

KAUAI PLANNING COMMISSION
SUBDIVISION SESSION
May 10, 2022

DRAFT

The regular meeting of the Planning Commission Subdivision Committee of the County of Kauai was called to order at 8:30 a.m. The following Commissioners were present:

Mr. Gerald Ako
Mr. Francis DeGracia

The following Commissioners were excused:

Mr. Melvin Chiba

The following staff members were present: Planning Department - Director Kaaina Hull, 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 Gerald Ako called the meeting to order at 8:31 a.m.

Mr. Hull: Alright Chair, we are ready to go live whenever you are ready.

Chair Ako: Okay, good morning, everyone. Thank you for coming, to the public, to our staff, Mr. DeGracia. So, today is Tuesday, May 10, 2022, it's about 8:32 a.m., and with that, I'll call the Planning Commission, Subdivision Committee to order.

ROLL CALL

Chair Ako: Mr. Clerk, can we have a roll call.

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

Mr. DeGracia: Here.

Mr. Hull: Vice Chair Chiba is absent, is excused. Chair Ako?

Chair Ako: Here.

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

APPROVAL OF AGENDA

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

Chair Ako: Motion to approve?

Mr. DeGracia: Motion to approve the agenda.

Mr. Ako: I'll second that. With that, we can just have a voice vote on this, will be fine?

Mr. Hull: Yes.

Mr. Ako: All those in favor say aye. All those opposed, no.

*It was moved by Mr. DeGracia and seconded by Chair Ako to approve the agenda.
Motion passed by unanimous voice vote.*

Mr. Ako: Our motion passes.

MINUTES of the meeting(s) of the Subdivision Committee

RECEIPT OF ITEMS FOR THE RECORD

Mr. Hull: We have no minutes of the previous Subdivision Committee meeting, no additional receipt of items for the record.

HEARINGS AND PUBLIC COMMENT

Mr. Hull: Hearings and public comment. Oral testimony will be taken this morning in the following manner. First, we will recognize all speakers who have signed up to testify in person who are physically present at the publicly noticed meeting location here at Lihue Civic Center, Moikeha Building, Meeting Room 2A/2B at 4444 Rice Street, Lihue, Kauai. Next, we will recognize all callers by telephone number who have elected to attend the meeting by calling the join by phone telephone number provided on the agenda. Finally, we will recognize all attendees who have elected to join the meeting using the Zoom link provided on the agenda. All testifiers will be given 3 minutes per testifier, per agenda item. If you are not interested in providing testimony, please indicate so when you are recognized. If you have internet connectivity issues, please use the join by phone telephone number and we will return to any new callers for testimony before concluding the oral testimony portion of the agenda. Please note that the meeting is also viewable to the livestream broadcast at www.kauai.gov/webcast/meeting. Please note that the livestream broadcast does not allow viewers to provide testimony. Please refer to the agenda instructions on how to provide public testimony. I'll see if we have anybody signed up in person. We have no members of the public, in person, signed up to testify on any

subdivision committee agenda item. Are there any members of the public here in person that have not signed up but would like to testify on any of the subdivision agenda items? Seeing none, Jodi I'm going to turn it over to you to go through the call list and the Zoom list.

Ms. Sayegusa: Turning to the callers, any callers. At this point, I'm not seeing on the Zoom meeting list of any callers who have joined by phone using the number provided on the agenda. Turning now to the Zoom attendees who have joined using the Zoom link provided on the agenda, I will recognize each attendee one by one and promote you as a panelist. Once you click on join as panelist, on your end you'll be able to click on start video and unmute yourself. If you are comfortable doing so, please identify yourself. Please also clarify which agenda item or items you wish to testify on. This is the subdivision meeting agenda, just to clarify. You will be given 3 minutes per agenda item for your testimony. If you are not interested in providing testimony, please indicate so when you are called. Also, if any Zoom attendees experience any internet connectivity issues, please use the join by phone telephone number provided on the agenda and we'll return to callers after the Zoom, going through all the Zoom attendees. So first, we have Hal Hammat. I've enabled your audio and video. Please click on join as panelist on your end and you will be able to click on start video and unmute yourself. Hal Hammat?

Mr. Hammat: Good morning. Yes, good morning.

