

KAUA'I PLANNING COMMISSION
SUBDIVISION COMMITTEE MEETING
August 13, 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
Mr. Kimo Keawe

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. Mr. Bukoski, will you start us off on our business please?

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

Chair Ho: Here.

Mr. Bukoski: Commissioner Apisa.

Ms. Apisa: Here.

Mr. Bukoski: Commissioner Keawe.

Mr. Keawe: Here.

Mr. Bukoski: We have three present at this time.

APPROVAL OF AGENDA

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

Ms. Apisa: Move to approve the Agenda.

Mr. Bukoski: Seconded.

Chair Ho: The motion on the floor before us is to approve the agenda. All in favor? (Unanimous voice vote) Motion carries 3:0.

MINUTES of the meeting(s) of the Subdivision Committee

Mr. Bukoski: Thank you Chair. Moving on to Item D, Minutes of the Meeting of the Subdivision Committee First Item, May 28th 2019 and the second item June 25th 2019.

Mr. Keawe: I move to approve the meeting minutes of May 28th 2019 and June 25th 2019.

Ms. Apisa: Second.

Chair Ho: The motion before us is to approve the Meetings May 28th and June 25th. All in favor? (Unanimous voice vote) Motion carries 3:0.

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 Subdivision Agenda? Seeing none.

GENERAL BUSINESS MATTERS

Request for a Modification of Condition.

Subdivision Application No. S- 76-60, *ANTONE M. SOUZA*; Proposed 7-lot Subdivision
TMK: (4) 2-5-03:044, Lawai, Kaua'i

Mr. Bukoski: Moving on. Item No. G, General Business Matters. Request for modification of a condition. Subdivision application No. S-76-60, Antone M. Souza; proposed 7-lot Subdivision, TMK: (4)-2-5-03: parcel 044, Lawai, Kaua'i. The Subdivision Report pertaining to this matter.

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

Mr. Bukoski: The evaluation, I will hold off on my evaluation.

Chair Ho: I believe Commissioners you've seen some of the correspondence before us here so right now I guess I call first of all, anybody from the public wishes to provide public testimony on this matter? Anybody? Public testimony on this matter? You are sir? Come forward.

Mr. David Estrella: Good Morning Commissioners I really thank you for your consideration.

Chair Ho: May I have your name please?

Mr. Estrella: I'm David Estrella. The owner of the properties and—

Mr. Keawe: Okay. Can you pull the microphone closer to you? There is a button on the top, push it towards you so we can hear you. Up further, up further, push towards, there you go, thank you.

Mr. Estrella: Is that come in through?

Mr. Keawe: Yeah. Alright.

Mr. Estrella: Are we good? Yeah. My name is David Estrella and I would like to thank the Commissioners for your consideration this morning. We ah, my wife and I would love to provide home, farm home sites for our children and grandchildren and so that's why we are asking, requested and your consideration. I have my son-in-law hopefully him and his wife will be able to build on one of the properties. He'll be speaking on my behalf if it's okay with you folks.

Chair Ho: Thank you, thank you.

Mr. Keawe: Okay. Yeah. Come forward next guy.

Mr. Lucas Beckerich: My name is Lucas Beckerich. I'm a Licensed Land Surveyor and also son-in-law of the applicant. Um, one thing I'd like to point out on this application is that per David Estrella's letter it's not just lot 53G, but also lot 53 E and F, I think its Exhibit "C" in the report.

Mr. Keawe: So um, sir could you mention that again, it's 53 D, E, and F?

Mr. Beckerich: E, F, and G.

Mr. Keawe: E, F, and G?

Mr. Beckerich: Yes.

Chair Ho: You're the owner of the lots?

Mr. Beckerich: David Estrella is, yes. Um, I'm here today to address the agreement between the County of Kauai and Antone M. Souza, dated August 11, 1977. This agreement states, and I

