

KAUA'I PLANNING COMMISSION
SUBDIVISION SESSION
Tuesday, July 12, 2022
Draft

The Subdivision meeting of the Planning Commission of the County of Kaua'i was called to order by Commissioner Gerald Ako at 8:35 a.m. Webcast Link: <https://www.kauai.gov/Webcast-Meetings>

The following Commissioners were present:

Mr. Gerald Ako
Mr. Francis DeGracia

The following staff members were present: Planning Department: Director Kaaina Hull, Deputy Director Jodi Higuchi Sayegusa, Dale Cua, Kenneth Estes, Marisa Valenciano, Myles Hironaka, Kristen Romuar-Cabico, and Planning Commission Secretary Shanlee Jimenez; Office of the County Attorney – Deputy County Attorney Laura Barzilai; Office of Boards and Commissions – Support Clerks Arleen Kuwamura and Lisa Oyama

Discussion of the meeting, in effect, ensued:

CALL TO ORDER

Subdivision Committee Chair Ako: Called the meeting to order at 8:35 a.m.

ROLL CALL

Chair Ako: Good Morning everybody. Thank you for coming and being here, to everybody staff and to all the general public. Today is Tuesday July 12, 2022. And I would like to call to order the Subdivision Committee Meeting. And right now, it is about 8:35. And with that, Mr. Clerk, can I have a roll call please?

Planning Director Kaaina Hull: Roll call Mr. Chair. Commissioner DeGracia?

Mr. DeGracia: Here.

Mr. Hull: Chair Ako?

Chair Ako: Here.

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

Chair Ako: Thank you. We have the agenda in front of us. If you have any questions?

Mr. DeGracia: No.

Chair Ako: Any changes? If not, we can entertain a motion to accept.

APPROVAL OF AGENDA

Mr. DeGracia: Motion to approve the agenda.

Chair Ako: I'll second. Could we have a roll... We can just have...

Deputy Attorney Laura Barzilai: Voice vote Chair.

Chair Ako: A vote, a voice vote. Voice vote. All those in Favor? Aye (Unanimous voice vote). Oppose? No. Okay. Motion carried 2:0.

MINUTES of the meetings(s) of the Subdivision Committee

Mr. Hull: (inaudible) agenda Mr. Chair. Next is Minutes of the Meeting of the Subdivision Committee for November 9, 2021, and December 14, 2021.

Mr. DeGracia: Motion to approve the minutes for November 9, 2021, and December 14, 2021.

Chair Ako: And with that, I'll second that motion. So, if we can have a voice vote for this also. All those in favor for approval of the minutes of November 9, 2021, as well as for the minutes of December 14, 2021, of the Sub Committee say aye. Aye. (Unanimous voice vote). All those oppose? No. Motion carried 2:0.

RECEIPT OF ITEMS FOR THE RECORD

Mr. Hull: With that we have no additional Receipt of Items for the Record. We have no Unfinished Business, so we move onto New Business.

NEW BUSINESS (For Action)

Mr. Hull: For members of the public attending either virtually or in person, the commission for several years has taken testimony in the beginning of the agenda for all agenda items. Recently the Hawaii State Legislature adopted Act 264, which was signed into law by the Governor just recently, and this restricts the ability for commission to take testimony in the beginning of the agenda and solely the beginning of the agenda. With that amendment a transition has been made to accept testimony on each of the agenda items, so the clerk will call for testimony for those that have signed up here in person after we have called for testimony for those who have signed up in person we'll call for anybody else in person that may not have signed up, if they would like to testify and then we'll move directly into calling for testimony from those attending virtually on Zoom. If you are anticipating a warrant to testify on that specific agenda item, we ask that you raise your digital hand, and you will ultimately be recognized and be given three (3) minutes for testimony as well. So, again, we're gonna go through each agenda item and call for testimony. If you're on Zoom, you need to raise your digital hand to be recognized and ultimately called on. In addition to that, for all members of the public attending in person as well as those attending in Zoom, there have been increasing amounts of testimony that use hostile or vulgar language and almost to a certain degree of threats leveled at members of this body as well as other bodies

throughout the state. Any testimony that contains vulgarity or hostility will not be condoned and this meeting will go into immediate recess, and you will either be removed from the, well at the attorney's discretion, if it's determined to be a threatening action, you'll either be removed from the Zoom link or removed from in person meeting. So, we understand that there can be high emotions and there can be frustrations but please make sure that when testifying as is your right to do, that you keep it within the appropriate discourse that and the respect that this problem demands. So, please keep that in mind. With that, we'll go into the first Subdivision Agenda Item for action, which is item G. New Business.

NEW BUSINESS (For Action)

Preliminary Subdivision Extension Request

Subdivision Application No. S-2017-6, Moloa`a Valley Homeowners, LLC.
Proposed 7-lot Subdivision. TMK: 4-9-11;013, Kawaihau, Kaua`i.

Mr. Hull: There's a subdivision report pertaining to this matter. Before we get into that, nobody has signed up in person to testify on this agenda item. Is there anyone here in person that would like to testify on this agenda item? Seeing none. Is there anybody on Zoom, attending virtually that would like to testify on this specific agenda item, if so, please indicate by raising your digital hand on Zoom.

Deputy Planning Director Jodi Higuchi Sayegusa: Hi Kaaina, there is one person with her hand raised. Tara Rojas. I'm going to allow you the ability for you on your side to accept, to join as panelist. Please enable your audio and video. When you have a chance, unmute, and give your testimony.

