

Correspondence received by the Planning Department as of September 11, 2023, 9:00 am for the September 12, 2023, PC Subdivision Committee Meeting regarding the following item:

- F.1.a. 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
Kōloa, Kaua'i

From: CherylAnn Farrell <cherylaofarrell@gmail.com>
Sent: Friday, September 8, 2023 12:37 PM
To: Planning Department
Subject: Kauanoe o Koloa testimony

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

Aloha,

I am a resident of Koloa and see first hand the degradation of our roads, beaches, traffic and more as a result of over tourism. I have seen my own neighborhood homes climb to prices far beyond anything a working class family could afford.

Where are working class families supposed to live? We hire local people to work at all the resorts along the south shore coastline. They should be able to buy a home or rent somewhere near where they work. A recent publication in the Pacific Business News, citing Uhero showed that Kauai, in particular, suffered a net loss of over 500 available homes over the past 5 years. All the other islands showed modest gains. But how much has the permanent population grown?

The proposed development of Kauanoe o Koloa only furthers the divide of landowners and workers. It adds only non-resident/part time residents and further gentrifies Poipu. If anything should be built in that region, it should be family homes. Unfortunately, the term "affordable" seems to have become a generic term for HUD housing, like Paa Nau or the Bukoski housing on Poipu Road. It should not be just "affordable" housing for those who qualify but reasonable family homes.

Why not apportion the area to an agency such as Habitat for Humanity who build affordable homes for the working class families? That is what the south shore needs: working class family homes - starter homes, not luxury condos who just need housekeepers and landscapers.

We are already exceeding pre-pandemic tourism levels, as IF that is desirable. We were overly saturated here in Poipu before the pandemic. The only way to control tourism is to control the number of rental units available. Meanwhile homes are needed for those who work and service all those visitors.

Please stop the prestigious development of Kauanoe o Koloa and vote in favor of the people who live here, work here, and need to buy and rent homes.

--

Cheryl Ann Farrell
cherylaofarrell@gmail.com
808-652-1284 (-3 hrs PDT)

It's not what you don't know that will get you in trouble. It is what you know for sure, that just ain't so. ~ *Mark Twain*

From: Greg Iten <eye10g@yahoo.com>
Sent: Friday, September 8, 2023 6:15 PM
To: Planning Department
Subject: 282 units on Kiahuna Plantation Drive and 51 units in Kukuiula development

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Planning Commission:

As a local resident living in Lawai I would like to express my opposition to the luxury condominiums (multi-family) development proposed by Pinkston. These are investor class resort properties whose price point begins in excess of a \$1 million, nothing for workforce and nothing affordable. The South shore of Kauai doesn't need more visitor/resort destination properties. We don't need the 400+ cars that will be added to our traffic flow and clog our roads.

This developer has continued to disregard the rules and regulations of Kauai Planning department. The plans for these developments have not complied with the permit process. It is time to enforce the law and close down these projects.

Sincerely,
Greg Iten
3837 Uakea Pl
Lawai, HI 96765

Sent from my iPad

From: marem@aloha.net
Sent: Friday, September 8, 2023 8:20 PM
To: Planning Department
Subject: Pinkston's Projects

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Aloha Planning Department

How can I learn more about this project?

I believe there was an application for extension and it expired?

Is any of this development affordable or low income housing?

Not sure if you're aware but the traffic situation on the southside is gotten as bad as the east side.

How many more cars do you anticipate with this development?

I am not in favor of this development now....

Marianne

From: Alarik Arenander <alarik108@gmail.com>
Sent: Friday, September 8, 2023 9:39 PM
To: Planning Department
Subject: Pinkston

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

Aloha,

To whom it may concern...

we have laws that need to be followed and not diverted, ignored or thwarted.

we have money moving about the county and state that needs to be avoided to prevent further corruption

we have a HUGE need for affordable housing that REMAINS affordable housing.

we need to build island sustainability and not remain slaves to tourism.

we need vision and courage.

