

KAUA‘I PLANNING COMMISSION
SUBDIVISION COMMITTEE SESSION
Tuesday, October 11, 2022

The Subdivision meeting of the Planning Commission of the County of Kaua‘i was called to order by Commissioner Gerald Ako at 8:30 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 Ka‘aina Hull, Deputy Director Jodi Higuchi Sayegusa, Dale Cua, Kenneth Estes, Romio Ilica, and Planning Commission Secretary Shanlee Jimenez; Office of the County Attorney – Deputy County Attorney Laura Barzilai; Office of Boards and Commissions – Support Clerk Lisa Oyama

Discussion of the meeting, in effect, ensued:

CALL TO ORDER

Subdivision Committee Chair Ako: Called the meeting to order at 8:30 a.m.

ROLL CALL

Chair Ako: Good Morning everybody. With that, I’d like to call to order the Subdivision Committee Meeting of the Planning Commission and it’s 8:30 a.m. And with that, Mr. Clerk, can we have a roll call?

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

Commissioner DeGracia: Here.

Mr. Hull: Chair Ako?

Chair Ako: Here.

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

Chair Ako: We have an agenda before us. Any changes or discussion about the approval of the agenda?

APPROVAL OF AGENDA

Mr. DeGracia: No. Motion to approve the agenda.

Chair Ako: I'll second that. All those in favor for the approval of the agenda, say aye? Aye (Unanimous voice vote) Motion carried 2:0.

Chair Ako: With that, Mr. Clerk, I think we have two ayes.

MINUTES of the meetings(s) of the Subdivision Committee

Mr. Hull: Next would be the Meeting Minutes for July 12, 2022.

Mr. DeGracia: Motion to approve the minutes for July 12, 2022.

Chair Ako: Second. All those in favor say aye. Aye. (Unanimous voice vote). With that, we have two ayes. Motion carried 2:0.

RECEIPT OF ITEMS FOR THE RECORD

Mr. Hull: We have no additional Receipt of Items for the Record. We have no Unfinished Business. Moving onto New Business for action.

NEW BUSINESS (For Action)

Mr. Hull: Preliminary Subdivision Map Approval.

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

Mr. Hull: Is there anybody in person, we'll be taking testimony individually on each individual item, so, is there anybody in person that would like to testify on this agenda item? If so, please approach the microphone. Seeing none. We actually have a sign-up list for those that would like to testify. We have Roslyn Cummings. Roslyn Cummings? Not present. We also have signed up, Mauna Kea Trask but Mr. Trask, you're the representative for the applicant? Okay, we'll get to the applicant after testimony. Seeing no other people in person that would like to testify on this agenda item. For those on Zoom, if you'd like to testify on this agenda item, please indicate so by raising your digital hand. Jodi, do we have any testifiers on Zoom, that would like to testify on this agenda item?

Deputy Planning Director Jodi Higuchi Sayegusa: Yes, we have several people in the Zoom room. First, I'm going to call your name and then on your end, I'm going to allow you to be promoted and please on your end, click accept on your end to be able to enable your video and audio. So, first I'm calling Kiara Lorenzo-Rodrigues. Again, on your end please click accept and once you do that, you'll be able to enable your audio and video and please identify yourself for the record. Okay, there maybe some technical difficulties. I'm going to move on, and I'll come back to you, Ms. Rodrigues. Next, we have, Mark Sullivan. I am allowing you to enable your

audio and video at this time. Please click accept on your end. Okay, please identify yourself when you're ready and you have three minutes. Okay, I'm sorry, there might have been two admitted in at the same time. First, I'm going to identify, Mark Sullivan, when you're ready, you have three minutes to testify.

Mr. Mark Sullivan: I'm pushing the wrong button. I'm not...

Ms. Higuchi Sayegusa: We can hear you now. Hi, Mr. Sullivan, when you're ready you may begin.

Mr. Sullivan: Oh, hi. I'm not testifying on this item just to clarify.

