

KAUA‘I PLANNING COMMISSION  
SUBDIVISION SESSION  
December 14, 2021

**DRAFT**

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. Francis DeGracia  
Mr. Ako  
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 Support Clerk Duke Nakamatsu; 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: Good morning, Chair Francis, it’s 8:30, I think we have everybody in attendance.

Chair DeGracia: I’d like to call to order the Subdivision Committee meeting for Tuesday, December 14, 2021, if we could have a roll call, please.

Mr. Hull: Roll call. Commissioner Ako

Mr. Ako: Here and by myself.

Mr. Hull: Commissioner Chiba

Mr. Chiba: Here by myself.

Mr. Hull: Chair DeGracia

Chair DeGracia: Here by myself.

Mr. Hull: You have a quorum Mr. Chair. Three Present.

## **APPROVAL OF AGENDA**

Mr. Hull: Next would be the Approval the Agenda the Department doesn't have any recommended changes to the agenda.

Chair DeGracia: Thank you. Is there a motion to approve?

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

Mr. Ako: I'll Second.

Chair DeGracia: Thank you, the motion on the floor is to approve the agenda as presented. All in favor say, aye? Aye. (Unanimous voice vote). Any opposed? Hearing None. Motion carried 3:0.

## **MINUTES of the meetings(s) of the Subdivision Committee**

Mr. Hull: Next, we have the Meeting Minutes of July 13, 2021.

Mr. Ako: I move to approve the Meeting Minutes of the July 13, 2021, Kauai Planning Subdivision Committee Meeting.

Mr. Chiba: I second.

Chair DeGracia: Thank you. Motion on the floor is to a approve the Subdivision Committee Minutes for July 13,2021. All in Favor of the approval say, aye? Aye (Unanimous voice vote). Any Opposed? Hearing none. Motion carried 3:0.

## **RECEIPT OF ITEMS FOR THE RECORD**

Mr. Hull: Thank you Chair, we have no additional receipt of items for the record.

## **HEARINGS AND PUBLIC COMMENT**

Mr. Hull: Thank you Chair. The Department did receive three (3) pieces of written testimonies concerning Subdivision Application No. S-2022-2, which were transmitted to the commission via supplemental transmittal. Jodi, do you have anybody in the waiting room for public testimony at this time?

Deputy Planning Director Jodi Higuchi Sayegusa: Yes. I did not disable the hand raise function, if there anybody in the audience for Subdivision who would like to testify, please raise your hand and we will let you in to the meeting to testify.

Mr. Hull: So again, as there is a little bit of disturbance. If there is anybody who would like to speak on any agenda item for the Subdivision Committee, please raise your digital hand which is a function within Zoom, and we will let you into the meeting two testify. Again, this will be the

last call for any individual or member of the public that is attending and in the waiting room, that would like to testify on agenda item on the Subdivision Committee agenda, please raise your digital hand within the Zoom function and we will let you in to testify. Hearing and seeing none, Chair, we can move on too...

**GENERAL BUSINESS MATTERS (None)**

Mr. Hull: We don't have any General Business Matters.

**UNFINISHED BUSINESS**

Mr. Hull: We don't have any Unfinished Business Matters.

**NEW BUSINESS (For Action)**

Tentative Subdivision Map Approval.

Subdivision Application No. S-2022-2 (Kukui`ula Vistas, LLC.)

Proposed 6-lot Subdivision TMK: (4) 2-6-022:054 Koloa, Kona, Kauai

Mr. Hull: Next, we have Agenda Item I.1, New Business I.1, Tentative Subdivision Map Approval Subdivision Application No. S-2022-2, the applicant is Kukui`ula Vistas, LLC, it is a Proposed 6-lot Subdivision *TMK: (4) 2-6-022:054 Koloa, Kauai*. I'll turn it over to Kenny Subdivision Report pertaining to this matter.

Staff Planner Kenneth 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: In evaluating the Applicant's request, no problems are foreseen in granting the modification of requirement to allow a deviation of requirement to construct curbs, gutters, and sidewalks along the roadway and to allow a drainage system (inaudible) in lieu of raised curbs and gutters. Currently we have received comments from the County Department of Water and the State Department of Health, and comments are still pending from the Department of Public works and Engineering.

Chair DeGracia: Thank you, Kenney. Commissioners, do you have any questions for the Department or the planner?

Mr. Ako: Chair, I got two questions here. One, is just for my clarification, I think for planner Estes, would be, what is a roadway lot? Is it like a parking lot?

Mr. Estes: It is a road that serves all the residential lots within that subdivision.

Mr. Ako: It is a road. Is it like a parking lot or just a road?

Mr. Estes: It is just a road.

Mr. Ako: It is just a road, got it.

Mr. Estes: I think where the, on this lot-18, Kukui`ula (inaudible) this subdivision application, I believe they are proposing to have future parking lot within (inaudible).

Mr. Hull: So, yes, Commissioner Ako, it comes up to the division property owners, is that, when they subdivided the lots, right, generally you would have different owners, and that roadway lot, would be a separate parcel in and of itself often, under the authority and jurisdiction of the respected AOAO.

