



PLANNING COMMISSION

KAAINA S. HULL, CLERK OF COMMISSION

RECEIVED

GERALD AKO, CHAIR
FRANCIS DEGRACIA, MEMBER

*22 OCT 19 P1:59

OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUAI

Pursuant to Hawai'i Revised Statutes Section 92-3.7, which codified Act 220, SLH 2021, the meetings of the County of Kaua'i Planning Commission will be conducted as follows:

- **The meeting location that will be open to the public with audiovisual connection is:**
 - Līhu'e Civic Center, Moikeha Building
 - Meeting Room 2A-2B
 - 4444 Rice Street, Līhu'e, Kaua'i, Hawai'i
- In addition to attendance in-person, the public may also attend the meeting through Zoom using link provided on the agenda.
 - If the Zoom connection or audio/visual connection is lost at the public location identified in the Commission's public notice and cannot be restored within 30 minutes during the meetings, the Planning Commission will postpone all matters and reconvene at the next scheduled Planning Commission Meeting.
- Also, the meeting will be available as an archived meeting after completion at www.kauai.gov/Webcast-Meetings.
- **Written testimony** indicating your 1) name or pseudonym, and if applicable, your position/title and organization you are representing, and 2) the agenda item that you are providing comment on, may be submitted on any agenda item in writing to planningdepartment@kauai.gov or mailed to the County of Kaua'i Planning Department, 4444 Rice Street, Suite 473, Līhu'e, Hawai'i 96766. Written testimony received by the Planning Department at least **24 hours prior** to the meeting will be distributed to all Planning Commissioners prior to the meeting. Any testimony received after this time and up to the start of the meeting will be summarized by the Clerk of the Commission during the meeting and added to the record thereafter.
- **Oral testimony** will be taken on specific agenda items, **in-person at the public meeting location or via Zoom link as an additional accommodation.**
 - All testifier audio and video will be disabled until it is your turn to testify.
 - Per the Planning Commission's and Chairs practice, there is three-minute time limit per testifier, per agenda item.
 - If there are temporary technical glitches during your turn to testify, we may have to move on to the next person due to time constraints; we appreciate your understanding.

IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF BOARDS & COMMISSIONS AT (808) 241-4917 OR ASEGRETI@KAUAI.GOV AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST. UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.

SUBDIVISION COMMITTEE MEETING NOTICE AND AGENDA

**Tuesday, October 25, 2022
8:30 a.m. or shortly thereafter
Līhu'e Civic Center, Moikeha Building
Meeting Room 2A-2B
4444 Rice Street, Līhu'e, Kaua'i, Hawai'i**

To Join by ZOOM Link: <https://us06web.zoom.us/j/82249415003>

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. MINUTES of the meeting(s) of the Subdivision Committee

1. August 23, 2022

E. RECEIPT OF ITEMS FOR THE RECORD

F. UNFINISHED BUSINESS

1. None for this meeting

G. NEW BUSINESS (For Action)

1. Final Subdivision Map Approval
 - a. Subdivision Application No. S-2021-2
(Tower Kaua'i Lagoons 9C, LLC. / Tower Kaua'i Lagoons 9D, LLC.)
Proposed 2-lot Consolidation
TMK: (4) 3-5-001:218, 219
Kalapakī, Līhu'e, Kaua'i
 - 1) Subdivision Report pertaining to this matter.
 - b. Subdivision Application No. S-2021-4
(Tower Kaua'i Lagoons 8, LLC.)
Proposed 2-lot Subdivision
TMK: (4) 3-5-001:171
Kalapakī, Līhu'e, Kaua'i
 - 1) Subdivision Report pertaining to this matter.

H. EXECUTIVE SESSION

Pursuant to Hawaii Revised Statutes Sections 92-4 and 92-5(a)(4), the purpose of this executive session is to consult with the County's legal counsel on questions, issues, status and procedural matters. This consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Commission and the County as they relate to the following matters:

1. Subdivision Application No. S-2021-2
(Tower Kaua'i Lagoons 9C, LLC. / Tower Kaua'i Lagoons 9D, LLC.)
Proposed 2-lot Consolidation
TMK: (4) 3-5-001:218, 219
Kalapakī, Līhu'e, Kaua'i

2. Subdivision Application No. S-2021-4
(Tower Kaua'i Lagoons 8, LLC.)
Proposed 2-lot Subdivision
TMK: (4) 3-5-001:171
Kalapakī, Līhu'e, Kaua'i

I. ADJOURNMENT

KAUA'I PLANNING COMMISSION
SUBDIVISION COMMITTEE
Tuesday, August 23, 2022
Draft

The Subdivision meeting of the Planning Commission of the County of Kaua'i was called to order by Commissioner Gerald Ako at 8:30 a.m. Webcast Link: <https://www.kauai.gov/Webcast-Meetings>

The following Commissioners were present:

Mr. Gerald Ako
Mr. Francis DeGracia

The following staff members were present: Planning Department: Director Kaaina Hull, Deputy Director Jodi Higuchi Sayegusa, Dale Cua, Kenneth Estes, Marisa Valenciano, Myles Hironaka, Kristen Romuar-Cabico, and Planning Commission Secretary Shanlee Jimenez; Office of the County Attorney – Deputy County Attorney Laura Barzilai; Office of Boards and Commissions – Support Clerks Arleen Kuwamura and Lisa Oyama

Discussion of the meeting, in effect, ensued:

CALL TO ORDER

Subdivision Committee Chair Ako: Called the meeting to order at 8:30 a.m.

ROLL CALL

Chair Ako: Good Morning everybody. Today is Tuesday August 23, 2022, and it's 8:30 a.m. I'd like to call to order the meeting of the Planning Commission Subdivision Committee Meeting. And with that, Mr. Clerk, can I have a roll call please?

Planning Director Kaaina Hull: Roll call Mr. Chair. Commissioner DeGracia?

Mr. DeGracia: Here.

Mr. Hull: Commissioner Ako?

Chair Ako: Here.

Mr. Hull: You have a quorum Mr. Chair. Next up we have the approval of the agenda.

APPROVAL OF AGENDA

Mr. Hull: We have no recommended changes to the agenda.

Mr. DeGracia: Motion to approve the agenda.

Chair Ako: I'll second. We'll take a voice call on that. All those in favor say aye? Aye. (Unanimous voice vote) All those oppose? Motion carries. 2:0.

MINUTES of the meetings(s) of the Subdivision Committee

Mr. Hull: Next we have the approval of the Minutes of the Meeting of the Subdivision Committee for January 11, 2022, February 08, 2022, March 22, 2022, May 10, 2022, May 24, 2022, and June 14, 2022.

Chair Ako: With that, I'll ask for acceptance of the minutes.

Mr. DeGracia: Motion to approve the minutes for January 11, 2022, February 08, 2022, March 22, 2022, May 10, 2022, May 24, 2022, and June 14, 2022.

Chair Ako: With that, I second. So, if we can have a voice vote again. All those in favor say aye? Aye. (Unanimous voice vote). Motion carried 2:0.

RECEIPT OF ITEMS FOR THE RECORD

Mr. Hull: Next we have no additional Receipt of Items for the Record. We have no Unfinished Business; we move on to Item G. New Business.

