

KAUA'I PLANNING COMMISSION  
SUBDIVISION COMMITTEE MEETING  
**January 08, 2019**

The regular meeting of the Planning Commission Subdivision Committee of the County of Kaua'i was called to order at 8:33 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 – Chance Bukoski and Dale Cua; 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 8:33 a.m.

**ROLL CALL**

Chair Ho: Mr. Bukoski, would you start us off?

Staff Planner Chance Bukoski: Good morning everyone and Happy New Year. Chair Ho

Chair Ho: Here.

Mr. Bukoski: Commissioner Mahoney.

Mr. Mahoney: Here.

Mr. Bukoski: Commissioner Keawe.

Mr. Keawe: Here.

Mr. Bukoski: We have three present, Chair.

**APPROVAL OF AGENDA**

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

Mr. Mahoney: Move to approve the agenda.

Mr. Keawe: Second.

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

Mr. Bukoski: Thank you, Chair.

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

Meeting of November 26, 2018

Meeting of December 11, 2018

Mr. Bukoski: Moving on to Item D, Minutes of the Meeting of the Subdivision Committee, Meeting of November 26, 2018, and Meeting of December 11, 2018.

Mr. Keawe: Move to approve the minutes of the meeting for November 26<sup>th</sup>, and December 11<sup>th</sup>.

Chair Ho: Second. The motion on the floor is to approve the meeting of November 26<sup>th</sup> and December 11<sup>th</sup>. All in favor? (Unanimous voice vote) Motion carries 3:0.

Mr. Bukoski: Thank you, Chair.

**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. Is there anyone in the audience that wants to testify on any items on the agenda? Seeing none.

**GENERAL BUSINESS MATTERS (None)**

Mr. Bukoski: Moving on to Item G, General Business Matters. Seeing 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: Moving on to Item H, 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: Parcel 023; Wailua, 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: Is there anyone in the audience from Alexander & Vivian Youn Trust? Please. Come forward.

Mr. Avery Youn: Good morning Commissioners. My name is Avery Youn. I'm one of the trustees for the Alexander & Vivian Youn Trust.

Chair Ho: Commissioners, any questions for Mr. Youn?

Mr. Keawe: The... Avery, the only question I had was a... I think Public Works talked about Lot-5 and that access. You know, it's currently blocked by the guardrail or something, so you got to work with them if you want separate access to Kamalu (Road) I think.

Mr. Youn: Yes, I'm aware of that, and we already contacted Public Works to see how we can have a portion of that guardrail removed.

Mr. Keawe: Oh, good. OK.

Mr. Youn: I have a question. We already submitted a preliminary title report when we applied for the application. Are you requiring an additional one?

Mr. Bukoski: No, we'll recommend the subdivision report to take off, to amend, the subdivision report to get rid of Condition A. So, 1A. Will be taken off.. and B., C., D., and F., will follow as; A., B., C., D., and E. Sorry.

Mr. Youn: Alright, thank you. Oh yes, just for information purposes, the park dedication EIA fee has already been paid also.

Mr. Keawe: OK, great.

Mr. Youn: I can provide the receipts.

Mr. Bukoski: Oh correct. When this subdivision report was created was back in I believe, December 11, 2018. So, what we can do is, I can check back in the records –we can leave the conditions as is and then I can contact the applicant and say that the conditions were met in the... in the Subdivision Report.

Chair Ho: Question for you Chance. Condition K. says that the map has to show both open and residential use where your initial property butts up to the stream?

Mr. Bukoski: Yes.

Chair Ho: How... how does that work? How do you show that?

Mr. Bukoski: Usually, in this special circumstance, the applicant's, Mr. Youn's, property is adjacent to a stream. And usually within a properties that are adjacent to streams are going to be County zoned Open just because there's not really favorable density in that area. I would say that it's discouraged to be building in an Open District; however, majority of the applicant's property is in the Residential R-2 District. Therefore, in order to maximize the density of his property, he came in for a Class 4IV Zoning Permit and Variance Permit to configure the lot in a way that would benefit his... the applicant and his family. So, how it would work is, the applicant would propose a map to show the boundary limitations between the R-2 and the Open Districts, just to get a clarification on what is in the flood prone areas and what is in the residential areas.

Chair Ho: So the tentative map will show his property boundary and the flood zone?

Mr. Bukoski: The pre-final map.

Chair Ho: I mean, the pre-final map, yes. Is that what it's going to show?

Mr. Bukoski: Correct.

Chair Ho: Is that what it is?

Chair Ho: Commissioners, questions? Discussions? No?

Mr. Mahoney: We're good.

Mr. Keawe: We're good. I move to tentative approve subdivision map approval for Subdivision Application No. S-2019-1; Alexandra & Vivian Youn Trust, Proposed 8-lot subdivision; TMK: (4) 4-2-003:023; Wailua, Kaua'i.

Mr. Mahoney: Second.

Chair Ho: Motion before us is tentative subdivision map approval for Alexander & Vivian Youn Trust. Seconded. All in favor? (Unanimous voice vote) Motion Carried 3:0

Mr. Youn: Thank you Commissioners.