Ms. Higuchi-Sayegusa: Okay, thank you very much. I'm going to turn to, Palmers, the name identified as Palmers Galaxy XCover Pro. When you're ready, you can unmute yourself and proceed with your testimony.

Mr. Palmer: I'm sorry, this is Palmer (inaudible). I'm not testifying on this item either. I'm just sitting in for agenda update.

Ms. Higuchi-Sayegusa: Okay, thank you very much. Moving on to Zoom testifier, Van Dahm. Again, allowing you to enable your audio and video on your end. Please accept and when you're ready, you may begin. I think on your end, you have to unmute yourself. Van Dahm, you may have to unmute yourself on your end. Okay, might be some technical difficulties there. I'm going to circle back to Kiara Rodrigues. Whenever you're ready, please unmute yourself, identify yourself for the record and you may begin. Ms. Rodrigues, we are not able to hear you. Okay, if there is probably technical difficulties, if in the future you would like to testify, please make sure you raise your virtual hand. Again, that's all. We went through the list of folks that are in the attendee room but if there's any person wishing to testify, please make sure to raise your virtual hand going forward. I do believe, Ms. Rodrigues is having technical difficulties. If she's able to raise her hand, we can recognize her at that point.

Mr. Hull: Okay. Thank you, Jodi. This will be the last call for any public testimony for in-person. Subdivision item, G.1. Subdivision Application No. S-2023-1. Is there anybody in-person that would like to testify on this agenda item? Ms. Cummings, I have you signed up, do you want to testify on this agenda item?

Ms. Roslyn Cummings: Aloha. Is there a legal representative for the County of Kaua'i Planning Commission?

Mr. Hull: Could you identify yourself for the record and you have three minutes for testimony.

Ms. Cummings: Okay. Inoa, Roslyn (Hawaiian name) Cummings. Is there a legal representative here in the room for the County of Kaua'i Commissions?

Deputy County Attorney Laura Barzilai: Good morning, Ms. Cummings. I'm Laura Barzilai, Deputy County Attorney.

Ms. Cummings: Let the record state that, on the record, for the record. So, this testimony is in regards to, I'm a wahine maoli, a lineal descendant to Chiefess Kamakahahelei, who is buried in

the Lawai ahupua`a. This development will affect her burials and the burial site of those that surround her. The County of Kaua`i Planning Commission should be well aware through the SIHP reports from BLNR/DLNR, so please go ahead, and search your records for all burials that were affected or known and all cultural sites through the archeological report that was made back in 1970, 1990, and between 2009 and 2015. Let the record state that I did do a Ka Pa`akai analyst for this. My complete concern is to, not just the burials of that area but the depletion of wetlands, of low wetlands and if the County Planning Commission is aware of this, so, let the record be known that those my biggest concerns for this particular development. Mahalo for your time.

Mr. Hull: Thank you for your testimony. Is there anyone else in-person, that would like to testify on this agenda item? Seeing none, we'll move directly into the application itself. We did review communication from the applicant requesting deferral of this agenda item, so, just with that, we don't intend to go into the report, but we'll ask for a motion to defer to November 15th. If there is a representative on behalf of the applicant, that would like to make any statement. The department would like to also request, being that we have this oral request for deferral, that the applicant waive Section 9-8.4, concerning (inaudible) concerning the timelines and deadlines for Subdivision actions.

Mr. Mauna Kea Trask: Aloha ka kou, Mauna Kea Trask, on behalf of applicant. So, yes, just as a preliminary matter, we just like to address comments, Ms. Cummings made. We think that she (inaudible) made a mistake, this is talking about a different development, there's no wetlands here. This area, specific area, has no native species on it, we provided that in the Ka Pa`akai analyst and this is (inaudible) lands, it's up mauka, it's not in the Lawai valley and it was under sugar cultivation from approximately 1876 to about 1996, with that, we'll reserve presentation at the next scheduled hearing but at this point I have to confirm with Mr. Holsted, the applicant waives the 45-day period under Subdivision ordinance 9-2.3, G.5. a. (inaudible). Thank you.