Ms. Rojas: Aloha.

Mr. Hull: Hello Ms. Rojas. You have three (3) minutes for testimony.

Ms. Rojas: Okay. So, we are commenting on, I'm trying to get the agenda ready, G. Is this the G? The Director's Report for Special Management Area Permit?

Mr. Hull: No, Ms. Rojas, we're on the Planning Commission Subdivision Committee Agenda. Item G.1, which is the subdivision from Moloa`a Valley Homeowners, LLC applicant.

Ms. Rojas: Oh okay. You know, I wanna say this, I'm gonna start my testimony right now but I wanna say this. Anymore applications for proposed subdivisions. Please a`ole, no to them. This has been going on for years and just enough is enough. A`ole, no more subdivisions. Where is the water gonna come from? Stealing from one ahupua`a to another is not feasible. The land you're gonna build upon, we're currently in this right now, stopping the desecration in Koloa. This is wrong, you know it's wrong. Stop check marking, approving, rubber stamping these items through. And I'm gonna say this, tomorrow in Maui for the counts of the County of Maui, climate action and resilience and environment committee, just to let you know. There's a formal

investigation. And on the agenda is resolution to conduct the formal of the Planning and Public Works Department tomorrow at 9 a.m. You heard on the news last meeting, the corruption of the Department of Permit and Planning. What's happening? So, corruption, definition of corruption, dishonest or (inaudible) behavior, especially by powerful people, such as government officials or police officers, b. inducement to wrong by improper or lawful means, such as bribery. I would like to, and I will comment on the other items but for right now, for this one, I'll leave it at that. Any of these subdivisions, Moloa`a in Kawaihau, Kaua`i, the McBride Sugar Company, LLC. in Wahiawa, Koloa, Kaua`i, the Tim Beckman and Mira Hess, a proposed 4-lot consolidation and resubdivision in Koloa, Kaua`i, the proposed 5-lot subdivision Kawaihau, Kaua`i, proposed 3-lot subdivision Kapa`a Homesteads, Final Subdivision Map Approval, Koloa, the two (2), a. and b. in Koloa, 6 a. and b. A`oles, stop this now. Stop rubber stamping and I mentioned to you all about the plan, General Plan for Kaua`i, that was in 2018, and it mentions that. Nor is the amount of...

Ms. Higuchi Sayegusa: Three minutes.

Ms. Rojas: ...the housing, yeah, available for locals, and the water and the land.

Mr. Hull: Three minutes. Please wrap up your testimony.

Ms. Rojas: Okay. So, a`ole.

Mr. Hull: Thank you. If there's anybody else attending virtually that would like to testify on this agenda item, again we're on Agenda Item G. 1. a. Subdivision Application No. S-2017-6. Moloa`a Valley Homeowners, LLC., proposed 7-lot subdivision. TMK 4-9-11:013. Kawaihau, Kaua`i. This is a preliminary subdivision extension request. Is there anybody attending virtually who would like to testify on this agenda item? Please indicate so by raising your digital hand.

Ms. Higuchi Sayegusa: There's no other attendee who raised their hand for this item.

Mr. Hull: With that, I'll turn it over to Kenny for the report concerning this agenda item.

Staff Planner Kenneth Estes: Morning Commissioners, I'll read the report or 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 Kenny. With that, do you have any questions for our staff?

Mr. DeGracia: No questions Chair.

Chair Ako: Do we have comments from our applicant?

Woman Testifier: Good Morning Commissioners, Just here on behalf of the owners, who would like to request the approval of the extension. This would allow the owners to revise and update the construction plans for the roadways and get them certified by Public Works, so that they can (inaudible) and comply with the conditions in the tentative approval.

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

Woman Testifier: Oh, sorry, Maren Arismendez from Esaki Surveying.

Chair Ako: Commissioner, you have any questions?

Mr. DeGracia: No questions.

Chair Ako: Thank you.

Ms. Arismendez: Thank you.

Mr. DeGracia: Motion to approve Subdivision Application S-2017-6, with the department's recommendation for extension until May 9, 2023.

Chair Ako: I'll second that. So, unless you have any other questions, Mr. Clerk, if we can have a roll call?

Mr. Hull: Roll call Mr. Chair. This is a motion to approve an extension request. Commissioner DeGracia?

Mr. DeGracia: Aye

Mr. Hull: Chair Ako?

Chair Ako: Aye.

Mr. Hull: Motion passes, Mr. Chair 2:0.

Mr. Hull: Moving on we have item G.1.b.

Subdivision Application No. S-2019-3 (McBryde Sugar Company, LLC. / Sunset Strip Properties, LLC.) Proposed 19-lot consolidation and resubdivision into 2-lots TMK: (4) 2-4-016:001– 019 Wahiawa, Kōloa, Kaua'i

Mr. Hull: We do have a subdivision (inaudible) pertain to this matter but before that, we'll check for public testimony. There's no individuals signed up here in person to testify on this agenda item. Is there anyone in person that has showed up that did not sign up and would like to testify on this agenda item? Seeing none. Is there anybody attending virtually that would like to testify on this specific agenda item? If so, please indicate by raising your digital hand.

Ms. Higuchi Sayegusa: We do have one testifier wishing to testify on this item, Tara Rojas. Please accept on your end and enable your audio and video when you are ready.

