

KAUA'I PLANNING COMMISSION
SUBDIVISION COMMITTEE MEETING
December 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 Lihu'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 and Chance Bukoski; Office of the County Attorney – Deputy County Attorney Jodi Higuchi Sayegusa; Office of Boards and Commissions – Administrator Ellen Ching, Commission Support Clerk Darcie Agaran

CALL TO ORDER

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

ROLL CALL

Mr. Ho: Mr. Bukoski, could you start us with our roll?

Staff Planner Chance Bukoski: Sure. Thank you, Chair. Chair Ho.

Mr. Ho: Here.

Mr. Bukoski: Commissioner Mahoney.

Mr. Mahoney: Here.

Mr. Bukoski: Commissioner Keawe.

Mr. Keawe: Here.

Mr. Bukoski: We have three present.

APPROVAL OF AGENDA

Mr. Bukoski: Moving on to Item C, Approval of the Agenda.

Mr. Mahoney: Chair, move to approve the agenda.

Mr. Keawe: Second.

Mr. Ho: Motion on the floor is to approve our agenda. All in favor? (Unanimous voice vote)
Motion carries 3:0.

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. Seeing none.

RECEIPT OF ITEMS FOR THE RECORD (None)

Mr. Bukoski: 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. Are there any individuals in the audience wishing to testify on any items on the agenda? Seeing none.

GENERAL BUSINESS MATTERS (None)

Mr. Bukoski: Moving on to Item G, General Business Matters for Action. None.

UNFINISHED BUSINESS (For Action)

Tentative Subdivision Map Approval

Subdivision Application No. S-2019-1; ALEXANDER & VIVIAN YOUN TRUST;
Proposed 8-lot Subdivision; TMK: (4) 4-2-003:023; Wailua, Kaua'i

Mr. Bukoski: Item H, Unfinished Business for Action – tentative subdivision map approval, Subdivision Application No. S-2019-1, Alexander and Vivian Youn Trust, proposed 8-lot subdivision, TMK: (4) 4-2-003 Parcel 023, Wailua, Kaua'i.

Before I begin, Commissioners, I did speak to the applicant and he is, unfortunately, not here to make the meeting; he is in the mainland. So he wishes to...(he) requested to defer this matter to the next available meeting, which is January 8, 2019.

Mr. Ho: Commissioners, I need a motion, please.

Mr. Keawe: I move to defer this meeting to...was it January 8th, Chance?

Mr. Bukoski: Correct.

Mr. Keawe: This item to January 8th of 2019.

Mr. Mahoney: Second.

Mr. Ho: Motion on the floor is to defer to January 8, 2019 – Alexander and Vivian Youn Trust. All in favor? (Unanimous voice vote) Motion carries 3:0.

Mr. Bukoski: Thank you, Chair.

NEW BUSINESS (For Action)

Tentative Subdivision Map Approval

Subdivision Application No. S-2019-4; *TIM BECKMAN & MIRA HESS*; Proposed 4-lot Consolidation; TMK: (4) 2-8-014:038 & 042; Kōloa, Kaua‘i

Mr. Bukoski: Moving on to Item I, New Business for Action – tentative subdivision map approval, Subdivision Application No. S-2019-4, Tim Beckman and Mira Hess, proposed 4-lot consolidation, TMK: (4) 2-8-014 Parcels 038 and 042, Kōloa, Kaua‘i.

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

Mr. Bukoski: Commissioners, there is a Kuleana lot on this subdivision application, and therefore, we are doing the subdivision in two phases. Phase I would be, as I mentioned in the evaluation, to provide adequate title insurance; that the property owner actually owns the property so it cannot be challenged. And therefore, after they receive tentative...they provide that verification, we can further pursue another tentative approval, which will be Phase II, which would have the consolidation of all the various government agencies' comments. So we will do this in two phases.

Mr. Ho: Is there someone here from...representing Tim Beckman and Mira Hess, please? Seeing none.

Mr. Keawe, any questions?

Mr. Keawe: I had a question. Chance, on the expression “adequate title insurance,” how do they determine what that is? Do we know? As far as just...you know, because adequate means, obviously, an amount sufficient to protect the claimant...I mean, the applicant.

Staff Planner Dale Cua: Commissioner Keawe, I can answer that question for you. So basically, title companies, they offer two types of title policies. The first one, which we traditionally receive, would be a title report. In that title report, it generally identifies the property and the affected encumbrances involving the parcel. The second one they would issue is title insurance. Title insurance is, I guess, the more stringent of the two policies, and in this case, the insurance would assure that the title to this particular Kuleana is clean before they can insure the title. So that’s the difference between the two; one is like an insurance—

Mr. Keawe: One is the title report, preliminary title report, so it gives you an indication of what could be.

Mr. Cua: Right.

Mr. Keawe: And the other is actual insurance.

Mr. Cua: Insurance, exactly.