NEW BUSINESS (For Action)

Final Subdivision Map Approval

Mr. Hull: G.1. Final Subdivision Map Approval.

Subdivision Application No. S-2022-11
(Kauai Habitat for Humanity, Inc.)
Proposed 6-lot Consolidation
TMK: (4) 4-3-009: 051 & 071
Waipouli, Kawaihau, Kaua'i

Mr. Hull: We don't have anybody in-person here that has signed up to testify as a member of the public. I'll make a call. Is there anybody in person that would like to testify on this agenda item? Seeing none. For those that are on digitally through Zoom, if you'd like to testify on this agenda item for the Subdivision Committee pertaining to Habitat for Humanity, please indicate so by raising your digital hand.

Staff Planner Shelea Blackstad: There's no one with their digital hand raised at the moment.

Mr. Hull: Thank you. With that, I'll turn it over to Kenny for the report pertaining to this matter.

Staff Planner Kenny Estes: Morning Commissioners, I'll summarize the report for the record.

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

Mr. Estes: The department is recommending final approval of the subdivision.

Chair Ako: With that, Mr. DeGracia, you have any questions for us?

Mr. DeGracia: No questions for the department.

Chair Ako: Would the applicant like to make a presentation on this?

Ms. Maren Arismendez: Good morning, Maren Arismendez from Esaki Surveying on behalf of the applicant. As stated, they complied with all of the requirements. We respectfully request final consolidation subdivision approval so that they can continue moving forward with their project. Which would be very important and necessary right now, since they'll be providing additional housing, affordable housing. I'm ready to answer any questions if you have.

Mr. DeGracia: No questions just a comment. Just like to applaud the efforts of that organization, habitat for providing additional housing. A lot of my concerns were lying in the natural resources, but it looks like you guys got that covered, so I have no questions but just that comment. Good job.

Ms. Arismendez: Thank you for recognizing. I do want to point out, as you say, they do make an effort to comply with all of the conditions that are necessary, and I just try to steamroller. They comply with everything that is required.

Mr. DeGracia: Thank you.

Chair Ako: Thank you very much for coming this morning.

Ms. Arismendez: Thank you.

Chair Ako: So, let's see so that Commissioner DeGracia, I think (inaudible) our final recommendation from the department at this time I'd like to entertain a motion.

Mr. DeGracia: Motion to approve Final Subdivision Application No. S-2022-11 with conditions.

Chair Ako: With that, I second. Mr. Clerk, if we can have a roll call vote?

Mr. Hull: Roll call Mr. Chair. Commissioner DeGracia?

Mr. DeGracia: Aye.

Mr. Hull: Chair Ako?

Chair Ako: Aye.

Mr. Hull: Motion passes, Mr. Chair. 2:0.

Mr. Hull: With that, we have no further agenda items left.

Mr. DeGracia: Motion to adjourn.

Chair Ako: Second.

Subdivision Committee Chair Ako: adjourned the meeting at 8:37 a.m.

Respectfully submitted by:

Lisa Oyama
Lisa Oyama,
Commission Support Clerk

() Approved as circulated (add date of meeting approval)

() Approved as amended. See minutes of _____ meeting.



SUBJECT TO CHANGE

**COUNTY OF KAUA'I
PLANNING DEPARTMENT
SUBDIVISION REPORT**

I. SUMMARY

Action Required by Planning Commission: Consideration of Subdivision Application that proposes a consolidation of two lots into a single lot.

Subdivision Permit No. Application No. S-2021-2

Name of Applicant(s) TOWER KAUA'I LAGOONS, LLC.

II. PROJECT INFORMATION

Map Title	Consolidation of Lots 9C & 9D Inclusive, as shown on Subdivision File No. S-2010-11, Bing a Portion of Royal Patent 4480, Land commission Award 7713, Apana 2, Part 1 to V. Kamamalu, Design of Easement UE-3, Affecting Lot 9F, and Cancellation of Easement UT-11 and UE, affecting Lot F, at Kalapakī, Līhu'e, Kaua'i, Hawai'i				
Tax Map Key(s):	3-5-006:218 & 219	Area:	5.08 acres		
Zoning:	Resort (RR-20)				
State Land Use District(s):	Urban	General Plan Designation:	Resort		
AGENCY COMMENTS					
<input checked="" type="checkbox"/> COK Public Works	10/29/2020	<input type="checkbox"/> State DOT-Highways:			
<input checked="" type="checkbox"/> COK Water:	Pending	<input checked="" type="checkbox"/> State Health:	10/27/2020		
<input type="checkbox"/> Other(s)		<input checked="" type="checkbox"/> DLNR – SHPD:	Pending		
EXISTING ROAD RIGHT-OF-WAY(S)					
Road Name	Existing Width	Required Width	Pavement YES	NO	Reserve
Ala'oli Way (Private Road)	44 feet	44 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Holokawelu Way (Private Road)	44 feet		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
APPLICABLE FEES					
Environmental Impact Assessment (EIA)	N/A				
Park Dedication	N/A				
Appraisal Report Required	N/A				

III. EVALUATION

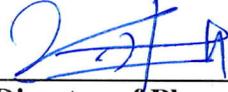
The proposed development consolidates two (2) lots into a single lot. These lots are a part of a master planned area that received approval by the Planning Commission on August 11, 2009 through SMA(U)-2005-08, PDU-2005-26, U-2005-26, and Z-IV-2005-30. At the time these lots were created through Subdivision Application No. S-2010-11, the Applicant received approval for a Modification of Requirement to defer improvements to these lots until such time they were further developed. These improvements include construction of curbs, gutters, and sidewalks along the roadway frontage, pursuant to the requirements set forth in Section 9-2.3 of the Subdivision Ordinance, Kaua'i County Code (1987).

IV. RECOMMENDATION

TENATIVE APPROVAL	FINAL APPROVAL
<input checked="" type="checkbox"/> Approval	<input checked="" type="checkbox"/> Approval

G.I.A.I.
OCT 25 2022

I.S.B.I.
DEC 08 2020

<input type="checkbox"/> Denied	<input type="checkbox"/> Denied
Tentative Approval subject to all requirements as noted on the follow pages:	All conditions have been complied with
	
Director of Planning	Director of Planning
Date	Date 10/19/2022

V. AGENCY REQUIREMENTS

1. Requirements of the Planning Department:
 - a. An updated preliminary title report for each existing lot shall be submitted to the Planning Department for review.
 - b. Prior to final subdivision approval, the Applicant shall comply with the applicable conditions/requirements of SMA Use Permit SMA(U)-2005-08, Project Development Use Permit U-2005-26, Use Permit U-2005-25, Variance Permit V-2005-7, and Class IV Zoning Permit Z-IV-2005-30. The Applicant shall provide the department an updated status report on the compliance of the conditions.
 - c. The subject property is situated in close proximity to the Līhu'e Airport and will be impacted by the aircraft noise nuisances from this facility. As such, the subdivider shall establish covenants or disclosure documents to inform potential buyers within the project area that the proposed lots are subject to aircraft noise nuisances. Draft copies of the documents shall be submitted to the Planning Department for review and approval.
 - d. All existing and proposed easements, if any, shall be identified in the deed descriptions of the affected lots, draft copies of which shall be submitted to the Planning Department for review and approval.
 - e. Pursuant to Section 9-3.8(b) of the Subdivision Ordinance, Kaua'i County Code (1987), the Applicant shall submit to the Planning Department an electronic record (digitized format) of the final subdivision map(s) on disk for record keeping purposes prior to final subdivision approval.
2. Requirements of the Department of Water (DOW):
 - a. The subdivider shall comply with all requirements of the Department of Water, if any, prior to final subdivision approval.
3. The Applicant is advised that should any archaeological or historical resources be discovered during ground disturbing/construction work, all work in the area of the archaeological/historical findings shall immediately cease and the Applicant shall contact the State Department of Land and Natural Resources, Historic Preservation Division and the Planning Department to determine mitigation measures.
4. The Applicant is advised that prior to and/or during construction and use additional conditions may be imposed by government agencies. Should this occur, the applicant shall resolve these conditions with the respective agency(ies).