Ms. Rojas: Okay, Aloha. I'm gonna testify and again this is item number...can you repeat for me? I'm trying to keep up. Which item number is this?

Mr. Hull: This is Agenda Item G.b. Subdivision Application No. S-2017-3 for an extension request.

Ms. Rojas: Okay, you know what. I need to know. I'm gonna say this (inaudible). I'm gonna start my testimony now. But I just noticed online that yesterday July 11th, if this is the agenda that you're referring to, I need to open it up (inaudible) time, it's supposed to be up six (6) days before and it's up, was just up yesterday, July 11th online. Everybody can look it up. So, regarding these subdivision approvals because again, I don't have it in front of me right now, but all I know is this, I hear subdivision approval, I just spoke and testified earlier, I'm gonna (inaudible) for this one now, again. When I went in person the last meeting and was trying to explain that these were, it's just like going through the motion, you guys had already approved it. What's the point of these meetings? I'm gonna say it again, enough is enough. A`ole to any more new subdivisions. The (inaudible) lot subdivision, I have it here, Kawaihau, Koloa, Kaua`i, Kapa`a Homesteads, stop. You know that there's three (3) million gallons of water being leaked, unaccounted for since April or before. April, May, June, July. Three (3) million gallons of water that they cannot find where it's coming from. Where's the water coming from? From people on Kaua`i, I'm hearing that you guys are diverting from one ahupua`a to another. That is hewa, that is wrong. Water, any more subdivisions, I looked online, I looked at the Real Estate people, you know, who are selling these lands. I looked at the prices of the Koloa housing that there are lawsuits because it's built on the cave systems, yeah, that the house and foundation (inaudible), there's lawsuits. There's a current situation and lawsuit that we have against you all, the County of Kaua`i, for the same thing, desecration of the Koloa, (inaudible) Koloa advertising that that is not even built and it's on cave system. The work should be stopped. So, all this needs to stop now and if you are going to the motions oh, from a maybe or something we're just gonna approve it, find a way to stop these approvals. A`ole, I oppose, the people of Kaua`i oppose, the General Plan of Kaua`i of 2018 opposes all of this, these housings are not for locals, not for residents, not for kānaka maoli.

Ms. Higuchi Sayegusa: Three minutes.

Ms. Rojas: Yeah. So, the water, the `aina it's built on, the iwi kupuna here have stopped all of this already. And I wanna mention again, tomorrow at 9 o'clock, Maui County there's...

Mr. Hull: Ms. Rojas, wrap up your testimony.

Ms. Rojas: ...gonna be a formal investigation about corruption. So, I'm telling you, I'm letting you know now, please stop approving these subdivision, new subdivisions. Keep Kaua'i, Kaua'i. Kānaka maoli, these are first priority for these lands...

Mr. Hull: Ma'am, please wrap up your testimony.

Ms. Rojas: ...the `aina, the wai, yeah, and so, I'm testifying right now on this. A`ole, stop rubber stamping approving these hewa subdivisions. Mahalo.

Mr. Hull: Are there any other members attending virtually on Zoom that would like to testify on this specific agenda item?

Ms. Higuchi Sayegusa: There are no other attendees with their hands raised at this time to testify on this item.

Mr. Hull: With that, I'll turn it over to Kenny for the staff report.

Chair Ako: Mr. Clerk, before we move forward, a statement was made that, I guess the posting of the agenda was just put out yesterday and I believe that I so looked at it and I thought I saw it on last week Tuesday or Wednesday, is that correct?

Mr. Hull: Yeah, both the Subdivision and the Planning Commission Agendas were posted last week.

Chair Ako: Last week Wednesday (inaudible).

Mr. Hull: Correct.

Chair Ako: The 16th.

Mr. Hull: Yeah.

Chair Ako: So, I guess that should clear it up for the rest of the agenda.

Mr. Hull: Correct.

Chair Ako: It had been posted.

Mr. Hull: Correct.

Chair Ako: Okay, I'm sorry.

Mr. Hull: If I could also just, with some of the statements were being made cause they're being made continuous. I understand a lot of frustration is going on from members of the public that are watching the events unfold here at the Planning Commission. So, I wanna lend some clarity to this process, as a (inaudible) to Planning Commission reviewing approvals to (inaudible) applications as well as to subdivisions because it's actually two different very, two very different

