

KAUA‘I PLANNING COMMISSION
SUBDIVISION COMMITTEE MEETING
July 13, 2021

The regular meeting of the Planning Commission Subdivision Committee of the County of Kaua‘i was called to order at 8:33 a.m., Microsoft Teleconference. The following Commissioners were present:

Mr. Francis DeGracia
Mr. Melvin Chiba

Absent and Excused:

The following staff members were present: Planning Department Director Kaaina Hull – Planning Deputy Director Jodi Higuchi Sayegusa, Kenneth Estes, and Planning Commission Secretary Shanlee Jimenez; Office of the County Attorney – Deputy County Attorney Laura Barzilai; Office of Boards and Commissions – Commission Support Clerk Arleen Kuwamura.

Discussion of the meeting, in effect, ensued:

CALL TO ORDER

Subdivision Committee Chair DeGracia: Called the meeting to order at 8:33 a.m.

ROLL CALL

Chair DeGracia: Good morning everyone. I would like to call this meeting to order. This is July 13, 2021, Subdivision Committee Meeting. If you could have a roll call, please.

Planning Director Kaaina Hull: Roll call Mr. Chair. Commissioner DeGracia. Excuse me. Commissioner Chiba

Mr. Chiba: Here.

Mr. Hull: Commissioner DeGracia:

Chair DeGracia: Here.

Mr. Hull: You have a quorum, Mr. Chair. Two Present.

APPROVAL OF AGENDA

Mr. Hull: The next we do not have any changes to the Agenda.

MINUTES of the meeting(s) of the Subdivision Committee

Mr. Hull: Next, up we do not have any Minutes of previous Meetings.

RECEIPT OF ITEMS FOR THE RECORD (None)

Mr. Hull: There is no Receipt of Items for the Record.

HEARINGS AND PUBLIC COMMENT

Mr. Hull: So next, is Hearings and Public Comment. The Planning Commission Subdivision Committee will accept any written testimony for any Agenda Item and hear oral testimony on any Agenda Item at his time. So this is not for the applicants, but for any members of the public that has called in to this meeting, if you would like to testify right now on any of the Agenda Item, please state your name for the record, please. Again, for any member of the public who has called in at this time, not an applicant, but any member of the public that would like to testify on any of the agenda items, please speak up and state your name at this time. Hearing none.

GENERAL BUSINESS MATTERS

UNFINISHED BUSINESS (For Action)

Mr. Hull: We will move on to Unfinished Business, there is no Unfinished Business.

NEW BUSINESS (For Action)

Tentative Subdivision Map Approval

Subdivision Application No. S-2021-4 *Tower Kauai Lagoons 8, LLC.*
Proposed 2-lot Subdivision TMK: (4) 3-5-001:171 Kalapaki, Lihue, Kauai

Mr. Hull: Mr. Chair, I think we can move on to New Business. I.1, Tentative Subdivision Map approval for Subdivision Application No. S-2021-4 *Tower Kauai Lagoons 8, LLC.* Proposed 2-lot Subdivision TMK: (4) 3-5-001:171 Kalapaki, Lihue, Kauai. I will turn it over to Kenny for the Subdivision Report pertaining to this matter.

Staff Planner Kenneth Estes: Hi Commissioners. I will read the report for the record. The proposed development is involves a 2-lot subdivision within the County Resort District RR-10 and RR-20.

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

Mr. Estes: In further evaluating the project. It will be subjected to the requirements that were imposed by the Planning Commission actions on August 11, 2009, involving SMA Use Permit

SMA (U) - 2005-8, Project Development Use Permit U-2005-26, Use Permit U-2005-25, and Variance Permit V-2005-7 and Class IV Zoning Permit ZA-IV- 2005-(inaudible).

Chair DeGracia: Thank you, Kenny. Do we have any question for the Planning Department? I got one question. So this subdivision all previous entitlements and permitting carries over to parcel 8.a, correct.

Mr. Estes: Yes, correct.

Chair DeGracia: Thank you. I have no further questions, but at this time, if we could hear from the applicant or the applicant representative?

Mr. Gary Siracusa: Good morning. This is Gary Siracusa, the Director of construction for Tower Kauai Lagoons.

Ms. Rebecca Candilasa: Hi, good morning. This is Rebecca Candilasa, with Wilson Okamoto Cooperation, serving as the authorized agent for the applicant.

Mr. Chiba: Good morning.

Ms. Rebecca Candilasa: Good morning.

Chair DeGracia: I am sorry.

Mr. Gary Siracusa: I am sorry. There is a little delay on the audio. If you have any questions, we are certainly available to to entertain them. Your planner Kenneth has succinctly reported on the action of this application and what the request is.

Chair DeGracia: Thank you. Do we have any questions for the applicant?

Mr. Chiba: I do not have any.

Chair DeGracia: At thus time I do not have any questions as well. I will entertain a motion.

Mr. Chiba: Okay, this is Mel. I move to approve Tentative Subdivision Map approval for Subdivision application No. S-2021-4 along with previously approved terms and conditions.

