

KAUA'I PLANNING COMMISSION
SUBDIVISION COMMITTEE MEETING
May 12, 2020

The regular meeting of the Planning Commission Subdivision Committee of the County of Kaua'i was called to order at 8:31 a.m., Microsoft Teleconference. The following Commissioners were present:

Roy Ho
Ms. Donna Apisa

Absent:

The following staff members were present: Planning Department Director Kaaina Hull – Planning Deputy Director Jodi Higuchi Sayegusa, Chance Bukoski, and Planning Commission Secretary Leslie Takasaki; Office of the County Attorney – Deputy County Attorney Nicholas Courson; Office of Boards and Commissions – Commission Support Clerk Arleen Kuwamura.

CALL TO ORDER

Subdivision Committee Chair Ho: Called the meeting to order at 8:31 a.m.

ROLL CALL

Chair Ho: Good morning all and to those who are viewing us, and the abbreviated Calendar. Mr. Hull will you start us off with our roll, please.

Planning Director Mr. Kaaina Hull: All right. Chair Ho. Roll call. Commissioner Apisa.

Ms. Apisa: Here.

Mr. Hull: Chair Ho.

Chair Ho: Here

Mr. Hull: Chair Ho, you have a quorum.

APPROVAL OF AGENDA

Mr. Hull: The next order of business is the Approval of the Agenda. The Department does not have any recommended changes to the agenda.

Ms. Apisa: I move that we approve the Agenda as submitted.

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

MINUTES of the meeting(s) of the Subdivision Committee

Mr. Hull: Thank you Chair. Moving on to Agenda Item D, Minutes the first being Minutes of the January 28, 2020 meeting.

Ms. Apisa: I move to approve the minutes as submitted.

Chair Ho: We have two minutes here Kaaina. One for January 28th and one for February 11th, 2020. Could we do both at one time?

Mr. Hull: Yes, you can.

Ms. Apisa: I move to approve the minutes of January 28, 2020 and February 11, 2020 minutes.

Chair Ho: Motion before us is to approve the minutes of the meetings on January 28th and February 11th, 2020. All in favor? Aye (Unanimous voice vote) approved. Motion carries 2:0.

RECEIPT OF ITEMS FOR THE RECORD (None)

Mr. Hull: Next, we have Receipts of Items for the Record. We have no Receipt of Items for the Record.

HEARINGS AND PUBLIC COMMENT

Mr. Hull: The following Agenda Item is F, Hearings and Public Comment. In which the Planning Commission can accept written testimony. We did post it on the agenda and on our notice that written testimonies needs to be, submitted 24 hours in advance before the hearing for the Commission to receive the written format. We have not received written testimonies for this agenda. We also can transmit anything that we have receive, at a later date, but we would read it on to the record at this meeting. We have not received any testimony at this time, between the 24-hour periods. We have no written testimonies. I am looking...and it does appear because we have made this publicly available for the public to call in as well as testify on any of the agenda items. I am not seeing any individual numbers of the members of the public to call in. Let me double check with Jodi. Jodi do we have anybody that has called in, and is listening and would like to testify? Jodi, I think you are muted.

Planning Deputy Director Ms. Jodi Higuchi Sayegusa: Nobody called in.

Mr. Hull: Thanks, Jodi.

GENERAL BUSINESS MATTERS

Mr. Hull: Moving on. We have no G, General Business Matters.

UNFINISHED BUSINESS (For Action)

Mr. Hull: We have no H, Unfinished Business.

NEW BUSINESS (For Action)

Final Subdivision Map Approval.

Subdivision Application No. S-2019-09 Kukui'ula Development
Co., LLC (Parcel FF) Proposed 10-lot Subdivision
TMK: (4) 2-6-019: 017. & 026 Koloa, Kauai

Mr. Hull: Moving on to Item I, New Business for action. Subdivision action Items 1.a & b. I will just give you a primer as to what happened here and then I will turn it over to the Planner Chance Bukoski, to give you folks a brief report. Both Subdivisions were before you folks for a year or two and then they received Tentative Approval and were cued up for Final Approval in early March. After that, we went into the Covid-19 crisis and all the Planning Commission meetings were canceled until further notice. The applicant was or had at the time, and still has some timeline issues that they needed to meet, and so in analyzing it as well as the emergency proclamation that the Governor had put into place suspending among other things Chapter 46, which gives us police powers. We had a discussion with both the County Attorney's Office, Jodi, myself, and the Planning Commission Chair and Subdivision Chair, Mr. Ho, to allow an approval via that proclamation. So ultimately, there is a letter in this packet that was transmitted signed by the Planning Commission Chair and the Subdivision Committee Chair, approving the Subdivision application pursuant to what has been submitted as well as, under the emergency proclamation powers.

What you folks have before you are essentially is we are returning before you folks and saying, this action did happen. If you have any questions and want to discuss it, we are here for you to answer any of those questions. Ultimately, we are here to ask you folks, to memorialize and ratify the actions of the Department, as well as the Chair and, the Subdivision Committee Chair. With that, do you folks have any questions about the emergency proclamation or the actions that we took? If not, I will turn it over to Chance, to give a brief report.

Chair Ho: I am good.

Ms. Apisa: I am good.

Mr. Hull: Thank you, Commissioners. Chance, if you just want to give a brief layout of Subdivision Application No. S-2019-09, and then we will do the second subdivision after that.