(inaudible). When the commission is reviewing used permits in its (inaudible), there is a compatibility issue, when I say used permits, that's generally the vast majority of applications that (inaudible) and there's a compatibility issue, saying that this proposed use is a high intensified use that is generally permissible in their respective zoning district. And each one of the Planning Commissions Commissioners in their (inaudible) and in their discretion will determine whether or not that use is compatible with the surrounding area. And that is standard for applications before the commissions. That is very different from subdivision. In fact, Kaua'i is the only island that holds subdivisions in a public hearing format. And I will say, it's for better or for worse because, quite honestly, and much to the previous testifier's comments, you know, there's just a need to stop reviewing and approving subdivision applications. When it comes to subdivision applications, per the law and this is inherited within all subdivision regulations throughout the State of Hawaii, there is no compatibility component to the Planning Commissions review. The Planning Commission functions as a (inaudible) when it comes to subdivisions, so the Planning Commission accepts these applications and so far, as they meet the lot perimeters and design standards set forth in this subdivision ordinance, the commission is essentially required by law to approve that tentative approval. And then what happens after that is the application is further reviewed by various agencies including the Department of Health, the Public Works Engineering Division and has been brought up multiple times, the Water Department concerning water issues. And the applicant for subdivision is needed to meet all of those requirements from the infrastructure agency stand points before coming back to the Planning Commission. Once they have met all those infrastructure requirements including but not limited to water and the Water Department says they are clear to go, when they come back with all those approving comments from the respective infrastructure agencies, the Planning Commission is actually duty-bound by law to approve the application, there is no discretion in these. I can see that there's frustration happening and there's objections to the approvals but again, pursuant to the law the Planning Commission is required to approve these things once they're able to meet the lot requirements and the infrastructure requirements. They can know, they have no power in the same way that a Planner doesn't have the power, as long as you meet setbacks as it's for a single-family dwelling on your property, is required to approve these things. So, again I understand, and I can sympathize with the frustration but just expecting the commission to deny a subdivision application based off of testimony, you know, again, I feel the frustration but there is no legal way for the commission to do it. And it's very different again, from a use permit application, where public testimony is provided, and the commission will use that testimony to (inaudible) out whether or not a proposal is compatible with the surrounding area. But again, that threshold does not exist for subdivision applications. So, I just wanna make that statement of what that (inaudible). I have a feeling that we're gonna be having a fair amount of input from the public as we continue (inaudible), a few more subdivision applications but those are (inaudible). So, other than that, I'll turn it over to Kenny for the report.

Chair Ako: So, Mr. Clerk, if I understand this correctly. Subdivisions is very little discretion to be used, as that agents come forward as opposed to the regular permits.

Mr. Hull: The Use Permits.

Chair Ako: The Use Permits that come through. And this is all set out in Charter itself. So, to change it, if we needed to change it or if we wanted to change it, that would need to be a Charter amendment that we actually have to go through a vote. Not to the Council but to the residents.

Mr. Hull: Subdivision standards are established both in Charter as well as the Subdivision Ordinance. So, there's ways to amend the regulations overall, just depends to that level and what degree but the whole process is laid out in the (inaudible), both the Charter as well as the County Code.

Chair Ako: Thank you. (inaudible)

Mr. Estes: I'll summarize the report for Subdivision S-2019-3 McBride Sugar Company, LLC/Sunset Strip Properties, LLC.

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 Mr. Estes.

Mr. DeGracia: No questions.

Chair Ako: Can we have any comments from the applicant? Please step forward.

Male Testifier: Hello, my name is (inaudible) I'm here on behalf of Kodani and Associates Engineers, on behalf of the applicant. My testimony is in regard to McBryde Sugar Company proposed 19-lot consolidation and resubdivision into 2 lots. I'd like to reiterate that we are requesting (inaudible) mention that 6 month approximately extension, if we could get a year to continue to work with the Department of Water to resolve their comments, I would love to be able to finish this, we'd love to finish this quickly but we'd hate to have to come back in a few months if this issue is not resolved and I believe that we have the approval from Department of Public Works Engineering, Department of Health and we're just working with the Department of Water to finish their comments. Thank you, Commission, for your time. That's all.

Mr. DeGracia: Just one question. Are you asking for an extension of one (1) year (inaudible)?

Male Testifier: Yes. The Department of Planning is willing to grant this time and the Commission is willing to vote on that then, I'd like to request that.

Mr. DeGracia: I have a question for the Department, if you could comment on that time frame, from 6 months, which is the recommendation to a year out.

Mr. Hull: We have no objection (inaudible).

Male Testifier: Any other questions from the Commission/?

Mr. DeGracia: I have no further questions.

Chair Ako: Well, so, hearing that, I think right now the recommendation is an extension until November 18th, 2022.

Mr. Hull: Yeah so, we'll just do a, given the applicants representatives request and knowing that working through our County can take a considerable amount of time. We would just do a oral amendment to the recommendation to be 6 months to one (1) year from this date.

Mr. DeGracia: With that, can I make a motion Chair?

Chair Ako: Yes, please.

Mr. DeGracia: I move to approve Preliminary Subdivision Extension Request for Subdivision Application No. S-2019-3 and recommending to extend until July 12, 2023.

Chair Ako: With that, I'll second the motion.

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

Mr. DeGracia: Aye.

Mr. Hull: Chair Ako?

Chair Ako: Aye.

Mr. Hull: Motion passes, Mr. Chair. 2:0.

Male Testifier: Thank you Commission.

Chair Ako: Thank you for coming.

Mr. Hull: Next we have Agenda Item G.1.c.

Subdivision Application No. S-2019-4

(Tim Beckman & Mira Hess)

Proposed 4-lot consolidation and resubdivision into 3-lots TMK: (4) 2-8-014:038, 042

Kōloa, Kaua'i

Mr. Hull: Subdivision report pertaining to this matter. No one has signed up in person to testify on this agenda item. Is there anyone in person who has not signed up and would like to testify on this agenda item? Seeing none. Is there anybody attending virtually through Zoom that would like to testify on this agenda item? If so, please indicate by raising your digital hand.

Ms. Higuchi Sayegusa: We do have one individual with her hand raised to testify.

Mr. Hull: Jodi, could you please identify the individual?

Ms. Higuchi Sayegusa: Tara Rojas. (inaudible) enable your audio and video when you can.

