

KAUA‘I PLANNING COMMISSION  
SUBDIVISION COMMITTEE MEETING  
**September 11, 2018**

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  
Mr. Kimo Keawe  
Mr. Sean Mahoney

The following staff members were present: Planning Department – Dale Cua; Office of the County Attorney – Deputy County Attorney Jodi Higuchi Sayegusa; 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**

Mr. Ho: Mr. Cua, will you start us with a roll (call), please?

Staff Planner Dale Cua: Sure. Commissioner Ho.

Mr. Ho: Here.

Mr. Cua: Commissioner Keawe.

Mr. Keawe: Here.

Mr. Cua: Commissioner Mahoney.

Mr. Mahoney: Here.

Mr. Cua: Chair, we have three members present at today’s committee meeting.

**APPROVAL OF AGENDA**

Mr. Keawe: Approval of the agenda.

Mr. Cua: Yes. At this time, if we could get a motion for approval of the agenda. Before we approve the agenda, I just wanted to make a notation that on the posted agenda, the date was shown in error. I believe the posted date was August 28<sup>th</sup>, and it should be corrected to September 11<sup>th</sup>. On the very bottom of the footnote, it does show as September 11<sup>th</sup> for the meeting.

Mr. Ho: But the agenda remains the same, just the date change?

Mr. Cua: Yes, just the date change.

Mr. Keawe: But the agenda needs to be amended to reflect the change in the date.

Mr. Ho: The motion would be—

Mr. Keawe: Because it was posted as the 28<sup>th</sup> of August, but it was for September 11<sup>th</sup>. Is that correct, Dale?

Mr. Cua: That is correct.

Mr. Ho: So the motion on the floor, Mr. Keawe, would be to approve the agenda, just change the date to September—

Mr. Keawe: Yes. The motion would be to approve the agenda with a change in the date to September 11, 2018.

Mr. Mahoney: Second.

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

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

### Meeting of July 24, 2018

Mr. Cua: Okay, moving on to Item D. What you have before you is the minutes of the meeting on July 24, 2018, and if we could get a motion to receive for the record.

Mr. Mahoney: Move to receive.

Mr. Keawe: Second.

Mr. Ho: Motion on the floor is to receive the minutes of July 24<sup>th</sup>. All in favor? (Unanimous voice vote) Motion carries 3:0.

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

Mr. Cua: Okay, moving on to Item E, Receipt of Items for the Record. We have none.

**HEARINGS AND PUBLIC COMMENT**

Mr. Cua: And then Item F. Would you like me to read that statement for Item F?

Mr. Ho: Yes, please.

Mr. Cua: Sure. Individuals may orally testify on items on the agenda during the Public Comment period. Please call the Planning Department prior to the meeting or notify Commission Staff at the meeting site. Testimony may also be accepted when the agenda item is taken up by the Commission at the discretion of the Chair. Testifiers shall limit their testimony to three minutes, but may be extended longer at the discretion of the Chair. Written testimony is also accepted. An original and 12 copies of written testimony can be hand-delivered to the Planning Department or submitted to the Commission Staff at the meeting site.

**GENERAL BUSINESS MATTERS (None)**

Mr. Cua: Moving on to Item G, General Business Matters. We have none today.

**UNFINISHED BUSINESS (For Action)**

Tentative Subdivision Map Approval

Subdivision Application No. S-2018-15; KĪLAUEA 'OHANA PLATEAU LLC, ET AL;  
Proposed 10-lot Subdivision; TMK: (4) 5-2-005:023; Kīlauea, Kaua'i

Mr. Cua: Item H, Unfinished Business for Action. We have one tentative subdivision map approval. It is for Subdivision Application No. S-2018-15. The applicant is Kīlauea 'Ohana Plateau LLC. It is a proposed 10-lot subdivision affecting parcel identified as Tax Map Key: (4) 5-2-005 Parcel 023 in Kīlauea, Kaua'i.

Just for a little bit of background, this application did come before the Subdivision Committee previously. It was essentially deferred to resolve a particular condition of the subdivision approval which relates to the overall width of the access path. Since that time, the applicant has worked with (the) Department of Public Works to resolve the particular requirement.

Mr. Ho: Thank you. I guess it's you, Mr. Jung. Welcome back.

Mr. Ian Jung: Good morning, Committee Chair and members of the Committee. Ian Jung on behalf of the applicant.

Mr. Ho: Good morning.