The Planning Commission is further advised that this report does not represent the Planning Department's final recommendation in view of the forthcoming public hearing process scheduled for DECEMBER 8, 2020 whereby the entire record should be considered prior to decision-making. The entire record should include but not be limited to:

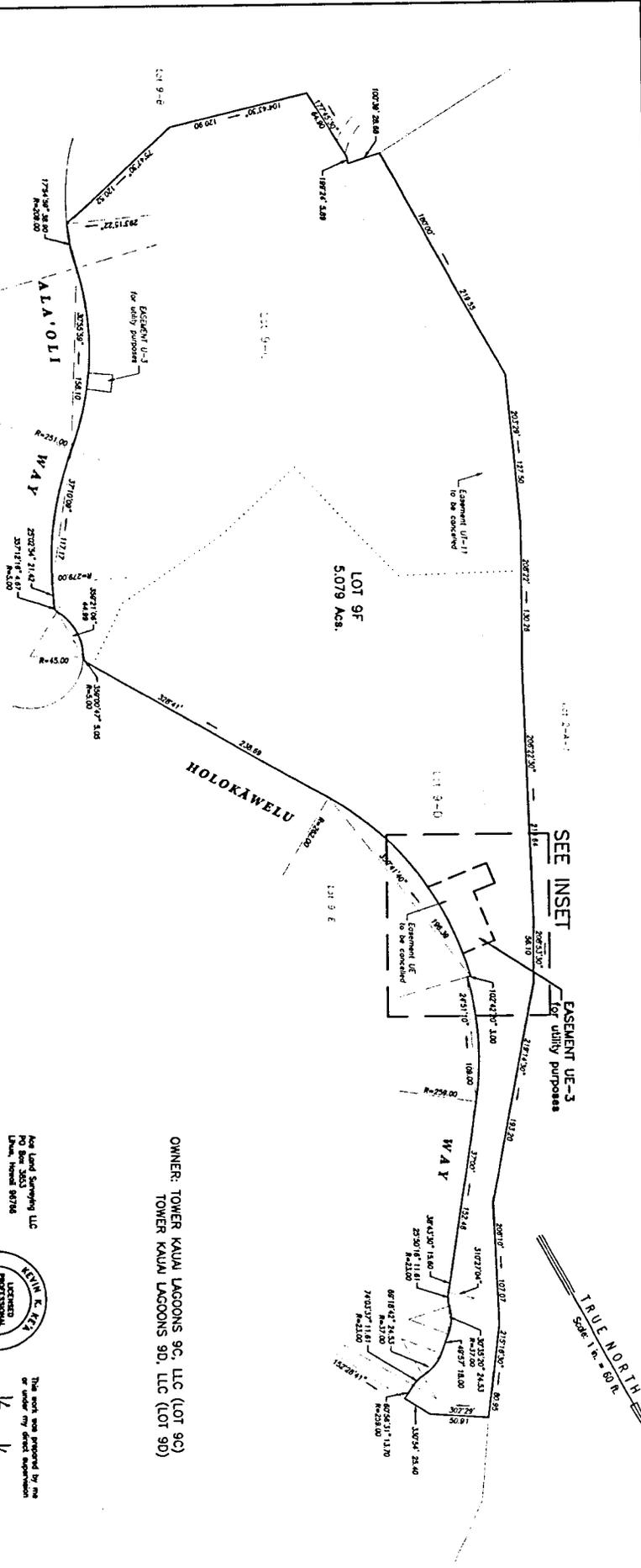
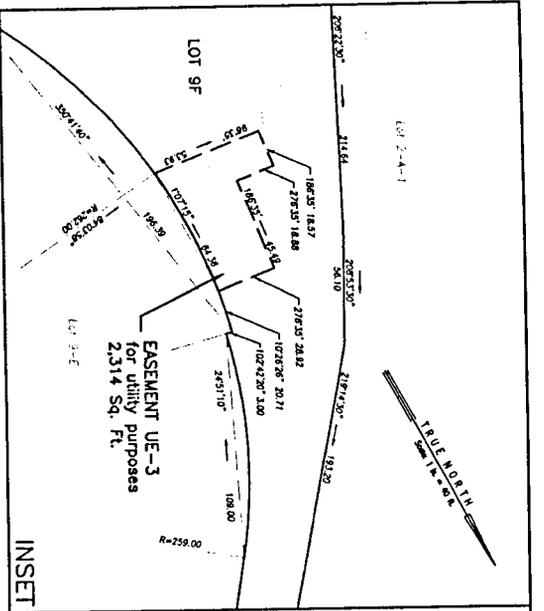
- a. Pending government agency comments;
- b. Testimony from the general public and interested others; and
- c. The Applicant's response to staff's report and recommendation as provided herein.

By 
 DALE A. CUA, Planner

PLAN SHOWING
 CONSOLIDATION OF LOTS 9-C AND 9-D
 AS SHOWN ON
 KAUAI COUNTY SUBDIVISION FILE NO. S-2010-11
 INTO LOT 9F

Being a portion of Royal Patent 4480,
 Land Commission Award 7713, Apna 2, Part 1 to V, Komamalu
 DESIGNATION OF EASEMENT UE-3
 AFFECTING LOT 9F
 AND
 CANCELLATION OF EASEMENT UT-11 AND UE
 AFFECTING LOT 9F
 AS SHOWN ON
 KAUAI COUNTY SUBDIVISION FILE NO. S-2010-11

at
 Kalopaki, Lihue, Kauai, Hawaii
 Tax Map Key: (4) 3-5-01: 218, 219



OWNER: TOWER KAUAI LAGOONS 9C, LLC (LOT 9C)
 TOWER KAUAI LAGOONS 9D, LLC (LOT 9D)

Map Land Surveying Ltd
 P.O. Box 3633
 Lihue, Hawaii 96766



This work was prepared by me
 or under my direct supervision
 Kevin K. Kuo
 Licensed Professional Land Surveyor
 Certificate Number 10028

1. Origin of certificate referenced to "Kahala"
2. Origin of certificate referenced from the County of Kauai, Real Property Assessment
3. Paved Zone A, Final Panel 150002021295, Panel Effective Date Nov. 26, 2010.
4. Area of Easement UE-3 = 2,314 Sq. Ft.

