

KAUA'I PLANNING COMMISSION  
SUBDIVISION COMMITTEE MEETING  
March 12, 2024

The regular meeting of the Planning Subdivision Committee of the County of Kaua'i was called to order by Subdivision Committee Chair Francis DeGracia at 8:30 a.m. - Webcast Link: <https://www.kauai.gov/Webcast-Meetings>

The following Commissioners were present:

Mr. Gerald Ako  
Mr. Francis DeGracia  
Mr. Jerry Ornellas

Excused or Absent

The following staff members were present: Planning Department - Director Ka'aina Hull, Planning Department, Staff Planner Kenny Estes, Planning Secretary Shanlee Jimenez, Planning Staff Duke Nakamatsu; Office of the County Attorney – County Deputy Attorney Laura Barzilai, Office of Boards and Commissions – Support Clerk Lisa Oyama.

Discussion of the meeting, in effect, ensued:

**CALL TO ORDER**

Subdivision Committee Chair Francis DeGracia: I'd like to call to order the Subdivision Committee Meeting for Tuesday, March 12, 2024. Could we get a roll call?

**ROLL CALL**

Planning Department Director Ka'aina Hull: Roll call, Mr. Chair. Commissioner Ako?

Commissioner Gerald Ako: Here.

Mr. Hull: Commissioner Ornellas?

Commissioner Jerry Ornellas: Here.

Mr. Hull: Chair DeGracia?

Mr. DeGracia: Here.

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

**APPROVAL OF AGENDA**

Mr. Hull: Next, would be, Approval of the Agenda. The Department has no recommended changes.

Mr. Ako: Move to accept, move to approve the agenda for our Tuesday, March 12, 2024, Subdivision Committee Meeting.

Mr. Ornellas: Move to approve.

County Deputy Attorney Laura Barzilai: We need a second, please.

Mr. Ornellas: Second.

Chair DeGracia: Motion on the floor, commissioners, is to approve the agenda as is. Could we get a...we'll take a voice vote. All in favor, say aye. Aye (unanimous voice vote). Opposed. Hearing none, motion passes. 3:0.

**MINUTES of the meeting(s) of the Subdivision Committee**

Mr. Hull: Next, we have the minutes. Approval of the minutes for November 14th, 2023, meeting, as well as the January 9th, 2024, meeting.

Mr. Ornellas: Move to approve the minutes.

Mr. Ako: I'll second.

Chair DeGracia: Okay. Commissioners motion on the floor is to approve the Minutes for November 14, 2023, and January 9, 2024, we'll take a voice vote. All in favor, say aye. Aye (unanimous voice vote). Opposed. Hearing none, motion carries. 3:0.

**RECEIPT OF ITEMS FOR THE RECORD (None)**

**UNFINISHED BUSINESS (None)**

**NEW BUSINESS (For Action)**

Preliminary Subdivision Map Approval

Subdivision Application No. S-2024-5

**Thomas N. and Lisa D. Thompson**

Proposed 2-lot Subdivision

TMK: (4) 1-3-004: 023

Kekaha, Waimea, Kaua'i

- 1) Subdivision Report pertaining to this matter.

Mr. Hull: I'll turn it over, well, just before I turn it over to Kenny. Is there any public testimony? If you're the applicant, no need to come up, but if there's any member of the public that would

like to testify on this agenda item. Seeing none, I'll turn it over to Kenny for the staff report pertaining to this subdivision application.

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

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

Chair DeGracia: Thank you, Kenny. Commissioners, you have any questions for the department?

Mr. Ornellas: Yeah, I just have one question. Kenny, on the map here it shows two cesspools on the property.

Mr. Estes: Yeah. Yeah, the map does show two cesspools, so I think the applicant will, during the tentative process the applicant will work with the Health Department in resolving the cesspools, the requirement of cesspools, if there is any required by the state.

Mr. Ornellas: So, there's no sewer hookup available in that area?

Mr. Estes: No, this is all cesspools and septic.

Mr. Ornellas: So, they probably convert it to septic system.

Mr. Estes: Yeah.

Mr. Ornellas: I guess what I'm getting at is, is that a requirement when you subdivide, that you convert (inaudible) like if a cesspool exists.