Mr. Jung: As Dale indicated, we did work out and resolve the width of the multi-use path to be at 15 feet in lieu of 10 feet. We also worked out the interpretation of the R-6 zoning line, which is now reflected as R-6 in the Subdivision Report. So the applicant accepts the tentative conditions as is and will continue to chip away at those conditions if tentative approval is granted.

Mr. Ho: The walkway path is now 15–

Mr. Keawe: Now 15 feet.

Mr. Jung: Fifteen feet. It's actually on the–

Mr. Keawe: How about the shoulders of the path? Was that an issue also?

Mr. Jung: The shoulders of the path were somewhat at issue because there are some agricultural irrigation lines that are in ground right now, and they have an ongoing ginger farm out there. So if it ever comes to a need where they need additional land, then we can resolve that later through, maybe, an easement or something to that effect. But for the boundary line purposes on the subdivision map, we want to just have those lot lines at 15 feet. And I personally met with Michael Moule to resolve the width, which he was okay with going no lower than 15 feet. But we left the condition as is; that we work it out prior to final in case there are any issues that pop up.

Mr. Keawe: Okay.

Mr. Ho: This is 15 feet paved?

Mr. Jung: Well, it is going to be up to the County. So the purposes of the subdivision – this is an MOU, Memorandum of Understanding, with the County to deliver over the road lot, which will be the new Kīlauea bypass road, which the Mayor and his administration have been pushing for. So we have the subdivision creating that new road lot in addition to the multi-use path lot, which was contemplated in the, I guess, North Shore Plan for dealing with a new bike path out there, which will connect Kīlauea Town to Kauapea Road – access down to the beach there.

Mr. Ho: Secret Beach.

Mr. Jung: To Secret Beach, right. So if the County paves it or not, it is going to be up to them on how they want to deal with it because we are just subdividing it and then dedicating the land over. All the improvements will be shouldered on the County pursuant to the Memorandum of Understanding.

Mr. Ho: Questions, Commissioners?

Mr. Keawe: No, that was my only question because that was what we left undone last time, so it seems to be settled and you are accepting all the conditions.

Mr. Jung: Right. I think Commissioner Mahoney wanted it to go on this map, so we don't have the formal map submitted as tentative, but what we did attach...or had Chance attach to the Subdivision Report was the updated map with the width of that multi-use path at 15 feet. Once we go through tentative, we will ensure Engineering is okay with that width prior to final.

Mr. Mahoney: Okay.

Mr. Ho: Commissioners, a motion, please? If you're satisfied.

Mr. Mahoney: Yes. I move to approve tentative subdivision map approval – Subdivision Application No. S-2018-15, Kīlauea 'Ohana Plateau LLC, et al; proposed 10-lot subdivision; TMK: (4) 5-2-005:023; Kīlauea, Kaua'i.

Mr. Keawe: Second.

Mr. Ho: Motion on the floor is for tentative subdivision map approval – Kīlauea 'Ohana. All in favor? (Unanimous voice vote) Anybody opposed? (None) Motion carries 3:0.

Mr. Jung: Okay, thank you, Committee members.

Mr. Mahoney: Thank you.

Mr. Ho: Thank you, Mr. Jung.

## **NEW BUSINESS (For Action)**

### Tentative Subdivision Map Approval

Subdivision Application No. S-2018-19; JONATHAN HURD; Proposed 3-lot Consolidation; TMK: (4) 1-9-011:004; Hanapēpē, Kaua'i

Mr. Cua: Okay, moving on to Item I of the agenda, New Business. Under No. 1, Tentative Subdivision Map Approval, we have one application. It is Subdivision Application No. S-2018-19. Applicant is Jonathan Hurd. It involves a proposed 3-lot consolidation affecting parcel identified as TMK: (4) 1-9-011 Parcel 004 in Hanapēpē, Kaua'i. The Department has received agency requirements and the recommendation from the Department is to grant tentative approval for this subdivision application.

Mr. Ho: Okay. I see Mr. Caires is seated.

Mr. Keawe: Okay.

Mr. Ho: Commissioners, do you have any questions?

Mr. Keawe: Roger, where is this specifically? I'm trying to picture...because, you know, part of it is pali, right?

Mr. Roger Caires: Yes, part of it. It's in Hanapēpē Town.

Mr. Keawe: No, no...but where on that particular road?

Mr. Caires: Oh, gee, I've been there several times and (it is) hard for me to describe that area.

Mr. Keawe: Okay.

Mr. Caires: But it is right in town – Hanapēpē.

Mr. Keawe: All right.

Mr. Ho: Mr. Caires, were these fragments of other lots?

Mr. Caires: Yes.

Mr. Ho: (Inaudible)

Mr. Caires: Three remnants, like.