Mr. Ako: And the second question I have is, by the request of this deviation, to construct berms, and gutters and sidewalks along the road. Will this affect in anyway the safety of the community? Or does it encourage any drivers to drive slower in the community? Or is it mostly for aesthetic purposes, and it's, okay?

Mr. Estes: This requirement is under the Subdivision Ordinance for complete streets, and I guess within the ordinance for Kukui`ula. They are required to put in pedestrians' sidewalks and public access paths throughout the subdivision, throughout the whole Kukui`ula Master Plan area. I guess.

Mr. Ako: Okay.

Mr. Hull: Okay, I can go into a little bit more detail, Commissioner Ako. So, the curb, gutters, and sidewalk requirement, and that requirement has been updated over the past decade. To reflect not so much a vehicular safety but having the ability to have better interconnection for pedestrian and bicycle users, multiple users. If you go to some of the subdivisions that have occurred say 1965 or 1970 to about 2010, you see that they are set up in a meandering cul-de-sac system that is good in certain aspects as far as ownership and dividing up more lots. But what we have come to recognize if we look at some of the subdivisions, like Pikake, how a pedestrian user will walk from their house to say Costco gas station, right? They have to walk all these meandering roads as opposed to if there were interconnections spaced out a little bit more in a grid format, it would make it relatively easy for the pedestrian and perhaps desirable for individuals to not necessarily have to drive all over the place, but to walk or bicycle to the place. So, that recognition was made about a decade ago, to have a spacing an integral requirement for multi-modal particular sidewalks. They way that Kukui`ula was set up, well before this Complete Street Ordinance that Kenny was referencing happened in the subdivision code, there was a desire to have some of these meandering patterns. But in response to that was the need for better interconnection, Kukui`ula has proposed and similar areas have interspace trails that connect the various developments and roadway arterial paths to each other to somewhat accomplish that multi-modal interconnection. So, this has been standard within this very large master skilled project for them to request a deviation. And in so far as they keep on meeting

their master trail requirements, the Department has kind of been in alinement to say, “okay, you meet this intended purpose of the previous ordinance.” Does that make sense?

Mr. Ako: Yes. I got it, thank you. Thanks, Kenny. That is all for me, Chair DeGracia.

Chair DeGracia: Thank you, Chair Ako. Do we have any further questions? I have one question for the Department. About how much, just a rough estimate. The percentage of development within this area, I’m thinking of looking at the map, but it’s hard for me to kind fathom. But about how much of the area is developed and how much more is left to be developed?

Mr. Estes: (Inaudible).

Chair DeGracia: I guess is my question. I guess what I am getting at with all these deviations, will it affect the water flow eventually with the development of the land, if there is going to be runoff is my concern from a lot of the properties and damage because of the rain that we have been having and you know, in the future. With more development of the land and less areas to soak up the water, is the lack of curbs and gutters, has that been looked at?

Mr. Hull: Well, yes. Sorry, thanks, Chair DeGracia for that. And it is what the second part of the response to Chair Ako’s that I kind of left out. For the curbs and gutters, unlike the multi-model interconnection aspect that I was referring too, the curbs and gutters are very hard and fast drainage requirement, right? The management of storm runoff waters. For that we normally just refer back to the Engineering Division for their assessment of drainage waste as well as storage of the water from storm events. So, we kind of just refer to Engineering on this aspect.

Chair DeGracia: Perfect, thank you. At this time could we hear from the applicants or the applicant’s representative.

Ms. Laurel Loo: Good morning, Commissioners, this is Laurel Loo, attorney for the applicant. Present is Gary Pinkston who is the principal for the applicant and Dennis Esaki is also in attendance. So, if you have any engineering questions, Mr. Esaki I’m sure will be glad to answer those. We are here just to thank Mr. Estes for his work on this project and also, to answer any questions you may have.

Mr. Dennis Esaki: I have some comments, this is Dennis if I may.

Chair DeGracia: Please.

Mr. Esaki: In answers to some of the question of this lot-18, on three sides of this small lot the construction has been recently completed and approved by the County and Kukui`ula. And you only got five residential lots here and the infrastructure has been taken into account when they did the roadways on three sides of this lot, and the roadway is only about 150 feet. The answer to the other question. I don’t know the exact amount of lots in Kukui`ula but if five, I don’t know, out of a thousand or something, I would say it is a significant amount.

Chair DeGracia: Thank you very much. Commissioners, do you have any questions?

Mr. Ako: None for me.

Mr. Chiba: None for me I don't have any.

Chair DeGracia: I have no questions. At this time if we could I'll entertain a motion.

Mr. Chiba: I guess I move to grant the request for modification of requirements to allow the deviation from the requirements to the construct curbs, gutters, and sidewalks along the roadway. And to allow drainage system (inaudible) drainage swales in lieu of curbs and gutters. I need help with this motion. Can I do it the other way? I move to grant the request for modification of requirements for Subdivision Application No. S-2022-2. Mr. Hull?

Mr. Hull: That works, Commissioner Chiba. The last one works.

Mr. Chiba: The second one?

