KAUA'I PLANNING COMMISSION
SUBDIVISION COMMITTEE MEETING
March 8, 2016

The regular meeting of the Planning Commission Subdivision Committee of the County of Kaua'i was called to order at 8:33 a.m., at the Līhu'e Civic Center, Mo'ikeha Building, in meeting room 2A-2B. The following Commissioners were present:

Mr. Louis Abrams
Mr. Kimo Keawe
Mr. Roy Ho

The following staff members were present: Planning Department – Dale Cua; Deputy County Attorney Jodi Higuchi-Sayegusa; Office of Boards and Commissions – Administrator Jay Furfaro *(entered at 8:36 a.m.)*, Commission Support Clerk Darcie Agaran

Discussion of the meeting, in effect, ensued:

CALL TO ORDER

Vice Chair Abrams called the meeting to order at 8:33 a.m.

ROLL CALL

Vice Chair Abrams: Roll call, please.

Staff Planner Dale Cua: Chair Abrams?

Vice Chair Abrams: Here.

Mr. Cua: Commissioner Ho?

Mr. Ho: Here.

Mr. Cua: Commissioner Keawe?

Mr. Keawe: Here.

Mr. Cua: We have three (3) members present.

APPROVAL OF AGENDA

Vice Chair Abrams: I need a motion to approve the agenda, unless you have any changes, Staff.

Mr. Cua: Just earlier I passed out the hard copies of the subdivision maps out to you.

Vice Chair Abrams: Okay.

Mr. Keawe: Move to approve the agenda.

Mr. Ho: Second.

Vice Chair Abrams: All those in favor say "aye". (Unanimous voice vote) Opposed? (None). Motion passes 3:0.

MINUTES of the meeting(s) of the Subdivision Committee

Vice Chair Abrams: Minutes. We have no minutes.

Mr. Cua: We have none this morning. Yes.

Vice Chair Abrams: Yes.

HEARINGS AND PUBLIC COMMENT

Vice Chair Abrams: Hearings and Public Comment. Individuals may orally testify on items on this agenda during the Public Comment Period, which is now. Anyone interested, in the public, in testifying on any of these agenda items? No? Hearing none.

NEW BUSINESS (For Action)

Tentative Subdivision Approval

Subdivision Application No. S-2016-12; First Assembly of God; Proposed 2-lot Subdivision; TMK: (4) 3-8-002:015; Hanamāʻulu, Kauaʻi

Vice Chair Abrams: Let's move into New Business. Tentative subdivision approval for Subdivision Application No. S-2016-12; First Assembly of God; Hanamāʻulu.

Mr. Cua: Okay. Commissioners, the subject property is identified as Tax Map Key 3-8-002, Parcel 15. The property is situated in Hanamāʻulu. This involves the existing church facility in the town core. As noted in the subdivision report, the proposal consolidates an existing parcel and a road-widening lot, and resubdivides the two (2) lots within the Limited Industrial zoning district. The proposal has been routed to the various reviewing agencies for their review and

comment. Their requirements have been incorporated into the subdivision report. As a result, the Department is recommending tentative subdivision approval of this application.

Vice Chair Abrams: Any questions for the Planner? Hearing none. Is there a representative from…the applicant?

Good morning, Jonathan.

Jonathan Chun: Good morning. Jonathan Chun and Dennis Esaki here for the applicant.

Vice Chair Abrams: Have you had a chance to look at the tentative conditions of approval?

Mr. Chun: Yes. We had a chance to look at it, and we don't have any comments. We're open to answering any questions the Commission might have.

Vice Chair Abrams: Commissioners, any questions for (the) applicant?

Mr. Ho: Mr. Chun, is this…does this Assembly of God have clean title to this property?

Mr. Chun: I believe we have a title report, yes.

Mr. Keawe: Just one quick one. Mr. Chun, there was some environmental concerns that were listed. Is the applicant working on these? Or willing to work on these? Or…?

Mr. Chun: Yeah. The applicant…we saw that comment and the applicant understands that before they do any further development…right now they have a tent on the property.

Mr. Keawe: Right.

Mr. Chun: Before they do final construction, they are going to have to satisfy some of those environmental concerns, and definitely from a lender's point of view, they are going to have to do that also.

Mr. Keawe: And their intent is to make a…kind of a master facility with school and nursery and some other kinds of buildings in that area?

Mr. Chun: Ultimately, one (1) of the units is going to contain their church sanctuary. They are looking at doing…at one time they were looking at doing a gym and a classroom facility.

Mr. Keawe: Right.

Mr. Chun: I think they are relooking at that. I'm pretty sure that they were still going to keep the classroom facility; I'm not quite sure about the gym. But yeah, in essence, it was going to be their main church property, and so there is going to have the sanctuary and other…I guess either the classroom or a sports facilities on that property at the same time; and a parking lot.

Mr. Keawe: Right. One real quick one for Dale. At what point do they have to do a master plan for something like this?

Mr. Cua: It's actually a requirement as part of the original Class IV Zoning Permit, so I think…I think as conditioned by the previous permits, before we entertain any building permits involving the property, the applicant will have to present a master plan to the Department.

