

KAUA‘I PLANNING COMMISSION
SUBDIVISION SESSION
Tuesday, January 11, 2022

The regular meeting of the Planning Commission Subdivision Committee of the County of Kaua‘i was called to order at 8:30 a.m., Microsoft Teleconference. The following Commissioners were present:

Mr. Gerald Ako
Mr. Francis DeGracia
Mr. Chiba

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

Discussion of the meeting, in effect, ensued:

CALL TO ORDER

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

ROLL CALL

Planning Director Kaaina Hull: Chair it is 8:30 a.m. so whenever you’re ready to commence the meeting we are ready for you.

Chair DeGracia: Thank you. I’d like to call to order the Subdivision Committee Meeting for Tuesday, January 11, 2022, roll call, please.

Mr. Hull: Roll call, Mr. Chair. Commissioner Ako?

Mr. Ako: Here and by myself.

Mr. Hull: Commissioner Chiba?

Mr. Chiba: Here and by myself.

Mr. Hull: Chair DeGracia?

Chair DeGracia: Here and by myself.

Mr. Hull: You have full quorum 3:0, Mr. Chair.

APPROVAL OF AGENDA

Mr. Hull: Next agenda item is the approval of the agenda. The Department has no recommended changes for the agenda.

Chair DeGracia: Thank you. Can we get an approval to approve the agenda?

Mr. Chiba: I move to approve the agenda as presented.

Mr. Ako: Second.

Chair DeGracia: All in Favor? Aye (Unanimous voice vote). Motion carried 3:0.

MINUTES of the meetings(s) of the Subdivision Committee

Mr. Hull: Next, we have the minutes for the August 10, 2021, and minutes for September 14, 2021, meeting.

Mr. Chiba: I moved to approve the minutes of the Sub-Division Committee minutes dated August 10, 2021, and September 14, 2021.

Mr. Ako: Mr. Chair, if I wanted to make corrections to the minutes do I do it now or do I second it first.

Chair DeGracia: Now.

Mr. Ako: I saw two non-substantive changes regarding the members that were at the meeting. I think there is a misspelling of our County Attorney's name, Ms. Barzilai. I think that's it, for both minutes.

Ms. Barzilai: Thank you, Commissioner.

Chair DeGracia: Commissioner Ako, for which minutes both?

Mr. Ako: For both minutes.

Chair DeGracia: Motion on the floor is to approve both minutes with the suggested amendments. Second. All in Favor? Aye (Unanimous voice vote). Hearing none, Motion carried 3:0.

HEARINGS AND PUBLIC COMMENT

Mr. Hull: Next, we have Hearings and Public Comment, I believe everyone we have on-line are all either applicants or representatives of applicants. If any individual that is logged on to this meeting right now and would like to testify as a member of the public, not as an applicant but a

member of the public or any of the Subdivision Committee agenda items. Please indicate so by raising your digital hand. Seeing none, we can move on.

GENERAL BUSINESS MATTERS (None)

Mr. Hull: There are no General Business Matters Items.

UNFINISHED BUSINESS (For Action) (None)

Mr. Hull: There are no Unfinished Business Matters Items.

NEW BUSINESS (For Action)

Tentative Subdivision Map Approval

Subdivision Application No. S-2022-6 (Kukui'ula Development Co., LLC.) Kukui'ula Parcel HH Subdivision Proposed 51-lot Subdivision TMK: (4) 2-6-019:026, 029 & 031 Koloa, Kaua'i.

Mr. Hull: Item I. 1. Tentative Subdivision Map Approval for Subdivision Application No. S-2022-6 (Kukui'ula Development Co., LLC.) Kukui'ula Parcel HH Subdivision Proposed 51-lot Subdivision. TMK: (4) 2-6-019:026, 029 & 031 located in Koloa, Kaua'i. I'll turn it over to Dale for the Subdivision Report.