Mr. Hull: Thank you, Mr. Trask. With that, (inaudible) have any questions, but (inaudible) the (inaudible) is requesting deferral to November 15th.

Mr. Ako: If there's no other questions, I'll entertain a motion to defer.

Mr. DeGracia: No questions. Ready to make a motion. Motion to defer, Subdivision Application No. S-2023-1 to November 15th Subdivision Committee Meeting.

Mr. Ako: Second. Any other questions? Mr. Clerk, can I have a roll call?

Mr. Hull: Roll call. Commissioner DeGracia?

Mr. DeGracia: Aye.

Mr. Hull: Chair Ako?

Chair Ako: Aye.

Mr. Hull: Motion passes. 2:0.

Final Subdivision Map Approval

Mr. Hull: Next we have Agenda Item, G. 2. Final Subdivision Map Approval.

Subdivision Application No. S-2002-25
(AOAO of Kūlana, Cy Miyashiro, June & Kris Van Dahm)
Hauiki Road Subdivision
Proposed 3-lot Subdivision
TMK: (4) 4-3-003:027
Kapaʻa & Waipouli, Kawaihau, Kauaʻi

Mr. Hull: Let's see who's signed up to testify. We have signed up to testify, Mr. Trask but Mr. Trask, are you representing the applicant?

Mr. Trask: (inaudible).

Mr. Hull: Okay. First signed up, Mauna Kea Trask. Can you please identify yourself and you have three minutes for testimony.

Mr. Trask: Aloha, Mauna Kea Trask for the record. First off, I had signed up for each subdivision, can I just put all my testimony together in one, in one?

Ms. Barzilai: If it's okay with Chair, that's fine.

Chair Ako: I have no problems with that.

Mr. Trask: Thank you, Chair Ako.

Mr. Hull: So, it would around six minutes for testimony at this point, okay.

Mr. Trask: That's fine. Thank you. Again, aloha, Mauna Kea Trask for the record. Just want some clarification today if I can get it. As you know, Kulana has a long story pass, it's one of the original examples of a gentlemen's agricultural CPR, in which (inaudible) farming occurs. Kulana is also the byproduct of a three-million-dollar Ponzi scheme, that (inaudible) many Kaua'i residents out of their life savings and that to the death of Jim Lull, who allegedly drove himself off a cliff in Oregon, on or about the day of his criminal sentencing in federal district court. So, for over a decade, the County, the State, private lending institutions, private corporations, the landowners, the developers, the AOAO, have all come together to try to patch things up, finish the subdivision and move forward appropriately so, in regard to that, today on the agenda Kulana is before the Commission for recertification, the final map. Our understanding is that late last month the Department of Public Works certified the subdivision improvements 4 S-9949, had been completed. But, to our knowledge, or to my knowledge, the Planning Commission has not yet approved the subdivision improvements, per 9-3.9 and 3.7, respectively. So, we respectfully request that confirmation from the Commission Department that Kulana has complied with the restate subdivision agreement that flowed from the litigation, and related selling agreements, and also the improvements have been approved, and if not, what, what else is they left to do? We also respectfully request the confirmation that the County's position is that under the (inaudible) settlement agreement, and county Code AOAO, and individual owners, can sell and obtain building permits, for their units, because without the completion of subdivision improvements, it's held up landowners from building farm dwellings, even on the applications to get (inaudible) structures, I believe. Also, per HRS, 205-4.6, 514B-5, 6 and 52 respectively, and the AOAO's representations at last year's Commission Meeting. We respectfully request the

commission confirmed that the developer has received County clearance for the CPR overlay of the subdivision as required by the Planning Commission's 2016 memo regarding new procedures for receiving CPR clearances, and normally we understand that CCNR's are private agreements. They don't really involve the County, however, with the political integration of XCPR, State law has changed to ensure that when a CPR comes in, the County acknowledges and reviews that none of the restricted convenance restrict farming or agricultural operations, as prohibited by law. Because this subdivision is so long and CPR is so long, we just want to confirm that that has happened. And finally confirm that individual owners can obtain building permits and for their structures despite any existing after-the-facts zoning permit or other County land use permitting issues. It's my understand that the department had a discussion with the AOA or representatives or members, that there had been some after-the-fact permitting issues and that there was a process to resolve that, and so, just to ensure that if this is all completed today, there isn't an after-the-fact issue hanging out there. Thank you.