Chair Ho: Thank you.

Mr. Bukoski: Thank you, Chair.

**NEW BUSINESS (For Action)**

**Tentative Subdivision Map Approval**

**Subdivision Application No. S-2019-6; KRAUSZ KAUAI ONE LLC; Proposed 2-lot Subdivision; TMK: (4) 4-3-008:002; Kapa'a, Kaua'i**

Mr. Bukoski: Moving on to Item I, New Business For Action. Tentative subdivision map approval; Subdivision Application No. S-2019-6; Krausz Kaua'i One LLC; proposed 2-lot subdivision; TMK: (4) 4-3-008-:002; Kapa'a, Kaua'i.

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

Mr. Bukoski: Commission Chair and Commissioners, we have received all various government agencies' comments and we are recommending tentative approval.

Chair Ho: Is there anyone in the audience representing Krausz Kaua'i One, LLC please?

Clifford Mukai: Good morning members of the Commission and Subdivision Committee. I'm Clifford Mukai, from Unemori Engineering. With me is Laurel Loo, representing the owner of the parcel.

Mr. Keawe: So basically, what you are cutting out from the shopping center is the McDonalds property?

Clifford Mukai: Yes, McDonalds simply want to own the parcel that (inaudible) occupies. There is no retail improvements anticipated in conjunction with this subdivision.

Mr. Keawe: OK.

Chair Ho: Just another question here, Mr. Mukai. Didn't Foodland hold all the leases there at one time?

Clifford Mukai: To the best of my knowledge, years back the Sullivan entities, Foodland, did negotiate some arrangement with McDonalds many years back. I would have to defer to legal interest to clarify.

Chair Ho: It was just an interest question.

Clifford Mukai: That went many years back.

Chair Ho: Commissioners?

Mr. Mahoney: I have no questions.

Chair Ho: Your recommendation please?

Mr. Bukoski: Chair, tentative approval.

Chair Ho: I need motion from the Commissioners please.

Mr. Mahoney: Chair, I move to approve Subdivision Application No. S-2019-6, Krausz Kaua'i One, LLC.

Mr. Chair Ho: Second.

Mr. Chair Ho: The motion that's before us is tentative subdivision map approval. Krausz Kaua'i One, LLC. All in favor? (Unanimous voice vote) Motion carries 3:0.

Tentative Subdivision Map Approval

Subdivision Application No. S-2019-7; RAYMOND RAPOZO JR.  
DORINA SAN AUGUSTIN; Proposed 2-Lot Subdivision TMK: (4) 4-7-005:033  
Kealia, Kaua'i

Mr. Bukoski: Moving on to Item I.b, Subdivision Application No. S-2019-7, Raymond Rapozo and Dorina San Augustine, proposed 2-lot subdivision, TMK: (4) 4-7-005: Parcel 33, Kealia, Kaua'i.

The Subdivision Report pertaining to this matter. The action required by the Planning Commission; consideration of Subdivision Application No. S-2019-7 that involves the subdivision of parcel into two lots. The evaluation of the project the proposed development subdivides the property into two lots. The surrounding parcels to the north, south, and east are County Zone Residential R-6 and State Land District Urban. While the parcels to the west are County Zoned Agriculture and State Land Use Agricultural. Just to give a little back ground information on this Subdivision Application, it was previously submitted by the authorized agent, back in 2018, with the Chapter 9 Ordinance, Section 2-3E, relating to curbs, gutters and sidewalks. The Applicant did withdraw his application and did re-submit this current application we have before you. With that being said, he has consulted with the Department of Public Works, if you look at the conditions within the tentative Subdivision Report, Condition 3.b. In a nutshell, the Department of Public Works is recommending that we waive the side walk requirements. With that being said, we have included it within the Planning Department's conditions. Condition 1.f.; we have provided that they still follow the curbs, gutters, and sidewalks. However, we can go with the recommendation that Public Works has implemented within their report. So without further ado, we do recommend tentative approval.

Chair Ho: Hang on Mr. Bukoski.

Mr. Bukoski: Sorry.

Chair Ho: Gentlemen. (Inaudible).

Mr. Mahoney: Just the recommendation. Public Works says their recommendation is to eliminate the side walk. Just the sidewalk?

Mr. Bukoski: Well, within the condition itself, there is...you can modify it. So if you look at 3.a., we have curbs and gutters can be modified to be swales, which is a condition from the Public Works Department. Now, relating to the sidewalk, which is a different condition, which is 3.b, we can recommend that we can amend this Subdivision Report to reflect that recommendation that Public Works has provided.

Chair Ho: One moment Commissioners. Mr. Hiranaka would you like to come and sit in on this with us? Mr. Hiranaka is representing, I believe, Raymond Rapozo.

Mr. Alan Hiranaka: Good morning. My name is Alan Hiranaka, Hiranaka Surveying and Mapping. I represent the Applicant.

Chair Ho: Have you been following what we just said?

Mr. Hiranaka: Yes.