Ms. Rojas: Okay. So, aloha. I'm gonna use this as a record of my speaking up and speaking out about this. And, you know what, I need to re-read the transcripts again. I'm not quite sure, I don't have the time to process right now all you said about the approval, how it works process. However, I did hear two things, first thing, you said that yes, you can if it's by Charter but there's a way to amend it. So, go ahead and pause these decisions to look at how you can amend automatic, rubber stamping of each approval. Now, you said something about, yes, but by the Charter and how it's stated that, we just gotta approve...

Mr. Hull: Ma'am. Ma'am. Ms. Rojas. Ms. Rojas.

Ms. Rojas: ...it by the Charter.

Mr. Hull: Ms. Rojas if you could please limit your testimony to the specific agenda item listed.

Ms. Rojas: Yes, it is. I'm going to it. That's my round-a-bout way kinda getting to what I'm gonna say. Regarding this subdivision, it's related. And so, wait, let me get back on track. And so, so, from what you just said, regarding the Charter that by law the subdivision would have to approve these, these subdivision applications. Now I did hear that if it's, what was the word you used? If it's not applicable but for the surrounding area, compatible, if it's compatible to the surrounding area. Now what I keep hearing ad this is the issue with these subdivision applications, I don't know how it's written in your guy's Charter whatever, but please amend it. Something about if these applications are compatible with the surrounding areas, now I keep hearing and I heard in this, the previous one, agricultural. It's compatible with the surrounding area. Agriculture, agriculture, agriculture. What are these houses doing in agricultural areas? The last meeting, the last meeting, previous meeting to that, the consecutive (inaudible) ended on. It's where you guys been approving and even special permits. To change from agriculture to industrial for that HRM or that industrial, yeah, industry to build, I don't know, housing material. Which is kinda related to all these approvals you guys are doing now. The whole public, in person, they said no, and you guys approved it. I don't know you guys' process on that too, so again, if there's a way to halt, stop, postpone these decisions for these (inaudible) approval that you gotta approved because the Charter but that you can amend. Cause housing in agricultural areas are not compatible. Agricultures, agriculture and not for (inaudible) special use permits to, other than agriculture. They were designated agriculture for a reason. Now so what's gonna be on the subdivision meeting or the main meeting? About accommodating for climate change, the shoreline area. Then one, don't build the houses on the shoreline, two, for not even local residents (inaudible), million-dollar mansions, two, these houses should not be built because they are built on cave systems, in which house iwi kupuna, which should have stopped this work from I don't know many years, decades ago. So, again, tomorrow night (inaudible) there's gonna be our at the Maui meeting. The resolution for the formal investigation to this corruption, I had to have...

Mr. Hull: Three minutes.

Ms. Rojas: ...the say I'm gonna be on...

Mr. Hull: Ms. Rojas, please wrap up your testimony.

Ms. Rojas: ...(inaudible) the Kaua'i County Planning Committee (inaudible). Yes, so, that's the end of this testimony.

Chair Ako: Thank you Ms. Rojas. Appreciate your testimony.

Mr. Hull: Is there anyone that would like to testify on this agenda item attending virtually? If so, please indicate by raising your virtual hand.

Ms. Higuchi Sayegusa: Next we do have, Kiara Rodriguez. I'm gonna promote you to panelist, please accept on your end and you may enable your audio and video when you are ready.

Ms. Rodriguez: Can you folks hear me well?

Ms. Higuchi Sayegusa: Yes.

Mr. Hull: Yeah, you have three minutes for your testimony.

Ms. Rodriguez: Okay, thank you. First, I just wanna start with, mahaloing you guys for your time. I wanna go and state my intention. My intention is to ensure that the next 7 to 21 generations, we have the same access as our people do. For the upcoming development, my main concern is to ensure that we have cultural monitors out there. We know that on Kaua'i island, especially the burial, the burial meeting are no longer going on, which for our people is, you know, really, it's hard because we wanna make sure that every single box is checked and we wanna ensure that you guys do your due diligence, do your jobs, as to standing up for the kānaka maoli and our people because we don't have a lot of, you know, (inaudible) to stand up for ourselves, other than (inaudible) in these meetings, so, what I hope for is not only this development but, all development, ensure there's cultural monitors, ensure SHPD's there working with the people, not inadvertent iwi findings, because to us that's almost like a slap in the face. I just wanna make sure and put pressure on you folks that all the right people are there, and all the right people are doing what they need to do, so we can build in a pono way. But, like Aunty Tara said, it's hard for us to understand how you folks switch these ag lot to these lots where now we're building on it, because we know with more than, what, 90% of our foods being shipped in, we need to have some type of sustainable agriculture (inaudible) on each island. And I just wanna again, reiterate like, we need to make sure we have all of the people showing up at the same time because we see through this Koloa lot that a lot of it is, you know, not working out. So, my concern to you guys is make sure you're doing your due diligence, make sure everything is (inaudible), especially the water, especially how much water's being lost within the last water meeting. So, all these things, we really need to pay attention to and stay vigilant on, especially with the hundreds of tourists that is now flocking to the islands. Mahalo.

Mr. Hull: Is there anyone else attending virtually that would like to testify on this specific agenda item? Again, for Tim Beckman and Mira Hess, 4-lot consolidation and resubdivision. If so, please raise your digital hand.

Ms. Higuchi Sayegusa: There are no other attendee with their hands raised for this item.

