

KAUA'I PLANNING COMMISSION  
SUBDIVISION COMMITTEE MEETING  
**April 23, 2019**

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:

Mr. Roy Ho  
Ms. Donna Apisa

The following staff members were present: Planning Department – Chance Bukoski, Dale Cua, and Planning Commission Secretary Leslie Takasaki; Office of the County Attorney – Deputy County Attorney Nicholas Courson; Office of Boards and Commissions – Administrative Specialist Anela Segreti, Commission Support Clerk Arleen Kuwamura

**CALL TO ORDER**

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

**ROLL CALL**

Chair Ho: Good Morning all welcome to our Subdivision meeting of April 23<sup>rd</sup>. Mr. Bukoski, would you start us with our roll call?

Staff Planner Chance Bukoski: Good morning Chair. Chair Ho

Chair Ho: Here.

Mr. Bukoski: Commissioner Apisa.

Mr. Apisa: Here.

Mr. Bukoski: We have two present.

**APPROVAL OF AGENDA**

Mr. Bukoski: Moving on to Item C, Approval of the Agenda. Chair, I would like to amend the Agenda and move Item I.1a, Coco Palms Hui, LLC to the back of the Agenda, and take Condition 2.a, Subdivision Extension Request to the front of the Agenda.

Ms. Apisa: I move that we amend the agenda as suggested.

Mr. Ho: Seconded.

Chair Ho: The motion before us is to amend the agenda. All in favor? (Unanimous voice vote)  
Motion carries 2:0.

Mr. Bukoski: Thank you, Chair.

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

Mr. Bukoski: Moving on to Item D, Minutes of the Meeting of the Subdivision Committee, Minutes of March 27, 2019.

Ms. Apisa: I motion to approve.

Mr. Ho: Seconded.

Chair Ho: The motion on the floor is to approve the meeting of March 27<sup>th</sup>. All in favor? (Unanimous voice vote) Motion carries 2:0.

**RECEIPT OF ITEMS FOR THE RECORD (None)**

Mr. Bukoski: Thank you Chair. Moving on to Item E, Receipt of Items for the Record. Seeing none.

**HEARINGS AND PUBLIC COMMENT**

Mr. Bukoski: Moving on to Item F, Hearings and Public Comment. Is there anyone in the audience wishing to testify on any items on the agenda? Seeing none.

**GENERAL BUSINESS MATTERS**

Mr. Bukoski: Moving on to Item G, General Business Matters. Seeing none.

**UNFINISHED BUSINESS**

Mr. Bukoski: Item H, Unfinished Business none.

**NEW BUSINESS**

Subdivision Extension Request.

Subdivision Application No. S-2018-8; Grove Farm Company, Inc Proposed 6-lot Subdivision; TMK: (4) 3-8-018: 001; Lihue, Kaua'i.

Mr. Bukoski: Item I, New Business for Action. Subdivision Extension Request; Subdivision Application No. S-2018-8: Grove Farms Company, Inc.; proposed 6-lot Subdivision: TMK: (4) 3-8-018: portion of parcel 001; Lihue, Kaua'i.

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

Mr. Bukoski: However, the applicant should be made aware that in their furthering considering extension request involving the proposed development, the applicant shall submit to the Planning Department an updated status report on the Subdivision in order to justify further extensions request. That concludes my report, I'll hold off on my recommendations, Commissioners.

Chair Ho: Did you get a date when they wanted the extension to?

Mr. Bukoski: The applicant has not given a date, however, within the Subdivision Ordinance it is dated for at least a year.

Chair Ho: Thank you. Is there someone in the audience for Grove Farm Please?

Ms. Maren Arismendez-Herrera: Good Morning. Maren Arismendez-Herrera, from Esaki's surveying, here on behalf of the applicant. We have requested an extension; so far the applicant has complied with all the Conditions except for one which is the Dedication Deeds. They are in the process of drafting the Dedication Deeds as part of the process to prepare the Dedication Deeds they ordered the Title Reports from the Title company. They received the Title Report from the Title Company but have questions regarding someone of the (inaudible) that were listed in their reports, so they just need to clarify those issues with the Title Company before they can finalize the Dedication Deed.

Ms. Apisa: No questions.

Chair Ho: How much time are you asking for?

