

KAUA'I PLANNING COMMISSION
SUBDIVISION COMMITTEE MEETING
July 24, 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 – Chance Bukoski; 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.

ROLL CALL

Mr. Ho: Mr. Bukoski, will you start us with a roll (call), please?

Staff Planner Chance Bukoski: Good morning, Chair and Commissioners. Chair Ho.

Mr. Ho: Here.

Mr. Bukoski: Commissioner Mahoney.

Mr. Mahoney: Here.

Mr. Bukoski: Commissioner Keawe.

Ms. Keawe: Here.

Mr. Bukoski: Three present.

APPROVAL OF AGENDA

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

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

Mr. Keawe: Second.

Mr. Ho: The motion is to approve the 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

Meeting of June 26, 2018

Mr. Bukoski: Moving on to Item D, Minutes of the Meetings of the Subdivision Committee – Meeting of June 26, 2018.

Mr. Keawe: Move to approve the minutes of the June 26th meeting.

Mr. Mahoney: Second.

Mr. Ho: The motion on the floor is to approve the (minutes of the) meeting of June 26th. 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. Are there any individuals in the audience that want to testify on any 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)

Tentative Subdivision Map Approval

Subdivision Application No. S-2018-15; KĪLAUEA 'OHANA PLATEAU LLC, ET AL;
Proposed 10-lot Subdivision; TMK: (4) 5-2-005:023; Kīlauea, Kauaʻi

Mr. Bukoski: Item H, Unfinished Business for Action. Tentative subdivision map approval – Subdivision Application No. S-2018-15; Kīlauea 'Ohana Plateau LLC; proposed 10-lot subdivision; TMK: (4) 5-2-005:023; Kīlauea, Kauaʻi.

Unfortunately, the applicant and the Department were unable to have a meeting and discuss a few conditions that were provided by the various government agencies, and then, also, the Planning Director was on leave as well, so we would like to defer this item to the August 28th Subdivision Committee meeting so we can correlate with all the various government agencies to verify these conditions.

Mr. Ho: Mr. Jung, are you here for this?

Mr. Keawe: We need to hear from you.

Mr. Ian Jung: Good morning, Subdivision Committee Chair and members of the Committee. This is Ian Jung on behalf of the applicant. I spoke with Chance. We are kind of fine-tuning the tentative conditions and we'll need to, maybe, amend and modify the MOU that was entered into with the County to reflect the proposed changes that will happen to the map to accommodate Department of Public Works, as well as the standard lot sizes for the new lots that will be created.

So we are amenable to an August 28th deferral.

Mr. Ho: All right. I think you have this done, so could you share it with us – the width of the pathway? Did that get resolved?

Mr. Jung: Well, we are working through it with Department of Public Works; they wanted 20 feet. The problem we were running into is there are water lines along where the boundaries were going to be, so we had Esaki's office, actually, go out and relook at where those water lines are. So it looks like we are going to get to 15 feet and the purpose is...we thought it was just going to be an unpaved path, but now they want this paved path, which they want 10 feet width, so they want some construction buffer along the width of that path there. So it looks like it will work out. We are hoping to get to 15 feet, but by the end of the month we will know if it's 20 feet.

Mr. Keawe: Ian, the paved portion will be 10 with a buffer on each side?

Mr. Jung: Right. There is already a 10-foot construction easement; if you look on the maps, you will see that. But for actual land dedication, that was going to be the open question because the main purpose of the subdivision was to create the new Kīlauea Town road and that was going to be at 77 feet, and we just thought the 10-foot right-of-way for the, I guess we will call it, the beach access that goes towards Kauapea access along the dirt road there. But now that they

potentially want it paved in the future, they just need a little more width there. We just didn't want to impact the...because right now there's ongoing agricultural activities on the property with turmeric growing all over the place out there, so we just wanted to make sure those water lines weren't impacted.

Mr. Keawe: Impacted, yes. Okay.

Mr. Mahoney: Chair, I would like to move to defer this tentative subdivision map approval – Subdivision Application No. S-2018-15, Kīlauea 'Ohana Plateau LLC, et al – to August 28, 2018.

Mr. Keawe: Second.

Mr. Ho: The motion on the floor is to rehear it again on August 28th. All in favor? (Unanimous voice vote) Anybody opposed? (None) Motion carried 3:0. You have it.

Mr. Jung: Okay, thank you. Hopefully we will have a new map by then.

Mr. Bukoski: Thank you, Chair.

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 the next item in Item H. 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 – so we do have a Supplemental No. 2 Report for the Subdivision Report. Just to give you a brief summary of the extension of this report, the first time that this application came to the agenda was on September 26, 2017. There was an extension for four months due to...SHPD had extra conditions put on the subdivision, which, later, we put additional...they came to the Subdivision Committee on January 23rd again to ask for a deferral to today's date. Happens to be that I do have, in this supplemental, the response from the applicants; however, today – this morning – I did receive conditions and an agreement with SHPD stating an agreement for these new conditions, and I provided them to the Commissioners as well.

Mr. Ho: I guess it is time to hear from Maren. Is that you?