Mr. Hull: Thank you, Mr. Trask. Next, we have signed up, Kurt Bosshard. Is there anyone else in the room that has not signed up and would like to testify on Agenda Item, G.2, concerning Subdivision Application No. S-2002-25? Seeing none. Is there anybody attending virtually through Zoom that would like to testify on this agenda item? Again, this is Subdivision Application No. S-2002-25. Please indicate so by raising your virtual hand. Jodi, do we have any...

Ms. Higuchi Sayegusa: I just...

Mr. Hull: ...participants that have raised their virtual hand indicating their desire to testify?

Ms. Higuchi-Sayegusa: At this point, there are no hands raised.

Mr. Hull: Thank you. With that, there's no further testimony. I'll turn it over to the Staff Planner to give us a staff report.

Staff Planner Kenny Estes: I'll read the Directors 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).

Mr. Hull: Any questions for the Planner on this agenda item?

Mr. DeGracia: I have a few questions. Mr. Trask raised some concern on his testimony, I just wondered if the department has any clarification on any of those concerns? Specific, I'm not sure the agriculture component, combination with the CPR.

Mr. Hull: Well, I would say, the bulk of what Mr. Trask testified on, in requesting this body confirm certain facts or aspects, would be more appropriately done via departmental determination request. The action before this body is a final subdivision approval, right, the action is either, approve a final subdivision proposal, deny a final subdivision proposal, or defer it, those are the three actions made before this body. Concerning the determination that the AOA's by-laws is compiling state law or that the improvements have been met via (inaudible) standards. (inaudible) this body take an official action on that. It's not officially on this agenda.

So, there are requests that Mr. Trask seek, departmental determination. We can't say that, when the final subdivision application that all of the respective reviewing agencies, including (inaudible) have responded and said, this final subdivision is ready to go and be approved.

Mr. DeGracia: Thank you for clarifying.

Mr. Hull: Hearing that, Kenny?

Chair Ako: I'm sorry, I gotta clarify. Did Mr. Trask testify on behalf of the applicant, or he did not?

Mr. Hull: The applicant does have a representative here, when you folks are done with any questions or discussions with myself or Kenny.

Chair Ako: Do you have any other questions?

Mr. DeGracia: No further questions for the department.

Chair Ako: If not, if we have somebody that would like to represent the applicant at this time.

Mr. Brad Rockwell: Morning Chair, Brad Rockwell, President of the Kulana Homeowners Association, and we also have Counsel, Laura Loo for the applicant.

Chair Ako: So, unless you have anything else to add.

Mr. Rockwell: I don't have anything else to add, just appreciate the departments, the Planning Departments assistance over a couple decades and working to get this through for the many owners of the Kulana Association.

Chair Ako: Any questions or concerns?

Mr. DeGracia: No questions.

Chair Ako: Thank you.

Mr. Rockwell: Thank you.

Chair Ako: With that, we have a recommendation, from the Planning Department for approval. At this time, we'll entertain a motion to approve, Commissioner.

Mr. DeGracia: Yeah. Motion to approve, Final Subdivision Map Application No. S-2002-25.

Chair Ako: With that, I second. Mr. Clerk?

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.

Mr. Hull: Next we have Agenda Item, G.2. b.

Subdivision Application No. S-2018-12
(AOAO of Kūlana)
Kūlana Water Tank Subdivision
Proposed 2-lot Subdivision
TMK: (4) 4-4-003:089
Waipouli, Kawaihau, Kaua'i

Mr. Hull: We have a subdivision report pertaining to this matter. For this agenda item we have a number of individuals signed up to testify. First, we have, Roslyn Cummings.