Mr. Hull: With that, I'll turn it over to Kenny for the report.

Mr. Estes: Okay, 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?

Mr. DeGracia: No questions.

Chair Ako: Is there anyone from the representing (inaudible)?

Ms. Arismendez: Good morning, Commission. My name is Maren Arismendez from Esaki Surveying, here on behalf of the owners. Requesting approval of the extension. I'd be happy to answer any questions.

Mr. DeGracia: No questions.

Chair Ako: I have no questions. Thank you.

Ms. Arismendez: Thank you.

Mr. DeGracia: Motion to approve Subdivision Application No. S-2019-4 with the Departments recommendation, until March 27, 2023.

Chair Ako: I second. Mr. Clerk.

Mr. Hull: Motion approved an extension request. Commissioner DeGracia?

Mr. DeGracia: Aye.

Mr. Hull: Chair Ako?

Chair Ako: Aye.

Mr. Hull: Motion passes Mr. Chair. 2:0.

Mr. Hull: Next on the agenda we have Subdivision Application No. S-2019-8

Subdivision Application No. S-2019-8
(Stephanie Fernandes)
Proposed 5-lot subdivision
TMK: (4) 4-2-005:044
Wailua, Kawaihau, Kaua‘i

Mr. Hull: No one in person has signed up to testify on this Agenda Item. Is there anyone attending in person that has not signed up but would like to testify on this agenda item?

Mr. DeGracia: Before moving forward. Chair, can we get a five-minute recess?

Chair Ako: Sure.

Mr. DeGracia: Thank you.

Chair Ako: We shall reconvene about 9:20.

Mr. Hull: Thank you.

The Commission recessed this portion of the meeting at 9:15 a.m.
The Commission reconvened this portion of the meeting at 9:20 a.m.

Chair Ako: It's about 9:20 and if we can reconvene the Subdivision Committee Meeting.

Mr. Hull: So, again, we're on Subdivision Application No. S-2019-8 for TMK: (4) 4-2-005:044, and this is an extension request. We have no members of the public that want to testify in person, so, is there any members attending virtually that would like to testify? Please indicate so by raising your digital hand.

Ms. Higuchi Sayegusa: There's no other attendee at this point with their hands raised, wishing to testify on this item.

Mr. Hull: Thank you. With that, Kenny if you wanna provide the Departments report.

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 Mr. Estes. Mr. Commissioner, do you have any questions for our Staff?

Mr. DeGracia: No questions Chair.

Chair Ako: Do you have any questions if there's an applicant representative? If you have, I guess I meant if you have any questions or if you wanted to make a statement. If you don't have any questions, then I can (inaudible) to the motion.

Mr. DeGracia: I have no questions.

Chair Ako: Okay. Unless you wanted to say anything. If not, I think we can entertain a motion at this time.

Mr. DeGracia: Okay. I move to approve Subdivision Application No. S-2019-8.

Chair Ako: I second.

Ms. Barzilai: Extension request.

Mr. DeGracia: Oh. Approve Extension Request for Subdivision Application No. S-2019-8.

Chair Ako: I second. Clerk, roll call?

Mr. Hull: Roll call. Commissioner DeGracia?

Mr. DeGracia: Aye.

Mr. Hull: Chair Ako?

Chair Ako: Aye.

Mr. Hull: Motion passes, Mr. Chair. 2:0.

Mr. Hull: Moving on to Item G.1.e.

Subdivision Application No. S-2020-9
(Baird Family Limited Partnership)
Proposed 3-lot subdivision
TMK: (4) 4-4-013:002
Kapa'a Homesteads, 2nd Series, Kua'i

Mr. Hull: We have no one in person signed up to testify. Is there anyone in person that has not signed up to testify but would like to testify on this agenda item? Seeing none. Is there anyone attending virtually that would like to testify on Zoom? If so, please indicate so by raising your digital hand.

Ms. Higuchi Sayegusa: There's no attendee at this point with their hands raised for this item.

Mr. Hull: With that, Kenny with the report for this agenda item.

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: Okay, thank you. Commissioner DeGracia, any questions?

Mr. DeGracia: No questions.

Chair Ako: From the representative, that would like to add.

Ms. Higuchi Sayegusa: Sorry to interrupt. We do have one testifier now with her hand raised, Chair for your discretion whether or not to recognize the testifier at this point.

Chair Ako: Okay, (inaudible) entertain her testimony.

Ms. Higuchi Sayegusa: Tara Rojas, I'm gonna again promote you to panelist. Please on your end accept and enable your audio/visual when you're able.

Ms. Rojas: Okay. Aloha.

Mr. Hull: Ms. Rojas, you have three minutes to testify but I'd like to note for the record that you've been asked several times to keep your testimony specific to the agenda item listed and to note, your testimony on previous agenda items has been unduly repetitious and immaterial to the specific agenda items. So please keep your testimonies specific to the agenda item. Thank you.

Ms. Rojas: Okay, so we're on S-2020-9, right?

Chair Ako: Yes.

Mr. Hull: Yes.