Ms. Maren Arismendez-Herrera: Good morning. Maren Arismendez-Herrera from Esaki Surveying, here on behalf of the owners. Due to all of the comments (that) have come in, the owners would like to respectfully request final approval. We would like to answer any questions you may have, especially with the SHPD comments.

SHPD and the owners have come to an agreement. They were hoping to get the letter...well, that SHPD would get the letter sooner and not last minute, but we do not control SHPD's timeline, but it did come in.

Mr. Keawe: Chair? Can you give us some of the...I know there were concerns with two separate plans and they needed to mold them into one plan.

Ms. Arismendez-Herrera: Right.

Mr. Keawe: And there was a disagreement about who was supposed to do what.

Ms. Arismendez-Herrera: There was a disagreement or misunderstanding between a buffer. So the original preservation plans have the sites and then there's a 10-foot buffer, and then that was all within an easement. When they looked at it again with this subdivision, they were wanting the easement, and then they were thinking they needed a buffer from the easement, so—

Mr. Keawe: As a separate plan.

Ms. Arismendez-Herrera: Right. So that's what they were trying to mediate; that there wasn't a need for a second buffer because the buffer was already self-contained within that easement area. So that's what they were trying to mediate and come to an agreement—

Mr. Keawe: And that was the major point.

Ms. Arismendez-Herrera: Yes.

Mr. Keawe: Everything else -- they agreed to, but that was—

Ms. Arismendez-Herrera: To have monitoring during construction, yes.

Mr. Keawe: Okay.

Mr. Ho: And the buffer remains at 10 feet?

Ms. Arismendez-Herrera: Yes. They will still have buffers; the one within the site. I think there's a construction buffer where they will be monitoring during construction, and the additional request from SHPD where there were two preservation plans; one for the railroad berm and one for the site...for Preserve 1. So they want those two combined into one document; that's the only additional or new request from their previous letter.

Mr. Keawe: Okay.

Ms. Arismendez-Herrera: Which the owners have agreed to comply with.

Mr. Ho: What is the cultural significance of a railroad berm?

Ms. Arismendez-Herrera: Oh, I am going to ask Nancy McMahon to help me out on that.

Ms. Nancy McMahon: Good morning, Commissioners. I am Nancy McMahon and I am the archaeologist for the owners. Just to let you know, the railroad berm – and I am going to go to my past history as the Kaua‘i Archaeologist for DLNR then – that was a site that was identified early on in several project areas within Moana Corporation, not only across the street; it goes into the Sheraton, it goes all the way down to the Kōloa Landing area. That has been given that site number because it is a good example of a raised railroad bed, so it hits more of the significance of time period for when sugar cane was being used and the Kōloa Landing, and then also when they were also using the landing for sweet potato exportation, too. So that railroad berm was preserved for its significance for, sort of, modern history, not ancient Hawaiian. I’m sure the rocks that were used came from, probably, a lot of the sites that are around there, but that’s what the purpose was. It was allowed to be breached way back then when I was the Kaua‘i Archaeologist so that there was an entrance for this area, but what was preserved was the better architectural structural part of the railroad berm that was saved. At the end of the road where that railroad berm hits Po‘ipū Road from the Kiahuna Plantation Road [sic], it has been really modified a lot; there is a platform that was built out of it. So it was saved, initially, for (those) purposes and it was a separate preservation plan because it wasn’t sure how that development was going to deal with things.

Does that help you out a little bit?

Preserve 1 is actually a pretty unique site area in itself. There were 500 sites in the Moana Corporation development; this started in the 70s, before my time. It was testified to at that time. The State Archaeologist was Rob Hommon and it went through Land Use Commission. So those five preserve areas were set up way back then. Since then, when that development switched over to Kiahuna Mauka Partners, we did do some more archaeology in there from the 70s to try to address things and it did expand a couple other different preserves that were set up.

This preserve here was asked by JoAnn Yukimura, when she was Mayor, to be open to the public. So in my process with that, we got them to agree with some interpretive signs and a little intro area. It has been used for Archaeology Week to take tours on. It is open to the public. And in talking to Welk Resorts and even some of the Native Hawaiians out there, this is kind of a world heritage site. It is the last of these sites, but this is a good preserve example that really is...the preserve itself is more about Native Hawaiian sites; it has agricultural features in there, it has terraces, it has house platforms, it has an ‘auwai system that you can still see in there.

So these guys, in talking to them, want to really have an interpretive plan to put a boardwalk in there, so you are not walking on the sites and meandering all over, and doing a better kiosk. So it is actually good to revise; that was a whole discussion – is revising the preservation plan to put all their needs for this development because these will be something these owners can go walk through and some of the people that go to this resort will be able to get an education about Hawaiian history and the history of Kōloa and that area. If that helps you.

Mr. Ho: Mr. Keawe, do you have a question?

Mr. Keawe: No, I just...so the raised portion that's potentially used in an interpretive tour, how long of an area is that?

Ms. McMahon: The preserve is...what? An acre?

Ms. Arismendez-Herrera: No. The raised rock wall?

Mr. Keawe: Right.

Ms. McMahon: The railroad berm?

