

KAUA'I PLANNING COMMISSION  
SUBDIVISION COMMITTEE MEETING  
February 14, 2017

The subdivision committee meeting of the Planning Commission of the County of Kaua'i was called to order at 8:30 a.m., at the Līhu'e Civic Center, Mo'ikeha Building, in meeting room 2A-2B. The following Commissioners were present:

Mr. Sean Mahoney  
Mr. Roy Ho

Absent:  
Ms. Donna Apisa

The following staff members were present: Planning Department – Chance Bukoski, Dale Cua, Leslie Takasaki; Office of the County Attorney – Deputy County Attorney Jodi Higuchi Sayegusa; Office of Boards and Commissions – Administrator Jay Furfaro, Commission Support Clerk Lani Agoot

Discussion of the meeting, in effect, ensued:

**CALL TO ORDER**

Chair Ho called the meeting to order at 8:30 a.m.

**ROLL CALL**

Mr. Bukoski: Chair Ho.

Mr. Ho: Here.

Mr. Bukoski: Commissioner Mahoney.

Mr. Mahoney: Here.

Mr. Bukoski: Commissioner Apisa, two present.

**APPROVAL OF THE AGENDA**

Chair Ho: Approval of the agenda.

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

Mr. Ho: Second, all in favor. (Unanimous voice vote) Motion carried 2:0.

**MINUTES of the meeting (s) of the Subdivision Committee (NONE)**

Regular Meeting of December 13, 2016

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

Mr. Ho: Second, all in favor. (Unanimous voice vote) Motion carried 2:0.

**RECEIP OF ITEMS FOR THE RECORD (NONE)**

**HEARINGS AND PUBLIC COMMENT**

Chair Mahoney: Would anyone like to testify on the items described, seeing none we will move to General Business.

**GENERAL BUSINESS MATTERS (NONE)**

**UNFINISHED BUSINESS (NONE)**

**NEW BUSINESS (For Action)**

Final Subdivision Map Approval

Subdivision Application No. S-2016-8 (KAKUDA BROTHERS, LLC) Proposed 2-lot subdivision TMK: (4) 2-7-006:087 &141 Koloa, Kauai.

Subdivision Report Pertaining to this matter.

Staff Planner read evaluation into the record. (On file)

Chair Ho: Is there anyone from the applicant's side, come forward please and introduce yourself.

Ms. Morena (Inaudible): Good morning, my name is Morena (Inaudible) from Esaki Surveying; we are the representatives of the applicant, any questions?

Mr. Mahoney: The applicant is familiar with the conditions and meets all requirements? That is the only question I had.

Chair Ho: Lot 9-H, there is a large building setback in it, is there a reason for that?

Ms. (Inaudible): That was in the original 1982 map. I'm not sure what the purpose of the setback is but it is in the previous map so it is carried on to this new map.

Chair Ho: If there is no further business I need a motion please.

Mr. Mahoney: Chair, move to approve final subdivision application S-2016-8, Kakuda Brothers, LLC, proposed 2-lot subdivision TMK: (4) 2-7-006:087 and 141, Koloa, Kauai.

Chair Ho: Second, all in favor. (Unanimous voice vote) Motion carried 2:0.

Chair Ho: I need to confer with our county attorney so I am going to ask for a short recess.

Committee recessed at 8:35 a.m.

Meeting called back to order at 8:39 a.m.

Subdivision Extension Request

Subdivision Application No. S-2011-16 (Cameron K. Burgess) Proposed 4-lot subdivision TMK: (4) 4-1-008:013 Wailua, Kauai.

Subdivision Report pertaining to this matter.

Staff Planner read the report into the record. (On file)

Chair Ho: Is there someone from the applicant's side?

Mr. Allan Hironaka: Good morning Commissioners, for the record my name is Allan Hironaka, Hironaka Surveying, representing the developer and to my right is one of the co-owners, Milton Burgess.

Mr. Mahoney: What is taking so long, this is the 5<sup>th</sup> extension and according the report there hasn't been any movement towards rectifying the situation.

Mr. Milton Burgess: Right now there are two problems that is preventing us from the final step, one being the legal description as a requirement prior to subdividing is one issue. We are currently working on that with the county. The second one was the bid applications from the engineering companies to go out for the construction plans, the bonding. We have the water meters and the rights for it so right now we are just waiting on him to come out for the bids for what it will take to do the water line infrastructure. So either bond it or do the construction work its self, that is the last two problems we have as far as I know.

Mr. Mahoney: According to this report it doesn't seem like there has been satisfactory progress made at all, it's like the ducks aren't in a row and they might not be in a row. So from 2011, this application was granted tentative approval by the Planning Commission on February 22, 2011 and the applicant's request is the 5<sup>th</sup> extension of the tentative approval, and this is tentative approval. The extension request was approved and granted to February 22, 2017. My way of thinking, I would withdraw the application and start over when you get your ducks in a row because I think it has gone far enough unless you can come up with something. I don't think there has been enough satisfactory progress. That is what I think on this matter.

