KAUA'I PLANNING COMMISSION
SUBDIVISION COMMITTEE MEETING
May 9, 2017

The regular meeting of the Planning Commission Subdivision Committee of the County of Kaua'i was called to order at 8:30 a.m., at the Līhu'e Civic Center, Mo'ikeha Building, in meeting room 2A-2B. The following Commissioners were present:

Ms. Donna Apisa
Mr. Roy Ho
Mr. Sean Mahoney

The following staff members were present: Planning Department – Dale Cua; Office of Boards and Commissions – Commission Support Clerk Darcie Agaran

Discussion of the meeting, in effect, ensued:

CALL TO ORDER

Subdivision Committee Chair Ho called the meeting to order at 8:30 a.m.

ROLL CALL

Staff Planner Dale Cua: At this time we'll do roll call. Chair Ho.

Mr. Ho: Here.

Mr. Cua: Commissioner Mahoney.

Mr. Mahoney: Here.

Mr. Cua: Commissioner Apisa.

Ms. Apisa: Here.

Mr. Cua: Chair, we have three (3) members present.

APPROVAL OF AGENDA

Mr. Cua: Staff would recommend a motion to approve the agenda.

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Mr. Mahoney: Move to approve the agenda.

Ms. Apisa: Second.

Mr. Ho: All in favor? (Unanimous voice vote) Motion carried 3:0.

MINUTES of the meeting(s) of the Subdivision Committee

Meeting of April 25, 2017

Mr. Cua: Chair, under Item D, we have the minutes of April 25, 2017. Staff would recommend a motion to receive the minutes for the record.

Ms. Apisa: So moved.

Mr. Mahoney: Second.

Mr. Ho: All in favor? (Unanimous voice vote) Motion carried 3:0.

RECEIPT OF ITEMS FOR THE RECORD (None)

Mr. Cua: Chair, under Item E, there is nothing to receive for the record.

HEARINGS AND PUBLIC COMMENT

Mr. Ho: Hearings and Public Comment. Now would be the time for any individuals in the audience to come forward on the matters on the agenda today. Seeing none.

GENERAL BUSINESS MATTERS (None)

UNFINISHED BUSINESS (None)

Mr. Cua: Chair, for Items G and H, under General Business Matters and Unfinished Business, we have none for those items.

NEW BUSINESS (For Action)

Tentative Subdivision Map Approval

Subdivision Application No. S-2017-6; *MOLOAA VALLEY ONE, LLC*; Proposed 7-lot subdivision; TMK: (4) 4-9-011:013; Moloa'a, Kaua'i

Mr. Cua: Moving on to Item I, New Business for Action. Under Item I.1., Tentative Subdivision Map Approval, we have one (1) item. Subdivision Application No. S-2017-6; Moloa'a Valley One, LLC. It's a proposed 7-lot subdivision, Tax Map Key 4-9-011 Parcel 013, Moloa'a, Kaua'i.

In your packet you have the Department's Subdivision Report for Application No. S-2017-6.

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

Mr. Ho: Is someone here from the parties, please?

Maren Arismendez: Good morning. Maren Arismendez, Esaki Surveying. We are the surveyors for the owners.

Carl Wright: I'm Carl Wright, President of the Homeowner's Association.

Mr. Ho: Good. Have you had a chance to review the conditions for the subdivision?

Ms. Arismendez: Yes.

Mr. Ho: Any objections? Or something you want to add to it?

Ms. Arismendez: Certainly not add. (Laughter in background)

Mr. Ho: Good, good. May I have your recommendation?

Mr. Mahoney: Chair, could I ask a question? Could you just state a little bit about this subdivision? What your idea of it is supposed to be. There was an ag plan that you are going to come up with. Did I see that in one of the requirements?

Mr. Wright: Yes.

Mr. Mahoney: Could you describe that a little bit for us, please? Just a general outline of what your plan is.

Mr. Wright: The property is 190 acres and currently there are two (2) very active farms on the property. All of the units that are there now have submitted individual plans to the Planning Department for their ag activities. So this is a new requirement that I think is a general–

Mr. Mahoney: Master plan.

Mr. Wright: Master plan, right, which we certainly can do.

Mr. Mahoney: Okay. So this is for tentative approval, and once again, the conditions that are in this tentative approval, you're willing to comply with?