Chair DeGracia: I will seconded. All in favor say, aye? Aye (Unanimous voice vote) Any Oppose? Motion Carried 2:0. Thank you very much.

Mr. Gary Siracusa: Thank you very much Commissioners and Planning Department Planning Director. We will be back at 9 o'clock.

Tentative Subdivision Extension Request

Subdivision Application No. S-2022-25 Association of Apartment Owners of Kulana, Hauiki Road Subdivision Proposed 3-lot Subdivision
TMK: (4) 4-3-003: 027 Kapaa & Waipouli, Kawaihau, Kauai

Mr. Hull: Next on a couple of Tentative Subdivision, request Item I.2.a Subdivision Application No. S-2022-25 Association of Apartment Owners of Kulana, Hauiki Road Subdivision Proposed 3-lot Subdivision TMK: (4) 4-3-003: 027 Kapaa & Waipouli, Kawaihau, Kauai. I will turn it over to Kenny for the Subdivision Report.

Staff Planner Kenneth Estes: Good morning. I will summarize the report for the record. The proposed subdivision creates a roadway lot to accommodate roadway improvements through Hauiki Road and establishes two remnant Parcel as the result of the roadway lot.

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

Mr. Kenneth Estes: It's recommended, that an extension until July 13, 2022, be granted to obtain final subdivision approval.

Chair Apisa: Chair, Chair. This is Donna Apisa as a Chair of the County Council. I just wanted to disclose that I...my company will be the listing agent for some of the lots that you in the adjoining Kulana Subdivision. So I will be recusing myself in the General Planning Commission Meeting from this, so I just wanted to make that disclosure now and I will repeat it again in the general committee meeting...in the Subdivision Commission meeting.

Chair DeGracia: Thank you, Chair Apisa, so noted. Do we have any questions for the Planner or Planning Department? Hearing none. At this time, if we can hear from the applicant or applicant's representative.

Deputy County Attorney Laura Barzilai: Ms. Loo, you are muted.

Mr. Brad Rockwell: I can step in for Laurel. Laurel, are you there Laurel? No, I cannot get you but I think all we are trying to say Chair DeGracia, and this is Brad Rockwell, and I am the President of the Association of Kulana Homeowners Association. We appreciate your continued support helping us to try to get this project finally completed. It has been sort of a grassroots effort with the homeowners pulling together to get this thing done. We do not have anything to add to the report and we are standing by for questions. Thank you.

Chair DeGracia: Do we have any questions? I do just have a comment and I really do appreciate the work the work moving forward for the last couple of years. I looks substantial so keep up your efforts and will will move into the next step. Thank you. Do you have any questions at all? Commissioner Chiba, no questions?

Mr. Chiba: No questions.

Chair DeGracia: I move to approve Tentative Subdivision Extension Request Application No. S-2002-25 for the Association of Apartment Owners of Kulana with the recommendations of the Planning Department for an extension until July 13, 2022.

Mr. Chiba: I seconded.

Mr. Hull: Sorry to be a stickler Chair. Maybe Laura can correct me but, just crossing all the “T’s” and dotting all the “I’s” I think the motion has to come from another member not the Chair.

Chair DeGracia: Okay.

Ms. Barzilai: That is correct, Director. Excuse me here I am sorry but Mr. Chiba will have to move.

Mr. Hull: Sorry.

Chair DeGracia: Okay.

Mr. Chiba: Okay.

Ms. Barzilai: You can withdraw the motion and Commissioner Chiba can make the motion.

Chair DeGracia: All right, thank you. I would like to withdraw my motion.

Mr. Chiba: Okay, I would like to make a motion. I move to grant an extension until July 13, 2022 for Subdivision S-2002-25.

Chair DeGracia: Second. All in favor say, aye. Aye (Unanimous voice vote) Oppose? Hearing none opposed. Motion Carried 2:0. For the extension request. Thank you.

Subdivision Application No. S-2017-6 *Moloo’a Valley Homeowners*, Proposed 7-lot Subdivision TMK: (4) 4-9-011:013 Kawaihau, Kauai

Mr. Hull: Thank you, Chair. Moving on to 2.b, Subdivision Application No. S-2017-6. Applicant *Moloo’a Valley Homeowners*, Proposed 7-lot Subdivision TMK: (4) 4-9-011:013 located in Kawaihau, Kauai. We have a Subdivision Report today for this matter so I will turn back over to Kenny.

Mr. Estes: (Inaudible) I will read the report for the record. The proposed development involves 6-lot subdivision and one (1) roadway lot.

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

Mr. Estes: It's recommended that an extension until May 9, 2022, be granted to obtain Final Subdivision Map Approval. It's also recommended that Condition 1.k of the tentative approval letter dated May 10, 2017, for the subject subdivision be (inaudible) to align with the current standards set forth in the Comprehensive Zoning Ordinance, Kauai County Code 1987, as amended. The remaining Conditions of the Tentative Approval is still applicable.