Ms. Cummings: Aloha, my name is Roslyn Cummings and I speak up for manawa from the past, and the present for the future. It's clear that many of you will understand the cultural practices of our people, and the laws and the rights of our people, not as native Hawaiians, as kānaka maoli. Now let me just get this clear, what happens up mauka affects makai, so what happens by the mountains will affect all the down to the ocean. As far as water, this water tank, and water concerns are, the company needs to be clear in regards to the amount of water, where it's coming from, where it's being taken from, and how much usage. Because I've been studying a lot of your guys water usage and the records are not matching up. So, there's a question in that, so I really really really really, need the County Commission to look into the water usage when you guys permit these projects that affect our water. And you know what, again, going back to our culture, many of our cultural practices don't know yet and understand, but we have rights. Let me bring up Section 7 HRS: Section 7-1., and the rights of our landlord's title subject to tenants use for the manners. Where the landlords have obtained, or may hereafter obtain, allodial titles to their lands, the people on each of their lands shall not be deprived of the right to take firewood, house-timber, aho cord, thatch, or ki leaf, from the land on which they live, for their own private use, but they shall not have a right to take such articles to sell for profit. The people shall also have a right to drinking water, and running water, and the right of way. The springs of water, running water, and roads shall be free to all, on all lands granted in fee simple; provided that this shall not be applicable to wells and watercourses, which individuals have made for their own use. Please look up that law, Mahalo.

Mr. Hull: Thank you for your testimony. I know Mr. Trask spoke (inaudible) just checking, I know we have Mr. Bosshard signed up, Mr. Bosshard, are you gonna testify on any of these agenda items?

Mr. Kurt Bosshard: No.

Mr. Hull: Is there anyone else here in person that would like to testify on this agenda item? Seeing none. For those attending and participating virtually, if you'd like to testify on agenda item G.2. b., Subdivision Application No. S-2018-12, please indicate so by raising your virtual hand.

Ms. Higuchi Sayegusa: At this point there are no virtual attendees with their hand raised.

Mr. Hull: Thank you. With that, I'll turn it over to the Staff Planner.

Mr. Estes: I'll read the Directors 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).

Mr. Hull: Any questions, Commissioners have for the staff?

Chair Ako: Any questions?

Mr. DeGracia: No questions.

Mr. Hull: We do have a representative for the applicant. Do you have questions for the applicant?

Mr. Rockwell: Morning, Chair. Brad Rockwell again.

Chair Ako: Any questions? No? Thank you.

Mr. Rockwell: Thank you.

Chair Ako: Okay, I guess with that we have our recommendation from the department to approve. I can entertain a motion for that, Commissioner.

Mr. DeGracia: Motion to approve, Final Subdivision Map Approval for Application No. S-2018-12.

Chair Ako: I'll second. No other question. Mr. Clerk?

Mr. Hull: Roll call, Mr. Chair. Motion to approve. Commissioner DeGracia?

Mr. DeGracia: Aye.

Mr. Hull: Chair Ako?

Chair Ako: Aye.

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

Mr. Hull: Lastly, we have Agenda Item, G.3.

Recertification of Final Subdivision Map

Subdivision Application No. S-99-49

(AOAO of Kūlana)

Kūlana Subdivision

23-lot Subdivision

TMK: (4) 4-3-011:001

Kapa'a & Waipouli, Kawaihau, Kaua'i

Mr. Hull: We'll get into Director's report pertaining to this matter but concerning those who have signed up to testify, we have, Roslyn Cummings.