Mr. Ho: There are three remnants...you are combining three remnants?

Mr. Caires: Yes. Because I understand that the owner wants to put up a commercial building and he can't do it with three separate lots like that.

Mr. Ho: Are there any exceptions to this, Mr. Cua?

Mr. Cua: No. Actually, the Department's recommendations are all included in the Staff Report.

Mr. Ho: Okay. Commissioners?

Mr. Keawe: No, I don't have any further questions, just—

Mr. Mahoney: I mean, this is tentative subdivision approval.

Mr. Ho: Yes.

Mr. Cua: Correct.

Mr. Keawe: Right.

Mr. Mahoney: The Department is okay with it at this juncture.

Mr. Keawe: The recommendation?

Mr. Cua: The recommendation is for tentative approval.

Mr. Keawe: It is for tentative approval?

Mr. Cua: Yes.

Mr. Keawe: And the conditions...any issues with the conditions, Roger? No?

Mr. Caires: No.

Mr. Keawe: Okay. I move to tentative subdivision map approval – Subdivision Application No. S-2018-19; Jonathan Hurd; proposed 3-lot consolidation; TMK: (4) 1-9-011:004; Hanapēpē, Kaua‘i.

Mr. Mahoney: Second.

Mr. Ho: Motion on the floor is for tentative subdivision map approval – Jonathan Hurd. All in favor? (Unanimous voice vote) Any opposed? (None) Motion carries 3:0. Thank you, Mr. Caires.

Mr. Caires: Thank you.

#### Final Subdivision Map Approval

Subdivision Application No. S-2011-16; CAMERON K. BURGESS; Proposed 4-lot Subdivision; TMK: (4) 4-1-008:013; Wailua, Kaua‘i

Mr. Cua: Next item on the agenda is for final subdivision map approval. We have two items listed under this action. The first one involves Subdivision Application No. S-2011-16. Applicant is Cameron K. Burgess. It involves a 4-lot subdivision affecting parcel identified as (4) 4-1-008 Parcel 013 in Wailua, Kaua‘i. The final subdivision map has been routed to the various reviewing agencies for their review and comment. We have received all of the agencies’ approvals and the applicant has met all of the requirements of the Planning Department. Therefore, the Department is recommending final subdivision approval of this application.

Mr. Ho: Mr. Burgess, would you take a chair, please?

Mr. Milton Burgess: Good morning. My name is Milton Burgess. I’m representing the Burgess property – the subdivision. Before we get started, I would just like to thank the Council [sic] for affording me the opportunity to complete this long, overdue project. It could’ve got shot down several times, but I do appreciate the fact that you did approve it for tentative approval.

Mr. Mahoney: Mr. Burgess, if you hadn't taken the reins and led the way to comply with all the conditions, it wouldn't have been, so your partners and family should be thankful to you for taking the responsibility and doing the good job that you did.

Mr. Keawe: Yes, just the perseverance – amazing. Great. Any...oh, Mr. Chair.

Mr. Ho: I'm good.

Mr. Keawe: Any comments, Chair? No? Okay.

Mr. Mahoney: I move to approve final subdivision map – No. S-2011-16; Cameron K. Burgess; proposed 4-lot subdivision; TMK: (4) 4-1-008:013; Wailua, Kaua'i.

Mr. Keawe: Second.

Mr. Ho: The motion on the floor is for final subdivision map approval – Cameron Burgess. All in favor? (Unanimous voice vote) Motion carries 3:0.

Mr. Keawe: You got it. Congratulations.

Mr. Ho: Thank you, Mr. Burgess.

Mr. Burgess: Thank you.

Mr. Mahoney: Thank you.

Subdivision Application No. S-2018-11; *KENNETH C. MEDIEROS*; Proposed 2-lot Subdivision; TMK: (4) 2-7-005:154; Kōloa, Kaua'i.

Mr. Cua: Moving on to the second application for subdivision map approval – it is for Subdivision Application No. S-2018-11. The applicant is Kenneth C. Medieros. It involves a proposed two-lot subdivision. Tax Map Key for the parcel is (4) 2-7-005 Parcel 154 in Kōloa. Actually, the property is along Ōma'ō Road. The final subdivision map has been routed to the various reviewing agencies for their review and approval. The Department has received all of the agencies' approval letters. The applicant has fulfilled the Planning Department's requirements. As a result, the Department is recommending final subdivision approval of this application.

Mr. Ho: Good morning, Mr. Caires.

Mr. Caires: Good morning.

Mr. Ho: Welcome back. Any questions for Mr. Caires here?