Ms. Sayegusa: Hi, please identify yourself if you are comfortable and also clarify which agenda item you're wishing to testify on, or if you're not interested, please let us know now.

Mr. Hammat: I'm perfectly comfortable. Thank you very much.

Ms. Sayegusa: Okay, thank you very much. Next, on the list we do have Hanalei Traders. I'm going to enable your audio and video. Please click on join as panelist on your end and you'll be able to start video and unmute yourself. If you're comfortable, please identify yourself and clarify which agenda item on the subdivision agenda you wish to testify on.

Mr. Hood: Andy Hood with Sustainable Resources, in the matter of the Hanalei Traders SMA.

Ms. Sayegusa: Okay, yes that item is on the regular Planning Commission agenda. Did you have anything that you wanted to testify on the subdivision committee?

Mr. Hood: No.

Ms. Sayegusa: Okay, thank you very much. Next, we have Zoom User. I'm going to enable your audio and video. Please click on join as panelist on your end and you'll be able to unmute and start your video. Zoom User I've just enabled your video and audio. Please identify yourself and if you're comfortable doing so, please clarify which subdivision agenda you wish to testify on, or if you're not interested, please let us know.

Mr. Williamson: Hi, I'm Mark Williamson. I'm a homeowner in Poipu Aina Estates.

Ms. Sayegusa: Which item on the subdivision agenda do you wish to testify on?

Mr. Williamson: I'm on the mainland. I hadn't planned on attending, but I'm curious to see how this will go with the lumber company issue.

Ms. Sayegusa: Okay, I believe that matter is listed on the Planning Commission agenda. Is there anything else on the Subdivision agenda you wish to testify on?

Mr. Williamson: I'll listen.

Ms. Sayegusa: Okay, thank you very much. That concludes all attendees that attended via the Zoom link provided on the agenda and I see no other callers to return to who may have joined the meeting late or who may have had Zoom connectivity issues, so that concludes oral testimony for the Subdivision agenda.

Mr. Hull: Thank you Jodi.

NEW BUSINESS

Preliminary Subdivision Map Approval

Subdivision Application No. S-2022-9 (Tower Kauai Lagoons Sub1, LLC) Hokuala Resort Subdivision 1, Proposed 10-lot Consolidation TMK: (4) 3-5-004:100-109 Kalapaki, Lihue, Kauai

Mr. Hull: Moving on to the next agenda item, we have I.1., preliminary subdivision map approval, subdivision application number S-2022-9, Hokuala Resort Subdivision proposed 10 lot consolidation, TMK (4) 3-5-004:100-109 located in Kalapaki, Lihue, Kauai. I'll turn it over to Kenny for the subdivision report at this time.

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

Mr. Estes: Chair, we received preliminary comments from the Department of Public Works, Engineering Division, and comments are still pending from the County Department of Water, and State Department of Health. The Department is recommending preliminary subdivision approval.

Chair Ako: Okay, thank you Kenny. With that, Commissioner DeGracia do you have any questions.

Mr. DeGracia: No questions for the Department.

Chair Ako: At this time, do we have a representative for the applicant? Would you like to testify, present?

Ms. Candilasa: Good morning, Chair Ako and Commissioner DeGracia.

Mr. Ako: Good morning.

Ms. Candilasa: My name is Rebecca Candilasa from Wilson Okamoto Corporation. I'm a planning consultant for the applicant and I'm joined by Mr. Gary Siracusa here as a representative of applicant and we're happy to answer any questions you may have.

Chair Ako: Commissioner DeGracia.

Mr. DeGracia: Chair, I have a question for the applicant.

Chair Ako: Sure.

Mr. DeGracia: Is my understanding correct that there will be 42 single-family residential units that will be deemed affordable, and in addition, 18 other single-family residential units with a total 60 on this property?

Ms. Candilasa: So, the affordable, it's referring to the affordable housing agreement that was agreed to as part of the overall SMA permit approval and permit approval. So, these 42 units are part of that 772-unit cap. So, these units in particular are not affordable, but the affordable component of that approval has been constructed. Am I right, Gary?

Mr. Siracusa: It was all completed.

Ms. Candilasa: It was all completed.

Mr. DeGracia: Okay, thank you. That was my understanding.