Mr. Hull: I know if they have access to sewer, they definitely would have to sewer the property, whether or not Department of Health in this subdivision is going to require the cesspools be upgraded to septic systems, or if that happens during construction of a dwelling unit. That's something for them to resolve with Department of Health. I know for a fact that if they're going to construct, they're going to get hit with the requirement to upgrade one of those cesspools to a septic system. Whether or not they impose it during subdivisions, I'll be honest, we're a bit unclear on that, but we, I think the applicant, the Planning Department going to find out through the through final approval process.

Mr. Ornellas: Thank you.

Chair DeGracia: Commissioners, any further questions for the department? If not, if we get the applicant to come up. Yes, please.

Mr. Thomas Thompson: Good morning.

Chair DeGracia: Good morning.

Mr. Ornellas: Morning.

Chair DeGracia: If you'd like to just kind of give us, like kind of like a brief on your application.

Mr. Thompson: Gosh, Kenny said it all pretty well. We'd just like to subdivide the property. It's ¾ of an acre and the current house on the side with two cesspools and nice acreage. We just thought of reserving a small parcel for a future improvement. Nothing planned on the horizon now. I was aware that if we were to build a structure on the lot 134-A, I believe, it would be, we would require septic, but I'm not aware of that now, but it's the Department of Health did require that we would try to comply with every desire from the different departments in question.

Chair DeGracia: Thank you, commissioners, any questions for the applicant? If not, thank you very much.

Mr. Thompson: Thank you. Very exciting to be here.

Chair DeGracia: Commissioners have no further questions from the department or applicant, I'll entertain a motion.

Mr. Ornellas: Move to approve Subdivision No. S-2024-5, as amended.

Mr. Ako: Second.

Chair DeGracia: Okay, commissioners, motion on the floor to approve Preliminary Subdivision for application number S-2024-5. Could we get a roll call vote, Mr. Clerk.

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

Mr. Ako: Aye.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Chair DeGracia?

Chair DeGracia: Aye.

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

Chair DeGracia: Thank you.

Mr. Hull: Next, we have G.2.

Preliminary Subdivision Extension Request

Subdivision Application No. S-2019-8

**Stephanie Fernandes**

Proposed 5-lot Subdivision

TMK: (4) 4-2-005: 044

Wailua, Kawaihau, Kaua'i

- 1) Subdivision Report pertaining to this matter.

Mr. Hull: We don't have anybody signed up. Is there any member of the public that would like to testify on this agenda item? Seeing none, I'll turn it over to Kenny again for the report pertaining to that matter.

Mr. Estes: I'll read the report for the record.

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

Chair DeGracia: Thank you, Kenny. Commissioners, any questions for the department?

Mr. Ako: No.

Chair DeGracia: Anyone for the applicant?

Mr. Jonathan Chun: Good morning, Mr. Chair. Jonathan Chun, on behalf of the applicant. I'm here to answer any questions of review. The report is very, very well done, thank you, Kenny. I just wanted to report to the commission that as far as the water agreement with the Department of Water, thanks to the County Attorney's Office, that matter has been resolved, and a final agreement has been signed by both the applicant and the Department of Water. The only thing outstanding right now is the Final Subdivision Map and a flood study. Flood study is scheduled to be submitted to the Department of Public Works sometime within 30 days and then comment period after that from Public Works. Around the same time, we'll be submitting the construction (inaudible) for the water facilities infrastructure and that should be taken care of pretty quickly. So, we, hopefully this will be the very last extension. I thank you for the commissions indulgence to (inaudible). This is the fifth extension, that's quite a lot, but hopefully we'll be able to get this resolved by this year with the commission's indulgence and acceptance. If you have any questions, I'd be happy to answer any questions regarding the status of the project.

Chair DeGracia: Commissioners any questions?

Mr. Ako: I have one question, real simple one I guess, but it's five extensions, is that just a process that takes so long or is there a way we can cut down the process?

Mr. Chun: Well, the rules generally use one year from tentative subdivision.

Mr. Ako: Yeah.

Mr. Chun: Sometimes the one year is more than enough time to get it done, I mean if it's a simple subdivision that can be done, you know for 2-lot subdivisions. For complicated ones involving infrastructure support and like, this one also involves housing requirements, when you get larger subdivisions, those things are a little more complicated because you have to work with other departments, which is out of the hands of the department and the commission, but you know, property, so we are required to reach agreements with other departments regarding, for example, the Housing Agency requirements and Department of Water, water availability. Those takes time, I would say at least a year, maybe more for that. So, I mean that would be for larger subdivisions, so maybe the commission and the department in and all due respect, you may want to look at for smaller subdivision, you had a one year are really something that can be done.