want this on the record as I'm quoting, "Whereas the road serving the existing lot and the water facilities aren't adequate to serve any additional dwellings in the Subdivision. As agreed the agreement places a two part condition on five of the seven lots. Per set agreement Mr. Souza and the County of Kauai agree that no dwelling shall be constructed on said lots until Akemama or Akemama and Ili road accesses improves to County Standards and water source improvements are made by the Department of Water." This agreement implies that Akemama and Ili Roads can meet County Standards within the four corners of this agreement the County has an obligation to ensure that road improvement conditions can be met. This agreement does not imply that the owner has sold their development rights, but rather have only been deferred until these conditions are met. Currently, Akemama and Ili Roads have right of way widths fourteen feet narrower than the County Standard and the grades are five to ten percent steeper than the maximum allowable standard. Furthermore, there have been sufficient road widening setbacks in place along Akemama and Ili Roads to acquire the right of way width necessary to meet the County Standards since 1981. The County has a fiduciary responsibility to acquire this additional right of way per the agreement since this can only be achieved by a dedication or eminent domain. This agreement, after the review of the road, design standards, and observation, observing the existing conditions of the roads. As a Professional Land Surveyor I see the road improvement condition as an impossible condition to meet. This agreement should also have set policy precedent for future subdivisions that share the same access concerns. Since 1977, the County has approved eight subdivisions on Akemama Road, the most recent one being approved in 1991. Of these eight subdivisions, most of the lots have been developed with some lots having multiple dwellings allowed. Now I want to refer to the sheet that I handed out that shows the Building Permits that have been allowed in the history. Since 1977, and I want this on the record because eighty-two percent of the houses built on Akemama and Ili Roads were permitted post this agreement. Some of these additional dwellings are built beyond the lots under this agreement with their road access. I think that was one of the ones that was built sometime around 1990, 1991. Um, one of them is on water catchment they don't have County water and this stuff has been approved. I am appealing to your sensibilities, it's been forty-two years since this agreement has been up, in, on record and this has happened. You know, this seems like targeted zoning.

Chair Ho: Mr. Beckerich. A forgive me for intruding but a please wrap your testimony up please.

Mr. Beckerich: Okay, thank you. Um, with the County allowing for further development of the subdivision, of other subdivisions accessing from Akemama Road, it is clear that road, existing road conditions have been deemed acceptable by the County as they haven't imposed any subsequent penalties or road improvements stipulations for the on-going construction of new dwellings. It seems that the Lots under the 1977 agreement are being held to a separate standard then the lots because, the neighboring lots because there are inconsistencies with the application the County standard requirements post history. We are coming in good faith looking for equity and um, we are just you know, respectfully asking for consideration.

Chair Ho: Thank you. Anybody else in the public would like to comment on this item? Now, I intend to call the family of John Souza, anybody representing the family of John Souza? Last call, anybody representing the family of John Souza?

Mr. Keawe: So um, Mr. Beckerich. You are representing the family? Your first appearance was as public testimony. Now, if you are the applicant, you are representing the family? My understanding? Than you need to come back up. Thank you. It's just a procedural thing we have to do. Alright.

Mr. Beckerich: Yes. Sorry about that, first time in front of the Board.

Mr. Bukoski: Just to clarify Commissioners um, Antone Souza was the original sub divider back in '77. And now the successor is Mr. David Estrella.

Mr. Keawe: Okay, good. In your professional opinion, obviously, you are a Land Surveyor, and you mentioned that the standards were impossible to meet based on what they are asking. And the other thing though was talked about, what is this cost? If we were trying to hold to this standards even if they were impossible? I mean, if it were possible, what would it cost? To put the requirements in that you and your family was asked to put in.

Mr. Beckerich: The cost could be impossible because currently Ili Road as it sits, you can refer to the map that I have submitted. It goes straight up a hill, there is a thirty foot right-of-way existing, there has been road widening setbacks in place to make it forty-four feet wide. But because it goes straight up this hill then, it, the percent on the road is seventeen to twenty percent going up this hill. Um, I don't see how you could get you know, that be approved for traffic.

Mr. Keawe: So was there a requirement to waive liability way back with regard to--?

Mr. Beckerich: I think in one of the um, yeah—

Mr. Keawe: Yeah I think I remember reading something about it and that was not accepted? The waiver of liability.

Mr. Beckerich: Yes. The waiver—

Mr. Keawe: And obviously, you know why? I mean you know, it's an issue of somebody falls of the road and whose going to pay?

Mr. Beckerich: Yes.

Mr. Keawe: Is that true?

Mr. Beckerich: Um—

Mr. Keawe: There was an offer to waive?

Mr. Beckerich: There was an offer to waive.

Mr. Keawe: Yes.

Mr. Beckerich: Yes.

Chair Ho: Does this agreement between the County and the Mr. Souza, is that part of the Deed?

Mr. Beckerich: It refers to it yes.

Chair Ho: It's on the Deed?

Mr. Beckerich: Yes. It came up on the Title Report.

Mr. Keawe: Well, I, my, I think we just don't have enough information at this point based on the information we got just recently. This was just handed to us this morning and I would suggest that we should probably defer this Item to a future meeting. So that we can get more information and find out what potential alternative there are to solve this requirement.