Mr. Keawe: Right.

Ms. McMahon: Oh, I forget how—

Ms. Arismendez-Herrera: I think it's...

Ms. McMahon: Six hundred feet? Do you remember?

Ms. Arismendez-Herrera: (Inaudible)

Ms. McMahon: Six hundred.

Mr. Keawe: Six hundred feet?

Ms. McMahon: Yes, at the most. It's got that breach in the middle of it.

Mr. Keawe: Right.

Ms. McMahon: And we had looked at it even back in Greg Kamm's time to look at it as, maybe, a walkway, but it is a safety issue to use it as a path instead of walking on...you know, that was another thought of some other reuse of that, too. But it does provide a good buffer between the development and the road, too.

Mr. Keawe: So I would assume along that 600-foot length there are certain areas that are better to provide information about...

Ms. McMahon: Right.

Mr. Keawe: Okay.

Ms. McMahon: Yes. The ends, if you would notice, are pretty much vandalized from rock and things like that over time, but I think once the development happens in there, that site will be more better known and be better taken cared of with the Welk Resort folks.

Mr. Keawe: Okay, thank you.

Mr. Ho: Mr. Bukoski, your recommendation, please.

Mr. Bukoski: From the Department's standpoint, we are recommending final subdivision map approval.

Mr. Keawe: Okay, I move to approve final subdivision map approval for Subdivision Application No. S-2016-22, Welk Resorts, proposed 2-lot consolidation, TMK: (4) 2-8-014:008 and 034, Kōloa, Kaua'i.

Mr. Mahoney: Second.

Mr. Ho: The motion on the floor is (for) final subdivision map approval – Welk Resorts. All in favor? (Unanimous voice vote) Motion carries 3:0.

Mr. Bukoski: Thank you, Chair.

Ms. Arismendez-Herrera: Thank you.

NEW BUSINESS (For Action)

Final Subdivision Map Approval

Subdivision Application No. S-2015-05; MOLOA 'A BAY LAND CO., LLC; Proposed 2-lot Subdivision; TMK: (4) 4-9-009:002 & 4-9-014:006; Moloa'a, Kaua'i.

Mr. Bukoski: All right, moving on to Item I, New Business for Action. Final subdivision map approval – Subdivision Application No. S-2015-05; Moloa'a Bay Land Co., LLC; proposed 2-lot subdivision; TMK: (4) 4-9-009:002 and 4-9-014:006; Moloa'a, Kaua'i.

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 final approval.

Mr. Ho: Is there anyone from Moloa'a Bay Land Company here, please?

Ms. Arismendez-Herrera: Good morning. Maren Arismendez-Herrera from Esaki Surveying, here on behalf of the owners. We would like to respectfully request final subdivision approval. The owners have complied with all of the conditions in the tentative approval letter.

Mr. Ho: Any questions?

Mr. Keawe: Yes. Maren, so it was originally a 2014 application?

Ms. Arismendez-Herrera: Right.

Mr. Keawe: Right. And during that time, you've gone through the approval process and...

Ms. Arismendez-Herrera: Yes. It was a long process, especially those last steps dealing with State. When we went in for shoreline, they were experiencing a delay in processing time, so that added additional time that we had not expected. The process with State on delineating the conservation also took a while.

Mr. Keawe: Yes.

Ms. Arismendez-Herrera: But we have gone through it as requested.

Mr. Keawe: Okay, so finally, here we are four years later and we are ready to go.

Ms. Arismendez-Herrera: Yes.

Mr. Keawe: Okay.

Mr. Ho: Maren, this is kind of a sticking point, but the condition of approval requires you to have a 13-foot future road widening along...what is that? Moloa'a Road? Is that Moloa'a Road?

Ms. Arismendez-Herrera: Yes.

Mr. Ho: Fronting that. Are your people aware of that?

Ms. Arismendez-Herrera: Yes. I believe it is reflected on the map.

Mr. Ho: Right. Okay.

Mr. Keawe: So there is no issue in the requirements from the Planning Department? They concur and agree and are willing to go ahead and put those in?

Ms. Arismendez-Herrera: Yes. Well, I shouldn't speak for the Planning Department.

Mr. Bukoski: Correct. There is, on the final map, a road widening reserve of 13 feet.

Mr. Mahoney: Chair, I move to approve final subdivision map – Subdivision Application No. S-2015-05, Moloa'a Bay Land Co., LLC, proposed 2-lot subdivision, TMK: (4) 4-9-009:002 and 4-9-014:006.

Mr. Keawe: Second.

Mr. Ho: The motion has been made and seconded for final subdivision map approval – Moloa'a Bay Land Company. All in favor? (Unanimous voice vote) Motion carries 3:0.

Ms. Arismendez-Herrera: Thank you.

Mr. Bukoski: Thank you, Chair.

ADJOURNMENT

Mr. Bukoski: Moving on to Item J, Adjournment.

Mr. Ho: I need a motion for adjournment, please.

Mr. Keawe: Move to adjourn.

Mr. Mahoney: 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~~ **September 11, 2018**).

Approved as amended. See minutes of _____ meeting.