Ms. Cummings: (speaking Hawaiian). Again, I coming in here as not just a cultural practitioner, as a wahine maoli, as a mother, as someone who have (inaudible) that's been here since (inaudible). I'm very concerned about the modern-day concerns like traffic, water usage, evacuation. I know this has been going on for a long time, but Kulana is a cultural area, there are burials around in that area, so I really need you guys to go through your reports, cause I've seen a lot of your reports and it seems like you guys are going past the public's interest. Numbers are not adding up, what you guys have, while I'm reviewing it. And you guys cannot be prolonging cause this is a (inaudible) public service, public interest versus private interest and it seems like private is winning the public interest. So, thank you for your time.

Mr. Hull: Thank you for your testimony. We have, Mr. Trask and Mr. Bosshard signed up but (inaudible). Is there anyone else in person that would like to testify on this agenda item that did not sign up and would testify? If so, please approach the microphone.

Ms. Shawn Villatora: Aloha, on the record, Shawn Nicole Nakai`elua Villatora. Aloha kakou, I'm a wahine maoli, kānaka maoli here on Kaua`i nei. My concerns I that I wanted to bring up as a kānaka maoli is that there is quite a lot of significance historically and also the cultural practices that go on in that ahupua`a, which is up Kapa`a, cause I'm not gonna call it by its subdivision name. And the one thing that I want the Commissioners to understand is that, even though there might not be more people present here to speak in opposition and give their concerns, there is still lots of people and what the people, that I feel like I'm speaking for, is the next generation, my children, children that have not been born yet, our grandchildren because of that, I have witnessed in that certain location during the time of flooding, the drainage part of that property, is dangerous, and it also affects lots of things that grow makai of that property. There is that huge issue of understanding the water usage because, I feel like the amount of water that is being pushed through that property is not the original amount of water that should be. As being raised in that particular ahupua`a of Kapa`a and more specifically in Kapahi, I've seen a lot of things that happen in development (inaudible) private entities that are wanting to be built in that area and I understand that everybody sees this as progress, but it will indefinitely affect the connection that we have as kānaka maoli to be able to practice in that area, so, that is my mana`o. Mahalo nui.

Mr. Hull: Thank you for your testimony. Is there anyone else present in person that would like to testify on this agenda item? Seeing none. If you're attending virtually and would like to testify on this agenda item, again this is Subdivision Application No. S-99-49. If you would like to testify on this agenda item, please indicate so by raising your virtual hand.

Ms. Higuchi Sayegusa: At this point there are no virtual attendees with their hands raised.

Mr. Hull: Thank you. With that, I'll turn it over to the Staff Planner.

Mr. Estes: I'll read the Directors 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).

Mr. Hull: Any questions you folks have for myself or Staff?

Mr. DeGracia: No questions.

Chair Ako: No, I have none. So, with that, does the applicant have anything to add? If not, I think we're...unless you have a question for the applicant on this. Do we have any further discussions?

Mr. Hull: I'll just add that there was some testimony up that I think (inaudible) the County (inaudible) concerning water usage, (inaudible) drainage and what have you. So, this is a Final Subdivision that's been going through tentative approval, in fact the S-99 denotes when (inaudible) so, the process was roughly 22 years of review and (inaudible) so, there's certain things like, water usage and drainage, to a certain degree the Water Department does review these (inaudible) public usage of water and access to water. And then the drainage has been brought up a number of times, quite honestly but this is not the extensive flood and engineering review by the Public Works Department. So, all of the reviews are done, and just for the public too, the subdivision process is a bit different than the permit process that is done at the Planning Commission level, in fact, Kaua'i is the only island in which a public hearing is held for subdivisions, I'm not saying it's a bad thing or it's a good thing, it's just, it is what it is. But technically (inaudible) subdivision is what you would call, within a (inaudible), a ministerial review, and that is held legally in the same manner, let's say, a single-family dwelling on a regular residential zoned lot is, when the Planning Department gets that request, is an insofar as an applicant can meet those requirements that say, set back in height for a single family dwelling on a residential lot. The Planning Department is required by law to approve it. That is the property rights that the property owner enjoys, and I think there's definitely a balance between public rights and private rights. But that's what's when you're referring to ministerial review that's the way it's set up. It was very strange in which the subdivision process was set up for Kaua'i, in that public hearings are held for subdivision for public comments to be given indeed but at the same time it's a ministerial review insofar as, where you see a use permit with the Planning Commission, that Commissioners will act in their discretion on whether or not that use permit proposal is compatible with the surrounding area. That is not the situation with subdivision, so in a subdivision much, as much as it has on public hearing component, there is still a ministerial review, in which insofar as the applicant meets all the standards, the County is required to sign off on these, so, I know that there are some members of the public here that have an expectation an albeit of frustration with providing testimony and it appearing that it's falling on deaf ears and I wanna say that, not at all indeed. But the process and the way it's set up, is once these, all these standards and agency requirements have been met, there pretty much isn't a requirement that approval be granted, so that's why there's a reservation about this. Do you guys have any questions about that? Thank you.