Chair Ho: A Mr. Bukoski what was your recommendation, your preliminary recommendation please?

Mr. Bukoski: Thank you Chair. My evaluation on the project in considering the applicants request, historically the Department has consulted with the Department of Public works regarding the proposal since the required infrastructure improvements directly involve this Agency. A recent response from the Department of Public Works recommends that the request for the modification of a Condition 2E, be denied. Refer to Exhibit "E" for that. Based on the foregoing roadway improvements are typically, based on the foregoing roadway improvements are typically taken into consideration during the subdivision process whether it involves physical improvements or establishment of road reservations also known as road reserves. In order to anticipate future improvements to the road ways in this particular case the adjacent road way is fronting the original subdivision were unimproved at the time subdivision application was processed. And the result a condition was imposed that required the sub divider to make improvements to the water line and roads such that it would comply with the County Development Standards, Conditions 2A and 2E specifically. Of the tentative approval letter dated May 4th 1976. And you can refer to Exhibit "F" for that as well. Provide the Planning Commissions further consideration and our correspondence related to the modification of the road way improvements in 1976, that deferred the requirements and improvements open further development of Lots 53B, 53C, 53E, 53F, and 53G. Based on the information mentioned above the Department recommends that the request for the modification (inaudible) be denied.

Chair Ho: Commissioners, would you like to pick up on this?

Ms. Apisa: I guess I have a couple of questions. You mentioned your Lots are 53E, F, and G?

Mr. Beckerich: Yes.

Ms. Apisa: And they are on Akemama Road?

Mr. Beckerich: Yes.

Ms. Apisa: Are those other Lots that are off of Ili Road for example, 53D.1 and C.1, looks like they access off of Ili Road are they built on or still Lots?

Mr. Beckerich: There are built on. Yes.

Ms. Apisa: That's interesting.

Chair Ho: That access to those Lots that she, Ms. Apisa referred to, is that an unimproved road?

Mr. Beckerich: It matches the width of the Akemama Road Pavement, I think it's twelve to fourteen feet somewhere in there. And it goes up to the start of Lot 53C.1 and then from there Lot 53C has a concrete driveway in the County right-of-way to access his residence.

Ms. Apisa: But basically the road condition on Ili Road is similar to Akemama in condition, the width is but what about condition, the grade?

Mr. Beckerich: The grade is greater.

Ms. Apisa: On Ili Road?

Mr. Beckerich: On Ili Road and um—

Ms. Apisa: And that has houses built on it?

Mr. Beckerich: Yes, it has houses built on it up to Lot 53 C.1 and from there it, there is no road up to the intersection with Akemama Road is just grass within that right-of-way section pass the concrete driveway for lot 53C.1.

Mr. Keawe: So if I'm looking at this, so Lot B, Lot 53A, you've got the road coming up and you say that's the steepest part, seventy percent grade or something like that? So you are going up hill, straight?

Mr. Beckerich: Yes, Straight uphill.

Mr. Keawe: And you get to 53C has the driveway?

Mr. Beckerich: Mmm.

Mr. Keawe: And then the next house and the next two houses in Lot 53A, I'm looking at your map. It looks like three houses past the 53C Lot. Am I correct?

Mr. Beckerich: So those houses are before. So you were coming from Kua Road, you're coming up the hill from Kua Road on that section. So those houses come before and then Lot 53C.1 has a driveway, Lot 54A also access but his driveway comes in down at the where Lot 53 C.1 starts from Kua Road. Yes.

Chair Ho: Commissioners, any after though? Mr. Keawe you had requested a deferral are you still of that opinion?

Mr. Keawe: Yes. I would make a motion to defer to a future meeting so that we can get more information about potential solution for this forty-three year old problem.

Ms. Apisa: Second.

Chair Ho: The motion before us is for a deferral. Mr. Bukoski do you have a time limit for this?

Mr. Bukoski: I believe Chair the next available meeting would be August 27th is that correct? Oh, September 10th.

Chair Ho: Deferral to September 10th. Mr. Beckerich the motion before us is for a deferral until September 10th?

Ms. Apisa: Are you good with that?

Mr. Beckerich: Yeah. I'm good with that.

Chair Ho: All in favor? Aye. (Unanimous voice vote) Any opposed? Motion carries 3:0. It's a deferral.

UNFINISHED BUSINESS (None)

Mr. Bukoski: Item H, Unfinished Business. Seeing none.