September 22, 2022



COUNTY OF KAUA'I
 PLANNING DEPARTMENT
 4444 RICE STREET, SUITE A473 LIHU'E, HAWAI'I 96766
 (808) 241-4050

SUBDIVISION APPLICATION ROUTING FORM

DATE: March 2, 2022

Subdivision Map Review and Approval			
REQUEST:	<input type="checkbox"/> Preliminary	<input type="checkbox"/> Final	
	<input checked="" type="checkbox"/> Pre-Final	<input type="checkbox"/> Extension	
SUBDIVISION APPLICATION NO:	S-2021-2		
Owner(s)/Applicant(s):	Tower Kaua'i Lagoons, LLC		
Name of Surveyor/Engineer/Authorized Agent:	Kevin Ke'a		
Tax Map Key:	Tax Map Key (4) 3-5-01:218, 219	Assigned to:	Kenny
Improvements:			

Route To:

COMMENTS from DPW Engineering:

PW#03.22.006

We have no further comments. Recommend proceeding to Final Map.

Sincerely,

Digitally signed by Michael
 Moule
 Date: 2022.04.21 10:16:06
 -10'00'

Michael Moule, P.E.
 Chief, Engineering Division



Water has no substitute.....Conserve it!

4398 PUA LOKE STREET
LIHU'E, KAUA'I, HAWAII 96766
PHONE: (808) 245-5400 / FAX: (808) 245-5813

SUBDIVISION REPORT

TO: PLANNING DEPARTMENT
FROM: DEPARTMENT OF WATER

TMK: 3-5-012:018 NAME: Tower Kauai Lagoons 9C & 9D SURVEYOR: Wilson Okamoto REPORT NO: S-2021-2

- 1. Tentative approval is recommended. Water Requirements are not affected. Tentative approval is recommended.
2. All requirements have been fully met and; therefore, Final approval is recommended.
3. Before final approval can be recommended, the subdivider must:
A. Pay the Department of Water the following charges in effect at the time of receipt. At the present time, these charges include:
1) The Facilities Reserve Charge (FRC):
Lots @ \$14,115 per lot = \$
2) Payment to install, or relocate, service connections(s) at the fixed cost of \$
If the subdivider causes a delay in the service connection installation after one year since final map approval, the subdivider shall be charged the increase in the fixed cost, if any.
3) Deposit (the subdivider will either be billed or returned the difference between this deposit and the actual cost of construction of \$ for construction by the Department of Water.
B. Submit to the Department of Water (DOW) a copy of the subdivider's permit to perform work upon a State highway from the State Highways Division
C. Prepare and receive DOW's approval of construction drawings for the necessary water system facilities and either construct said facilities or post a performance bond for construction. These facilities shall also include:
1) All facilities as required in the approved Water Study Report for Kauai Lagoons for the proposed project.
D. Prepare and convey to the DOW a Right-of-Entry and Temporary Grant of Easement for the purpose of construction, repair, maintenance, and operation of the subdivision water system improvements installed in other than County-owned property.
E. If a bond is filed, to secure final subdivision approval, the subdivider shall clearly letter the following on the approved construction plans, final subdivision map, and deeds:
'Domestic water service will not be available until the required construction improvements for this subdivision are completed and accepted by the Department of Water, County of Kaua'i.'
This deed restriction shall be recorded with the Bureau of Conveyances within ninety (90) days of final subdivision approval by the Planning Department.
4. Installation of service connections will not be required until request for water service is made. The applicant for service will be charged the applicable service connection charges at that time.
5. Other (or remarks):

Jason Kagimoto
Jason Kagimoto, P.E.
Engineering Division
Water Resources and Planning Section

10/17/22
Date

SUBDIVISION REPORT NO. S-2021-2



STATE OF HAWAII
DEPARTMENT OF HEALTH
3040 Umi St. Lihue
Hawaii 96766

DATE: Wednesday, March 9, 2022

TO: Kenneth Estes, Planner, County of Kauai

FROM: John Kolman, DBA
District Environmental Health Program Chief

SUBJECT: Tower Kauai Lagoons, LLC Subdivision No S-2021-2

The Department approves the consolidation of lots 9-C and 9-D into Lot 9F. This approval is limited to the scope of the submittal and does not confer any approvals to build, modify or make any land improvements.

If new information is found or changes are made to your submittal, we reserve the right to implement appropriate environmental health restrictions as required. Should there be any questions on this matter, please get in touch with the Department of Health at 808-241-3323

We recommend that you review all of the Standard Comments on our website:
<https://health.hawaii.gov/epo/home/landuse-planning-review-program/> Any comments specifically applicable to this or a future project(s) should be adhered to.

The same website also features a Healthy Community Design Smart Growth Checklist (Checklist) created by the Built Environment Working Group (BEWG) of the Hawaii State Department of Health. The BEWG recommends that state and county planning departments, developers, planners, engineers, and other interested parties apply the healthy built environment principles in the Checklist whenever they plan or review new developments or redevelopments projects. We also ask you to share this list with others to increase community awareness of healthy community design.

COUNTY OF KAUAI
 PLANNING DEPARTMENT
 4444 RICE STREET, SUITE A473, LIHUE, HI 96766
 (808) 241-4050

SUBDIVISION APPLICATION ROUTING FORM

DATE: **Thursday, October 15, 2020**

20 OCT 23 P2:19

Subdivision Map Review and Approval			
<u>REQUEST:</u>	<input checked="" type="checkbox"/> Preliminary	<input type="checkbox"/> Final	
	<input type="checkbox"/> Pre-Final	<input type="checkbox"/> Extension	RECEIVED
SUBDIVISION APPLICATION NO:	S-2021-2		
Owner(s)/Applicant(s):	Tower Kaua'i Lagoons LLC (9C & 9D)		
Name of Surveyor/Engineer/Authorized Agent:	WILSON OKAMOTO CORPORATION		
Tax Map Key:	435001218	Assigned To:	Dale
Improvements:			

ROUTE TO:

- | | |
|---|--|
| <input checked="" type="checkbox"/> County DPW-Engineering
<input type="checkbox"/> County DPW-Solidwaste
<input type="checkbox"/> County DPW-Wastewater
<input type="checkbox"/> County Fire Department
<input checked="" type="checkbox"/> County Housing Agency
<input type="checkbox"/> County Dept. of Parks and Rec.
<input type="checkbox"/> KHPRC
<input checked="" type="checkbox"/> County Water Dept.
<input checked="" type="checkbox"/> County Transportation | <input type="checkbox"/> State Highway Division-DOT
<input type="checkbox"/> DOT-STP
<input checked="" type="checkbox"/> State Health Dept.
<input checked="" type="checkbox"/> State Historic Preservation Div.
<input checked="" type="checkbox"/> U.S. Postal Service
<input type="checkbox"/> Other |
|---|--|

COMMENTS: (Comment Due Date: 11/14/2020)

10.19.2020

CIA HAS NO COMMENT ON THIS PROJECT.

MAHALO!




**COUNTY OF KAUA'I
PLANNING DEPARTMENT**
SUBDIVISION REPORT

SUBJECT TO CHANGE

I. SUMMARY

Action Required by Planning Commission: Consideration of Subdivision Application No. S-2021-4 that involves a two (2) lot Subdivision.

