

KAUA'I PLANNING COMMISSION  
SUBDIVISION SESSION  
**Tuesday November 15, 2022**

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

The following Commissioners were present:

Mr. Gerald Ako  
Mr. Francis DeGracia

The following staff members were present: Planning Department: Director Ka'aina Hull, Deputy Director Jodi Higuchi Sayegusa, Staff Planner Dale Cua, Kristen Romuar-Cabico, and Planning Commission Secretary Shanlee Jimenez, Office of the County Attorney – Laura Barzilai; Office of Boards and Commissions – Support Clerk Lisa Oyama

Discussion of the meeting, in effect, ensued:

**CALL TO ORDER**

Subdivision Committee Chair Gerald Ako: Good morning. Today is Tuesday November 15, 2022, and I'd like to call to order the Subdivision Committee Meeting of the Planning Commission and right now it is 8:30 a.m.

**ROLL CALL**

Planning Director Ka'aina Hull: First order of business is roll call. Commissioner DeGracia?

Commissioner Francis DeGracia: Here.

Mr. Hull: Chair Ako?

Chair Ako: Here.

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

**APPROVAL OF AGENDA**

Mr. Hull: Moving on to Approval of Agenda, the department has no recommended amendments to the agenda.

Mr. DeGracia: Motion to approve the agenda.

Chair Ako: Second. No other concerns. Can we have a voice vote on this? All those in favor say aye? Aye. (Unanimous voice vote). All those oppose? Zero votes.

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

Mr. Hull: Moving on. No minutes for the Subdivision Committee Meeting.

**RECEIPT OF ITEMS FOR THE RECORD**

Mr. Hull: No Receipt of Items for the Record. So, onto Unfinished Business.

**UNFINISHED BUSINESS**

Mr. Hull: F.1. 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  
Lawa'i, Koloa, Kona, Kaua'i

Mr. Hull: We have a Subdivision Report pertaining to this matter and two Supplemental reports for that. Do we have anybody in person that would like to testify on this agenda item? Seeing none. Jodi, do we have anybody. Excuse me. If we have anybody attending virtually that would like to testify on this agenda item, please indicate so by raising your virtual hand.

Deputy Director Jodi Higuchi Sayegusa: I don't have anybody in virtual waiting with their hand raised.

Mr. Hull: Okay. Seeing none in the virtual room. We do actually have someone in person that would like to testify. If you'd like to approach the microphone, state your name and you have three minutes for testimony.

Ms. Belle Kaiwi: Good morning, Commissioners, my name is Belle Kaiwi for the record. I am a direct descendant of Lot Kapuāiwa (inaudible), and I'm here to state our family claim to these lands that are being sold without our input on these matters. There's no clear title to it. I know it as (inaudible) commission award, 7713, not TMK. I submitted a written testimony seven months ago and it had, what my sister filed over at the Bureau of Conveyance on Oahu, stating our claim to these lands. Now we're descendants of the brother Lot cause Moses died when he was in his youth. And I even have papers here that have descendants from Lot, he had one daughter and it adjudicated in probate court on Oahu and recognized that she was the sole heir to his estate, not Princess Ruth, but his daughter, who has the same name as Princess Ruth, but she goes by the last name of Kamehameha. As Princess Ruth goes by the last name Kanāhoahoa, two different people. Born two different time, two different parents, one's an aunt, the other's one's a niece. And she survives until 1902 and she has children and I come out from one of her descendants, from one of her daughters. My grandpa, Albert Liholiho Kali, he was the grandson of her, and they were all born in Hanapepe. What we call Salt Pond, that's not Salt Pond, that's U`a Kula, that's our family name down there. So, I'm just here to make it known that there's still heirs to these lands and we still have title to it. That's it. Thank you.

Mr. Hull: Thank you for your testimony. Is there anyone one else in person that would like to testify on this agenda item? Seeing none, I'll call for if there is anyone attending virtually that would like to testify on this agenda item, if so, please indicate by raising your virtual hand.

Ms. Higuchi Sayegusa: There are no attendees who are attending by Zoom with their hands raised.

Mr. Hull: Thank you. I see a member of the public; would you like to testify on this agenda item? If so, you can approach the microphone.