Too much money and not enough malama

Pinkston should be treated properly and legally and prevented from moving forward both in koloa and the mill...

mahalo for attending

alark

Alarik Arenander, PhD
808-482-4562
alarik108@gmail.com
skype: VedicBrain

Anti-AgingCompany.com
NatureMade4U.com
Ebrainmatrix.org
TheLeadersBrain.org

From: Mary Mulhall <mmulhall@hawaii.rr.com>
Sent: Friday, September 8, 2023 11:06 PM
To: Planning Department
Subject: Luxury housing in Koloa

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

Dear Planning Commision ,

1. THANK YOU for allowing the subdivision approvals to lapse .
2. Worker housing is of major importance on Kauai, and was not included.
3. MOST important: We really do NOT need additional 100+ luxury condos in Koloa. Traffic and infrastructure is already strained. We have reached capacity.
4. I personally know several visitors who have made use of un-used luxury condos while on vacation. The fact that part-time residents are giving away the use of their condos tells us that our visitor level has reached close to capacity already.

Mahalo for considering these factors, in addition to water supply and other infrastructure concerns when considering further development in the Koloa area.

Many thanks for working with the many issues involved.

Mary Mulhall
1210 Crossley Rd.
Kapaa, Hi 96746



Virus-free. www.avg.com

From: Elli Ward <elaloha@gmail.com>
Sent: Sunday, September 10, 2023 2:52 PM
To: Planning Department
Subject: Pinkston Luxury Condominium Development

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

Dear Members of the Kauai Planning Commission,

Please do not approve the Developer, Mr. Pinkston's request for extension of time for his 282 luxury units on Kiahuna Plantation Drive and the 51 units above the Boat Harbor developments.

Kauai does not need more expensive luxury units that are often purchased by out of state buyers and/or are converted into rental units or vacation rentals for non-Kauai residents. We are in serious need of affordable housing for our existing residents so they can continue to live, work, and keep their families on island. Mr. Pinkston's development has no workforce/affordable housing units for our residents.

This Developer has allowed both subdivision approvals to expire, he must reapply. There is overwhelming evidence that this developer has not honored and is not sensitive to our island's history, culture and natural resources.

Thank you.

Mrs. Elli Ward, Kilauea

(808)431-4701

From: Alex Stoddards <alexkstoddards@gmail.com>
Sent: Sunday, September 10, 2023 3:32 PM
To: Planning Department
Subject: Oppose Any Time Extension of Pinkston Koloa-Poipu Projects

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

Aloha Planning Commission,

We have read attorney Laurel Loo's letters aiming to explain why the two Meridian Pacific developments in Koloa-Poipu had missed their timeline date to submit finished subdivision plans.

Item 5 and 6 'justifications' are an absolute shame.

5) Attorney Loo acting for Meridian Pacific/Gary Pinkston blames now passed (RIP) Dennis Esaki for the developer not filing appropriate documents with the County of Kauai.

- Can you imagine, a company that claims it has developed 'Over \$4Billion worth of projects' - not having any oversight when it comes to timelines and working knowledge of regulations?
- And it is hewa to blame someone who has transitioned/now passed, for their own insufficient quality control.
- It speaks volumes about their spirit. And about how they will treat the local area - if they cannot even abide by simple rules.

6) The section #6 of Ms Loo's letter should raise alarms with everyone.

She confirms that the developer and the County have enjoyed a cozy relationship from the beginning:

'We have been working on the project WITH the County since the filing of subdivisions and have spent \$3.1M in resources in RELIANCE on County approvals.'

- No comment.

We appreciate the COK taking a fresh and unvarnished look at these luxury building projects and as per Planning Department, Ka'aina's recent memo, holding them accountable for errors and inconsistencies.

We do not need more large luxury developments on Kauai. FULL STOP.

Meridian Pacific has already gotten away with horrific dynamiting of sensitive caves and habitat without Permits and they Faced NO Penalties.

End support of a company that has Zero care for the island and No Control over its actions.

I OPPOSE any time extensions. I Oppose any further leniency and COK support for Meridian Pacific Kauanoe O Koloa and/or their projects at Kukui'ula.

Mahalo nui
Alex S.

From: Ray Burton <rbsailon@gmail.com>
Sent: Sunday, September 10, 2023 8:27 PM
To: Planning Department
Subject: Koloa development

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

I worked with a builder on island when my wife and I built our home in Kalaheo. My builder told us of a problem he had to resolve on the North Shore. While digging the foundation signs of human bones. He stopped the project until they could document the find.

If I recall correctly it took weeks and ultimately had to construct the foundation without disturbing what they assumed was a burial site.

Needless to say this cost the builder and property owner money and time and held up progress on my project. This was the right thing to do.

Please don't let money and power speak louder than respect.