Mr. Hull: Yes.

Mr. Chiba: Okay, let me re-do it again, for clarification. I move to grant the request for modification of requirements for Subdivision Application No. S-2022-2.

Mr. Ako: I'll second that.

Chair DeGracia: Thank you. Motion on the floor is to approve Tentative Subdivision Map Approval for Application No. S-2022-2. Hearing none. Could we have a roll call?

Mr. Hull: Roll call, Chair. 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.

Subdivision Application No. S-2022-4 (Tower Kauai Lagoons Sub 4, LLC.)  
Proposed 25-lot Boundary Adjustment TMK: (4) 3-5-004:400-424 Kalapaki, Lihue, Kauai

Mr. Hull: Moving on, we are on to I.b, Subdivision Application No. S-2022-4, the applicant is Tower Kauai Lagoons Sub 4, LLC, it is a Proposed 25-lot Boundary Adjustment *TMK*: (4) 3-5-004: and parcels 400-424 Kalapaki, Lihue, Kauai. I'll turn it over to Kenny again, for the Subdivision Report pertaining to this matter.

Staff Planner Kenneth Estes: 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: Chair, we have received comments from the State Department of Health and comments are still pending from the County Department of Public Works and Engineering Division and Department of Water.

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

Mr. Ako: Not for me, Chair.

Mr. Chiba: I don't have any.

Chair DeGracia: Okay. If there are no questions. Can we hear from the applicant or the applicant's representative?

Mr. Gary Siracusa: Good morning, Commissioners. For the record I'm Gary Siracusa, Director of construction here at Hokuala Resort, representing the applicant Tower Kauai Lagoons, LLC. I further want to thank the planner on this Kenneth and the Department for their evaluation and presentation.

Chair DeGracia: Do we have any questions?

Mr. Chiba: None for me.

Mr. Ako: None for me.

Chair DeGracia: If there are no questions, I'll entertain a motion.

Mr. Ako: I move to approve the Subdivision Application No. S-2022-4, proposed 25-lot Boundary Adjustment, Tower Lagoons Subdivision Kauai, LLC.

Mr. Chiba: I'll second.

Chair DeGracia: Thank you. Motion on the floor is to approve Subdivision Application No. S-2022-4. Could we have a roll call vote, please.

Mr. Hull: Roll call, Chair. 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.

Subdivision Application No. S-2022-5 (Morton L. Cohen Family Trust.)  
Proposed 2-lot Boundary Adjustment TMK: (4) 4-4-013:034 & 035 Kapaa, Waipouli, Kauai

Mr. Hull: Moving on to the final Item, I have I.c, Subdivision Application No. S-2022-5, Morton L. Cohen Family Trust, Proposed 2-lot Boundary Adjustment *TMK: (4) 4-4-013:034 & 035*. It is located in Kapaa, Waipouli, Kauai. I will turn it over again, to Kenny for the report pertaining to this mater.

Staff Planner Kenneth Estes: 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: Chair, we have received comments from the State Department of Health and comments are still pending from the County Department of Public Works and Engineering Division and Department of Water.

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

Mr. Ako: I have none.

Mr. Chiba: None for me.

Chair DeGracia: I have no questions. Can we hear from the applicant or the applicant's representative? It doesn't appear that anyone is here.

Ms. Maren Arismendez-Herrera: Sorry. My name is Maren Arismendez-Herrera from Esaki Surveying, on behalf of the applicants. We would like to respectfully request for your approval. We do accept the Conditions in the Report and I am willing to answer any questions the Commissioners may have. Thank you.

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

Mr. Ako: None for me.

Mr. Chiba: One quick one. What are the plans for the requirements for the fences surrounding the swimming pool?

Ms. Arismendez-Herrera: The owners will go to the County and get a permit for that next. The fence is (inaudible) because they do have an existing pool and that is a safety issue to have the fence there so they will have to get it permitted.

Mr. Chiba: Thank you.

Chair DeGracia: If there are no more questions, could we have a motion, please.

Mr. Chiba: I move to approve Subdivision Application No. S-2022-5, proposed 2-lot Boundary Adjustment.

Mr. Ako: I'll second that motion.

Chair DeGracia: Motion on the floor is to approve Subdivision Application No. S-2022-5. If we could please have a roll call vote.

Mr. Hull: Apologies. My mute was on when calling out commissioner's names, sorry about that. Roll call, for motion for Tentative Approval for Subdivision Application No. 2022-5. 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, Mr. Chair and Members of the Committee, we have no further agenda items for the Subdivision Committee. We are ready to adjourn.

Chair DeGracia: Commissioners, could we have a motion to adjourn?

Mr. Chiba: I move to adjourn the meeting.

Mr. Ako: I Second that.

Chair DeGracia: All in Favor signify by saying? Aye (Unanimous voice vote). Motion passes, meeting is adjourned. Motion carried 3:0.

Subdivision Committee Chair DeGracia adjourned the meeting at 8:57 a.m.

Respectfully submitted by:

Arleen L. Kuwamura  
Arleen Kuwamura,  
Commission Support Clerk

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

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