do data, my own data when high occupancy is, because if it's high occupancy then we not swimming at Sheraton, if it's high occupancy then we not swimming at Waiohai or Po'ipū Beach, we only going do Brenneke's, but only a certain section you can swim in, like think about the factors of whether you believe it's a small development, it's just an additional add-on to the lepo to the drainage issue, and not only that, but iwi kūpuna disturbances. Mahalo for your time.

Chair Ako: Anyone else? Seeing none. Do we need a break? We'll take a 10-minute recess, until 10:55.

Subdivision Committee went into recess at 10:43 a.m.
Subdivision Committee reconvened from recess at 10:55 a.m.

Chair Ako: Okay, are we ready to reconvene? We'll pick up with Mr. Estes for the staff report.

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

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

Chair Ako: Thank you, Mr. Estes. Any questions for staff? If not, is there a representative for the applicant? Please come up.

Mr. Chris Rivera: Aloha and good morning, my name is Chris Rivera, I'm with Kukui'ula Development, and (inaudible), very happy that the Planning Department has recommended approval for the subject application and happy to answer any questions that the Commissioners may have.

Chair Ako: Any questions for the applicant?

Ms. Apisa: I guess just to maybe summarize why the extension is needed.

Mr. Rivera: Yeah, so Kenny went over the variety of points. There's an SMA that goes through the area. One permit has been obtained at this point for the East West roadway on the mauka side, but other portions of the property will also require an SMA permit. There's different owners associated with this map, Kukui'ula Village as Kenny mentioned, BBCP Kukui'ula Development and then also, Kapono Resorts LLC., so, it's a combination of those 3 different parties coming up with their final plan for the land and the necessary permits as defined in the conditions of final map approval.

Ms. Apisa: Thank you.

Chair Ako: Further questions? No? If not, thank you very much.

Mr. Rivera: Thank you.

Chair Ako: So, we've heard our public testimony on this. We had our staff report and we heard from the applicant. Are we ready for a motion?

Ms. Apisa: I move that we approve the extension Subdivision Application S-2022-8 to March 22, 2024.

Mr. Ornellas: Second.

Chair Ako: Okay, there's a motion and a second. Any other last concerns or comments from the Commissioners? If not, Madam Clerk.

Ms. Sayegusa: Roll call. Commissioner Apisa?

Ms. Apisa: Aye.

Mr. Sayegusa: Commissioner Ornellas?

Mr. Ornellas: Aye.

Ms. Sayegusa: Commissioner Ako?

Chair Ako: Aye.

Ms. Sayegusa: Motion passes. 3:0. We're on Item G.2.

Final Subdivision Map Approval

Subdivision Application No. 5-2022-5

Morton L. Cohen Family Trust

Proposed 2-lot Boundary Adjustment

TMKs: (4) 4-4-013: 034, 035

Kapa'a and Waipouli, Kawaihau, Kaula'i

Ms. Sayegusa: Is there anyone in the audience wishing...go ahead, sorry.

Chair Ako: Is there anybody that would like to testify on this one? Okay. I like to make just a real quick note that, please keep in mind that as we're making our testimony, we're testifying on the item at hand, so if we can keep our comments to the item that we have at hand, I think that would be really appreciated. I really love the education about hawaiian history, about Kaua'i the different districts that we're working through, but I think as we're trying to allow everybody to give the testimony is really great and yet at the same time I think you know there's a there's a few rules that we kind of need to keep control of what we're going on during this meeting here so If you can just maybe limit our testimony to one time. The second time if you need to come up again, we'll allow you to come up, but please be relevant with the topic at hand. I thank you very much. And we were looking for public testimony at this time. Okay, Mr. Estes.

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

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

Mr. Estes: Chair, we have received final recommendations from the County Department of Public Works Engineering Division and the County Department of Water. The Planning Department is recommending final subdivision approval.

Chair Ako: Any questions, Commissioners for Mr. Estes?

Ms. Apisa: No.

Chair Ako: Do we the applicant that would like to share?

Ms. Arismendez: Good morning, Commission, Maren Arismendez from Esaki Surveying, here on behalf of the applicant. We would like to respectfully request the final approval. The owners have complied with all of the requirements from the tentative approval. (Inaudible) is really just a boundary adjustment that there's no separate avenue for a boundary adjustment so, the owners did have to go through the consolidation resubdivision process. It took quite some time but, we finally got all the approvals from the approving agencies and would like to answer any questions that the Commission might have. Thank you.

Chair Ako: Any questions, Commissioners? So, this one here all we doing is on paper, changing the boundary lines.

Ms. Arismendez: Right on the back of the lot, near the pool just to take care of an encroachment.

Chair Ako: Got it.

Ms. Arismendez: But it has to go through the same process as the (inaudible) subdivision.

Chair Ako: Thank you.

Ms. Arismendez: Thank you.

Chair Ako: Again, we've heard public testimony on this, we've heard our staff report, and we've heard from the applicant. Are we ready for a motion?

Mr. Ornellas: Move for approval of Subdivision Application S-2022-5.

Ms. Apisa: Second.

Chair Ako: There's a motion and a second. Any last comments, concerns? If not, Madam Clerk, if we can have a roll call vote.

Ms. Sayegusa: Sure. Commissioner Apisa?

Ms. Apisa: Aye.

Mr. Sayegusa: Commissioner Ornellas?

Mr. Ornellas: Aye.

Ms. Sayegusa: Commissioner Ako?

Chair Ako: Aye.

Ms. Sayegusa: Motion passes. 3:0. With that, there is no cause for executive session at this point, and then Item I.

ADJOURNMENT

Chair Ako: Just like to thank everybody for your patience and your commitment in coming and testifying this morning. And again, I apologize to those that are here for the Planning commission meeting because it's taken so long, but with that, I would like to obtain a motion to adjourn.

Ms. Apisa: Move to adjourn.

Mr. Ornellas: Second.

Chair Ako: We can take a voice vote. All those in favor say aye. Aye (unanimous voice vote). All those oppose. The Subdivision Committee meeting is adjourned.

Chair Ako adjourned the meeting at 11:06 a.m.

Respectfully submitted by:

Lisa Oyama
Lisa Oyama,
Commission Support Clerk

Approved as circulated (September 12, 2023 meeting).

Approved as amended. See minutes of _____ meeting.