Ms. Arismendez-Herrera: We are asking... well they are hoping to get the Dedication by next month, so I think six (6) months will be enough time to allow for everything to come in.

Chair Ho: Six (6) months Mr. Bukoski?

Mr. Bukoski: So September shall be...should be sufficient for you?

Ms. Arismendez-Herrera: Yes.

Chair Ho: So September 27<sup>th</sup>, 2019?

Ms. Arismendez-Herrera: Yes. That would be fine.

Chair Ho: Your recommendation, Mr. Bukoski?

Mr. Bukoski: As recommended, an extension until September 27, 2019, be granted to obtain final subdivision Map Approval or that the applicant is made aware that an updated Status Report on the Subdivision with a detailed time chronology on the progress of the tentative

approval requirement shall be submitted to the Planning Department for review and further Extension request. The Status Report shall be submitted to the Planning Department no later than sixty (60) days prior to the expiration date. That concludes my recommendation.

Ms. Apisa: I move that we extend the subdivision application No. S-2018-8 Grove Farm, Inc, to September 27, 2019.

Chair Ho: seconded.

Chair Ho: The motion on the floor is for extension to September 27, 2019. All in favor? (Unanimous voice vote) Motion carries 2:0.

Ms. Arismendez-Herrerra: Thank you.

Tentative Subdivision Map Approval.

Subdivision Application No. S-2019-13; *Kainani Villas, LLC & Kukui'ula Development CO., LLC.* Proposed 6-lot Subdivision; TMK: (4) 2-6-021: 005 & 010; Koloa, Kaua'i.

Mr. Bukoski: Thank you Chair. Moving back up to Tentative Subdivision Map Approval. Subdivision Application No. S-2019-13; Kainani Villas, LLC & Kukui'ula Development Co., LLC. Proposed 6-lot Subdivision; TMK: (4) 2-6-021: 005 & 010; Koloa, Kauai.

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

Mr. Bukoski: Commissioners, we have received all government agency comments and we are recommending tentative approval.

Chair Ho: Is there someone from Kukui'ula? Please come up?

Mr. Lindsay Crawford: Good Morning Commissioners. Lindsay Crawford, Kukui'ula Development Company.

Ms. Apisa: I guess my question, and I wasn't really sure what Chance had mention about some of them being landlocked, I mean they will have access?

Mr. Crawford: I think we resolved that, we can check with Chance here, but we actually delivered replacement maps, I think yesterday, that accommodated that turning the, what was previously a roadway access easement into a roadway lot. Thus on paper complying with the Conditions, we've revised that already to comply with that.

Ms. Apisa: Oh so that's why ... so yeah I thought it was 6-lots basically 6-lots plus the roadway lot.

Mr. Crawford: Actually, if I could ask the question. I'm not even clear whether the Commission plans to approve the map that was submitted previously or replace the maps with the ones we gave yesterday? Either way it works it's just...

Mr. Bukoski: Either way it will work through the subdivision process. The maps can be changed accordingly to what is being vetted by the Government Agencies so it's not an issue for that.

Chair Ho: And proposal is instead of concrete curbs, sidewalks, did you use grass swale?

Mr. Crawford: Yes. I'm glad you brought that up. I wanted to clarify that if I could?

Chair Ho: Is that Condition acceptable?

Mr. Bukoski: Yes.

Chair Ho: Did they mention what size swale would be?

Mr. Crawford: It's typically a 10 ft. wide swale, 5ft. on each side. It's the County standard that we've used in all the other locations in Kukui'ula, it's fully vetted to the Department of Public Works and approved by them.

Chair Ho: So a 10 ft. swale?

Mr. Crawford: It's actually a 10 ft. total. It's actually 5 ft. and 5 ft. on each side.

Chair Ho: Ok.

Mr. Crawford: But to that, if I could just clarify something because if we are finished with that other condition. I'd like to address the Complete Streets condition that it's actually in the conditions of approval. I just want to clarify. I spoke to Chance about this, this morning. The way this Condition, Condition let me see where it is here, Condition 1.f. is written, it says, basically that the (inaudible) shall comply with the Complete Streets Code curbs, gutters, sidewalks along Ala Kukui Road, Kainai Place, and Ala Pualei Kukui. Just for clarification, those streets are already constructed there designed constructed and they do not have any curbs and gutters and they have no dual sidewalks. There all what we call the Kukui'ula rural approved street surfaces improvements. So it's a little confusing when you say in this map those streets shall comply with curbs, gutters, and sidewalks. They're already built so we have, clearly we have no intentions of going back and retro fitting those roads surrounding this little 4-lot subdivision. I just wanted to make that clear.

