

KAUA‘I PLANNING COMMISSION  
SUBDIVISION COMMITTEE MEETING  
**January 23, 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. Wade Lord

Absent and Excused:  
Mr. Sean Mahoney

The following staff members were present: Planning Department – Chance Bukoski and 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.

Mr. Ho: We would like to, first, welcome Mr. Lord to sit with us. He will be with us the rest of the year. Welcome.

Mr. Lord: Thank you.

**ROLL CALL**

Mr. Ho: With that, Mr. Bukoski, can you call our roll?

Staff Planner Chance Bukoski: Chair Ho.

Mr. Ho: Here.

Mr. Bukoski: Commissioner Keawe.

Mr. Keawe: Here.

Mr. Bukoski: And Commissioner Lord.

Mr. Lord: Here.

Mr. Bukoski: Three (3) present.

**APPROVAL OF AGENDA**

Mr. Bukoski: Moving on to Approval of Agenda.

Mr. Keawe: I move to approve the agenda.

Mr. Lord: Second.

Mr. Ho: The motion is to approve the agenda; moved and seconded. 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 January 9, 2018

Mr. Bukoski: Moving on to Item D, Minutes of the Meeting for the Subdivision Committee, Meeting of January 9, 2018.

Mr. Ho: We need a motion to receive the minutes; meeting of January 9<sup>th</sup>.

Mr. Lord: Motion to receive the minutes of January 9<sup>th</sup>.

Mr. Keawe: Second.

Mr. Ho: The motion has been made and approved [sic]. All in favor? (Unanimous voice vote) Motion carries 3:0. Thank you.

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. Are there any individuals in the audience that want to testify on any of the items on the agenda? Seeing none.

**GENERAL BUSINESS MATTERS (None)**

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

**UNFINISHED BUSINESS (For Action)**

Final Subdivision Map Approval

Subdivision Application No. S-2016-22; WELK RESORTS; Proposed 2-lot consolidation; TMK: (4) 2-8-014:008 & 034; Kōloa, Kaua‘i

Mr. Bukoski: Moving on to Item H, Unfinished Business for Action. Final Subdivision Map Approval, Subdivision Application No. S-2016-22, Welk Resorts, proposed 2-lot consolidation, TMK: (4) 2-8-014:008 and 034, Kōloa, Kaua‘i.

The Subdivision Report pertaining to this matter – consideration of Subdivision Application No. S-2016-22 involves a consolidation of two (2) lots into one (1) lot and the cancellation of two (2) easements. The proposed development consolidates the two (2) existing lots into one (1) lot and the cancellation of two (2) easements within the Residential Zoning Area. Previously, the applicant has requested for an extension of time on September 23, 2017, and they are coming in for another extension of time as well.

Mr. Ho: Wait. They are asking for an extension? Not for a final–

Mr. Bukoski: Correct. I provided another paper as well of the comments from SHPD relating that they had no objections to the subdivision; however, they did provide additional, I would say, boundaries to all future permits, which on September 23, 2017, the applicant requested an extension of time to speak with SHPD to get that situated, and then this is what they are coming in for again.

Mr. Ho: Okay. Mr. Esaki and Maren, could you...

Ms. Maren Arismendez-Herrera: Good morning. My name is Maren Arismendez-Herrera from Esaki Surveying, here representing the owners. We are seeking a second extension. There has been progress. The owners have drafted their proposed revisions to the comments we received from SHPD. There has been, also, some setbacks internally in the organization for the owners; there was a change to the Director of Construction and Development, but the owner is still committed to the development. We also reached out to the Planning Department for guidance on the issues we have with SHPD and how to best deal with them, and have reached out to SHPD directly on how to best move forward with the discussion. We just need more time to complete the discussion and the process, and hopefully come to an agreement that satisfies both SHPD and

the owner. The comments that SHPD submitted – the owner does not agree as it will defect the design of their development as they have it.

Mr. Ho: Commissioners?

Mr. Keawe: So you are asking for an extension as opposed to an approval?

Ms. Arismendez-Herrera: Right. Approval would mean that the owner has to abide with the comments from SHPD exactly as they are. They want to talk to SHPD so that hopefully they can have some sort of agreement where both parties are happy. As Chance stated, SHPD is in agreement with the subdivision, but it is just the issue of the additional requirements that they are imposing. The first letter from SHPD didn't have those additional comments, so it is the second letter that has additional comments that is proving problematic for the development.

