

KAUA‘I PLANNING COMMISSION  
SUBDIVISION SESSION  
**October 26, 2021**

**DRAFT**

The regular meeting of the Planning Commission Subdivision Committee of the County of Kaua‘i was called to order at 8:37 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 Secretary Shanlee Jimenez; Office of the County Attorney – Deputy County Attorney Laura Brazilai; 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 8:37 a.m.

**ROLL CALL**

Planning Director Kaaina Hull: Good morning, Chair Francis, it’s 8:37, I think we have everybody in attendance.

Chair DeGracia: I’d like to call to order the Subdivision Committee meeting for Tuesday, October 26, 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.

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

Mr. Chiba: I move to approve the agenda.

Mr. Ako: Second.

Chair DeGracia: Thank you, the motion on the floor is to approve the agenda as is. All in Favor signify by say? 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 minutes. We've got a bunch of meeting minutes and are playing catch up on. So, we have the meeting minutes for January 12, 2021, February 9, 2021, March 9, 2021, and April 13, 2021, a motion for each individual one, or as a whole group can be done 08:31:40 really at the discretion of the committee.

Chair DeGracia: Could we have a motion to approve the minutes.

Mr. Chiba: Okay, I moved to approve the Minutes of the Subdivision Committee Meetings, dated January 12, 2021, February 19, 2021, March 9, 2021, and April 13, 2021.

Mr. Ako: Second.

Chair DeGracia: Thank you. Motion on the floor is to a approve the Subdivision Committee Minutes for January 12,2021, February 19, 2021, March 9, 2021, and April 13, 2021. Any discussion? Hearing none. All in Favor? 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: Hearings and Public Request, we did not get any request for oral testimony before the Subdivision Committee.

## **GENERAL BUSINESS MATTERS (None)**

## UNFINISHED BUSINESS

### Extension Request to Complete Improvements.

Subdivision Application No. S-99-49 *Kulana Association of Apartment Owners* Kulana Subdivision 23-lot Subdivision *TMK: (4) 4-3-011:001 Kapaa & Waipouli, Kawaihau, Kauai*

Mr. Hull: So, we're moving into Agenda Item H.1, Extension Request to Complete Improvement Subdivision Application No. S-99-49 Kulana Association of Apartment Owners, Kulana Subdivision, 23 lot Subdivision. Tax Map Key: (4)- 4-3-011:001. Located in Kapaa & Waipouli, Kawaihau, Kauai and I'll turn it over to Kenny for this Subdivision Report on this matter.

Staff Planner Kenneth Estes: Morning Commissioners, I'll read the report for the record, or 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: Based on the forgoing circumstances, the applicants' reasons are justifiable, and no problems are foreseen in granting extension requests. The Department of Public Works and Water have no objections to the request. It is recommended that an extension until September 13, 2022, to be graduate to complete subdivision improvements, where the development.

Chair DeGracia: Thank you, Kenny. Do we have any questions for the Department or the planner?

Mr. Ako: Chair, I don't have any. Thank you.

Chair DeGracia: Thank you. I have no questions at this time. Could we hear Here comments from the applicants or applicant's representative.

Ms. Laurel Loo: Morning Commissioners, Dr. Hall, and Kenny Estes. I'm Laurel Loo, the attorney for this project, and with me on the phone and Mark Sullivan and Brad Rockwell who are the Vice President and President respectively of the association. They've spent years, taking care of all of the issues that have come up with this subdivision as you can see from the number, we've been going through this for decades. And so now we're glad that we're finally at the tail and last week the water department has accepted all conveniences. So, we're almost there, and Brad, if you wanted to add anything, and let the Commissioners know we have. We really appreciate it working with Kenny Estes, he has been a super help and super professional in getting us through this process.