Mr. Keawe: Okay.

Vice Chair Abrams: Okay. Any further questions? If not, I need a motion one way or the other.

Mr. Keawe: Motion to approve tentative Subdivision Application No. S-2016-12, First Assembly of God.

Mr. Ho: Second.

Vice Chair Abrams: Okay, any further discussion? If not, all those in favor say "aye". (Unanimous voice vote) Opposed? (None) Motion carries 3:0. Thank you, Jon.

Mr. Chun: Thank you, members of the Commission.

Subdivision Application No. S-2016-14; Helen Martin; Proposed 3-lot Subdivision; TMK: (4) 2-4-002:003, 016; Kalāheo, Kaua'i

Vice Chair Abrams: Okay. Next application is tentative subdivision approval for Application No. S-2016-14; Helen Martin; proposed 3-lot subdivision; Kalāheo, Kaua'i.

Mr. Cua: Okay. Thank you, Mr. Chair. As noted in the subdivision report, the proposed development consolidates two (2) existing lots and resubdivides it into a total of three (3) lots within the Agriculture zoning district. The subject property is located on the mauka side of Kalāheo. The preliminary subdivision map has been routed to the various reviewing agencies for their review and comment. Their requirements have been incorporated into the subdivision report. As a result, the Department is recommending tentative subdivision approval of this application.

Vice Chair Abrams: Okay. Any questions for the Planner? If not, is the applicant here?

Dennis Esaki: Morning.

Vice Chair Abrams: Good morning.

Mr. Esaki: Dennis Esaki representing the applicant.

Vice Chair Abrams: You had a chance to take a look at the tentative approvals?

Mr. Esaki: Yes, we did. We got no comments.

Vice Chair Abrams: Okay. Commissioners, you have any questions for Dennis?

Mr. Ho: Dale, in this agency requirement under 1…it's a big one…1.e.(1)(D)…dog. It says an Agricultural Subdivision Agreement which will be recorded in the Bureau, run with and encumber the property.

Mr. Cua: Right.

Mr. Ho: And which will provide, require that each of the Subdivision… Can you explain it a little bit more to me?

Mr. Cua: Essentially, it's just to recognize the requirements of Chapter 205 involving Agriculture zoned property where if there are any intensive agriculture surrounding the property, that it waives the liability of any agricultural type of development involving the surrounding properties.

Mr. Ho: Being an agricultural lot, once they are subdivided, can it be subdivided again?

Mr. Cua: No. There's a one-time subdivision limitation for Agriculture zoned property.

Mr. Keawe: I had a question. Dale, what is the difference between…I read in there that this was a CPR'd Ag Subdivision. That is kind of confusing, so…

Mr. Cua: Yes, it is.

Mr. Keawe: With an association.

Mr. Cua: Right. Yeah. I tend to discourage every time when you see that type of description, but CPR developments are different from Subdivisions.

Mr. Keawe: Yeah.

Mr. Cua: Yeah. But often times you will see a CPR development on an agriculture parcel that's been subdivided, but it's not…but you won't have a subdivision involving a CPR property, per se.

Mr. Keawe: So in this particular case, which is it? Is it…?

Mr. Cua: This one will be a subdivision.

Mr. Keawe: A subdivision with an association?

Mr. Cua: Well, often times, after a subdivision, the project may be further partitioned through a CPR. So it's created after the subdivision is completed.

Mr. Keawe: So you create the subdivision first…

Mr. Cua: Yes.

Mr. Keawe: And then you can further subdivide that subdivision…

Vice Chair Abrams: No.

Mr. Cua: No, yeah, CPR is more of a partition, rather than a…

Mr. Keawe: Right. That part I understand. So I'm just trying to figure out…so we are looking at a tentative subdivision approval.

Mr. Cua: Right.

Mr. Keawe: We grant this approval. Subject to that, they can go ahead and CPR…or partition…

Mr. Cua: It won't occur until after the final subdivision approval.

Mr. Keawe: Right, right, right.

Mr. Cua: Yes.

Vice Chair Abrams: Each lot will have a certain density that would be allowed on that agricultural lot. They will take that density and form a CPR.

Mr. Keawe: Okay.

Vice Chair Abrams: Which, at that point, goes through a process through the State and also gets routed to the County.

Mr. Keawe: Yeah, so it's a typical CPR process?

Vice Chair Abrams: Yes.

Mr. Keawe: Okay. So this is just the initial process.

Vice Chair Abrams: Right.

Mr. Keawe: With the outcome being a CPR'd lot or two (2) lots at the end.

Vice Chair Abrams: Yes.

Mr. Keawe: Got it.

Vice Chair Abrams: And generally, they only allow one (1) dwelling on…I mean, they usually…

Mr. Keawe: Yeah.

Vice Chair Abrams: Yeah, do that.

Mr. Cua: Yeah.

Vice Chair Abrams: Somewhere they'll figure out, I believe...well if there's more than one (1) dwelling, you don't get a guest cottage, right?

Mr. Cua: Correct.

Vice Chair Abrams: Yeah, so.