Mr. Keawe: No, the only one I had was about the future road widening reserve – that's not an issue with the applicants? The future road widening reserve is not an issue with your applicant?

Mr. Caires: No, it is not an issue.

Mr. Ho: Any other questions for Mr. Caires? A motion, please?

Mr. Keawe: Okay, I move...final subdivision map approval – Subdivision Application No. S-2018-11; Kenneth C. Medieros; proposed 2-lot subdivision, TMK: (4) 2-7-005:154; Kōloa, Kaua‘i.

Mr. Mahoney: Second.

Mr. Ho: Motion on the floor is for final subdivision map approval – Kenneth Medieros. All in favor? (Unanimous voice vote) Motion carries 3:0. (Inaudible)

Mr. Caires: Okay, thank you.

#### Subdivision Extension Request

Subdivision Application No. S-2017-9; BRIDGET MORSE; Proposed 2-lot Subdivision; TMK: (4) 5-5-006:016; Hanalei, Kaua‘i

Mr. Cua: The final item on the agenda is for a subdivision extension request involving Subdivision Application No. S-2017-9. The applicant is Bridget Morse. It involves a proposed 2-lot subdivision involving property identified as Tax Map Key: (4) 5-5-006 Parcel 016 in Hanalei, Kaua‘i. Provided to you is the Department’s report for the first subdivision extension request. As noted in the report, the subdivision application was granted tentative approval by the Planning Commission on July 25, 2017, and again, this is the applicant’s first extension request for the application. In considering the extension request, it should be noted that the applicant has been working with the various agencies in fulfilling the requirements. The applicant is still working to resolve the required infrastructure improvements associated with the proposal. The Department of Public Works and Water have no objections to the extension request. It is recommended by the Department that an extension be granted to July 25, 2019. The applicant is made aware that an updated status report on the subdivision shall be required for further extension requests and that the status report shall be submitted to the Department no later than 60 days prior to the expiration date.

Mr. Ho: Thank you. Is there anyone here representing Bridget Morse, please?

Mr. Brian Hennessy: Good morning. Brian Hennessy for the applicant.

Mr. Ho: Any questions for Mr. Hennessy?

Mr. Keawe: Brian, this is right off the main highway, right? Kūhiō Highway.

Mr. Ho: That is correct.

Mr. Keawe: Okay. Out of curiosity, any flooding issues in that particular area for that lot?

Mr. Hennessy: Yes. I think it was four feet under at the high point.

Mr. Keawe: Okay. I just wanted to know the magnitude at this point.

Mr. Mahoney: Are you able to fulfill the...by the completion of the extension – July 25, 2019?

Mr. Hennessy: That extension should be more than adequate.

Mr. Mahoney: Okay.

Mr. Ho: Mr. Cua, Mr. Keawe alluded to this property fronts Kūhiō Avenue [sic]. As part of the conditions, would not curbs and sidewalks be part of that condition?

Mr. Cua: I believe the property is zoned Open, I believe, right, Brian?

Mr. Hennessy: No, it is an R-4 property and one of the conditions in the tentative was...

Mr. Cua: Curbs, gutters, and sidewalks?

Mr. Hennessy: Yes.

Mr. Ho: Curbs and sidewalks are part of the condition?

Mr. Hennessy: Yes.

Mr. Keawe: Okay.

Mr. Ho: Commissioners?

Mr. Keawe: Any further questions? No? We good? All right. This is final subdivision map approval–

Mr. Ho: No.

Mr. Keawe: Oh, no, excuse me.

Mr. Cua: Extension, yes.

Mr. Keawe: Subdivision extension request – Subdivision Application No. S-2017-9; Bridget Morse; proposed 2-lot subdivision; TMK: (4) 5-5-006:016; Hanalei, Kaua‘i – and recommended extension to 7/25/2019.

Mr. Mahoney: Second.

Mr. Ho: Motion on the floor is for an extension – Bridget Morse – to July 25, 2019. All in favor? (Unanimous voice vote) You have it.

Mr. Hennessy: Thank you.

Mr. Ho: Motion carries 3:0.

**ADJOURNMENT**

Mr. Cua: At this time, we have no further items on the agenda. You can call for adjournment, Chair.

Mr. Ho: Call for a motion, please, for adjournment.

Mr. Mahoney: Move to adjourn.

Mr. Keawe: Second.

Mr. Ho: All in favor? (Unanimous voice vote) Motion carries 3:0. We are adjourned.

Subdivision Committee Chair Ho adjourned the meeting at 8:49 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.