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

Staff Planner Mr. Bukoski: Sure. So, looking at New Business for Action I, one, Final Subdivision Map Approval and for the Ratification of the evaluation of the project; the proposed development consolidates two parcels and re-subdivides the said parcel into a total of 10-lots. The surrounding parcels feature an assortment of Zoning Districts that include Residential, Resort, Open, and Special Treatment Open, and they are all situated within the State Land Use Urban Districts. Chair and Commissioner, we have received all agencies' comments and the applicants have met all the agencies' comments. We are recommending final subdivision map approval.

Chair Ho: Any other questions, Donna?

Ms. Apisa: No questions. It is straight forward.

Chair Ho: I will entertain a motion, please.

Ms. Apisa: I move that we memorialize and ratify the actions of the Planning Department. Is that sufficient or do we need more in the motion?

Mr. Hull: Just for clarification, I think the request should be a motion to ratify for Final Subdivision Map Approval for Subdivision application No. S-2019-09.

Ms. Apisa: I withdraw the other motion. I move that we ratify the Final Subdivision Map Approval for Application No. S-2019-09.

Chair Ho: The motion on the floor before us is for Final Map Approval Application No. 2019-09, Kukui'ula Development Co., LLC. All in favor? Aye (Unanimous voice vote) approved. Motion carries 2:0.

Subdivision Application No. S-2019- 13; Kukui'ula Development Co., LLC (Kainani Villas) Proposed 7-lot Subdivision
TMK: (4) 2-6-021:005 Koloa, Kauai

Mr. Bukoski: Thank you Chair. Moving on to the next Item I.1.b., Subdivision Application No. S-2019- 13, the applicant is Kukui'ula Development Co., LLC, also known as Kainani Villas Subdivision. Proposed 7-lot Subdivision TMK: (4) 2-6-021:005 Koloa, Kauai.

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

Mr. Bukoski: The evaluation of the project; the proposed development consolidates two parcels and re-subdivides said parcels into 7-lots. The surrounding parcels are County Zoned Residential and Open all of which are within the State Land Use Permit Districts. Commissioners, again, the applicant has...we have received all the agencies' comments and we are recommending ratifying Final Subdivision Map Approval for ratification.

Ms. Apisa: I move that we ratify the Final Subdivision Map Approval for application No. S-2019-13, for Kukui'ula Development Co., LLC, Kainani Villas.

Chair Ho: Motion before us is Final Map Approval for application No. S-2019-13, Kukui'ula Development Co., LLC. Kainani Villas. All in favor? Aye. (Unanimous voice vote) approved. Motion carries 2:0.

ADJOURNMENT

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

Chair Ho: One moment Please. Before you leave Chance, Kukui'ula, has been I imagine within the last year has been active before us asking for final map approval or applications for subdivisions. Is there an overall map that you could provide us with showing us where they are? What I want is a whole map showing what they are doing and where areas are and what remains un-subdivided?

Mr. Bukoski: Yes, I could reach out to the applicant to get such a map. I do have a map in the Department that shows or depicts the areas in which parcels will be sub-dividing. Granted, things could ultimately change due to the nature of what is going on in the economy. Therefore, I can ask Dave for the most updated map.

Mr. Hull: I will just add to that, Chair Ho, that the reason you see Kukui'ula coming in a lot is one, the nature of what they are marketing and how it sometimes changes. They have plans to do a certain type of product one year, and as the market shifts, and then they adjust the product and come back to you folks for subdivision amendments or whatnot. The other part that makes it that much more complex is that Kukui'ula property enjoys a Floating Zoning Districts. Meaning, their R-4's, their R-6's, their R-10 is in the Zoning Ordinance, the Council granted them authority to move these things around.

So, it is not like right, when you look at General Lands, you have R-6 here, R-4 here, R-10 here, and the respective subdivision standards are at play. The Council granted them the authority to move them around as far as it keeps it the same maximum density count that they allotted to them. The map can shift strangely enough, which then changes the subdivision standards depending on where they put the R-6 or R-4 under any given time. I am not saying it is a problem. I am just saying, it is what it is, and so we can provide you with the map, but it is always somewhat malleable given the entitlements the Council gave them.

Chair Ho: The reason I ask is not only is it shifting and moving. I want to protect some of the Conditions for the subdivision that you would normally impose on other people doing subdivision like curbs and sidewalks that is probably my biggest issues. In addition, I want to make sure that those get done, and they abide by these Conditions. Also, since they are spreading, I guess they are spreading westward, would that be correct that they are moving westward toward Kekaha and Mana side? An issue that has not been brought forth in quite a while is the "right of ways" the protection of the right of ways too. I want to make sure that when you do give me the map that and they do this expansion you know, that if there are

questions regarding “right of ways” that we also protect the public and give them access to these “right of ways” for beach enjoyment and those kinds of things.

Mr. Bukoski: Absolutely. I do believe that within the Kukui’ula Ordinance back in 2005 and 2006, I believe, they do have some type of Condition that states for trails and whatnot for public access and those types of things. I would necessarily say that they are not trying to implement that, but definitely, within what they are building out they have implemented curbs, gutters, and sidewalks, and that’s the main reason why they have brought in a couple of these projects for Final Subdivision Map Approval. In addition, they do have that public access to traverse through those properties for exercise and whatnot, so, it is within their Ordinance already.

Chair Ho: Also, I have not seen for quite a while the creation of parks for recreational purposes within the subdivision and I would like to see those things come out too. So, Mr. Bukoski, where are we now on our Calendar Agenda?

Mr. Bukoski: Chair, we are letter J. Adjournment.

Ms. Apisa: I move we adjourn.

Chair Ho: Motion before us is to Adjourn. All in favor? Aye. (Unanimous voice vote) Motion carries 2:0. We are adjourned.

Subdivision Committee Chair Ho: adjourned the meeting at 8:45 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