Chair Ako: Thank you, Mr. Clerk. With that, we can entertain a motion.

Mr. DeGracia: Motion to approve recertification of Final Subdivision Map Application No. S-99-49.

Chair Ako: I'll second that. With that, Mr. Clerk.

Mr. Hull: With that, roll call. Commissioner DeGracia?

Mr. DeGracia: Aye.

Mr. Hull: Chair Ako?

Chair Ako: Aye.

Mr. Hull: Motion passes. 2:0.

Mr. Hull: With that, we have no further agenda items. And we are set for adjournment.

Ms. Barzilai: Mr. Clerk, I apologize, Ms. Sayegusa indicated that there are two hands raised, I'm not sure when that was. I know that we're past our items right now but perhaps we should allow testimony.

Mr. Hull: It's at your discretion, Mr. Chair.

Chair Ako: I guess, I'll...yeah...

Mr. Hull: (inaudible).

Chair Ako: (inaudible).

Ms. Barzilai: I recommend that we take it in any case.

Chair Ako: Okay, we'll go ahead and entertain.

Ms. Higuchi Sayegusa: At this point, we are completed with the agenda items under G. New Business. But there are two attendees with their virtual hands raised, so I'm gonna first recognize, Alfred Keaka Hiona Medeiros. I will enable your virtual, you video and audio to be enabled on your end. Please accept. When you're ready please identify yourself and you have three minutes.

Mr. Medeiros: Aloha mai kakou, Alfred Keaka Hiona Medeiros. My concerns about the Coco Palms development. Please don't...

Ms. Higuchi Sayegusa: Sir, we're on the Subdivision, we'll be on the main committee Commission meeting very shortly.

Mr. Medeiros: Okay, so should I wait for that? I'll defer till then.

Ms. Higuchi Sayegusa: Okay, thank you very much.

Mr. Medeiros: Okay. Mahalo. Thank you so much.

Ms. Higuchi Sayegusa: The other person with their virtual hand raised is Tara Rojas. I'm gonna allow you to enable your video and audio on your end, again, we are about to adjourn the Subdivision Committee Meeting and we will begin with the main Committee Meeting immediately after. When you're ready, you can unmute yourself and have your three minutes.

Ms. Rojas: Okay, (inaudible) that...

Ms. Higuchi Sayegusa: I'm sorry, you cut out a little bit

Ms. Rojas: Yeah, I will also defer and I'm waiting to testify regarding Coco Palms.

Ms. Higuchi Sayegusa: Okay, thank you very much. And with that, there are no other persons at this point with their virtual hands raised.

Ms. Barzilai: Thank you, Mr. Chair.

Chair Ako: With that, we'll entertain a motion for adjournment.

Mr. DeGracia: Motion to adjourn.

Chair Ako: I'll second that. All those in favor? Aye (Unanimous voice vote). 2:0.

Subdivision Committee Chair Ako: adjourned the meeting at 9:15 a.m.

Respectfully submitted by:

Lisa Oyama
Lisa Oyama,
Commission Support Clerk

Approved as circulated (January 10, 2023 meeting).

Approved as amended. See minutes of _____ meeting.