Chair Ho: So you proceeded before without the approval?

Mr. Crawford: I'm sorry?

Mr. Ho: You proceeded the work before the...

Mr. Crawford: No. These streets have been completed for many years. There parts of other subdivisions that have been completed. As a matter of fact I have an exhibit here if you'd like to see the layout of how this works because it's just a little confusing how the Conditions written. Would you like to see the...

Mr. Bukoski: Yes. So ultimately what is being proposed in front of you Commissioners, within the handout is an exhibit, I believe you have you have it in yours as well. But in the exhibit marked in red is what is being proposed now and the black is ultimately the roads that are existing now.

Mr. Crawford: And have been existing for many, many years.

Mr. Bukoski: Correct. From the applicant it states that (inaudible) the black roads do not have any curbs, gutters, or sidewalks because they were previously improved before the ordinance ever existed. And now that they are coming in for residential subdivision here in red to accommodate those 4-lots, it's kind of unnecessary to impose this condition.

Mr. Crawford: I'm sorry Chance, and to add to that, so there's really two parts to this. The way the conditions are written it seems to be speaking to the existing streets, so my interpretation is you certainly couldn't be asking us to go in and retro fit a lot of existing roads, and more importantly on this one small little 4-lot subdivision. Just for clarity with all respect, it's not our intent to put curbs, gutters and sidewalks on this little 4-lot subdivision either. For the reason that it's a little area within this large area and it serves no purpose. You would have 10 ft. of sidewalk going nowhere, you'd have 10 ft. of raised curb, and gutters attaching to nothing. So, just in clarification even though we have that Condition in the Conditions of the rule of this map, I'm explaining to the Commission, just trying to pose it's our intention not to do raised curbs and gutters or dual sidewalks in this little 4-lot subdivision. Now the way the Condition's written, also here, is that this has to be handled before Final Map Approval, so we have plenty of time to work that out with the agencies so I am not trying alert the Commission, but I'm just trying to be upfront and say it's not our intention to put them in this particular 4-lot subdivision.

Chair Ho: You have a comment Mr. Bukoski?

Mr. Bukoski: In retrospect, would it be acceptable for the commission to accept the modification requirement for this request just for it being presented on the floor and what is being proposed with this subdivision and how the layout is considering that this red section is a small section? Looking at the total map Modification requirement will ultimately be waiving this Condition for curbs, gutters, and sidewalks for this proposed subdivision, rather than the applicant has to come back, and let's just say something with the change of heart of the Director or whatever happens in the future. The applicant doesn't have to come in for Variance to install curbs, gutters, and sidewalk on these existing streets and that would be kind of a hardship for them especially since it's already approved.

Ms. Apisa: That makes sense to me to just go ahead and modify it now.

Chair Ho: If we modify it now, it's just for this 4-lot subdivision?

Mr. Bukoski: Correct, correct.

Chair Ho: I can buy that.

Ms. Apisa: Do you need a motion to modify that?

Mr. Bukoski: Yes, the motion is to a modification requirement to waive Condition No. 1.F., and 1. G., of the Tentative Subdivision Map Report.

Ms. Apisa: I move that we do modify the 1.F., and 1.G., requirements as recommended.

Chair Ho: I seconded.

Chair Ho: The motion on the floor is to waive Condition 1.F and 1.G. All in favor?  
(Unanimous voice vote) Motion carries 2:0. There you have it.

Ms. Apisa: Is that all that's needed today?

Chair Ho: Is that it?

Mr. Bukoski: No we have two more Subdivisions.

Chair Ho: Don't we have to...the Map Approval?

Ms. Apisa: but I mean all we have for this...that's all we need for this one or we need?

Mr. Bukoski: Oh, and then Subdivision for Tentative map Approval, yes.

Ms. Apisa: Yes. I move that we give a Tentative Subdivision Map Approval.

Chair Ho: seconded.

Chair Ho: The motion before us is for is for Tentative Map Approval. All in favor?  
(Unanimous voice vote) Motion carries 2:0.

Mr. Crawford: Thank you Commissioners.