Mr. Keawe: Okay. Dennis, you wanted to add something?

Mr. Dennis Esaki: Yes, thank you. Good morning. Dennis Esaki for the record. For the benefit of those who weren't here last time, going back further, there was a subdivision and SHPD made their recommendations with their report saying that this is the archaeological site and to make a preserve easement there. And then now we are going to consolidate two (2) lots, they get another bite at the apple (and) they said we are going to expand that; you get another setback from there, plus another...what is the other?

Ms. Arismendez-Herrera: Two (2) setbacks.

Mr. Esaki: Basically another...first, 10 feet, which was originally in the original one – they want to add that on the outside – plus another 25 feet, so we are saying you are taking another bite at the apple, plus they had that roadways design in there; they said you cannot build anything in the 25 feet. Stuff like that was in the last meeting, which the owner didn't agree with, and, you know, they sent us back, so we sent a letter to the Department. Apparently, there were some other things going on which a realtor of the next door property had inquired about density and what they can do with this project, so there may have been some confusion over there. The Department is thinking that we are going to change the development, but that is not the plan for the owner. They want to go ahead, but I guess there may have been some misunderstanding that we are going to change our development, which this would...the additional 10 (feet), plus another 25 (feet) would adversely affect the development when they had already made their comments on the original subdivision; you know, set the sites. So we still have to go back to the Department and SHPD to have them change that.

Mr. Ho: Mr. Lord.

Mr. Lord: Dennis, can you give me a little context; how much additional land area does this new setback requirement affect?

Mr. Esaki: Yes. I don't know if you have...about an acre. There is a big archaeological preserve.

Mr. Lord: I saw the preserve on the map.

Mr. Esaki: Yes, and the 10 feet, plus another 25 feet, which would cut into some of the buildings, plus the roadway is adjacent to that. If you cannot build anything, you know, you cannot build the driveways, parking, so it doesn't make sense.

Mr. Lord: Thank you.

Mr. Ho: Go ahead.

Mr. Keawe: So again, it is a question of you want an extension to try to work out something with them; however, you want the approval with the extension? Or subject to?

Mr. Esaki: Negative. As stated in the recommendation, it is an approval with certain conditions. Since we don't want those conditions, we ask for an extension instead.

Mr. Lord: So it is an extension rather than approval request?

Mr. Esaki: Yes.

Mr. Keawe: Oh, okay. I was confused. So it is an extension, period?

Mr. Esaki: Yes.

Mr. Keawe: How long?

Mr. Esaki: Minimum of-

Mr. Bukoski: Can I interject? Basically, with the conditions that were made and received from the various government agencies, we were recommending, as the Department, final approval; however, the applicant does not agree with SHPD's comments. Ultimately, we deferred the matter to a later date, which is today. Ultimately, they want to request that same deferment to get revised comments from SHPD so they can agree upon those comments, and that is basically what we are trying to talk about right now.

Mr. Ho: Do you have that letter, Chance?

Mr. Bukoski: I do. I distributed it to all of you.

Mr. Ho: Didn't it say that they have no objections?

Mr. Bukoski: Correct. However, underneath that phrase, they did add conditions for future permits; that is what it says. And that's what...the conditions the applicant doesn't agree with.

Mr. Ho: So Mr. Esaki, what length of time are you looking for?

Mr. Esaki: We are looking for a minimum of three (3) months because there have been, as Maren mentioned, some changes within the organization, also.

Mr. Ho: If we were to give you six (6) months, would that be sufficient for you?

Mr. Esaki: I think that would be enough time to work it out. Thank you.

Mr. Keawe: So six (6) months – you guys should get it agreed to between...whether it is going to go forward or not, right? Because some of those things you might not want to do, or your client might not want to do. Is that correct?

Mr. Esaki: Yes.

Mr. Keawe: Okay.

Mr. Ho: Mr. Bukoski, do you have anything to add to that? A 6-month extension?

Mr. Bukoski: No. The Department is fine with that.

Mr. Ho: And any other agencies on board with that; with an extension like that?

Mr. Bukoski: Everybody is pretty...agrees with and has no comments. Historic Preservation is the only agency that the applicant does not agree with.

Mr. Ho: Your recommendation would be to grant the extension; 6-month extension?