Chair Ho: OK. Continue please.

Mr. Keawe: Where is this property exactly?

Mr. Hiranaka: It's located on Kealia Heights, on the mauka side.

Mr. Keawe: OK. It's on the mauka side up the hill?

Mr. Hiranaka: Yes.

Mr. Keawe: There are no other properties in there that have curbs and gutters, right?

Mr. Hiranaka: No.

Mr. Keawe: I mean that's how it was done when they built it, it was nothing there?

Chair Ho: So the question, Mr. Bukoski, is, if you leave Condition 1.a., I assume that the curb and gutter will come out of the Rapozo Property?

Mr. Bukoski: Well looking at 3.b. the Public Works Department does not have any objections towards implementing swales rather than curbs and gutters, which, ultimately, is up to the applicant to follow those procedures. For the sidewalks, per se, with their recommendation, we can amend Condition 1.f. to read; "The Sub-divider shall comply with the requirements in Section 9-2.3E of the Kauai County Code 1987, relating to the provision of curbs and gutters along Ka'au Road. The extended improvement shall be resolved with the Planning Department and the Department of Public Works prior to the final subdivision map approval." So we can just take out "and sidewalks" and put "and" in between curbs and gutters.

Staff Planner Dale Cua: Chair Ho, just to answer your question, the improvements for curbs and sidewalks would be constructed on private property so it would be taken out of the Rapozo property if required.

Chair Ho: Mr. Hiranaka. Any comment?

Mr. Hiranaka: The only comment I have is when I spoke with Public Works, they were OK with this recommendation putting in swales in lieu of sidewalk, curb, gutters, and sidewalk.

Chair Ho: And the swale will still come out of private property?

Chair Ho: No. The swale would be within the road way. Yes, the shoulder fronting the property.

Mr. Bukoski: Yes, the roadway shoulder yes.

Chair Ho: So Mr. Bukoski, your proposal amendment would say swale?

Mr. Bukoski: So looking at Condition F., we would take out “and” and “sidewalks” and put “and” after curbs. So provision of curbs and gutters along Ka’au Road.

Chair Ho: To be removed and swales?

Mr. Bukoski: And we can leave the curbs and gutters but, the provision of, “I know it’s kind of confusing but” the provision of 3.b., is relating to curbs and gutters. Therefore, the swales would trump that recommendation because it’s a modification of what is allowed if curbs and gutters is implemented, rather swales would be.

Chair Ho: Mr. Cua, do you have a comment?

Mr. Cua: Yes. Maybe just to clarify things, may I suggest that the requirement for the construction of sidewalks be resolved directly with the Department of Public Works? So that, the final say would be with Department of Public Works.

Chair Ho: Between the...Mr. Hiranaka?

Mr. Cua: Yes. The applicant should resolve the construction of sidewalks with the Department of Public Works and it’s already reflected in their requirement. I think it’s... what? 3. a.?

Chair Ho: Alan?

Mr. Hiranaka: So that would require us to negotiate or talk with Public Works?

Mr. Cua: Just to finalize what the improvements would involve.

Mr. Hiranaka: OK

Mr. Chair Ho: Yes.

Mr. Keawe: We’re still talking about tentative Subdivision Approval right?

Mr. Cua: Yes. Correct.



Mr. Keawe: So obviously, at this level, it's getting into the next level, where a lot of negotiations are going to go on. Basically, you're currently cutting out sidewalks, that's in the section in the code. So there has to be something that would be agreeable especially to Public Works; to have them feel satisfied that whatever the alternative be it swales or whatever...is an alternative that's acceptable, as far as eliminating the sidewalk provision. Is that correct, Mr. Ho?

Chair Ho: That's what I understand it to be. Is that how you understand it?

Mr. Cua: Yes.

Mr. Hiranaka: Yes.

Chair Ho: Are we in agreement all around?

Mr. Keawe: Yes.

Mr. Mahoney: Once again, this is tentative so, yes.

Chair Ho: Yes.

Mr. Keawe: Go ahead.

Mr. Mahoney: I move to approve Subdivision Application No. S-2019-7, Raymond Rapozo Jr. and Dorina San Augustine.

Mr. Keawe: Second.

Chair Ho: Motion on the floor is tentative subdivision map approval for Raymond Rapozo and Dorina San Augustine. All in favor? (Unanimous voice vote) Motion carries 3:0.

## **ADJOURNMENT**

Mr. Bukoski: And lastly, Item J, Adjournment.

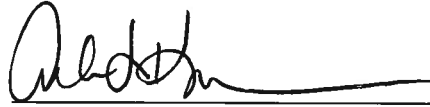
Mr. Keawe: Move to adjourn.

Mr. Mahoney: Second.

Chair Ho: Motion on the floor is to Adjourn. All in favor? (Unanimous voice vote) Motion carries 3:0. We are Adjourned.

Subdivision Committee Chair Ho adjourned the meeting at 8:53 a.m.

Respectfully submitted by:



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Arleen Kuwamura  
Commission Support Clerk

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