Ms. Rojas: Okay, so regarding S-2020-9 the proposed 3-lot subdivision, the Kapa`a Homesteads and I don't recall if there's, if I'm repetitious, that's ok, you know how they say, (inaudible) hear something like about seven times for it to like, you know, register but anyhow, I just wanna (inaudible) I kinda missed what happened but if, you know, I oppose. And I would like for you to postpone making the decision on this or and you know, amend it in your Charter. One quick note, you know if you're having conversations about (inaudible) agenda items, know that's a Sunshine Law violation (inaudible) ethics violation? You know proving without considering public testimony, so, just wanna make sure that you know all as well are following your own rules, yeah. And if you can explain what Sunshine Law is as well. But that's my testimony regarding this, that any of these subdivisions a`ole, it's not in line with the General Plan, so I don't know if this was from your May meeting that you guys have to approve this according to your Charter that you should amend. Please look at the Kaua`i General Plan before you even approve any of these because a housing is not compatible for agricultural land. And to stop

approving and changing special, and doing Special Use Permits from agricultural to residential, agricultural to industrial. So, like I said, you guys know your laws and Charters, you know, if you need to revise them, revise and if you need to postpone this Subdivision S-2020-9 to keep it on track. Oppose it, delay it so you have time to really think about your guy's actions and what you're doing that really follow (inaudible) team, cause I will be commenting as well in the Kaua'i Planning Commission Meeting, which will be you know, happening right after this. (inaudible). Mahalo. And if you can explain what Sunshine Law is.

Mr. Hull: With that...

Ms. Higuchi Sayegusa: Again, no other testifier at this point with their hands raised.

Chair Ako: Anybody would like to testify from the public on behalf of the applicant for any further comments? If no, Mr. DeGracia ready for a motion?

Mr. DeGracia: Yep. I move to approve the extension request for Subdivision Application No. S-2020-9.

Chair Ako: And I'll second that. Mr. Clerk?

Mr. Hull: Roll call. Commissioner DeGracia?

Mr. DeGracia: Aye.

Mr. Hull: Chair Ako?

Chair Ako: Aye.

Mr. Hull: Motion passes. 2:0.

Mr. Hull: Next Agenda Item 2.a.

Final Subdivision Map Approval

Subdivision Application No. S-2021-6

(KEEKAUAICARPORT, LLC.)

Proposed 2-lot subdivision

TMK: (4) 2-6-017:045

Koloa (Makai), Koloa, Kona Kaua'i

Mr. Hull: We don't have anybody signed up in person to testify on this agenda item. Is there anyone in person that has not signed up but would like to testify on this agenda item? Seeing none. Is there anybody attending virtually that would like to testify on this agenda item? If so, please indicate by raising your digital hand.

Ms. Higuchi Sayegusa: We do have one testifier or attendee on Zoom wishing to testify, Tara Rojas. I will enable your audio and video on your end.

Ms. Rojas: Can you repeat what agenda item please?

Mr. Hull: This is agenda item 2.a.

Ms. Rojas: Which application number?

Mr. Hull: Subdivision Application No. S-2021-6.

Ms. Rojas: 2021-6, oh yeah, so Koloa proposed 2-lot subdivision. So, again, I don't know what public testimony is for then, if we're not being heard but I'm just gonna say for the record. I oppose this subdivision, if you can delay your decision on this and if you're somehow deciding on something that was pre-approve in May, then I don't know what this meeting is for and, by the way your, I mentioned the last meeting, we're very far behind in agenda items, if you're doing things from May, it's now July, as well as like your approval of minutes, like you're approving from like, November/December of 2021, I'm not sure why you're so far behind. And so, I don't know the laws or you know, to hold you accountable, like, for council to hold you accountable to keeping up as well as like, posting things on time, not one day before, 101 pages before the meeting, I don't know if that's for the main planning meeting but again, if there's a way that you to delay these decisions to approve these subdivisions...

Chair Ako: Ms. Rojas, we really appreciate your testimony that you're bringing forward. Can you please keep it (inaudible) to the application itself?

Ms. Rojas: Okay, so a`ole to S-2021-6.

Chair Ako: Okay, thank you very much.

Mr. Hull: Is there anyone else attending virtually that would like to testify on Zoom? If so, please indicate by raising your digital hand.

Ms. Higuchi Sayegusa: No other attendee with their hands raised for this item.

Mr. Hull: With that, I'll turn it over to Kenny for the Director's Report pertaining to this matter.

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).

Mr. DeGracia: No questions for the Department.

Chair Ako: Any representative for the applicant?

Mr. Hull: Is that the representative online? I believe the representative is attending digitally and has his hand raised.(inaudible). You have any statement you'd like to make?

Eric Kaneshiro: Yes, this is Eric Kaneshiro on behalf of the owner, here to...thank you for your time and I'm here to answer any questions.

Chair Ako: Unless you have any questions Commissioner?

Mr. DeGracia: No questions for now Chair.

Chair Ako: (inaudible) but we have no questions at this time. Thank you.

Mr. DeGracia: Motion to approve (inaudible) Final Subdivision Map Approval for Subdivision Application No. S-2021-6.

Chair Ako: I'll second.

Mr. Hull: Motion has been moved and seconded. Commissioner DeGracia?

Mr. DeGracia: Aye.

Mr. Hull: Chair Ako?

Chair Ako: Aye.

Mr. Hull: Motion passes. 2:0. And lastly, we have Agenda Item 2.b.

Subdivision Application No. S-2022-3
(Whiptail Wallaby, LLC.)
Proposed 2-lot consolidation
TMK: (4) 2-6-018:025, 027
Koloa (Makai), Koloa, Kona Kaua'i

Mr. Hull: We don't have anybody in person signed up to testify on this agenda item. Is there anybody attending in person that would like to testify on this agenda item who hasn't signed up? Seeing none. Is there anybody attending on Zoom that would like to testify on this agenda item? If so, please indicate by raising your digital hand.