Chair Ako: I guess the question I would have is, do you have a definition of affordable housing? Is that something that you do, or is that something that changes along the way, or? Specifically, I'm trying to look at your price wise, yeah.

Mr. Siracusa: Yeah, I just want to be able to provide a distinction. The affordable housing commitment for the, what the Kauai Lagoons Resort now the Hokuala Resort, was previously agreed to with the housing authority and all that affordable housing commitment was constructed years ago. This product is a market price product on Subdivision 1.

Mr. Ako: The question I have, one concern that came up was regarding the walkways or pathways. Right now, we have the public that is able to go ahead and use the walkways there. Would that be impeded in any way. And how did we come about having walkways in a private subdivision like this? Is it from the goodness of the heart of the owners or is that something that is part of the permit process?

Mr. Siracusa: So, we have an overall, I think everyone here is aware that Hokuala Resort is an inclusive community resort. We've got a robust path, bike path, walk path, jog path distribution throughout the resort. It's entirely open and accessible and will remain so. We worked through

with Planning, DPW, as well as the County Council on establishing that path system throughout the resort, and there's nothing in terms of this subdivision action where we would be restricting or impeding any of that access. We're also looking at additional opportunities here as we bring this subdivision along in its plan in order to maintain that and continue.

Ms. Candilasa: I can add to that as well. As part of that recent zoning amendment that was approved in December, we also executed a memorandum of understanding regarding that public access system. So, that's in effect as well.

Mr. Ako: Thank you and thank you for those bikeways and walk paths. That's all I have. Commissioner DeGracia, do you have any other questions for the applicant?

Mr. DeGracia: I'm ready to make a motion. I move to approve subdivision application number S-2022-9 for the Kauai Lagoons Subdivision 1, LLC.

Mr. Ako: That I'll second. We have a motion on the floor, it's been seconded. Do we have any other further discussion? If not, Mr. Clerk, roll call vote.

Mr. Hull: Roll call, Mr. Chair. Commissioner Chiba is excused. Commissioner DeGracia?

Mr. DeGracia: Aye.

Mr. Hull: Chair Ako?

Chair Ako: Aye.

It was moved by Mr. DeGracia and seconded by Mr. Ako to approve subdivision application S-2022-9. The motion passed by the following roll call vote: Mr. DeGracia-Aye, Mr. Ako-Aye. Mr. Chiba-excused.

Mr. Hull: Motion passes, Chair.

Subdivision Application S-2022-10 2014 (Tower Kauai Lagoons Golf LLC, Tower Kauai Lagoons Land LLC and Tower Kauai Lagoons Sub 7 LLC) Hokuala Resort Subdivision 1A, Proposed 2-lot consolidation and resubdivision into 3-lots, TMK: (4) 3-5-001:027&168, Kalapaki, Lihue, Kauai

Mr. Hull: Next we have I.1.b, subdivision application S-2022-10, again Hokuala Resort subdivision lot 1A, proposed 2-lot subdivision and resubdivision into 3-lots, TMK (4) 3-5-001:027 & 168, also located in Kalapaki, Kauai. I'll turn it over to Kenny for the subdivision report pertaining to this matter.

Mr. 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 not received, comments are still pending from the Department of Public Works Engineering Division, the County Department of Water, the State Department of Health and the State Historic Preservation Division. The Department is recommending preliminary subdivision approval.

Chair Ako: Thank you, Kenny. Question?

Mr. DeGracia: No questions.

Mr. Ako: With that, would the applicant like to make another presentation, or?

Ms. Candilasa: Hello again, Rebecca Candilasa, Wilson Okamoto Corporation, here on behalf of the applicant and Gary Siracusa, also representing the applicant. This first subdivision 1A, they're on either side of the road of each other. This subdivision wasn't previously subdivided out, although it was approved under all of those previous SMA permit, PDU use permit, and Class IV zoning permit, so this is just basically creating a parcel. If there's any questions we're happy to answer them.

Mr. DeGracia: No questions, Chair.

Chair Ako: I have no questions also. So, hearing that, we have the recommendation already. I'll entertain a motion.

Mr. DeGracia: Motion to approve tentative subdivision application number S-2022-10.

Chair Ako: And I second. If there's no other discussion, Mr. Clerk, roll call please.