Woman from audience: What is the agenda item?

Mr. Hull: This is Preliminary Subdivision Map Approval for Subdivision Application No. S-2023-1.

Woman from audience: Today I'd like to testify on the Kukui`ula Vistas LLC and the State of Hawaii, Department of Transportation.

Mr. Hull: We're not on that agenda item yet.

Woman from audience: Okay.

Mr. Hull: Moving on with no additional members of the public wanting to testify, I'll turn it over to Dale for the report pertaining to this subdivision application.

Staff Planner Dale Cua: Good morning, Chair, and members of the Subdivision Committee. For your reference this subdivision report was previously presented at the Committee meeting on October 25<sup>th</sup>.

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

Chair Ako: Mr. DeGracia any questions?

Mr. DeGracia: No questions.

Chair Ako: (Inaudible) from the applicant?

Mr. Mauna Kea Trask: Aloha, Chair, and honorable Commissioners. Mauna Kea Trask for the record. Alright, well, see as applicant in concur with the recommendation of the Planning Department, I think we did a good job in evaluating this matter. As far as the development itself, the preliminary mapping application complies with all the requirements of the subdivision ordinance, I don't think that's an issue, the variance regarding the (inaudible) streets request it just keeps it in character with the existing development. There are currently bike paths, sidewalks, public can go through. It's part of the condition of the original approval, which is in this area, just to maintain the aesthetic (inaudible) everywhere. The big issue here, I think what

has come up recently is the review and evaluation of the Ka Pa`akai Analysis. This project (inaudible). An exhaustive study was done and if you'd like I can address that briefly now or I can save my comments to the (inaudible).

Mr. DeGracia: I just have one question. It stated here that there are archeological sites on property, 1903 and 1904. Currently is access permitted at this point and time? And if not, do you guys have plans in place to allow access?

Mr. Trask: Yeah, so, there are no archeological sites within the boundaries of the proposed subdivision itself. They are nearby though, and they have been preserved as a preservation plan. I believe at this point there has been a declaration of use easement for cultural practitioners to (inaudible). So, yes, I believe that's the answer to your question. But further just to give the commission and the sub-committee (inaudible). So, there's been over twenty maps in the photographs (inaudible) of this project (inaudible) and the location of archeological sites. In order to better analyze the (inaudible) of traditional (inaudible) practices into the project area and in the ahupua`a in general, and we just note, Kukui`ula itself how we commonly understand it, is actually within two different districts, the Lawai side within which this subdivision's located and the Koloa side, which is pretty much the shopping center, all that kind of more East portion of it. This portion of Kukui`ula was granted to (inaudible) in the (inaudible), the other side was (inaudible) and I believe the previous presenter was talking about another portion of a larger project area in the Kona district. Briefly, it's been studied decades of cultural consultation now reach over sixty parties, including native Hawaiian organizations, State and County of Hawaii, it seems like (inaudible), Council and ohana (inaudible) and they had archeological studies, the first one was in '88, they had culture and (inaudible) assessment in 2002, they have archeological inventory survey in 2014, archeological monitoring report in 2014, monitoring plan 2015 and a current (inaudible) 2022, so we've pretty much done everything legal.

Mr. DeGracia: Thank you.

Mr. Trask: Thank you.

Chair Ako: Any other questions?

Mr. DeGracia: No questions.

Chair Ako: With that, we can entertain a motion.

Mr. DeGracia: Motion to approve Preliminary Subdivision Map Approval for Subdivision Application No. S-2023-1.

Chair Ako: 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.

**NEW BUSINESS**

Mr. Hull: We have no New Business for this meeting.

**EXECUTIVE SESSION**

Mr. Hull: No requested Executive Session.

**ADJOURNMENT**

Mr. DeGracia: Motion to adjourn.

Chair Ako: Second. We'll take a voice vote. All in favor say aye. Aye (Unanimous voice vote). Any oppose? 2:0.

Chair Ako adjourned meeting at 8:44 a.m.

Respectfully submitted by:

*Lisa Oyama*  
Lisa Oyama,  
Commission Support Clerk

(X) Approved as circulated (Meeting of February 14, 2023)

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