Mr. Wright: We will have questions. We haven't had a chance to really digest it, but yes, we are certainly, at this point, happy to work with...

Mr. Mahoney: Okay.

Mr. Ho: This is for Esaki. The subdivision map was a little hard to read. Is there a better one on file?

Ms. Arismendez: We submitted full-size maps to County. It's a big map, so on the reduced it's hard to read. I don't know if Planning has the full-size on file.

Mr. Cua: I have some.

Mr. Ho: It was just a question of...thank you. Was there a stipulation that you couldn't enter Kūhiō Highway from the lot? Was that one of the stipulations there?

Ms. Arismendez: Yes, from Public Works. And also, DOT...although it's stated a little differently, DOT states that no new access points will be granted.

Mr. Ho: Is there one now?

Mr. Wright: There is access through a State easement into one of the lots.

Mr. Ho: And that will be eliminated?

Mr. Wright: That's one of the things we're going to need to work on.

Ms. Arismendez: It should remain because it's not directly off of the highway. You come off the highway from an already established access point that's open to everyone and then through Anuenue Road and onto an easement. So it's not a direct access from the highway.

Mr. Mahoney: I have one more question. A requirement from County Housing Agency – Chapter 7A of the Kaua'i County Code, 1987, as amended, is applicable to the proposed subdivision, pursuant to Section A-1.4(c)(1) – prior to final subdivision approval, the Applicant shall resolve workforce housing assessments and shall execute a Workforce Housing Agreement with the Kaua'i County Housing Agency as to the method of meeting the workforce housing requirements pursuant to Chapter 7A. The executed agreement shall be recorded on the deed of the properties concurrent with final subdivision approval. So earlier when I asked about complying with the conditions...and this is tentative approval, but at final subdivision, are you able to comply with the requirements of this?

Mr. Wright: I assume we will be able to.

Mr. Mahoney: Well, assume–

Mr. Wright: Until we know what the requirements are that would be–

Mr. Mahoney: Have you read this?

Mr. Wright: Yes.

Mr. Mahoney: Well, there's quite a few requirements that deserve your attention. Like I said, this is the tentative approval, but at final...you're going to be held to conditions here, and I just want you to be aware of that, to study these, to make sure that you're able to comply. That's all I have to say.

Ms. Apisa: I guess I would like to hear a little bit more from the County regarding the access.

Mr. Cua: Traditionally, whenever there are properties that do abut the highway, DOT has always discouraged additional access points off the State highway. If there is an existing driveway or access point, in most cases they could retain that access point. But in terms of new access points, DOT has traditionally discouraged and restricted any new access points off the highway. In this instance, I believe there is an existing access easement that provides access to one of the lots within the proposed subdivision, but other than that, there's no additional new access points off the highway.

Ms. Apisa: So that one access from there, they would expand to the other...how would they get to the other...?

Mr. Cua: The majority of the lots will gain access from the proposed Roadway Lot 7, which will serve as the primary access to this development.

Mr. Wright: That intersects Ko'olau Road.

Mr. Cua: Correct.

Ms. Apisa: So that works for you?

Mr. Ho: What was that again, Dale? One access point will serve all six (6) lots?

Mr. Cua: There's a roadway lot that's being proposed as part of this subdivision. It's identified as Roadway Lot 7, which stems off from Ko'olau Road, right in the middle. As I noted in the Subdivision Report, the intent of Roadway Lot 7 is to serve as the primary access to the development; however, there is one (1) lot in the subdivision that has an access from an existing easement, which traces back to the highway.

Mr. Ho: Is it a private easement? Or is it a State easement?

Mr. Cua: It's probably a private easement that was established long ago.

Mr. Ho: Is that correct? It's a private easement?

John Parziale: For the record, John Parziale. I'm a Vice President of the Association. It's a State easement that comes off of Kūhiō Highway and then that easement hits a County road, which is Anuenue Road, and then from there it's a private easement. Back in 2000, we received approval from State Highways that that State right-of-way off of Kūhiō Highway was open to all motorists and it was for us to use to access...in this case, it would be Lot 1 on the subdivision map. Incidentally, that actually is my access to my individual lot and my farm has used that as its primary access point since 2000.

Mr. Ho: Dale, this will all be recorded on the deed?