Mr. Brad Rockwell: Nothing much to add, just did want to highlight that as Laura mentioned last week, the Department of Water at their board meeting did except 100% of the system. So, that is now in the hands of the DOW, which is a huge milestone, and we really appreciate your

consideration of this extension requests. We don't think we're going to need the whole year because we're so close, but obviously you know, deadline has passed so we just need a little bit more time to, to wrap up what is mostly sort of an administrative and paperwork drill at this point, because most of the physical work has been completed. So, we're fully funded to finish with this remaining portion were even funded to do some of the non-county required infrastructure like the KIUC cable polls we've already cut checks to KIUC and that those work orders have been cut. And we're currently working with Spectrum on the communication portion. I did just want; I did notice that there was a letter submitted by Mr. Bosshard and I just wanted to quickly comment that we don't necessarily agree with Mr. Bosshard's interpretation of the CCNR's. The CCNR's. As I read them, clearly intend that this is an agricultural subdivision, there's nothing in them whatsoever that indicates this is to be a gated community for any sort of gentlemen estate. There's active farming occurring within Kulana right now. That said, we've had one attorney an attorney with Laurel's firm in Honolulu, that specializes in this area, take a look, we're also getting a second attorney opinion, with respect to compliance with the State Right to Farm Law. And we've, got a committee of owners working on some suggested changes just because they are kind of dated, almost 20 years since those were written, but our intent is to fully comply with State Right to Farm Laws, and so, I just wanted to mention that for the record. Thank you, pending any questions. That's all I have.

Chair DeGracia: Thank you. Commissioners, any questions, or comments?

Mr. Ako: None for me, Chair.

Mr. Chiba: No, thank you.

Chair DeGracia: I just have one comment, Brad. Thank you for clearing up that one letter and that concern. I'm much appreciated. And if we don't have any further comments or questions, I would entertain a motion.

Mr. Chiba: Okay. I moved to grant and Extension until September 13, 2022, for subdivision application No. S-99-49 Kulana Association of Apartment owners Kulana Subdivision.

Mr. Ako: I will second that.

Chair DeGracia: Thank you. Motion on the floor is to approve Extension Request Subdivision Application No. S-99-49, until September 13, 2022. If we could 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.

**NEW BUSINESS (For Action)**

Tentative Subdivision Map Approval.

Subdivision Application No. S-2022-1 (Inouye Family Trust, et.al.)  
Proposed 2-lot Boundary Adjustment TMK: (4) 2-3-018:015 & 036  
Kalaheo, Koloa, Kauai

Mr. Hull: Next, we have Agenda Item I., New Business I.1, Tentative Subdivision Map Approval Subdivision Application No. S-2022-1, Inouye Family Trust, et.al. Proposed 2-lot Boundary Adjustment TMK: 2-3-018:015 as well as parcel 036, located in Kalaheo, Kauai. Subdivision Report pertaining to this matter will be turned over to Kenny.

Staff Planner Kenneth Estes: Morning Commissioners, I'll to summarize the report. The proposed development redefining the boundaries between two existing lots within the county residential R-4 zoning district, agricultural district, and open this year.

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

Mr. Estes: The Department is recommending Tentative Subdivision Approval.

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

Mr. Ako: None for me.

Chair DeGracia: Is there anyone here for the applicants or is the applicant here to make any comments or applicant representative.

Ms. Maren Arismendez-Herrera: Good morning, Commission. My name is Maren Arismendez-Herrera from Esaki Surveying, on behalf of the applicants. We would like to respectfully request for your approval. This is a boundary adjustment between the two lots, there's an existing fence. But the owners have always agreed on that was a shared boundary. So, the boundary adjustment will adjust the property line to reflect that. Thank you.

Chair DeGracia: Thank you. Commissioners, do we have any questions for the applicant's representative?

Mr. Ako: No.

Mr. Chiba: No.

Chair DeGracia: Hearing none. Okay, at this time I'll entertain a motion.

Mr. Chiba: I move to grant Tentative Subdivision Map Approval for Subdivision Application No. S-2022-1.

Mr. Ako: I second.

Chair DeGracia: Thank you, Commissioners. Motion on the floor is to approve Tentative Subdivision Map Approval for Application No. S-2022-1. Before we gave the vote are there any discussions? Hearing none. If we could 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.

## **ADJOURNMENT**

Mr. Hull: With that, we have no further items on the agenda, Chair. We are ready for adjournment at your discretion.

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

Mr. Chiba: I move to adjourn the meeting.

Mr. Ako: I Second.

Chair DeGracia: The motion is to adjourn the meeting. All in Favor signify by saying? Aye (Unanimous voice vote). Any opposed? Hearing none. Motion carried 3:0.

Subdivision Committee Chair DeGracia adjourned the meeting at 8:47 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.