Chair Ho: Thank you.

Tentative Subdivision Map Approval. (Cont'd)

Subdivision Application No. S-2019-14; Kee Kauai Carport, LLC. Proposed 2-lot Consolidation; TMK: (4) 2-6-017: 045 & 046; Koloa, Kaua'i.

Mr. Bukoski: Thank you Chair. Moving on to Item 1. C., Subdivision application. Subdivision Application No. S-2019-14; Kee Kauai, Carport, LLC. Proposed 2-lot Consolidation; TMK: (4) 2-6-017: 045 & 046; Koloa, Kauai.

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

Mr. Bukoski: Chair and Commissioner, we have received all Government Agency comments and recommending Tentative Approval.

Chair Ho: Is there someone from Kee Kauai Carport, LLC in the audience that wish to come up? Last call for anyone from Kee Kauai Carport, LLC? Seeing none. What is your recommendation?

Mr. Bukoski: For Tentative Subdivision Map approval.

Ms. Apisa: I'm just curious. A reason for this Subdivision you know? I mean for the Consolidation.

Mr. Bukoski: I'm not too sure, to be honest with you. Maybe, possibly, for tax purposes? But other than that...yeah.

Chair Ho: This is for Tentative Map Approval?

Mr. Bukoski: Correct.

Ms. Apisa: I move that we give Tentative map Approval for Consolidation for 2-lots, application No. S -2019-14.

Chair Ho: I seconded.

Chair Ho: The motion before us is for is for Tentative Map Approval, Kee Kauai Carport, and LLC. All in favor? (Unanimous voice vote) Motion carries 2:0.

Chair Ho: Thank you.

Tentative Subdivision Map Approval. (Cont'd)

Subdivision Application No. S-2019-12; *Coco Palms Hui, LLC*. Proposed 2-lot Subdivision; TMK: (4) 4-1-003:007; Wailua, Kaua'i.

Mr. Bukoski: Thank you Chair. Moving on to last Item on the Agenda, Tentative Subdivision Map Approval. Subdivision Application No. S-2019-12; Coco Palms Hui, LLC, Proposed 2-lot Subdivision: TMK: (4) 4-1-003: 007; Wailua, Kaua'i.

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

Mr. Bukoski: We have received all Government Agencies and we are recommending Tentative Approval.

Chair Ho: Is there anyone from Coco Palms Hui, LLC? Please come up.

Ms. Maren Arismendez-Herrera: Good Morning. Maren Arismendez-Herrera, from Esaki's surveying, here on behalf of the applicant. The applicant has reviewed the Tentative Approval of the Subdivision Report and would like to request that Condition 1.E, and 1. F, be removed. The reason they are requesting removal of the Conditions is, because, in December 2018, they received or entered into an agreement with the County on updated Conditions of Approval regarding Zoning permit, Variance Permit, Special Use permit, and Project Development Use permit. In those Conditions they provided a payment of \$93,750 in lieu of construction of the sidewalks and other improvements. So given that the Conditions are covered by the other document with the updated Conditions of the other permits. We would like to request the Conditions on this Subdivision be removed. I don't know if I explained? Ok.

Planning Director Mr. Ka'aina Hull: I can add a little, Committee members. The \$93,750 dollar requirement that Maren is referring to was accrued actual Class IV Zoning Permit for Coco Palms, and one of the Conditions approval was that this area of land be dedicated to the County for road widening purposes. When that agreement was, and that's in lieu of and in conjunction with the State Hawaii Road Widening process. When this request and Condition was imposed, I just had a discussion with the Managing Director, previous Planning Director, who kind of negotiated that condition out. The \$93,750 dollars under the Condition of Approval under the Class IV, was a pro-rated figure essentially half of the cost of the road widening and subdivision process of which would include the curbs, gutters, and sidewalks and the County is covering the other half. So essentially through that vehicle the requirement to have sidewalks, curbs, and gutters has been met with the in-lieu payment and with the County taking this property putting in the rest of the improvements.

Chair Ho: So Condition 1.E. would be related to provisions, curb, gutters, and sidewalks. You want that removed?

Mr. Hull: That could be removed because it's already being established via the Class IV.

Chair Ho: I believe you asked for one other Condition too?

Ms. Arismendez-Herrera: A 1.E and 1. F, because 1. F, is related to 1. E.