Mr. Hull: Roll call, Mr. Chair. Again, Commissioner Chiba is excused. Commissioner DeGracia?

Mr. DeGracia: Aye.

Mr. Hull: Chair Ako?

Chair Ako: Aye.

It was moved by Mr. DeGracia and seconded by Mr. Ako to approve subdivision application S-2022-10. The motion passed by the following roll call vote: Mr. DeGracia-Aye, Mr. Ako-Aye. Mr. Chiba-excused.

Mr. Hull: Motion passes.

Chair Ako: Thank you.

Subdivision Application S-2022-11 (Kauai Habitat for Humanity, Inc.) Proposed 6-lot consolidation, TMK: (4) 4-3-009:051 & 071, Waipouli, Kawaihau, Kauai

Mr. Hull: Next we have I.l.c, subdivision application number S-2022-11, proposed 6-lot consolidation, TMK: (4) 4-3-009:051 & 071, Waipouli, Kawaihau, Kauai. I'll turn it over to Kenny again for the subdivision report.

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)

Mr. Estes: Chair, I would like to note a revised subdivision report was transmitted to the Planning Commission yesterday. The Planning Department removed the previous condition 1.d. relating to future road widening reserve.

Mr. Ako: Any questions for staff? Commissioner DeGracia?

Mr. DeGracia: No questions.

Mr. Ako: Is there a representative for the applicant? Please come forward. Good morning.

Ms. Herrera: Good morning, Commissioner. My name is Maren Herrera from Esaki Surveying, and we are the land surveyors for the applicant.

Ms. Pimental: I'm Mililani Pimental, Executive Director for Kauai Habitat for Humanity.

Mr. Haigh: And Douglas Haigh, President of the Board for Kauai Habitat.

Ms. Herrera: So, on behalf of the applicant, I would just like to say that we accept all the conditions in the report and respectfully request tentative approval. We are here to answer any questions you may have.

Chair Ako: Commissioner DeGracia.

Mr. DeGracia: I have one question. For archaeological resources, I think I saw in the report that there's no record of inventory surveys done in recent years, but do you guys have a plan in place in case any resources are uncovered, and how far deep you guys gona go below.

Ms. Pimental: Doug, can address that for you.

Mr. Haigh: State Historic Preservation Division did submit a letter, and in that letter it acknowledges that they are reviewing an archaeological monitoring plan. A clarification they

made is for information purposes to the archaeological monitoring plan, not for mitigation. That's because there are no known historical properties on the site, but we acknowledge that there's a possibility that some may be discovered during construction so we were proactive in doing an archaeological monitoring plan and we will be having monitoring done to all further excavation activities.

Mr. DeGracia: Thank you. No further questions, Chair.

Chair Ako: I have no questions. Okay, so based upon that, did we have a recommendation already or did I miss it?

Mr. Hull: The Department is recommending tentative approval.

Chair Ako: With that, I would like to entertain a motion.

Mr. DeGracia: Motion to approve tentative subdivision application number S-2022-11.

Chair Ako: That I second. Any other questions? Mr. Clerk, can we have a roll call.

Mr. Hull: Roll call, Mr. Chair. Commissioner Chiba is excused. Commissioner DeGracia?

Mr. DeGracia: Aye.

Mr. Hull: Chair Ako?

Chair Ako: Aye.

It was moved by Mr. DeGracia and seconded by Mr. Ako to approve subdivision application S-2022-11. The motion passed by the following roll call vote: Mr. DeGracia-Aye, Mr. Ako-Aye. Mr. Chiba-excused.

Mr. Hull: Motion passes, Mr. Chair.

Chair Ako: Thank you.

Mr. Hull: With that, Mr. Chair we have no further items on the agenda.

ADJOURNMENT

Chair Ako: Can I have a motion for adjournment?

Mr. DeGracia: Motion to adjourn.

Chair Ako: I second that, and with a voice vote, all those in favor say aye. All those opposed no. With that meeting is adjourned.

It was moved by Mr. DeGracia and seconded by Mr. Ako to adjourn the meeting. All were in favor by unanimous voice vote.

Chair Ako adjourned the meeting at 8:56 a.m.

Respectfully submitted by:



Duke Nakamatsu,
Secretary

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

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