Subdivision Permit No. Application No. S-2021-4

Name of Applicant(s) TOWER KAUA'I LAGOONS 8, LLC.

II. PROJECT INFORMATION

Map Title	Plan showing subdivision of Lot 8 as shown on Kaua'i County Subdivision File No. S-2010-11, being a portion of Royal Patent 4480, Land Commission Award 7713, Apana 2, Part 1 to V. Kamamalu, into Lots 8-A and 8-B; and Cancellation of Easement TC-1 and TC-2 affecting Lot 8 as shown on File Plan 1933 at Kalapaki, Līhu'e, Kaua'i, Hawai'i.				
Tax Map Key(s):	(4) 3-5-001:171	Area:	14.20 acres		
Zoning:	Resort RR-10 & Resort RR-20				
State Land Use District(s):	Urban	General Plan Designation:	Resort		
AGENCY COMMENTS					
<input checked="" type="checkbox"/> COK Public Works	05.26.2021	<input type="checkbox"/> State DOT-Highways:			
<input checked="" type="checkbox"/> COK Water:	Pending	<input checked="" type="checkbox"/> State Health:	05.19.2021		
<input checked="" type="checkbox"/> COK Housing	05.26.2021	<input type="checkbox"/> DLNR – SHPD:			
EXISTING ROAD RIGHT-OF-WAY(S)					
Road Name	Existing Width	Required Width	Pavement YES	NO	Reserve
Ho'olaulea Way (Private Road)	56 feet	56 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
APPLICABLE FEES					
Environmental Impact Assessment (EIA)	N/A				
Park Dedication	\$150.00				
Appraisal Report Required	N/A				

III. EVALUATION

The proposed development involves a two (2) lot subdivision with the County Resort Districts RR-10 and RR-20. As represented by the applicant, the purpose of the proposed subdivision is allow for the boundary adjustments necessary to support a purchase and sale agreement between the Applicant and Silverwest Hotels, LLC that involves Lot 8 of Hōkūala Resort project area. The Applicant indicated that Silverwest is proposing to develop a 210-room hotel on the RR-20 portion of the property (proposed Lot 8-A) and has no specific interest with the RR-10 zoned portion of the property (proposed Lot 8-B). Silverwest has agreed to subdivide the property to allow the Applicant to keep and maintain this portion as part of the overall master plan of Hōkūala Resort.

In further evaluating the project, it will be subjected to the requirements that were imposed through the Planning Commission's action on August 11, 2009 involving SMA Use Permit

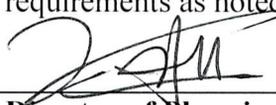
I.X.A.I. G.I.B.I.

OCT 25 2022

JUL 13 2021

SMA (U)-2005-08, Project Development Use Permit U-2005-26, Use Permit U-2005-25, Variance Permit V-2005-7, and Class IV Zoning Permit Z-IV-2005-30.

IV. RECOMMENDATION

TENATIVE APPROVAL	FINAL APPROVAL
<input type="checkbox"/> Approval <input type="checkbox"/> Denied	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Denied
Tentative Approval subject to all requirements as noted on the follow pages: 	All conditions have been complied with 
	
Director of Planning	Director of Planning
6/30/2011 Date	10/19/2011 Date

V. AGENCY REQUIREMENTS

1. Requirements of the Planning Department:

- a. An updated preliminary title report for the existing lot shall be submitted to the Planning Department for review.
- b. All existing and proposed easements, if any, shall be identified in the deed descriptions of the affected lots, draft copies of which shall be submitted to the Planning Department for review and approval.
- c. Pursuant to Section 9-3.8(b) of the Subdivision Ordinance, Kaua‘i County Code (1987), the Applicant shall submit to the Planning Department an electronic record (digitized format) of the final subdivision map(s) on disk for record keeping purposes prior to final subdivision approval.
- d. Prior to final subdivision approval, the Applicant shall comply with the applicable conditions/requirements of SMA Use Permit SMA (U)-2005-08, Project Development Use Permit U-2005-26, Use Permit U-2005-25, Variance Permit V-2005-7, and Class IV Zoning Permit Z-IV-2005-30. The Applicant shall provide the department an updated status report on the compliance of the conditions.
- e. A Park Dedication Fee of One Hundred Fifty Dollars (\$150.00) shall be paid to the County of Kaua‘i.

2. Requirements of the Department of Public Works (DPW):

- a. All proposed improvements shall be designed in compliance with the “Storm Water Runoff System Manual, July 2001.”
- b. A grading and/or grubbing permit in compliance with the County’s Sediment and Erosion Control Ordinance No. 808 is required if the work area exceeds one (1) acre and/or grading involving excavation or embankment or combination thereof exceeds more than 100 cubic yards.
- c. All existing storm water runoff volumes and flow patterns shall be maintained and subject to Best Management Practices (BMPs). BMPs shall be implemented at all times to the maximum extent practicable to prevent damage by sedimentation, erosion, dust to streams, watercourses, natural areas and the property of others.

3. Requirements of the Department of Water (DOW):

- a. The subdivider shall comply with all requirements of the Department of Water, if any, prior to final subdivision approval.

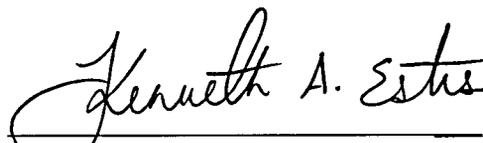
4. Requirements of the Department of Health (DOH):