I loved the T shirt that said, "I used to live in the country; now I live in the City, and I didn't move. Save Koloa Town".

E. Ray Burton
rbsailon@gmail.com

From: Terrie Hayes <terriehayes@gmail.com>
Sent: Sunday, September 10, 2023 8:41 PM
To: Planning Department
Subject: Pinkston's projects

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

I am so disappointed in the lack of concern for our Community and residents.

Before any further development , we request a comprehensive evacuation plan.
A drainage plan is also lacking and requested.
Where does the sewage go?

Please remove all the DRY Gieney grass on the Fallow lands.
With the recent disaster in Maui, this comes as timely requests.
We should have a Fire Drill!
Our fire Hydrants have not been tested in OVER 20 years!

Kukuiula Harbour could not house any number of fleeing individuals.

All of the legal violations should have stopped this project already.

Concerned citizen
Terrie Hayes

From: Bridget Hammerquist <friendsofmahaulepu@hawaiiantel.net>
Sent: Sunday, September 10, 2023 10:15 PM
To: Planning Department
Cc: Mayor; Council Members
Subject: Planning Department Comment/Testimony
Attachments: Pinkston Kiahuna and Kukuiula Developments Testimony 09102023.pdf; Former County Attorney Laurel Loo 2023-9-12-planning-commission-agenda-packet.pdf

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

Aloha Kauai County Planning Commission Chair, Members and Subdivision Committee,

Please accept the attached public comment for your September 12, 2023 Subdivision Committee and Planning Commission Meetings. The attached Testimony is offered for the following:

Subdivision Committee Agenda Item F1 a - Subdivision Application No S-2021-7 5425 Pa'u A Laka, LLC Proposed 2-lot Consolidation and Re-subdivision into 4-lots. TMK: (4) 2-8-014:032. Supplement #1 to Subdivision Report/Time Extension Request.

Subdivision Committee Agenda Item F1 b - Subdivision Application No S-2022-6 Kukui'ula Development Company, LLC/MP Kaua'i HH Development Fund, LLC Kukui'ula Parcel HH Subdivision Proposed 3-lot Consolidation and Re-subdivision into 51-lots. TMK: (4) 2-6-019:026, 029,031 Koloa, Kaua'i. Supplement #1 to Subdivision Report/Time

Extension Request.

Also Planning Commission Items H1 and H2 respectively for the foregoing projects.

Mahalo nui,

Bridget Hammerquist, President
Friends of Maha'ulepu, a 501(c)(3)
Kia'i Wai o Wai'ale'ale, Co-founder
PO Box 1654
Koloa, HI 96756
friendsofmahaulepu.org
friendsofmahaulepu@hawaiiantel.net
(808)742-1037





Friends of Maha'ulepu

friendsofmahaulepu.org

9/10/2023

Kauai County Planning Commission
Subdivision Committee
4444 Rice Street, Suite A473
Līhu'e, Hawai'i 96766

RE: Subdivision Committee Agenda Item F1 a - Subdivision Application No S-2021-7 5425 Pa'u A Laka, LLC Proposed 2-lot Consolidation and Re-subdivision into 4-lots. TMK: (4) 2-8-014:032. Supplement #1 to Subdivision Report/Time Extension Request.

Subdivision Committee Agenda Item F1 b - Subdivision Application No S-2022-6 Kukui'ula Development Company, LLC/MP Kaua'i HH Development Fund, LLC Kukui'ula Parcel HH Subdivision Proposed 3-lot Consolidation and Re-subdivision into 51-lots. TMK: (4) 2-6-019:026, 029,031 Koloa, Kaua'i. Supplement #1 to Subdivision Report/Time Extension Request.

Also Planning Commission Items H1 and H2 respectively.

Aloha Kauai County Planning Commission Chair, Members, and Planning Commission Subdivision Committee,

Please accept this emailed comment on behalf of Friends of Maha'ulepu whose membership is comprised of many residents in Koloa, Poipu, and the South Shore of Kauai. We strongly support Director Hull's determination that each of the tentative subdivision approvals referenced above are void for the Pinkston/Meridian Pacific projects at Kiahuna and at Kukui'ula in Koloa, Kauai.

Director Hull's determination relies on Kaua'i County Code, Section 9-3.8(c)(1) Final Subdivision Map as set forth in his letters of August 21, 2023 to Mr Wayne T Wada, Esaki Surveying and Mapping, Inc:

"(c) Filing of Final Subdivision Map.