Mr. Keawe: So if there is a claim against the property, then the title company will stand good for whatever—

Mr. Cua: Right.

Mr. Keawe: —needs to be done financially from that (inaudible).

Mr. Cua: Right. So usually...generally, from what I understand, the process involves...before they can even insure a policy, they do their check. And if there is unclarity, then they won’t issue a policy.

Mr. Keawe: Right. So that is the other option that they have, right?

Mr. Cua: Correct.

Mr. Keawe: Okay. Mr. Ho, I’m done.

Mr. Ho: I’m good, I’m good. Any...Mr. Mahoney, do you have a question?

Mr. Mahoney: So this is tentative approval per the conditions you were speaking about, right?

Mr. Bukoski: Correct, so just for Phase I.

Mr. Mahoney: So everything’s got to fall into place before final approval, so this is just a tentative. Okay. I’m good.

Mr. Ho: As it stands now, Chance, this map here – the Kuleana is absorbed into Lot A?

Mr. Bukoski: Correct.

Mr. Ho: Your recommendation, please.

Mr. Bukoski: Unfortunately, I did speak to the property owner; he mentioned that if he had to be here or not; however, I did tell him just in case the Commissioners have any questions, but, however, he is not here, so...we recommend tentative approval.

Mr. Ho: Okay. What action do you need from us? Tentative approval? Commissioners?

Mr. Cua: Just for clarity purposes, the tentative approval action is for Phase I of the subdivision, and Phase I requires the applicant to submit a title insurance before we proceed any further onto Phase II.

Mr. Mahoney: Okay, so do you need a motion?

Mr. Ho: The motion would be–

Mr. Mahoney: I move to approve tentative subdivision map approval for Subdivision Application No. S-2019-4, Phase I.

Mr. Keawe: Second.

Mr. Ho: Motion on the floor is to...tentative subdivision approval – Tim Beckman and Mira Hess – (for) Phase I. All in favor? (Unanimous voice vote) Motion carried 3:0.

Mr. Bukoski: Thank you, Chair.

Subdivision Application No. S-2019-5; JOHN K. MORIOKA TRUST; Proposed 2-lot Subdivision; TMK: (4) 4-4-005:036; Kawaihau, Kaua'i

Mr. Bukoski: Moving on to Item b, Subdivision Application No. S-2019-5, John K. Morioka Trust, proposed 2-lot subdivision, TMK: (4) 4-4-005 Parcel 036, Kawaihau Road.

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

Mr. Bukoski: We received all various government agencies' comments and we are recommending tentative approval.

Mr. Ho: Is there someone from the audience representing John K. Morioka Trust, please?

Mr. Clyde Kodani: Good morning, Commissioners. For the record, Clyde Kodani, authorized agent for the applicant. We don't have any objections to the staff's report.

Mr. Ho: Commissioners, any questions?

Mr. Keawe: No, I...Clyde, this was the one that was really close in the square footage, right? The deviation was fairly small.

Mr. Kodani: Yes.

Mr. Keawe: Was it 400 feet, or something like that? Less than that, right?

Mr. Kodani: Yes, less than 400, yes; very small.

Mr. Keawe: Yes.

Mr. Ho: What is the zoning on this?

Mr. Kodani: R-2...

Mr. Ho: R-2?

Mr. Kodani: Rural, huh?

Mr. Bukoski: R-2 Rural.

Mr. Ho: As it stands, Clyde, one lot has a dwelling on it?

Mr. Kodani: Yes.

Mr. Ho: And if they wanted to add...this is Residential, right? So if they wanted to do an ADU, they have enough land size?

Mr. Kodani: They have enough land size...I believe they have enough land size to do an ADU.

Mr. Ho: On both?

Mr. Kodani: Yes. But the ADU would be somewhat limited; the two dwellings would have to be no more than five bedrooms, yes, because of the Health Department.

Mr. Ho: Sewer requirement?

Mr. Kodani: Yes.

Mr. Ho: Your recommendation.

Mr. Bukoski: Our recommendation is for tentative approval, Chair.

Mr. Keawe: Okay. I move for tentative subdivision map approval for Subdivision Application No. S-2019-5 – John K. Morioka Trust.

Mr. Mahoney: Second.

Mr. Ho: The motion on the floor is for approval – tentative map – John K. Morioka Trust. All in favor? (Unanimous voice vote) Motion carries 3:0.

Mr. Kodani: Thank you.

Mr. Bukoski: Thank you, Chair.

ADJOURNMENT

Mr. Bukoski: Moving on to the last item on the agenda, J, Adjournment.


Mr. Keawe: Move to adjourn.

Mr. Mahoney: Second.

Mr. Ho: The motion is to adjourn; seconded. That’s our 2018 schedule. Thank you very much. All in favor? (Unanimous voice vote) Motion carries 3:0.

Subdivision Committee Chair Ho adjourned the meeting at 8:42 a.m.

Respectfully submitted by:



Darcie Agarah
Commission Support Clerk

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

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