Mr. Cua: Correct, yeah. So prior to final subdivision approval, all of the requirements, as well as the restrictions, would be incorporated into the deed descriptions of the proposed lots.

Mr. Mahoney: May I say something, Chair? I was looking at some of the conditions, and for example, in order to ensure the subdivision and development of property complies with the land use requirements in Chapter 205, Hawai'i Revised Statutes, the following matter should be resolved. Are you aware of the conditions that are here? I mean, this is tentative, but you've got a lot of stuff that you have to comply with before you would receive final subdivision approval. It kind of sounded like you weren't too aware of the importance or the immediate importance of studying these conditions and making sure you understand them and make sure you're able to comply with them before you come back for final subdivision approval; like a master plan for ag, a water... There's a whole litany of things that I think you should, perhaps, put your due diligence to make sure that you understand all the conditions. I just want you to be aware that going forward, this list that's here, it's going to be checked one by one. Is this in compliance? Is this in compliance? And vague answers and not quite knowing what's going on is probably not in your best interest, so I would encourage you to study and check with the Department if you have any concerns about compliance, etc. Okay? Thank you.

Mr. Ho: Your recommendation, Dale.

Mr. Cua: It would be the Department's recommendation for tentative approval of this application.

Ms. Apisa: What I'm hearing from the applicant is that they may still want to come back and try to negotiate some of these conditions. Is that doable once there's tentative?

Mr. Cua: Maybe I'll just explain how the process would occur. Generally speaking, at the time of tentative approval, as Commissioner Mahoney mentioned, there's a list of requirements that the applicant needs to fulfill. It would be the applicant's responsibility to resolve these requirements with those specific agencies; whatever they may be and whatever they may involve. If the applicant requires certain conditions or requirements to be amended, then they would come before the Subdivision Committee again to amend those specific requirements. But in most cases, it's purely between the applicant and the agency to resolve those specific requirements; whether it's the water requirements, whether it's the housing requirements. And in this case, there will be a lot of infrastructure requirements related to this subdivision as well.

Ms. Apisa: Based on that, I move that we go with the County's recommendation and move to approve.

Mr. Mahoney: I'll second the motion.

Mr. Ho: The motion has been made, seconded for approval. All in favor? (Unanimous voice vote) Motion carries 3:0. Thank you.

Ms. Arismendez: Thank you.

Final Subdivision Map Approval

Subdivision Application No. S-2015-7; *PROPERTY DEVELOPMENT CENTERS, LLC*; Proposed 11-lot subdivision; TMK: (4) 3-3-003:046; Līhu'e, Kaua'i

Mr. Cua: Chair Ho, moving on to Item I.2. of the Subdivision Committee agenda, we have Final Subdivision Map Approval. There's one (1) item which involves Subdivision Application No. S-2015-7. The applicant is Property Development Centers, LLC. It's a proposed 11-lot subdivision involving Tax Map Key 3-3-003 Parcel 046 in Līhu'e, Kaua'i.

As part of the Department's final subdivision approval, there is a provision that the applicant needed to obtain final approval from several reviewing agencies, which includes the Department of Public Works, Water, State Health Department, and State DOT. As of yesterday, the Department has not received the approval letters. Therefore, we are recommending deferral of this application for final subdivision approval to the next meeting on May 23rd.

Mr. Ho: Is this...are you there?

Galen Nakamura: Good morning, Commissioners. Galen Nakamura on behalf of the applicant, Property Development Centers.

Mr. Ho: Is this going to...a deferral to what date?

Mr. Cua: To the next Subdivision Committee meeting on May 23rd.

Mr. Ho: Is that agreeable to you?

Mr. Nakamura: Deferral is acceptable.

Mr. Ho: Okay. Deferred to May 23rd then.

Mr. Mahoney: Chair, move to defer this agenda item to May 23, 2017.

Ms. Apisa: Second.

Mr. Ho: Moved and seconded. All in favor? (Unanimous voice vote) Motion carries 3:0.

Mr. Nakamura: Thank you very much.

ADJOURNMENT

Mr. Ho: Seeing we completed our business, we are adjourned. Thank you.

Committee Chair Ho adjourned the meeting at 8:50 a.m.

Respectfully submitted by:

Darcie Agaran
Commission Support Clerk

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

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