{1} The applicant shall file fifteen {15} copies of the subdivision final map with the Planning Department within one (1) year after approval of the preliminary subdivision map. If no filing is made, the approval of the preliminary subdivision map and construction plan shall become void unless an extension of time is granted by the Planning Commission."

The Attorney for Pinkston/Meridian Pacific, Appealed Director Hull's Determination for each of the above identified projects. In that Appeal dated September 1, 2023, she begins by stating the date their agent applied for subdivision approval May 12, 2021 and then jumps to the date their agent "first" applied for an extension of time, April 24, 2023. Noticeably missing are the dates the tentative approvals were granted for each of the above projects, August 10, 2021 and February 8, 2022 respectively. One year from each of those days had lapsed before any application for any extension of time was filed. How likely is it that any of us would be allowed to get an extension of time when filing our tax returns after April 15th or the due date? There is little

question that this developer has done nothing on time. Poor Mr Esaki, the person who died in July of this year, is being thrown under the bus as if there was no one else on Meridian Pacific staff or elsewhere to assure a timely application for an extension of time if the one year time interval could not be met.

The County Ordinance uses the word "void" which means once lapsed, the tentative subdivision approval is no longer valid by operation of law. There is no discretion for the Planning Commission. Had the Ordinance used the term "voidable" that would suggest that the Planning Commission had discretion.

Pinkston and Meridian Pacific have operated with total disregard for the community, culture, and its traditional practices. There was no meeting with the community and there was no Ka Pa'akai analysis prior to construction as required by the State law and supported by Supreme Court Decision since 2002. Instead, their Ka Pa'akai analysis was conducted after the fact and one analysis was filed for three separate Koloa projects in different Ahupua'a miles apart. As the Supreme Court stated, the point of a Ka Pa'akai analysis is to have the developers meet with community members, learn of potential problems or concerns the community has about the development, giving the developer the information needed to modify or alter the development plan to achieve the least disruptive result for the health, safety, and quality of life for the community. Meridian Pacific gathered a bunch of comments and just lumped them all together, filing one report for three separate large developments. Clearly the 100 luxury condos planned for Koloa Town will be impactful in a way that may differ from the impact caused by 280 luxury timeshare rental condominiums in Kiahuna Plantation.

We feel strongly that this developer's failure to obtain a biologic clearance before actual work began at 5425 Pa'u A Laka, including a failure to assure the mesocaverns and cave formations documented by GeoLabs, was not habitat for the endangered and endemic blind cave spider or the blind cave amphipod is evidence of their abject disregard for the Decision and Order of the Land Use Commission and the County Department permit signed by Ian Costa, each with specific Conditions that should have been but were not met.

There is no exemption from Kaua'i County Code, Section 9-3.8(c)(1). There are many responsible people involved and their failure to timely apply for an extension of time does not rest with one person who is now at rest.

Mahalo Nui,

Bridget Hammerquist, President
On behalf of Friends of Maha'uilepu
P.O. Box 1654
Koloa, Kaua'i, Hawai'i 96756



Laurel Loo, Partner
ll@m4law.com

September 01, 2023

Ka'āina Hull, Director of Planning
Kauai County Planning Department
4444 Rice Street, Suite A473
Līhu'e, Hawai'i 96766
Via E-mail: khull@kauai.gov

Re: Petition to Appeal Action of the Director Pertaining to
Subdivision Application No. S-2022-6
Applicants- BBCP Kukui'ula Infrastructure LLC (formerly Kukui'ula
Development Company, LLC) and MP Kaua'i HH Development Fund, LLC

Dear Mr. Hull:

This responds to the Director of Planning's letter dated August 21, 2023 addressed to the Applicants' Authorized Representative, Mr. Wayne Wada attempting to void the preliminary subdivision map pertaining to Subdivision Application No. S-2022-6, filed October 13, 2021 and given a revised tentative approval on February 8, 2022.

The Applicants submitted their first Preliminary Subdivision Extension Request on April 24th, 2023. This Preliminary Subdivision Extension Request was heard on July 11, 2023 by the Subdivision Committee and Planning Commission. At the July 11, 2023 Planning Commission meeting, the Planning Commission deferred the Applicants' request despite the Planning Department's June 5, 2023 recommendation "[t]hat an extension until February 08, 2024 be granted".