NEW BUSINESS (For Action)

Tentative Subdivision Map Approval.

Subdivision Application No. S-2019-17; COUNTY OF KAUAI; Proposed 2-lot Subdivision; TMK: (4) 2-6-004: 0191 por; Koloa, Kaua'i.

Mr. Bukoski: Item I, New Business for Action. Tentative subdivision map approval- Subdivision Application No. S-2019-17: County of Kauai; proposed 2-lot Subdivision: TMK: (4) 2-6-004: parcel 019; Koloa, Kaua'i

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

Mr. Bukoski: Commissioners, we have received all various Government Agencies comments and we are recommending tentative approval.

Chair Ho: Mr. Bukoski is this part of this Marked Development?

Mr. Bukoski: Yes, it's the Kauai Workforce Development.

Chair Ho: Is there anybody in the audience representing the County of Kauai or anyone? Please come forward. Thank you.

Ms. Tessie Kinnaman: Good Morning, is it on?

Mr. Bukoski: Push'em, push'em towards you.

Mr. Keawe: The one on the top. Yes.

Ms. Kinnaman: Good morning. Tessie Kinnaman for the record. I just wanted to be sure that this—

Ms. Apisa: Can you hear? Can you hear?

Mr. Keawe: No.

Ms. Kinnaman: Good morning. Tessie Kinnaman for the record. I just wanted to be sure that this portion stays on the eastside of Poipu Road with the exception of the road widening. I just want to be sure it's there and it doesn't encroach into the west part of Poipu Road. Thank you.

Chair Ho: A Mr. Esaki are you commenting on this?

Mr. Dennis Esaki: Good Morning Dennis Esaki Surveying with Paul Watasy, Developer of the property.

Mr. Paul Watasy: Yes. Paul Watasy for Mark Development.

Mr. Esaki: As Mr. Bukoski said this subdivision is just for a roadway widening strip to be dedicated to the County and this land is owned by the County. The Conditions listed in the Report are for the Class IV Permit to construct 134 affordable housing units. The construction is on the way to satisfy these Conditions. The improvement requirement should not be duplicated here in this application. I said it's only to cut out the road widening strip. These Conditions listed here curb and gutters and stuff should be taken out of this even the Department of Water Condition should be taken out of this subdivision. Thank you.

Chair Ho: Mr. Bukoski He's asking for, you're asking for curbs and gutters to be eliminated?

Mr. Bukoski: Coming from the background of the Class IV Permit that was approved back in August of 2017. There was no mention of curbs, gutters, and sidewalks for this new development so as part of Subdivision Ordinance we established the curbs, gutters, and sidewalks provision. After reviewing the Construction Plans they've, DPW has concluded that they are excepting the swales in lieu of curbs, gutters however, we still want to remain the sidewalks condition within the subdivision, Tentative Subdivision Report. What the applicant is

possibly requesting is a modification of a requirement for relating to Condition No. 1e., relating to curbs, gutters be amended for the installation of swales along Poipu Road.

Chair Ho: Is that what you are asking for Mr. Esaki, swales?

Mr. Watasy: Well the design as approved when we did the Class IV process as well as working with the Planning Department was to have the pavement, the road way pavement, new acceleration and deceleration lanes, then the swale to handle the water runoff, and then a side walk. So we do have a sidewalk fronting our entire property.

Chair Ho: The swale is that on your property, County property?

Mr. Watasy: The swale and sidewalk would be within the County right-of-way and it would basically tie in with the existing grass swales of Poipu Road.

Chair Ho: It's going to be a grass swale and not an asphalt swale?

Mr. Watasy: Grass swale.

Chair Ho: Is that conditions acceptable to you?

Mr. Bukoski: Yes. Certainly, from The Department stand point a swales is an acceptable change rather than curbs and gutters.

Mr. Esaki: Mr. Ho. Um, my point is that all this Conditions were in the Class IV Permit for the housing project and this one you know, is just to cut out a road widening strip. So I don't think you should put all this water conditions and all the other conditions just on this one subdivision application to cut out the strip of land to dedicate to the County.

Mr. Bukoski: Chair. I cannot speak on behalf of the Department of Water, I just receive comments from them and implement it into the Subdivision Report. So the applicant would need to speak to Department of Water to get that done properly.

Ms. Apisa: but as far as your concern, what their proposing is satisfactory?

Mr. Bukoski: It's satisfactory with a Class IV Permit specifically Condition No. 13.

Chair Ho: Let me ask the County Attorney. Since we have just two members now, we do have quorum? May we proceed with the vote?