Chair DeGracia: Thank you, Kenny. Are there any questions for the planner or the Planning Department? Hearing none. Can we hear from the applicant at this time or the applicant's representative?

Mr. Patrick Childs: Patrick Childs here. Hi. As indicated in the report, we are awaiting the written description of the easements (inaudible) and the nature of the easements. Other than that, the draft CCNR's are prepared and will be submitted for review to the Planning Department and the Agriculture Subdivision Agreement has been prepared and drafted that for review by the Planning Department. And other than that, of course we are in agreement with the Staff Report and pretty much in agreement with the Engineering Report by our engineer Esaki.

Chair DeGracia: Thank you very much. Do we have any questions for the applicant? Hearing none. At this time, Commissioner Chiba I will entertain a motion.

Mr. Chiba: Okay. I move to grant an extension for Subdivision Application No. S-2017-6 until May 9, 2022, to obtain the Final Subdivision Approval.

Chair DeGracia: Seconded. All in favor say, aye? Aye. (Unanimous voice vote).

Ms. Barzilai: Excuse me. Chair. Laura County Attorney's Office. I believe you would have to entertain motion also Chair, regarding Condition 1.k.

Mr. Chiba: I have a motion on that too.

Ms. Barzilai: Thank you, Commissioner Chiba.

Mr. Chiba: Should I put it all in one motion or could I make a second motion?

Ms. Barzilai: Second motion is fine.

Mr. Chiba: Okay. So we approved the first one, right. Okay. I move to amend the Tentative Approval Letter dated May 10, 2017, by removing Condition 1.k to align with the current standards set forth in the Comprehensive Zoning Ordinance, Kauai County Code 1987.

Chair DeGracia: I will second. All in favor say, aye? Aye. (Unanimous voice vote). Opposed? Hearing none. Motion Carried 2:0.

Ms. Barzilai: Excuse me. Chair. I am not sure we had a vote on the extension. I apologize.

Chair DeGracia: Okay.

Ms. Barzilai: You can restate the motion.

Mr. Chiba: Okay, yes. Let me read the motion again. I move to grant an extension for subdivision Application No. S-2017-6, until May 9, 2022, to obtain the Final Subdivision Approval.

Chair DeGracia: I will second. Motion is for the Extension of Subdivision Application for No. S-2017-6 for extension to May 9, 2022. All in favor say, aye? Aye. (Unanimous voice vote). Opposed? Hearing none. Motion Carried 2:0.

Mr. Childs: Thank you.

Chair DeGracia: Thank you.

Final Subdivision Map Approval

Subdivision Application No. S-2020-11 *Kukui'ula Development Co. (Hawaii) LLC.*
Kukui'ula Parcel CC West Subdivision, Phase 2 Proposed 14-lot Subdivision TMK: (4) 2-6-019: 048 Koloa, Kona, Kauai

Mr. Hull: Moving on to the last agenda item, Agenda Item 3.a Final Subdivision Map Approval for Subdivision Application No. S-2020-11 *Kukui'ula Development Co. (Hawaii) LLC.* Kukui'ula Parcel CC West Subdivision, Phase 2 Proposed 14-lot Subdivision TMK: (4) 2-6-019: 048 Koloa, Kona, Kauai and I will turn it back to Kenny for the Subdivision Report.

Mr. Estes: I will read the report for the evaluation. The proposed development subdivides lot-15 of the Kukui'ula CC west Subdivision into a total of eleven residential lots, Two (2) remnant parcels, and one (1) roadway lot.

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

Mr. Estes: Therefore, the Planning Department is recommending Final Approval of this Subdivision.

Chair DeGracia: Thank you, Kenny. Are there any questions for the Planning Department planner? I have none.

Mr. Chiba: None.

Chair DeGracia: Is there anyone representing the applicant or the applicant's representative? At this time, would you like to add anything? Hearing none. I will entertain a motion.

Mr. Chiba: Okay, I move to approve subdivision Application No. S-20207-11.

Chair DeGracia: I will second. All in favor say, aye? Aye. (Unanimous voice vote). Opposed? Hearing none. Motion Carried 2:0.

ADJOURNMENT

Mr. Hull: Thank you Chair, Commissioner Chiba. With that, we no further Agenda Items, we are ready for adjournment.

Chair DeGracia: Motion to adjourn, please.

Mr. Chiba: I move to adjourn the meeting.

Chair DeGracia: Second. All in favor say aye. Aye. (Unanimous voice vote) Motion Carried 2:0. See you all in the next meeting. Thank you.

Mr. Chiba: Thank you. Good job, Francis.

Mr. Hull: Thank you all.

Subdivision Committee Chair DeGracia adjourned the meeting at 8:59 a.m.

Respectfully submitted by:

Arleen L. Kuwamura
Arleen Kuwamura
Commission Support Clerk

(X) Approved as circulated 12/14/2021 Meeting.

() Approved as amended. See minutes of _____ meeting