In reference to the Director's August 21, 2023, Determination that, "the preliminary subdivision map is therefore deemed void as a matter of law", the Applicants respectfully submit this Petition to Appeal this Determination. Appellants request a hearing before the Zoning Board of Appeals and, additionally, a due process hearing on whether the preliminary subdivision approval is void. Pursuant to 1-9-2 of the Rules of Practice and Procedure of the Kaua'i Planning Commission, we provide the following information:

1. Appellants are the Applicants:

BBCP Kukui'ula Infrastructure LLC
(formerly Kukui'ula Development Company LLC)
c/o Chris Rivera, 2700 Kealahula Street, Koloa, HI 96756

Ka'aina Hull, Director of Planning
September 01, 2023
Page 2

Phone number: (808) 742-3044

and

MP Kauai HH Development Fund, LLC
c/o Laurel Loo, 4463 Pahe'e Street, Suite 208, Lihue, HI 96766
Phone number: (808) 977-8015

2. The properties are identified as TMK (4) 2-6-019:029, owned by appellant MP Kauai Development Fund, and TMK (4) 2-6-019:026 and 031, owned by appellant BBCP Kukui'ula Infrastructure LLC.

3. The subdivision ordinance in question is Section 9-3.8 Final Subdivision Map of the Kauai County Code.

4. Pertinent facts are:

1. This application for subdivision approval was submitted to Planning Department on October 13, 2021.
2. The Subdivision Application Routing Form (of the County of Kauai Planning Department) dated November 1, 2021 was transmitted to various Departments.
3. A *Revised* Tentative Approval was made on February 8, 2022
4. Construction Plans, pursuant to Section 9-3.5 of the Kauai County Code were submitted to the Department of Public Works and other County of Kauai agencies on June 27, 2022.
5. On August 30, 2023, 14 months after the initial submittal of the Construction Plans, the County Department of Public works Engineering division provided its comments for its review of the Construction Plans.
6. Appellants have diligently worked with the County and agencies to respond to comments. However, Applicants are held to the review process of the County of Kauai, which is experiencing staffing constraints. Without final construction plans, a final map cannot be submitted.
7. To support the foregoing facts, Applicant MP Kauai HH Development Fund, LLC alone has expended \$1.2 million to process and support this subdivision application. To start again would cause no harm to the County but would be a financial burden on the Applicants as work will have to be duplicated to begin the process again. Additionally, delays in construction of the property cost approximately \$95,000 per month in carrying costs for Applicant MP Kauai HH Development Fund, LLC alone.
8. Due to unforeseen circumstances, our (previous) Authorized Representative, Mr. Dennis Esaki, suddenly fell ill in early 2023 and passed away July 2023. Mr. Esaki's unforeseen illness contributed to the untimely filing of the extension request.
9. Upon knowledge that the Authorized Agent fell ill, the Applicants made a good faith attempt to submit an Extension Request on April 24, 2023.
10. It is believed this is the first time the Planning Department has attempted to void a preliminary subdivision approval while an extension request is

Ka'āina Hull, Director of Planning
September 01, 2023
Page 3


pending. Applicants believe the foregoing sequence of events justify an extension from the Planning Commission pursuant to Section 9-3.8 (c)(1) of the Kauai Subdivision Ordinance which allows the Planning Commission to grant an extension.

5. The appellants appeal the Director's August 21, 2023 Determination that, "the preliminary subdivision map is therefore deemed void as a matter of law". A due process hearing must be held before Appellant's rights are voided, and Appellants therefore request that the Planning Commission in light of the foregoing factors reinstate the preliminary subdivision map and further grant the appellants' April 24, 2023 request for a First Subdivision Extension.

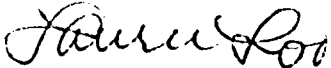
6. Appellants believe the Director has acted in an arbitrary or capricious manner, or manifestly abused his discretion in this instance because 1) this is a new policy of the Planning Department to immediately void any preliminary subdivision maps where an extension of time has not been submitted; 2) Appellants have continuously and diligently worked on the project since the initial filing of this subdivision application and have spent a minimum of \$1.2 M in resources; 3) the Appellants' former authorized representative, Dennis Esaki, suddenly and unexpectedly became ill and died 3 months after time the extension request was made in 2023; and 4) there has been no proffer of a due process hearing prior to the Director's claim that the preliminary approval is void.