Mr. Bukoski: Correct. Just to reiterate, it is just based on the stipulations that the applicant has about the comments. This is just mainly a deferment for final approval. Yes, it is not an extension of time; it is just a deferment for final approval until they can get those comments revised, per se, from Historic Preservation.

Mr. Ho: A 6-month...

Mr. Bukoski: Deferment.

Mr. Ho: Deferment?

Mr. Bukoski: Correct.

Mr. Keawe: So it is not an extension, it is a deferment?

Mr. Bukoski: Correct.

Mr. Esaki: Can I get clarification on that, legally?

Deputy County Attorney Jodi Higuchi Sayegusa: Deferral versus a...

Mr. Ho: Extension.

Mr. Bukoski: Deferral.

Ms. Higuchi Sayegusa: Yes.

Mr. Ho: Are we all good now?

Mr. Keawe: We all good? Yes.

Mr. Ho: One moment.

Ms. Higuchi Sayegusa: So Dale kind of helped to frame it all, but again, it is up for final map approval so it is not necessarily a continuation, but because it is up for you folks to make a decision on whether to approve the map, it is a deferral of that decision.

Mr. Keawe: So it is a deferral of that action?

Ms. Higuchi Sayegusa: Yes.

Mr. Keawe: Got it.

Mr. Ho: With that understanding, a motion from the floor [*sic*], please.

Mr. Keawe: I move that we defer Subdivision Application No. S-2016-22, Welk Resorts, proposed 2-lot consolidation, TMK: (4) 2-8-014:008 and 034 for a period of six (6) months as of today.

Mr. Lord: I second that motion.

Mr. Ho: The motion for deferment for six (6) months has been made and seconded. Further discussion? Seeing none. All in favor? (Unanimous voice vote) Any opposed? (None) Motion carried 3:0. You have your deferment.

Mr. Esaki: Thank you.

Ms. Arismendez-Herrera: Thank you.

Mr. Bukoski: Thank you, Chair.

**NEW BUSINESS (For Action)**

Tentative Subdivision Map Approval

Subdivision Application No. S-2018-6; NAKAMATSU FAMILY; Proposed 2-lot Boundary Adjustment; TMK: (4) 1-3-001:043 & 119; Kekaha, Kaua'i

Mr. Bukoski: Moving on to Item I, New Business for Action. Tentative Subdivision Map Approval, Subdivision Application No. S-2018-6, Nakamatsu Family, proposed 2-lot boundary adjustment, TMK: (4) 1-3-001:043 and 119, Kekaha, Kaua'i.

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

Mr. Bukoski: We received all government agency comments, and we are recommending tentative approval.

Mr. Ho: Thank you. Is there anybody from the Nakamatsu Family here?

Mr. Bukoski: Unfortunately, the consultant, Roger Caires, emailed me and said he would not be attending the meeting due to...he has a flight to O'ahu for other business, but he did say that he has no objections and he is okay with the Subdivision Report.

Mr. Ho: Questions, Commissioners? So Chance, this is one (1) lot got bigger, one (1) lot got smaller?

Mr. Bukoski: Yes. Basically, if you look at the subdivision map, it had a weird 90-degree break where the dotted lines would be between the two (2) properties, and ultimately, they are just drawing a straight line through it; that is the boundary adjustment.

Mr. Ho: Oh, okay.

Mr. Bukoski: Yes.

Mr. Ho: Commissioners, I need a motion if we are going to receive Mr. Bukoski's recommendation.

Mr. Lord: I make a motion that we approve the recommendation of the Planning Department for Subdivision Application No. S-2018-6, Nakamatsu Family, proposed 2-lot boundary adjustment, TMK: (4) 1-3-001 Parcels 043 and 119, Kekaha, Kaua'i.

Mr. Keawe: I second the motion.

Mr. Ho: The motion has been made and seconded. Any further discussion? Seeing none. All in favor? (Unanimous voice vote) Anybody disapprove? (None) Motion carries 3:0.

Mr. Bukoski: Thank you, Chair.

**ADJOURNMENT**



Mr. Bukoski: Not seeing anything (further) on the agenda, moving on to Item J, Adjournment.

Mr. Keawe: Move to adjourn.

Mr. Lord: Second.

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

Subdivision Committee Chair Ho adjourned the meeting at 8:48 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.