Chair Ho: Mr. Burgess is there something you are doing with Housing Authority, is there something in the works with them too?

Mr. Burgess: The request for the requirement I was told to get was the legal description and according to Title Guarantee and everybody I talked to there is no documentation for that undivided portion. That is one problem that we have. It has been portioned out, subdivided from when my grandfather bought this property so the legal paperwork that the county is requesting us to provide to them, we haven't been able to get and I have been trying. Like I said I talked to everybody I think is pertinent to this question and so far I still haven't been able to come up with a suitable drawing or description.

Mr. Hironaka: Originally the concept was to provide the subdivision and then document the legal descriptions for the parcels and that way that will be satisfied but because the housing agreement came first, needs to be agreed upon first, that is when this request for the exterior to be mapped and recorded. Other than that we were going to go through the subdivision and have the process run through its self and then the legal description and map would be the updated subdivision map that we record with the Bureau of Conveyance. The housing agreement requirement was to have a clear meets and bounds description done, we would probably have to do that first, and in fact we are working on that right now to do that first, provide it to them. The family is ready, from what I understand, the family is pretty much ready to sign the housing agreement it is just this one item outstanding.

Chair Ho: You said also there is engineering involved in this, what type of engineering would be involved?

Mr. Hironaka: Engineering is for construction of 4 water meters. The existing meter along Haleluleo road is being relocated to Eggerking and so there are 4 water meters and I'm not sure if the County, Public Works, is involved directly.

Chair Ho: Where are you with the Board of Water Supply now? Are you close to settlement or having it resolved?

Mr. Hironaka: What happened is engineering is completed, it got submitted and the 1 year time frame has lapsed so the construction plans on the drawings has to be recertified so we are in the process of recertifying the engineering plans. And that is pretty much the final step and we can get our bids back into order and the bonding done with Planning and I think the Water Department has the process we need to go through.

Chair Ho: The engineering and water has been a year delay for you?

Mr. Hironaka: Yes.

Chair Ho: Mr. Burgess, did you get into this permitting rather recently or have you been riding along on this as it has come through the last 4 or 5 years?

Mr. Burgess: No, Casey Yim is one of the family members, he is in California. He started this project back in 2011 and he is basically the one that is running it. Since I moved back to Kauai I

told him I would assist him in whatever way possible to get whatever we need, run around and see whomever. There are a lot of things that I am not up to speed on but I will do whatever it takes, and that is what I have been doing.

Mr. Mahoney: What would your best estimate be of time allotted for you to complete the business that you need to complete?

Mr. Hironaka: As far as the legal description it is not that long, we need to coordinate with the title company on the documentation. Most of the time will be consumed with getting the construction plans recertified and the bids circulated so 6 months.

Chair Ho: Any other questions Mr. Mahoney?

Mr. Mahoney: No.

Chair Ho: I will take the planner's recommendation now.

Mr. Bukoski: Recommendation, based on the reasons noted above it is the department's recommendation to deny the extension request. Furthermore, the applicant is made aware that a new subdivision application may be processed at such time the infrastructure issues are decided.

Chair Ho: With that, Mr. Mahoney, I need a motion.

Mr. Mahoney: Chair, I move to deny subdivision extension request subdivision application No. S-2011-16, Cameron K. Burgess, proposed 4-lot subdivision, TMK: (4) 4-1-008:013, Wailua, Kauai.

Chair Ho: The motion on the floor is to deny the application.

Ms. Higuchi-Sayegusa: We would need a second if we want to move on with the discussion on the motion on the table but there are only two members so I think the silence speaks for its self. The other option is to possibly defer the matter. One option is to take a recess of this present meeting or you can defer it to the next meeting, something for you folks to consider.

Chair Ho: The motion on the floor is to deny.

Ms. Higuchi-Sayegusa: And if there is no second then the motion dies.

Chair Ho: The next one would be a deferral?

Ms. Higuchi-Sayegusa: You have the option of taking a recess of this subcommittee until another member is present that would engage in the meeting or actively defer this item to the next agenda which would be February 28<sup>th</sup>.

Mr. Mahoney: If my motion did not pass due to a second I will move to defer to the next subdivision committee meeting, February 28<sup>th</sup>.

Chair Ho: Second, the motion has been moved and seconded, all in favor of the motion to defer. (Unanimous voice vote) Motion carried 2:0. With no other items on the agenda I need a motion to adjourn.

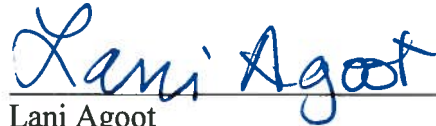
Mr. Mahoney: Chair, move to adjourn.

Chair Ho: Second, vote. (Unanimous voice vote) Motion carried 2:0.

**ADJOURNMENT**

Chair Ho adjourned the meeting at 8:54 a.m.

Respectfully submitted by:



\_\_\_\_\_  
Lani Agoot  
Commission Support Clerk

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

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