Sincerely,

BBCP Kukui'ula Infrastructure LLC

DocuSigned by:

77D875FFBC70450
By
Its

MP Kauai HH Development Fund, LLC


By Laurel Loo
Its Attorney

From: gary anderson <tamazon7@gmail.com>
Sent: Saturday, September 9, 2023 5:57 AM
To: Planning Department
Subject: Pinkston development

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

Dear Planning Director:

My wife & I have lived in Koloa since 2006 and we are STRONGLY opposed to granting developer Pinkston any consideration on his permit extension requests. Rules are rules, and they apply to everyone! He wasn't some naive, inexperienced fellow, but rather someone who well knew the rules, and he was careless, or stupid in ignoring them.

We had to comply with all the County rules and inspections in building our single family home, and a developer of multi units, especially high end ones, has a responsibility to an even greater degree.

Koloa and Kauai need more workforce housing units, NOT vacation condos.

Please show the rest of us your respect for the rules and deny him any extensions.

Aloha
Gary Anderson

From: robin yost <rbnyost@yahoo.com>
Sent: Sunday, September 10, 2023 3:31 PM
To: Planning Department
Subject: Pinkston's Poipu Expire

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

Dear County Planning Director,

I'm writing in support of the Planning Commission to deem each of Mr Pinkston's Poipu tentative subdivision approvals as EXPIRED.

This developer has shown disrespect to our aina, Hawaiian people, and their culture, by doing dastardly actions around that area.
Auwe.

No more visitor/resort destination properties in the community of Poipu/ Koloa. The area can not handle.

Mahalo, and for doing what's pono.

Robin Yost
Kapa'a, HI

From: pkzlwolny <pamwolny@gmail.com>
Sent: Monday, September 11, 2023 9:51 AM
To: Planning Department
Subject: Please Deny Pinkston Development Extension

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

Dear Planning Commission,

I am writing to ask you to please deny the extension of the Pinkston development in Poipu, since it has expired and needs further review and consideration before possibly proceeding.

The Pinkston developers have demonstrated disregard for the community's concerns with developing over ancient Hawaiian graveyards, and an endangered native species.

The recent fires in Maui have shown how limited egress on limited roads in and out of Koloa may prove disastrous in case of a predictably likely climate-change wind driven fire event.

With all the condos, hotels and homes densely packed in the Poipu resort area, how would residents and visitors be able to safely evacuate in case of a wind driven fire event similar to what already happened in Maui? Let's learn and plan from this disastrous event.

Koloa surely doesn't need more million dollar properties for visitors.

Adding even more risk with even more luxury housing to the already saturated marked in Koloa would just make an evacuation order on the limited roads more difficult.

What Koloa surely does need though?

- 1 More affordable housing for local residents who work in the visitor industry that already exists.
2. A new evacuation plan for the existing residents and visitors to the Koloa area in case of a rapidly spreading fire..

Thank you for reconsidering this development in light of the recent fires in the area, the devastating Lahaina fire, the ancestral Hawaiian graveyard, and endangered species. The community is not in favor of this proposed development, and I believe it would prove to be an unwise and unwanted development in Koloa.

Mahalo for your consideration,

Pam Wolny
BA Environmental Studies UCSB

2229 Iukika Pl
Koloa, HI. 96756

From: Bonnie Bee <recallbherenow@hotmail.com>
Sent: Sunday, September 10, 2023 10:40 PM
To: Planning Department
Subject: Subdivision Committee AGENDA ITEM F1 A and F1 B - Pinkston - and Planning Commission AGENDA ITEM H1 and H2

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

10 September 2023

PO Box 30848
Anahola, Hawai'i 96703-0848

County of Kauai Planning Department
Planning Commission
4444 Rice Street
Lihue, Hawai'i 96766

RE 12 September 2023 - Subdivision Committee AGENDA ITEM F - 1A and B and AGENDA ITEM H, 1 and 2

TMK (4) 2-8-14:32 - 27.886 Acres - Bordering HAPA TRAIL - The developer has legally lost right to develop tentative approvals have lapsed - - - developer is not above The Law.

"No" to Investor Class / Resort Properties : Luxury Condominiums - UNAFFORDABLE 280 Condominiums at Kiahuna and 51 plus at Kukui'ula

"Yes" to recommendation of Planning Commission to deem each of Meridan Pacific - Gary Pinkston's tentative subdivision proposals: expired.