Ms. Higuchi Sayegusa: We have one attendee wishing to testify, Tara Rojas. You may enable your audio and video when you are able.

Ms. Rojas: Okay, so I am gonna say, I oppose and a'ole and please delay your decision for approving the S-2022-3 in Koloa, Kaua'i the proposed 2-lot consolidation. You know, I should be able to say what I want for my testimony, but I'll keep it to that. Just as the previous ones to a'ole, oppose, delay, revise your Charter, amend it so that you're really looking at these proposals and if they're in line with the Kaua'i General Plan that was created and have an input of Kaua'i. And no, not all the community but a good chunk of community voices in that Kaua'i General Plan. So, a'ole to S-2022-3.

Chair Ako: Thank you Ms. Rojas.

Mr. Hull: Is there anyone else attending virtually that would like to testify on this agenda item? If so, please indicate by raising your digital hand.

Ms. Higuchi Sayegusa: No other attendee with their hands raised at this time.

Mr. Hull: With that. I'll turn it over to Kenny for the report pertaining to this matter.

Ms. Higuchi Sayegusa: So sorry, we do have one hand that was raised just now.

Mr. Hull: Okay.

Ms. Higuchi Sayegusa: Kiara Rodrigues, you may enable your audio and video on your end and begin.

Ms. Rodrigues: Can you folks hear me?

Mr. Hull: Yes.

Ms. Rodrigues: Okay, perfect. I just, really quick, really short. Just for this Koloa, I do understand that it is makai side, so I want you guys to ensure that there is an EIS, Environmental Impact Survey. Especially anything that goes up by the ocean because we know our ecosystems down there are very important. Mahalo.

Chair Ako: Thank you.

Mr. Hull: Is there anyone else attending virtually that would like to testify on this agenda item? If so, please indicate by raising your digital hand.

Ms. Higuchi Sayegusa: We have an additional attendee, Rosemarie. I'm promoting you to panelist at this time, please accept on your end and then enable your audio and video. You may have to unmute yourself.

Ms. Rosemarie: Rosemarie here.

Ms. Higuchi Sayegusa: Okay, we can hear you. You may begin.

Ms. Rosemarie: Yes, on my closed captioning it's a little wonky. Did I hear that Arryl Kaneshiro is available for questions representing the owner?

Mr. Hull: Ms., Ma'am, that application has been acted upon and it's Eric Kaneshiro, not Arryl Kaneshiro.

Ms. Rosemarie: It's Eric, I'm sorry. My close captioning is wonky. It's Eric Kaneshiro for the record, correct?

Mr. Hull: Correct.

Ms. Rosemarie: E-R-I-C?

Mr. Hull: Correct.

Ms. Rosemarie: Thank you. I (inaudible).

Mr. Hull: Do you have any testimony for this Ms. Marie?

Ms. Rosemarie: No, I just needed to clarification because of the closed captioning on my end.

Mr. Hull: Thank you.

Ms. Rosemarie: Thank you.

Mr. Hull: With that, I'll turn to over to Kenny for the report pertaining to this matter.

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: With that. Do we have a representative for the applicant?

Mr. Kaneshiro: Yes, this is Eric Kaneshiro again, representing the owner. Here to answer any questions.

Mr. DeGracia: No questions Chair, for the Department or applicant.

Chair Ako: Okay. Thank you, Mr. Kaneshiro, we have no questions at this time. So, if we can entertain a motion.

Mr. DeGracia: Motion approve, Final Subdivision Map Approval for Subdivision Application No. S-2022-3.

Chair Ako: I second.

Mr. Hull: Motion has been moved and seconded. Roll call. Commissioner DeGracia?

Mr. DeGracia: Aye.

Mr. Hull: Chair Ako?

Chair Ako: Aye.

Mr. Hull: Motion passes Mr. Chair. 2:0.

Mr. Hull: We

EXECUTIVE SESSION

Mr. Hull: We have no Executive Session. And with that, we're ready for adjournment.

Mr. DeGracia: Motion to adjourn.

Chair Ako: Before we adjourn, I was wondering whether I could just say that, I've been on the Commission for about a year now and I'm still trying to figure out the process that goes through but there's several comments that have been made about the diligency of the department and the work that goes through, in terms of all the applications that pass through the department and eventually ends up with the commission here. And from being here about a year now, I just wanted to make mention and the fact that, it's incredible the work that the department does and that the staff does and the time and the effort that they put into each application here. That's why

it's kinda very disturbing in my mind to hear the fact that, that it seems like more work should be put into this and more kind and more care and more effort and more diligence in the (inaudible). You know, just having the mic right here, I just wanted to say that I think you guys do great work. I wanted to thank you for not only going through the motions of putting the packets together and everything but just putting your hearts and soul into the work that you guys do and just to make Kaua'i a better place, I think for everybody we have here, so, with that, I'll second the motion to adjourn. All those in favor? Aye (Unanimous voice vote). 2:0. With that we're in adjournment.

Subdivision Committee Chair Ako: adjourned the meeting at 9:42 a.m.

Respectfully submitted by:

Lisa Oyama

Lisa Oyama,
Commission Support Clerk

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

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