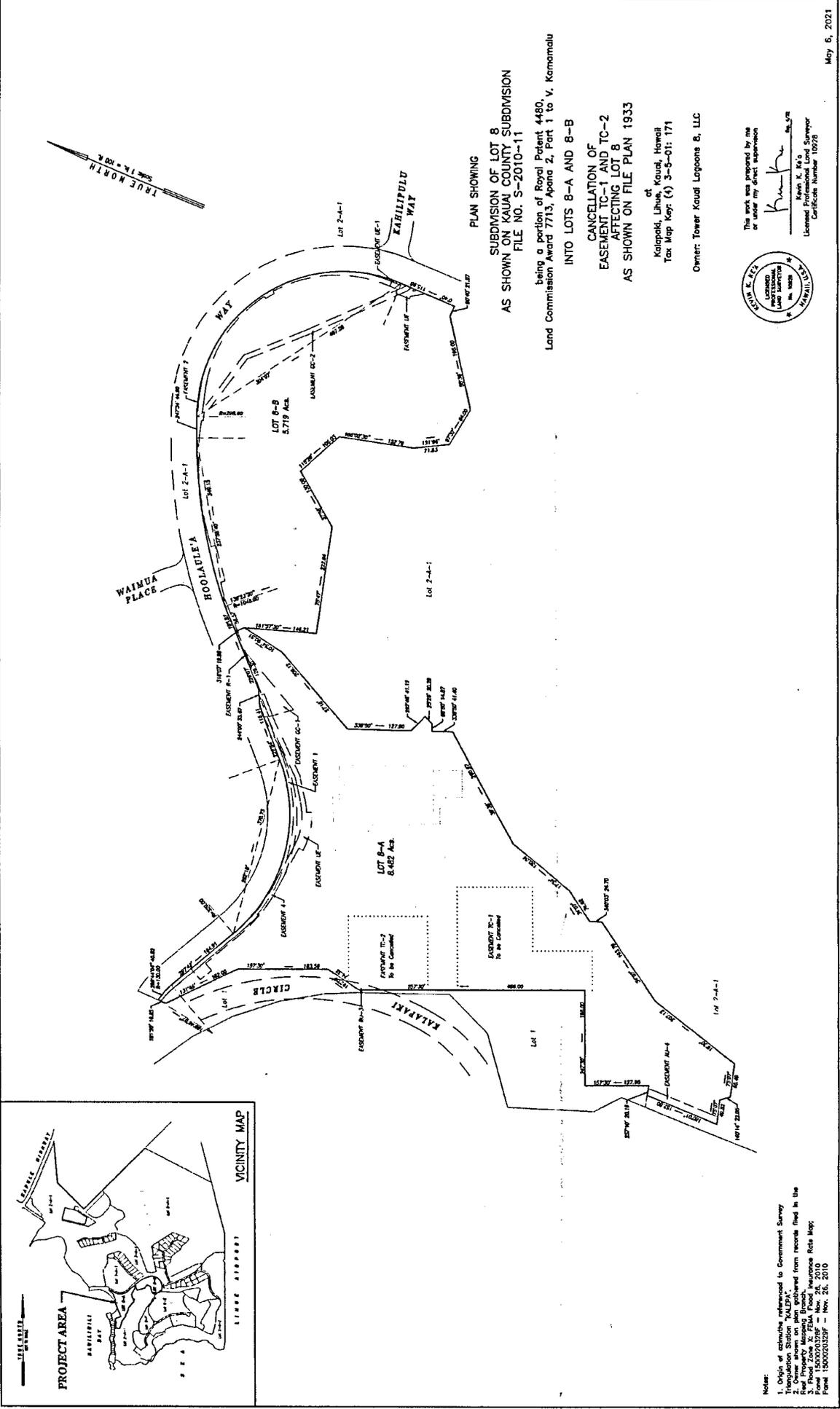
- a. The property may harbor rodents which will be dispersed to the surrounding areas when the site is cleared. In accordance with Chapter 11-26, entitled "Vector Control", Title 11, HAR, the applicant shall ascertain the presence or absence of rodents on the property. Should the presence of rodents be determined, the applicant shall eradicate the rodents prior to clearing the site.
 - b. Noise will be generated during the construction and grading phase of the project. The applicable maximum permissible sound levels as stated in Title 11, Hawaii Administrative Rules (HAR), Chapter 11-46, "Community Noise Control", shall not be exceeded, unless a noise permit is obtained from the State Department of Health (DOH).
 - c. Temporary fugitive dust emissions could be emitted when the project site is prepared for construction and when construction activities occur. In accordance with Title 11, HAR Chapter 11-60.1, entitled "Air Pollution Control", effective air pollution control measures shall be provided to prevent or minimize any fugitive dust emissions caused by construction work from affecting the surrounding areas. This includes the offsite roadways used to enter/exit the project. The control measures include but are not limited to the use of water wagons, sprinkler systems, dust fences, etc.
 - d. The construction waste that will be generated by the project shall be disposed of at a solid waste disposal facility that complies with the applicable provisions of Title 11, HAR, Chapter 11-58.1, "Solid Waste Management Control", the open burning of any of these wastes on or off site is prohibited.
5. The Applicant is advised the should any archaeological or historical resources be discovered during ground disturbing/construction work, all work in the area of the archaeological/historical findings shall immediately cease and the applicant shall contact the State Department of Land and Natural Resources, Historic Preservation Division and the Planning Department to determine mitigation measures.
6. The Applicant is advised that prior to and/or during construction and use additional conditions may be imposed by government agencies. Should this occur, the applicant shall resolve these conditions with the respective agency(ies).

The Planning Commission is further advised that this report does not represent the Planning Department's final recommendation in view of the forthcoming public hearing process scheduled for JULY 13, 2021 whereby the entire record should be considered prior to decision-making. The entire record should include but not be limited to:

- a. Pending government agency comments;
- b. Testimony from the general public and interested others; and
- c. The Applicant's response to staff's report and recommendation as provided herein.

By


KENNETH A. ESTES, Planner



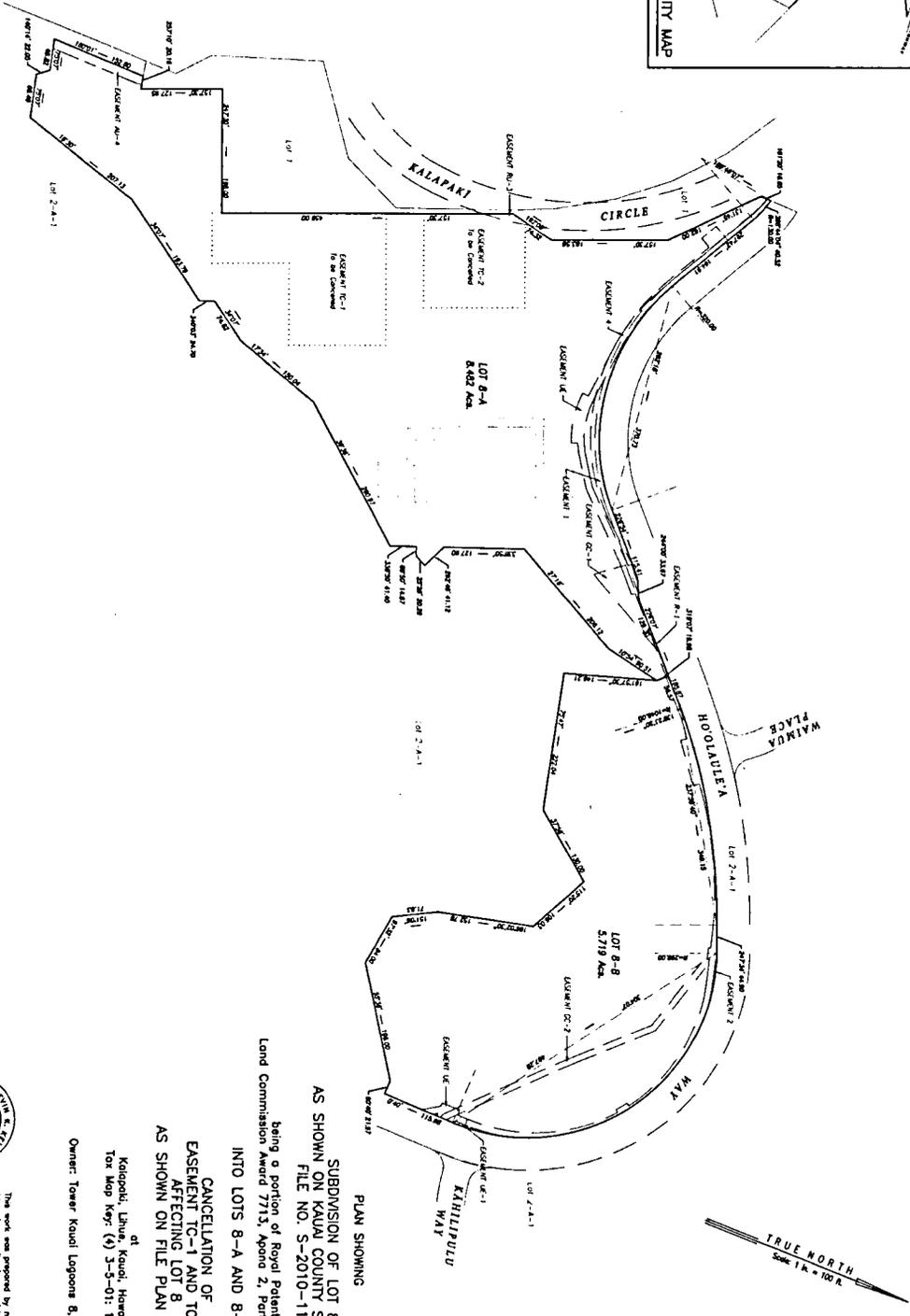
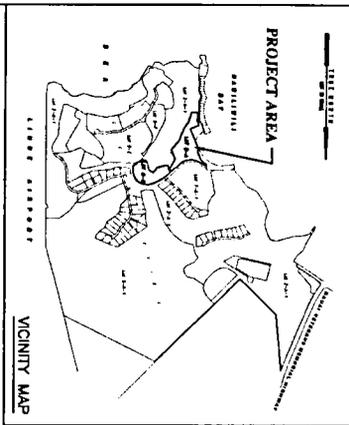
PLAN SHOWING
 SUBDIVISION OF LOT 8
 AS SHOWN ON KAUAI COUNTY SUBDIVISION
 FILE NO. S-2010-11
 being a portion of Royal Patent 4480,
 Land Commission Award 7715, Apone 2, Part 1 to V, Kamemalu
 INTO LOTS 8-A AND 8-B
 CANCELLATION OF
 EASEMENT TC-1 AND TC-2
 AFFECTING LOT 8
 AS SHOWN ON FILE PLAN 1933
 at
 Kalopaki, Lihou, Kauai, Hawaii
 Tax Map Key: (1) 3-5-01: 171
 Owner: Tower Kaula Lagoon 8, LLC