Both tentative approvals have lapsed - Pinkston did not seek an extension of time - According to the Ordinance, time has lapsed.

~ Protect Iwi Kupuna ~

Protect Kaua'i Cave Wolf Spider & Kaua'i Blind Cave Amphipod(s) - Blind, eyeless, big-eyed, hunting spiders and Blind terrestrial sandhoppers

*We support ALL Testimony, Contested Case Hearing(s) and actions of Friends of
Maha`ulepu and Kia`a o Wai`ale`ale*

Dear Chair and members of the County of Kauai Planning Commission including Subdivision Committee
Chair, Gerald Ako,

Aloha! Please deny developer, Gary Pinkston - *Meridian Pacific* request to modify comprehensive drainage
requirement for 280 (**unaffordable**) Condominiums at Kiahuna; and 51 plus
Condominiums (**unaffordable**) at Kukui`ula,
Revoke ALL Tentative Approval(s) - they have *ALL* expired, quit wasting valuable time of County of Kauai -
Planning Department and County of Kauai Planning Commissioners'. The track record of Gary Pinkston -
Meridian Pacific is despicable:

- Desecration of Burials
- Violation of many protected species protected under the Endangered Species Act (*ESA*)
- Evil disregard of a species found nowhere else on Earth but the Southshore of Kaua`i

1. Pinkston **did not** comply with **FOREGOING** County of Kauai
Condition* : "That Petitioner commission and complete a
comprehensive archaeological and biological study with actual
inventories of archaeological sites and flora and fauna on the subject
property, and that the Petitioner preserve any archaeological sites
which archaeologist conducting such archaeological study believes to
be significant and worthy of preservation and protect habitats of any
blind, eyeless, big-eyed, hunting spiders and blind terrestrial sand
hoppers which the biologist conducting the biological study believes
to be worthy of preservation. The Petitioner may commission such
archaeological and biological study to any archaeologist and
biologist, or firm connected therewith who is qualified to conduct
such a study to satisfy the foregoing condition. The Petitioner may
apply to the County of Kauai for rezoning of the subject property
BEFORE the completion of the archaeological and biological study,
provided that **NO ACTUAL WORK ON ANY PORTION OF
THE SUBJECT PROPERTY FOR THAT PORTION TO BE
WORKED ON HAS BEEN COMPLETED.**

**ACTUAL WORK ON ANY PORTION OF THE SUBJECT
PROPERTY MAY BE COMMENCED BY THE PETITIONER**

UPON CERTIFICATION BY THE ARCHAEOLOGIST AND BIOLOGIST THAT THE AREA FOR WHICH WORK IS TO COMMENCE DOES NOT CONTAIN ANY ARCHAEOLOGICAL SITES DEEMED SIGNIFICANT AND WORTHY OF PRESERVATION, NOR CONTAINS ANY HABITATS OF ANY BLIND, EYELESS, BIG-EYED, HUNTING SPIDERS AND BLIND TERRESTRIAL SANDHOPPERS WORTHY OF PRESERVATION. "

- Habitat destruction - explicit and blatant disregard for rules and regulations - set in place for habitat protection, specifically County of Kauai Condition*
- Eight (8) months of detonation explosives
- Obliteration of 'Aina with acts of destruction
- No buffer: HAPA TRAIL

The Cave Invertebrates native to Kaua'i - the Kaua'i Cave Wolf Spider and Kaua'i Cave Amphipod(s) native ONLY to the Southshore of Kaua'i and Endangered Wetland Bird Species habitat; has been desecrated - not to mention Underground Springs; even though destruction has happened **NOW** is the time to institute protection - ALL must be protected by the County of Kauai - Planning Department - Kauai Planning Commissioners' It is time to **REVOKE ALL TENTATIVE Approvals** they are **EXPIRED** -

Its Criminal - that Gary Pinkston / *Meridian Pacific* commenced with detonation of explosives - prior to be in compliance of foregoing County of Kauai Condition* for their elitist development on Southshore - of Kaua'i - please fine and charge him and *Meridian Pacific* with violation of County of Kauai Condition* - in their lust and greed for profit

Of crucial and critical importance: Respect of Iwi Kupuna and Heiau must be upheld by County of Kauai - County of Kauai Planning Department - County Planning Commission - Such sacrilegious desecration by Pinkston is abomination and Criminal !