Deputy County Attorney Nicholas Courson: Yes.

Chair Ho: Anything else Mr. Esaki? Mr. Watasy?

Mr. Watasy: No.

Mr. Bukoski: And um, Commissioners I would just like to reiterate this is an approval for a modification for curbs and gutters in lieu of swales.

Mr. Courson: Check, check. I'm sorry my mike wasn't on. My answer to your question was yes.

Chair Ho: Thank you. Our first amendment than would be to vote for the curbs, swales?

Mr. Bukoski: Modification of a requirement for swales in lieu of, I mean swales in lieu of curbs and gutters.

Ms. Apisa: Help me along if I don't get this right but um, I make a motion that we remove the, we substitute the requirement for the curbs and gutters be substituted for a grass swale.

Mr. Keawe: Second.

Chair Ho: The motion before us is substitution of a curbs and gutters with a grass swale. All in favor? Aye. (Unanimous voice vote) Motion carries 3:0. Now we need a motion for map approval.

Mr. Bukoski: Commissioners, with the change we are recommending tentative approval.

Ms. Apisa: Do we need to wait for anything from water? Or are we good to go?

Mr. Bukoski: Through this process water could actually send in another form of their Conditions but the applicant needs to meet with them in order to make those amended changes. With that being said, once they do make those amended changes the Department of water can actually send me an updated revised as you would say Condition list.

Ms. Apisa: So the motion would be to approve it as now amended subject to the Department of Water approval or modification?

Mr. Bukoski: Just through the process in general whenever subdivisions come in, things can change during the process. So we don't need to specifically amend it. Yeah. We can just leave it as is.

Chair Ho: We are still in Tentative Map Approval so (inaudible) the final map.

Ms. Apisa: So I will make a motion that we approve the petition as a, is it a petition?

Mr. Bukoski: Yeah, amended subdivision application.

Ms. Apisa: Subdivision application as amended today.

Mr. Keawe: Second.

Chair Ho: All in favor? Aye. (Unanimous voice vote) Motion carries 3:0. Now we need a motion for tentative map approval?

Mr. Bukoski: I thought that was?

Mr. Keawe: I thought we just did that? We just did that.

Chair Ho: Thank you.

NEW BUSINESS (Cont)

Final Subdivision Map Approval.

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

Mr. Bukoski: Thank you Chair. Moving on to Item 2.a, Final Subdivision Map Approval. Subdivision Application No. S-2019-5; John K. Morioka Trust; proposed 2-lot subdivision; TMK: (4) 4-4-005: parcel 36; Kapaa, Kaua'i.

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

Mr. Bukoski: Commissioner, we have received all various government agencies comments and are recommending final approval.

Chair Ho: Is there someone from John Morioka Trust in the audience? Please come forward.

Mr. William Eddy: Good morning. My name is William Eddy. I work for Kodani and Associates Engineers. And I'm here today to represent the three family members who own the subject parcel and we're here before you today for Final Subdivision Approval. I believe we have set aside all the agencies requirements and conditions and we respectfully ask for your approval today. Thank you.

Mr. Keawe: Yes. Okay, I think we are pretty familiar with this, I think we just did this earlier this year. So, they've met all the requirements. I have no issue.

Chair Ho: So is there any further discussion?

Ms. Apisa: Maybe the recommendation?

Mr. Keawe: Recommendation?

Mr. Bukoski: Our recommendation is for Final Subdivision Map Approval.

Mr. Keawe: I move to give Final Subdivision Map Approval for Subdivision Application No. S-2019-5, John K. Morioka Trust.

Ms. Apisa: Second.

Chair Ho: The motion before us is Final Map Approval, John Morioka Trust. All in favor? Aye. (Unanimous voice vote) any Opposed? Motion carries 3:0.

Final Subdivision Map Approval.

Subdivision Application No. S-2019-7; *RAYMOND RAPOZO & DORINA AUGUSTINE*;
Proposed 2-lot Subdivision; TMK: (4) 4-7-005: 033; Kawaihau, Kaua'i

Mr. Bukoski: Thank you Chair. Moving on to Item I.2b, I.2b. Subdivision Application No. S-2019-73; Raymond Rapozo and Dorina Augustine; proposed 2-lot subdivision; TMK: (4) 4-7-005: parcel 033; Kawaihau, Kaua'i.

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

Mr. Bukoski: Commissioners we have received all, before I begin recommendation. I just want to give you a little brief history on this, we did do a modification of requirement for curbs, gutters, and sidewalks due to this subdivision being an existing in the manner of no curbs and gutters and sidewalks exist in this whole subdivision. So we have approved a modification requirement for this.