The work was prepared by me
 or under my direct supervision

 Kevin K. Ke'o
 Licensed Professional Land Surveyor
 Certificate Number 10378

Notes:
 1. Office of Archives referenced to Government Survey
 Transposition Station "KALEPA".
 2. Owner shown on plan gathered from records filed in the
 Office of Archives.
 3. Flood Zone 3: FEMA Flood Insurance Rate Map:
 Panel 1500020378F - Nov. 24, 2010
 Panel 1500020378F - Nov. 24, 2010

May 6, 2021
 H.P. 201-1778 R.



Notes:

1. Origin of azimuths referenced to Government Survey Triangulation Station WALEPA.
2. Dimensions on plan gathered from records filed in the Office of the Surveyor General.
3. Road Zone 2, ETLA, Road Insurance Rate Map; Power 1500020329 - Nov. 26, 2010



This work was prepared by me or under my direct supervision

David L. Watson
 David L. Watson, L.S. 10828
 Licensed Professional Land Surveyor
 Certificate Number 10828

September 22, 2022



COUNTY OF KAUA'I
 PLANNING DEPARTMENT
 4444 RICE STREET, SUITE A473 LIHU'E, HAWAI'I 96766
 (808) 241-4050

SUBDIVISION APPLICATION ROUTING FORM

DATE: January 25, 2022

Subdivision Map Review and Approval				
REQUEST:	<input type="checkbox"/>	Preliminary	<input type="checkbox"/>	Final
	<input checked="" type="checkbox"/>	Pre-Final	<input type="checkbox"/>	Extension
SUDIVISION APPLICATION NO:		S-2021-4		
Owner(s)/Applicant(s):		Tower Kaua'i Lagoons Lot 8		
Name of Surveyor/Engineer/Authorized Agent:		Kevin Ke'a		
Tax Map Key:	Tax Map Key (4) 3-5-01:171	Assigned to:	Kenny	
Improvements:				

Route To:

COMMENTS from DPW Engineering:

PW#01.22.082

The portion of Kapule Highway shown on the vicinity map has been renamed to be "Kauai Veterans Memorial Highway." Please change this label on the map. Once this change has been made, we recommend proceeding to Final Map.

Sincerely,

Digitally signed by Michael
 Moule
 Date: 2022.04.21 09:45:18
 -10'00'

Michael Moule, P.E.
 Chief, Engineering Division



Water has no substitute.....Conserve it!

4398 PUA LOKE STREET
LIHU'E, KAUA'I, HAWAI'I 96766
PHONE: (808) 245-5400 / FAX: (808) 245-5813

SUBDIVISION REPORT

TO: PLANNING DEPARTMENT
FROM: DEPARTMENT OF WATER

TMK: 3-5-011:171 NAME: Tower Kauai Lagoons 8 LLC SURVEYOR: Rebecca Candilasa REPORT NO: S-2021-4

- 1. Domestic water is adequate. Tentative approval is recommended. Water Requirements are not affected. Tentative approval is recommended.
2. All requirements have been fully met and; therefore, Final approval is recommended.
3. Before final approval can be recommended, the subdivider must:
A. Pay the Department of Water the following charges in effect at the time of receipt. At the present time, these charges include:
1) The Facilities Reserve Charge (FRC):
Lots @ \$14,115 per lot = \$
2) Payment to install, or relocate, service connections(s) at the fixed cost of \$
If the subdivider causes a delay in the service connection installation after one year since final map approval, the subdivider shall be charged the increase in the fixed cost, if any.
3) Deposit (the subdivider will either be billed or returned the difference between this deposit and the actual cost of construction of \$ for construction by the Department of Water.
B. Submit to the Department of Water DOW a copy of the subdivider's permit to perform work upon a State highway from the State Highways Division
C. Prepare and receive DOW's approval of construction drawings for the necessary water system facilities and either construct said facilities or post a performance bond for construction. These facilities shall also include:
1) All facilities required in the approved Kauai Lagoons Water Master Plan for the proposed project.
D. Prepare and convey to the DOW a Right-of-Entry and Temporary Grant of Easement for the purpose of construction, repair, maintenance, and operation of the subdivision water system improvements installed in other than County-owned property.
E. If a bond is filed, to secure final subdivision approval, the subdivider shall clearly letter the following on the approved construction plans, final subdivision map, and deeds:
'Domestic water service will not be available until the required construction improvements for this subdivision are completed and accepted by the Department of Water, County of Kaua'i.'
This deed restriction shall be recorded with the Bureau of Conveyances within ninety (90) days of final subdivision approval by the Planning Department.
4. Installation of service connections will not be required until a request for water service is made. The applicant for service will be charged the applicable service connection charges at that time.
5. Other (or remarks):

Jason Kagimoto

Jason Kagimoto, P.E.
Engineering Division
Water Resources and Planning Section

10/17/22
Date

SUBDIVISION REPORT NO. S-2021-4



STATE OF HAWAII
DEPARTMENT OF HEALTH
3040 Umi St. Lihue
Hawaii 96766

DATE: Thursday, March 17, 2022

TO: Kenneth Estes, Planner, County of Kauai

FROM: John Kolman, DBA
District Environmental Health Program Chief

SUBJECT: Tower Kauai Lagoons 8, LLC Subdivision No S-2021-4

The Department approves the split of lot 8 in lots 8-A and 8-B. This approval is limited to the scope of the submittal and does not confer any approvals to build, modify or make any land improvements.