Staff Planner Dale Cua: Thank you, Director. Good morning, Chair, and members of the Subdivision Committee. I am sitting in for Kenny today. At this time, I would like to present Subdivision Application No. S-2022-6 to you. I will be moving to the evaluation of the report, which begins on page 2 which explains the project. The proposed development establishes 47 lots within the residential district, one roadway lot, and a remnant parcel. It is noted that the proposed residential lots are outside of the Special Management Area. Proposed lots 50 and 51 have portions within the SMA and any development within the SMA would require an SMA permit. It should be noted that the public path and trails exhibit dated October 20, 2020, shows a proposed subdivision it is part of the trail system within the planned Kukui'ula Community. Applicant will need to work with the Planning Department to address a provision of public access. Before moving on to the Report, I also would like to mention there is a supplement No.1 to the Subdivision Report, which also introduces a new condition for the subdivision. The subdivision map has been routed to the various reviewing agencies for their review and comment, and their requirements have been incorporated into the subdivision report. In that supplement that has been transmitted to you, there is one Condition, it would be Condition 1.p. Condition 1.p., reads: The applicant is made aware that there are unpermitted improvements involving the (inaudible) to the unproposed lot 49. In addition, the Department has reviewed proposed improvements to the facility that includes an applicable part and expansion to the existing pool. Prior to final subdivision map approval applicant shall amend the Class VI zoning permit to accommodate these improvements as well as any future growth to the facility. Additionally, the tennis courts should be shown on the final subdivision map.

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

Mr. Cua: That concludes the Department's presentation of the Subdivision Report to you.

Chair DeGracia: Thank you, Dale. Do we have any questions for the Planning Department?

Mr. Ako: I have none, Mr. Chair.

Chair DeGracia: Hearing none. Could we please hear from the applicant or the applicant's representative?

Ms. Laurel Loo: Good morning, Mr. Chair and Commissioners, this is Laurel Loo Attorney for the applicant for Lot 29, which is MP Kaua'i. Also, I believe appearing are representatives for the other owners. We're here on behalf of MP Kauai to state that we have no objection to the proposed Conditions. Although Dale, I do not have the supplementary paragraph, but is that the one that we submitted yesterday?

Mr. Cua: Yes, I will forward it and make sure you get a copy of it.

Ms. Loo: Yes, if it is our proposal, we have no objection to it and I'm going to leave. Maren or Dennis Esaki is also on and they can answer any technical questions that you may have. But, just wanted to thank Dale and Kenny for working with us and against it we had no objections to the proposed Conditions.

Chair DeGracia: Commissioners, do you have any questions? Or would you like to hear from Esaki Surveying at this time.

Mr. Chiba: None for me.

Mr. Ako: None for me also, Mr. Chair.

Mr. Dennis Esaki: Mr. Chairman? Dennis, Esaki Surveying. We have reviewed the comments and together with the applicant, we agree with it. We would like to point out some things there are some Conditions that may have some figures on it and at the end it says to be worked out or to be resolved with the agencies. So, I just wanted to confirm that we are not stuck with the numbers shown there, if in fact, they have already been fulfilled. Just says it needs to be resolved with the agencies. Also, on page 3 where it says no direct access. I believe it should be no vehicular access on certain places, as opposed to no direct access. Thank you.

Chair DeGracia: Thank you, Dennis. I have a quick question on that access, will there be any other sort of public access aside from vehicular access? Which is why we are requesting for the change of language.

Mr. Esaki: I think it might be pedestrian, you cannot say no access whatsoever, right?

Chair DeGracia: Thank you, I guess I'm assuming that is probably going to tie into all the public path and trails.

Mr. Esaki: I believe it's tied into the system.

Ms. Loo: Yes, it is.

Chair DeGracia: Thank you, Commissioners we have any further questions?

Mr. Chiba: None for me.

Chair DeGracia: Hearing none, may I please have a motion, if there are no further questions.

Mr. Ako: I so move for the Tentative Approval of Subdivision Application No. S-2022-6, it involves the 51-lot Subdivision, and the applicant is Kukui'ula Development Co., LLC.

Mr. Chiba: Second the motion.

County Attorney Laura Barzilai: Excuse me, Chair. Laura, County Attorney's office. Did we also want to add with the addition and Condition of 1.p.?

Chair DeGracia: That is correct, along with all the following recommendations from the Planning Department. Do we change the verbiage in that one Condition to cross out vehicular access? That is my question. Do we change it now or request a change in the motion?

Mr. Cua: If the Commission would like to, I can incorporate that additional word "vehicular access" to just be more specific with regards to the direct access to a specific roadway. So essentially it would just be incorporation of the word "vehicular access".

Chair DeGracia: Thank you, so my understanding is correct. The motion on the floor is to approve the Tentative Approval of Subdivision Application No. S-2022-6 with the Condition of 1.p along with all the other following Conditions. Could we have a roll call vote, please?