County of Kauai - County Planning Department - County Planning Commissioners' hold Gary Pinkston and his *Meridian Pacific* accountable for ALL violations and sacrilege - of the 'Aina - make *pono* - return the 'Aina to its original state prior to his criminal acts

MAHALO for **FINALLY** upholding the County of Kauai development Condition* on the Southshore of Kaua'i - and holding Gary Pinkston *Meridian Pacific* accountable to *said County of Kauai Condition**

- STOP approving Investor elitist development on Kaua'i - Taxpayers deserve affordable housing !

*Mahalo Plenty,
Bonnie P Bator and Ohana (Keana 'aina, Keli'ikoa, Kai'aokamalie and Kai)*

Correspondence received by the Planning Department as of September 11, 2023, 9:00 am for the September 12, 2023, PC Subdivision Committee Meeting regarding the following item:

- F.1.b. Subdivision Application No. S-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
Kōloa, Kaua'i

From: Bonnie Bee <recallbherenow@hotmail.com>
Sent: Sunday, September 10, 2023 10:40 PM
To: Planning Department
Subject: Subdivision Committee AGENDA ITEM F1 A and F1 B - Pinkston - and Planning Commission AGENDA ITEM H1 and H2

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

10 September 2023

PO Box 30848
Anahola, Hawai'i 96703-0848

County of Kauai Planning Department
Planning Commission
4444 Rice Street
Lihue, Hawai'i 96766

RE 12 September 2023 - Subdivision Committee AGENDA ITEM F - 1A and B and AGENDA ITEM H, 1 and 2

TMK (4) 2-8-14:32 - 27.886 Acres - Bordering HAPA TRAIL - The developer has legally lost right to develop tentative approvals have lapsed - - - - developer is not above The Law.

"No" to Investor Class / Resort Properties : Luxury Condominiums - UNAFFORDABLE 280 Condominiums at Kiahuna and 51 plus at Kukui`ula

"Yes" to recommendation of Planning Commission to deem each of Meridan Pacific - Gary Pinkston's tentative subdivision proposals: expired.

Both tentative approvals have lapsed - Pinkston did not seek an extension of time - According to the Ordinance, time has lapsed.

~ Protect Iwi Kupuna ~

Protect Kaua`i Cave Wolf Spider & Kaua`i Blind Cave Amphipod(s) - Blind, eyeless, big-eyed, hunting spiders and Blind terrestrial sandhoppers

*We support ALL Testimony, Contested Case Hearing(s) and actions of Friends of
Maha`ulepu and Kia`a o Wai`ale`ale*

Dear Chair and members of the County of Kauai Planning Commission including Subdivision Committee Chair, Gerald Ako,

Aloha! Please deny developer, Gary Pinkston - *Meridian Pacific* request to modify comprehensive drainage requirement for 280 (**unaffordable**) Condominiums at Kiahuna; and 51 plus Condominiums (**unaffordable**) at Kukui`ula,
Revoke ALL Tentative Approval(s) - they have *ALL* expired, quit wasting valuable time of County of Kauai - Planning Department and County of Kauai Planning Commissioners'. The track record of Gary Pinkston - *Meridian Pacific* is despicable:

- Desecration of Burials
- Violation of many protected species protected under the Endangered Species Act (*ESA*)
- Evil disregard of a species found nowhere else on Earth but the Southshore of Kaua`i

1. Pinkston **did not** comply with **FOREGOING** County of Kauai Condition* : "That Petitioner commission and complete a comprehensive archaeological and biological study with actual inventories of archaeological sites and flora and fauna on the subject property, and that the Petitioner preserve any archaeological sites which archaeologist conducting such archaeological study believes to be significant and worthy of preservation and protect habitats of any blind, eyeless, big-eyed, hunting spiders and blind terrestrial sand hoppers which the biologist conducting the biological study believes to be worthy of preservation. The Petitioner may commission such archaeological and biological study to any archaeologist and biologist, or firm connected therewith who is qualified to conduct such a study to satisfy the foregoing condition. The Petitioner may apply to the County of Kauai for rezoning of the subject property **BEFORE** the completion of the archaeological and biological study, provided that **NO ACTUAL WORK ON ANY PORTION OF THE SUBJECT PROPERTY FOR THAT PORTION TO BE WORKED ON HAS BEEN COMPLETED.**

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