If new information is found or changes are made to your submittal, we reserve the right to implement appropriate environmental health restrictions as required. Should there be any questions on this matter, please get in touch with the Department of Health at 808-241-3323

We recommend that you review all of the Standard Comments on our website:
<https://health.hawaii.gov/epo/home/landuse-planning-review-program/> Any comments specifically applicable to this or a future project(s) should be adhered to.

The same website also features a Healthy Community Design Smart Growth Checklist (Checklist) created by the Built Environment Working Group (BEWG) of the Hawaii State Department of Health. The BEWG recommends that state and county planning departments, developers, planners, engineers, and other interested parties apply the healthy built environment principles in the Checklist whenever they plan or review new developments or redevelopments projects. We also ask you to share this list with others to increase community awareness of healthy community design.

KAUA'I COUNTY HOUSING AGENCY

ADAM ROVERSI, DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR
PLANNING DEPT.

21 MAY 26 P1:37

TO: Kaaina Hull, Director, Kaua'i County Planning Department

FROM: Adam P. Roversi, Housing Director *AM*

DATE: May 26, 2021

RE: **Housing Agency Comments on Hokuala Resort Lot 8 Subdivision, TMK (4) 3-5-001:171, S-2021-4**

RECEIVED

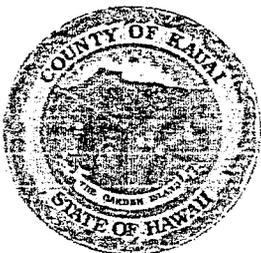
Applicant Tower Kaua'i Lagoons 8, LLC proposes to subdivide lot 8 into lots 8-A and 8-B, to facilitate the sale and development of lot 8-A into a 210-room hotel, while retaining Lot 8-B as part of the future master plan development for the Hokuala Resort.

The workforce housing requirements for this parcel were satisfied by the Kaua'i Lagoons Affordable Housing Agreement executed in February of 2005 pursuant to zoning Ordinance No. PM-2002-363, as modified by several subsequent amendments. Generally, this Agreement permitted the development of up to 750 resort units and required the construction of 113 workforce units. This workforce housing requirement was subsequently satisfied by the construction of the Courtyards at Waipouli and the Kamamalu condominiums in Lihu'e.

Because the present subdivision proposal does not seek to increase the Kaua'i Lagoons project area density, the Housing Policy, Kaua'i County Code Chapter 7A, does not impose any additional workforce housing assessment on the proposed subdivision.

Thank you for the opportunity to provide comments.





COUNTY OF KAUAI
PLANNING DEPARTMENT
SUBDIVISION APPLICATION

RECEIVED
 21 JUN -3 P1:29
 COUNTY OF KAUAI
 PLANNING DEPARTMENT

APPLICATION TYPE	DEPT. USE ONLY	
<input checked="" type="checkbox"/> Preliminary - 12 Maps <input type="checkbox"/> Final - 15 Maps	Application No.	
Attachments: <input checked="" type="checkbox"/> Title Report <input checked="" type="checkbox"/> Application Fee + \$300.00 Processing Fee <input checked="" type="checkbox"/> Letter of Authorization **	Date Accepted	
	Assigned to:	
	SMA Permit:	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Owner(s)/Applicant(s) * Tower Kauai Lagoons 8 LLC

** Holder of AT LEAST 75% of the equitable and legal title of the property*

Name of Surveyor/Engineer/Authorized Agent ** Wilson Okamoto Corporation (Rebecca Candilasa)
Telephone No. 808-946-2277

Map Title/ Description Plan showing subdivision of Lot 8 as shown on Kauai County Subdivision File No. S-2010-11, being a portion of Royal Patent 4480, Land Commission Award 7713, Apana 2, Part 1 to V. Kamamalu, into Lots 8-A and 8-B; and Cancellation of Easement TC-1 and TC-2 affecting Lot 8 As shown on File Plan 1933

GENERAL INFORMATION			
Tax Map Key: (4)	Zoning	General Plan	State Land Use Designation
(4) 3-5-001:171	RR-10; RR-20	Resort	Urban
Property Size (Acres or Sq. Feet)	Total Amount of Lots	Subdivision Fee (\$16.50 per lot)	
14.02 acres	2	\$ 33.00 + \$ 300.00 = \$ 333.00	

Date: _____

Applicant's Signature _____

DEPARTMENT USE ONLY	
Route to: <input type="checkbox"/> Public Works Department <input type="checkbox"/> Water Department <input type="checkbox"/> Housing Agency <input type="checkbox"/> State Health Department <input type="checkbox"/> State Highways Division - DOT <input type="checkbox"/> State Historic Preservation Division - DLNR	For: <input type="checkbox"/> Review and Recommendation <input type="checkbox"/> Signature and Return _____ AGENCY DEADLINE:

AGENCY COMMENTS *CTA HAS NO FURTHER COMMENT ON THIS PROJECT.*

Date: *APRIL 10, 2021*
6.2.2021

 Authorized Signature



COUNTY OF KAUA'I
 PLANNING DEPARTMENT
 4444 RICE STREET, SUITE A473 LIHU'E, HAWAI'I 96766
 (808) 241-4050

SUBDIVISION APPLICATION ROUTING FORM

DATE: May 19, 2021

Subdivision Map Review and Approval			
REQUEST:	<input checked="" type="checkbox"/> Preliminary	<input type="checkbox"/> Final	
	<input type="checkbox"/> Pre-Final	<input type="checkbox"/> Extension	
SUBDIVISION APPLICATION NO:	Subdivision Permit NO. S-2021-4,		
Owner(s)/Applicant(s):	Tower Kauai Lagoons 8 LLC		
Name of Surveyor/Engineer/Authorized Agent:	Rebecca Candilasa		
Tax Map Key:	Tax Map Key: (4) 3-5-001:171	Assigned to:	Kenny
Improvements:			

Route To:

<input checked="" type="checkbox"/>	DPW-Engineering	<input type="checkbox"/>	Department of Transportation - STP
<input type="checkbox"/>	DPW-SolidWaste	<input type="checkbox"/>	DOT-Highway, Kauai
<input checked="" type="checkbox"/>	DPW-Wastewater	<input checked="" type="checkbox"/>	State Department of Health
<input type="checkbox"/>	Fire-Department	<input checked="" type="checkbox"/>	State Historic Preservation Division
<input type="checkbox"/>	Department of Parks & Recreation	<input type="checkbox"/>	UH Sea Grant
<input checked="" type="checkbox"/>	County Housing-Agency	<input checked="" type="checkbox"/>	U.S. Postal Department
<input type="checkbox"/>	KHPRC	<input type="checkbox"/>	Other:
<input checked="" type="checkbox"/>	County Water Department		
<input checked="" type="checkbox"/>	County Transportation Agency		

COMMENTS (Comment Due Date: 6/18/2021):

No comments from the Wastewater Management Division
Jason Kagimoto
 Digitally signed by Jason Kagimoto
 Date: 2021.06.14 14:17:27 -10'00'