Mr. Keawe: So is that part of your conditions? The waiver is in here.

Mr. Bukoski: And it was part of it.

Mr. Keawe: The waiver is in here?

Mr. Bukoski: Yes.

Mr. Keawe: So we don't have to pull it out separately, it's already in here? Got it.

Mr. Bukoski: Correct, correct. So based on that we've received all government agency comments and we are recommending Final Subdivision Map Approval.

Chair Ho: Is there someone here representing Raymond Rapozo and Dorina Augustine? Please come up.

Mr. Alan Hironaka: Good morning my name is Alan Hironaka. Hironaka Surveying and Mapping. And I have my client here Raymond.

Mr. Raymond Rapozo: My name is Raymond Rapozo.

Chair Ho: Good Morning to you guys.

Mr. Hironaka: Good Morning.

Mr. Raymond Rapozo: A Good Morning.

Chair Ho: You heard the Planner waiving the Condition of the sidewalk?

Mr. Hironaka: Yes.

Mr. Raymond Rapozo: Yes.

Chair Ho: Okay. Anything for the—?

Mr. Keawe: Nope. I think we've got enough information. Donna, anything?

Ms. Apisa: No.

Mr. Keawe: Okay.

Chair Ho: Okay, can we have a motion?

Mr. Keawe: Yes. Ah let's see—

Ms. Apisa: What about the recommendation?

Mr. Keawe: Recommending approval? Is that right?

Mr. Bukoski: A Final Subdivision Map Approval Commissioner.

Mr. Keawe: Alright so I move to grant Final Subdivision Map Approval for Subdivision application No. S-2019-7, Raymond Rapozo and Dorina Augustine, Kawaihau, Hawaii.

Ms. Apisa: Second.

Chair Ho: The motion on the floor before us Final Subdivision Map Approval, Raymond Rapozo and Dorina Augustine. All in favor? Aye. (Unanimous voice vote) Any opposed? Motion carries 3:0.

Final Subdivision Map Approval.

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 I. 2c, Subdivision Application No. S-2019-14; Kee Kauai Carport, LLC. Proposed 2-lot Consolidation; TMK: (4) 2-6-017: parcel 45 & parcel 46; 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 Final Subdivision Map Approval.

Chair Ho: There was just one Condition in there, Condition 1.b., where it states that the applicant would have a declaration if they are going to use it for TVR, is that part of the final now?

Mr. Bukoski: Yes. Usually, they would notify the Department on whether or not they're going to be included in operating as a vacation rental.

Chair Ho: Is it?

Mr. Bukoski: Yes.

Chair Ho: It will be operating as a TVR?

Mr. Bukoski: No. No its not, but they would make notification if they was.

Chair Ho: Thank you. Calling for anybody from Kee Kauai Carport, LLC? Please. Anybody in the audience representing them? Seeing none.

Mr. Bukoski: I've contacted the consultants which is Suisume and they are fine, okay with the Final Condition, the Final Map Approval.

Chair Ho: Commissioners?

Ms. Apisa: Just a clarification cause there was this back and forth back and forth about the TVR. So what was the final outcome?

Mr. Bukoski: Well usually within the Kukui'ula project, they have kind of like a list or an assortment or a list of homes that are going to be utilized for a vacation rental use. And part of within their Deeds they need to notify the County which parcel are going to be used for the—

Ms. Apisa: So it's just a matter of notification?

Mr. Bukoski: Yes.

Ms. Apisa: Okay. Thank you.

Mr. Keawe: Because it's already granted within the entire parcel?

Mr. Bukoski: Yes.

Mr. Keawe: Got it.

Ms. Apisa: Thank you.

Chair Ho: I need a motion please?

Mr. Keawe: I move for Final Subdivision Map Approval application No. 2019-14, Kee Kauai Carport, LLC.

Ms. Apisa: Second.

Chair Ho: The motion on the floor before us Final Map Approval Kee Kauai Carport, LLC. All in favor? Aye. (Unanimous voice vote) Motion carries 3:0.

ADJOURNMENT

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

Ms. Apisa: I make a motion now that we adjourn.

Mr. Keawe: Second.

Chair Ho: Motion on the floor is for adjournment. All in favor? Aye. (Unanimous voice vote) Motion carries 3:0. We are adjourned. Thank you.

Subdivision Committee Chair Ho adjourned the meeting at 9:13 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