Mr. Keawe: Okay.

Vice Chair Abrams: Yes, Dennis. You had something?

Mr. Esaki: Yes. I would like to have some clarification on the one-time subdivision comment. Generally, there are possibilities of resubdivision if it hasn't been maximized and falls between, I believe, was thirty (30) acres, so the answer actually is "yes" to that question.

Mr. Ho: Could you say it one (1) more time, Dennis?

Mr. Esaki: Certain lots could be further subdivided.

Vice Chair Abrams: If they were less than thirty (30) acres?

Mr. Esaki: And it hasn't maximized the number of lots.

Vice Chair Abrams: I got you.

Mr. Esaki: Or if you want to reconfigure, I believe.

Vice Chair Abrams: Yeah, okay.

Mr. Cua: Yes.

Vice Chair Abrams: Anymore questions for Dennis? Planners? If not, I need a motion.

Mr. Ho: Motion to approve tentative approval for Subdivision lot, Helen Martin, 2-4-002:003, 016.

Mr. Keawe: Second.

Vice Chair Abrams: Okay, we have a motion to tentative approve Subdivision Application No. S-2016-14. All those in favor? (Unanimous voice vote) Opposed? (None) Motion carries 3:0.

Mr. Esaki: Thank you.

Vice Chair Abrams: Thank you.

Final Subdivision Map Approval

Subdivision Application No. S-2007-16; Jack Nishimoto, et. al.; Proposed 8-lot Subdivision; TMK: (4) 3-2-002:033-036; Niumalu, Kaua'i

Vice Chair Abrams: Okay, our final one is final subdivision map approval for Subdivision Application No. S-2007-16; Jack Nishimoto et al; proposed 8-lot subdivision; Niumalu.

Mr. Cua: Thank you, Mr. Chair. As you've noted, the proposal involves an 8-lot subdivision for a property in Niumalu. The initial application for this development came in back in 1993 through a Special Management Area Use Permit. In this instance, the applicant chose to develop the property into two (2) phases. The previous phase was completed back in the 90's. This is the second phase of the development, which would then maximize the overall development in terms of creating the number of lots. The final subdivision map was routed to the various reviewing agencies for their review and approval. The Department is recommending final subdivision approval with the stipulation that the applicant needed to pay the Park Fee and obtain final subdivision approval from the Water Department by March 7, 2016. As of yesterday, the applicant did pay the Park Fee and also acquired final approval from the Department of Water; therefore, we are recommending final subdivision approval.

Vice Chair Abrams: Any questions for our Planner, Commissioners?

Mr. Keawe: Dale, where is this? (Laughter in background)

Mr. Cua: It's in Niumalu and it's on the mauka side of the park. It's actually situated within that residential community.

Mr. Keawe: So is the topography on the…kind of…?

Mr. Cua: No, no. It's actually flat.

Mr. Keawe: It's actually flat?

Mr. Cua: Yes.

Mr. Keawe: Okay.

Vice Chair Abrams: You know as you come down from Menehune Lookout?

Mr. Keawe: Yeah.

Vice Chair Abrams: You come down and it's…as you drive down there going to the harbor or to the park, it's on the right-hand side.

Mr. Cua: Yes. It's that flat area.

Mr. Keawe: Okay. And there are already existing…obviously there are already existing dwellings there.

Mr. Cua: Right. That was done through the first phase of the development

Mr. Keawe: Okay.

Vice Chair Abrams: Yeah. Okay. Applicant?

Robert White: Good morning. My name is Robert White and I am the applicant.

Mr. Keawe: Okay. So twenty-three (23) years… (Laughter in background)

Mr. White: Yeah, it's been a long process. (Laughter in background) I thought I'd better finish before I forgot what I was doing. So, we did it in two (2) phases. We were basically waiting for one (1) water meter this whole time.

Mr. Keawe: Really?

Mr. White: Yeah, so we thought, well, you know, and we didn't honestly think it was going to take 20+ years. I mean, Louis was on the first Commission when we presented back in '93.

Mr. Keawe: Were you really?

Mr. White: It's been a long process.

Mr. Keawe: Okay. (Laughter)

Vice Chair Abrams: Well, congratulations. (Laughter in background)

Mr. White: Thank you.

Vice Chair Abrams: So, everything's done, all the conditions are set, final subdivision approval is being recommended. So I can entertain a motion if you don't have any more questions.

Mr. Ho: This is for you, Louis. (Laughter in background)

Vice Chair Abrams: Oh, thanks.

Mr. Ho: I recommend final approval for Tax Map Key (4) 3-2-002:033-036.

Mr. Keawe: Second.

Vice Chair Abrams: Okay, we have final subdivision map approval for Application No. S-2007-16, Jack Nishimoto et al, Niumalu. All those in favor say "aye". (Unanimous voice vote)

Mr. White: Thank you, Commissioners.

Vice Chair Abrams: Yes, motion approved 3:0. That concludes our Subdivision Committee meeting, so I get to whack this hammer.

ADJOURNMENT

Vice Chair Abrams adjourned the meeting at 8:48 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.