Mr. Bukoski: Correct. It's usually a condition we apply with improvements for if the Sub divider or the Applicant wants to bond any type of improvement which we usually hit that Condition with an adjacent or with that other Condition. So they run tandem with each other.

Ms. Apisa: So I guess... a question if these Conditions are waived, what's the timing on the road widening there? Because I have heard talk about that for...

Ms. Arismendez-Herrera: As far as construction that would be up to the County. Under the Conditions of the Zoning report, the Zoning Permit the applicant was only required to go through with the Subdivision and dedicate the lot and then the County would take it from there doing the design and construction of the improvements.

Mr. Hull: And so Commissioner Apisa, that would be in conjunction with when the State comes in to do there improvements on the highway so it will happen simultaneously. So the County has the \$93,750, from the applicant already, they've got their commitment ready to fund the final cost of that road widening, but it's just coordinating with the State when they do there improvements.

Chair Ho: So where is the deed in all of this?

Mr. Bukoski: So speaking on behalf of the deed, which is Condition no. 1.D, from the Planning Department, usually how its facilitated is when the applicant is going for final Subdivision approval, prior to that as it states the Dedication Deed needs to be prepared and fully executed prior to it going to final Subdivision map approval. So we accept the Dedication Deed from the applicant, we route it to our County Attorneys, and they see if it's a fit, they shoot it back down to us, then we send it back to the applicant(s) and then we can go on from there to get final map approval.

Chair Ho: So the Deed must be in our possession before final map approval.

Mr. Bukoski: Correct. Fully executed before finally map approval.

Chair Ho: What is your thoughts on Condition F, posting security bond for completion?

Mr. Bukoski: I have no objections to that. Usually the bonding is for you know major improvements within the subdivision. For example if you have the sidewalks, curbs, and gutters, since we are waiving that it doesn't make sense to apply this Condition as well because there is no set improvement to be made for this subdivision. It's just subdividing a portion of the lot to be dedicated to the County for potential use in the future.

Chair Ho: Do you have any objections to that?

Ms. Apisa: No it's totally logical to remove the bond if there are no improvements to be bonded.

Chair Ho: I would think we would proceed in the same manner you would have to make an amendment to a...

Mr. Bukoski: A modification of requirement to waive Condition No. 1.E, and 1. F, of the Tentative, for Tentative Subdivision Map approval.

Ms. Apisa: I'm prepared to make that motion that we modify and remove Condition 1. E, and 1. F, from the application No. S-2019-12.

Chair Ho: I seconded.

Chair Ho: The motion before us is for is for eliminate Condition 1. E and 1. F, All in favor? (Unanimous voice vote) Motion carries 2:0.

Mr. Bukoski: Thank you Chair. Moving on to Item J, Adjournment.

Chair Ho: Oh Wait. Wait.

Ms. Apisa: We don't need the Subdivision Map?

Mr. Bukoski: Oh yes. We need the Tentative Subdivision Map approval as well.

Ms. Apisa: Yes I move that we give Tentative Subdivision Map Approval for application No. S-2019-12.

Chair Ho: Does the applicant acknowledge the Conditions and requirements for Tentative Map Approval?

Ms. Arismendez-Herrerra: I'll accept that 1.E and 1.F, have been removed yes.

Chair Ho: I seconded. The motion before us is for is for Tentative Map Approval Coco Palms LLC, All in favor? (Unanimous voice vote) Motion carries 2:0. There you have it.

Ms. Arismendez-Herrerra: Thank you.

## **ADJOURNMENT**

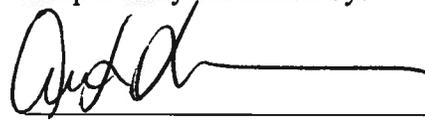
Mr. Bukoski: Thank you Chair. Moving on to Item J, Adjournment.

Ms. Apisa: Motion to adjourn.

Chair Ho: Seconded. Motion is made and seconded. All in favor? (Unanimous voice vote) Motion carries 2:0. We are adjourned. Thank you.

Subdivision Committee Chair Ho adjourned the meeting at 8:57 a.m.

Respectfully submitted by:



Arleen Kuwamura  
Commission Support Clerk

- ( ) Approved as circulated (add date of meeting approval).
- ( ) Approved as amended. See minutes of \_\_\_\_\_ meeting