Larger ones I think is something that discussion should be had maybe with the larger land owners or the department because a lot of times out of the control of the department and there's nothing you can do, except, you know, coming back and ask for extensions and most time people are diligent in getting it done and these are, I mean to be totally honest, these are not number one on other departments lists of trying to get these agreements done, I mean, they got more pressing items to deal with on their own. Don't want to say like subdivisions are number 1 pressing items for other departments, but you know, you got to look at reality of what it is.

Mr. Ako: Not trying to point fingers at anybody, but it's just a matter of it just seems like a long time if, I guess if I'm trying to develop something, yeah, and maybe it's part of the discussion about how, and I guess as you say, some are easy and some are just more complicated than others.

Mr. Chun: That's part of the overall and I'm sure the director had is involving a lot of discussions regarding, you know, development within not only Kaua'i, statewide. There are a lot of requirements to do and time, but you know that's the process that we have, and we will follow those processes.

Mr. Ako: Thank you.

Mr. Chun: If there's any questions, I'd be happy to answer, relating to the process. Thank you very much.

Chair DeGracia: Any questions, Commissioners, for the department or applicant? Thank you, John.

Mr. Chun: Thank you.

Chair DeGracia: Okay, if not, I'll entertain a motion.

Mr. Ako: Move to approve the extension request of Subdivision Application No. S-2019-8 until January 25, 2025.

Mr. Ornellas: Second.

Chair DeGracia: Okay. Commissioners motion on the floor is to approve Subdivision Extension, Request for Subdivision Application No. S-2019-8 until date stated, could we get a roll call vote, Mr. Clerk?

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

Mr. Ako: Aye.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Chair DeGracia?

Chair DeGracia: Aye.

Mr. Hull: Motion passes, Mr. Chair. 3:0. Lastly, we have Agenda Item G.3. a.

Request to Terminate a Subdivision Application

Subdivision Application No. S-2024-3

**Visionary, LLC.**

Proposed 12-lot Subdivision

TMK: (4) 3-6-002: 001 (por.)

Kalapaki, Lihu'e, Kaua'i

- 1) A letter from the Applicant dated December 26, 2023, requesting termination of the subdivision application.

Mr. Hull: We don't have any signed up but there's anybody in the public that like to testify this agenda item. Seeing none, there's no report pertaining to this matter. The letter was submitted by the applicant to withdraw the application. They actually have another project site that they're going to be focusing their resources on over the next year or two, which you folks should be seeing shortly, but ultimately they're withdrawing this application and then there may be an additional proposal to come back, I mean, really...we don't like seeing Habitat for Humanity walk away from projects, but they may be coming back for this site, but I know they're also putting a bunch of eggs in a in a separate Ele'ele proposal that again, you folks should be seeing shortly. So, all it would take really is a motion to receive the letter of withdrawal.

Chair DeGracia: Okay. Commissioners, I'll seek for a motion to receive this letter of withdrawal for this application.

Mr. Ako: I seek to receive the letter of withdrawal to terminate Kaua'i Habitat for Humanity Subdivision Application No. S-2024-3.

Mr. Ornellas: Second.

Chair DeGracia: Okay, commissioners, motion on the floor is to receive the letter of withdrawal for Subdivision Application No. S-2024-3. Could we get a roll call vote?

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

Mr. Ako: Aye.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Chair DeGracia?

Chair DeGracia: Aye.

Mr. Hull: Motion passes, Mr. Chair. 3:0. That includes our Subdivision Committee agenda items, so we are ready for adjournment, whenever you folks are.

**EXECUTIVE SESSION (None)**

**ADJOURNMENT**

Mr. Ornellas: Move to adjourn.

Mr. Ako: Second.

Chair DeGracia: Okay. Commissioners, motion on the floor is to adjourn this meeting. We'll take a voice vote. All in favor, say aye. Aye (unanimous voice vote). Opposed. Hearing none motion carries. 3:0. Meeting is adjourned.

Committee Chair DeGracia adjourned the meeting at 8:48 a.m.

Respectfully submitted by:

*Lisa Oyama*

Lisa Oyama,  
Commission Support Clerk

(X) Approved as circulated (June 04, 2024 meeting).

( ) Approved as amended. See minutes of \_\_\_\_\_ meeting.