Mr. Hull: Roll call vote, Mr. Chair. Motion to approve as recommended.

Mr. Hull: Commissioner Ako?

Mr. Ako: Aye.

Mr. Hull: Commissioner Chiba?

Mr. Chiba: Aye.

Mr. Hull: Chair DeGracia?

Chair DeGracia: Aye.

Mr. Hull: Motion carried 3:0.

Subdivision Application No. S-2022-7 (Tink Tank, LLC) Proposed 2-lot Boundary Adjustment TMK: (4) 2-1-003:016, & Ele,ele, Koloa, Kaua'i.

Mr. Hull: Next on the agenda Item I. b. Tentative Subdivision Map Approval for Subdivision Application No. S-2022-7 (Tink Tank, LLC.) Proposed 2-lot Boundary Adjustment. TMK: (4) 2-1-003:016 & 031 located in Ele'ele, Koloa, Kaua'i. I'll turn it over to Dale for the report on this matter.

Staff Planner Dale Cua: Thank you. What is before you are a consideration of Subdivision Application No. S-2022-7 that involves a 2-lot boundary adjustment between two existing parcels. Applicant again, has noted as Think Tank LLC, Tax map key for the parcels involved is TMK: (4) 2-1-003:016 & 031, these parcels are within the Port Allen Industrial Subdivision. As noted, the proposal redefines the boundaries between 2 existing lots and the intent of the proposal is to accommodate the construction of a warehouse facility on these parcels. Essentially is to accommodate the parking area. Also involved it should be noted is the proposal of constructing the warehouse facilities was previously processed through SMA Use Permit 2021-04, and it was approved by the Planning Commission on December 8, 2020. As a result, the proposal will be subject to the applicable requirements of the SMA permit. The preliminary subdivision map has been routed to the various reviewing agencies for their review and comment. The requirements have been incorporated into the subdivision report.

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

Mr. Cua: As a result, the Department is recommending tentative approval of this subdivision application.

Chair DeGracia: Thank you, Dale. Commissioners, do we have any questions for the Planning Department.

Mr. Ako: None for me.

Chair DeGracia: I have no questions; can we please hear from the applicant or the applicant's representative?

Applicant's Representative: This is Lucas Breckenridge, the applicant's representative. We have no comments on the Subdivision report. If there are any questions, we be happy to answer them.

Chair DeGracia: Thank you. Commissioners do we have any questions?

Mr. Chiba: None for me.

Mr. Ako: Mr. Chair, I have a question; the application talks about the renovation of the abandoned storage tank on the project sites. Abandoned meaning, there is nothing in there?

Mr. Cua: Yes. That the tank is no longer in use; they are going to renovate the water tank to be used for storage purposes.

Mr. Ako: Do we need another special permit from another agency?

Mr. Cua: As I mentioned before this proposal was previously considered on the Special Management Area Use Permit.

Mr. Ako: Got it. Thanks, Dale.

Chair DeGracia: Thank you, Commissioner Ako. I have no questions. May we please have a motion.

Mr. Chiba: I move to approve the Tentative Subdivision Map Approval for Subdivision Application No. S-2022-7 Tink Tank, LLC.

Mr. Ako: I'll second that.

Chair DeGracia: Thank you. The motion on the floor is to approve Tentative Subdivision Application No. S-2022-7 for Tink Tank, LLC. Could we please have a roll call vote?

Mr. Hull: Roll call, Mr. Chair, for motion to approve as recommended. Commissioner Ako?

Mr. Ako: Aye.

Mr. Hull: Commissioner Chiba?

Mr. Chiba: Aye.

Mr. Hull: Chair DeGracia?

Chair DeGracia: Aye.

Mr. Hull: Motion passes, 3:0, Mr. Chair.

ADJOURNMENT

Mr. Hull: With that we have no further agenda items for the Subdivision Committee. At your discretion it is ready for adjournment Mr. Chair.

Mr. DeGracia: Thank you. Can we get a motion to adjourn?

Mr. Ako: Motion to adjourn the meeting.

Mr. Chiba: Second.

Chair DeGracia: Second. All in Favor? Aye (Unanimous voice vote). Motion carried 3:0.

Chair DeGracia: adjourned the meeting at 8:47 a.m.

Respectfully submitted by:

Arleen L. Kuwamura
Arleen Kuwamura,
Commission Support Clerk

(X) Approved as circulated 08/23/2022 Meeting.

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