



PLANNING COMMISSION

KAAINA S. HULL, CLERK OF COMMISSION

FRANCIS DEGRACIA, CHAIR
GERALD AKO, VICE CHAIR
JERRY ORNELLAS, MEMBER

RECEIVED

24 MAY 29 PM 2:43

OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUAI

- The Planning Commission Meeting will be at:

Līhu'e Civic Center, Moikeha Building
Meeting Room 2A-2B
4444 Rice Street, Līhu'e, Kaua'i, Hawai'i

- Oral testimony will be taken on specific agenda items, at the public meeting location indicated on the meeting agenda.
- Written testimony indicating your 1) name or pseudonym, and if applicable, your position/title and organization you are representing, and 2) the agenda item that you are providing comment on, may be submitted on any agenda item in writing to planningdepartment@kauai.gov or mailed to the County of Kaua'i Planning Department, 4444 Rice Street, Suite 473, Līhu'e, Hawai'i 96766. Written testimony received by the Planning Department at least **24 hours prior** to the meeting will be posted as testimony to the Planning Commission's website prior to the meeting (<https://www.kauai.gov/Government/Boards-and-Commissions/Planning-Commission>). Any testimony received after this time will be retained as part of the record, but we cannot assure the Commission will receive it with sufficient time for review prior to the meeting.

IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF BOARDS & COMMISSIONS AT (808) 241-4917 OR ADAVIS@KAUAI.GOV AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST. UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.

SUBDIVISION COMMITTEE MEETING NOTICE AND AGENDA

Tuesday, June 04, 2024

8:30 a.m. or shortly thereafter

Līhu'e Civic Center, Moikeha Building

Meeting Room 2A-2B

4444 Rice Street, Līhu'e, Kaua'i, Hawai'i

RECEIVED

*24 MAY 29 P12:44

CLERK OF
THE COUNTY CLERK
COUNTY OF KAUAI

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. MINUTES of the meeting(s) of the Subdivision Committee

1. March 12, 2024
2. April 09, 2024

E. RECEIPT OF ITEMS FOR THE RECORD

F. UNFINISHED BUSINESS

G. NEW BUSINESS (For Action)

1. Preliminary Subdivision Map Approval

- a. Subdivision Application No. S-2024-9
Inouye Family Trust, et al.
Proposed 2-Lot Boundary Adjustment
TMK: (4) 2-3-018: 015 and 036
Kalāheo, Kōloa, Kaua'i

- 1) Subdivision Report pertaining to this matter.

2. Preliminary Subdivision Extension Request

- a. Subdivision Application No. S-2017-6
Moloa'a Valley Homeowners, LLC.
Proposed 7-Lot Subdivision
TMK: (4) 4-9-011: 013
Kawaihau, Kaua'i

- 1) Transmittal of Public Testimony to Planning Commission.
- 2) Subdivision Report pertaining to this matter.

H. EXECUTIVE SESSION

Pursuant to Hawaii Revised Statutes Sections 92-4 and 92-5(a)(4), the purpose of this executive session is to consult with the County's legal counsel on questions, issues, status and procedural matters. This consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Commission and the County as they relate to the following matters:

- a. Subdivision Application No. S-2024-9
Inouye Family Trust, et al.
Proposed 2-Lot Boundary Adjustment
TMK: (4) 2-3-018: 015 and 036
Kalāheo, Kōloa, Kauaʻi

- b. Subdivision Application No. S-2017-6
Moloaʻa Valley Homeowners, LLC.
Proposed 7-Lot Subdivision
TMK: (4) 4-9-011: 013
Kawaihau, Kauaʻi

I. ADJOURNMENT

KAUAI PLANNING COMMISSION
SUBDIVISION COMMITTEE MEETING
March 12, 2024
DRAFT

The regular meeting of the Planning Subdivision Committee of the County of Kauai 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

() Approved as circulated (date of meeting approved).

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

KAUA'I PLANNING COMMISSION
SUBDIVISION COMMITTEE MEETING
April 09, 2024
DRAFT

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 8:31 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, Dale Cua, Romio Idica, Planning Secretary Shanlee Jimenez; Office of the County Attorney – Deputy County 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: Time is 8:31 called to order the subdivision committee. Call to order the Subdivision Committee Meeting for Tuesday, April 9, 2024. Roll call please, Mr. Clerk.

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.

Chair DeGracia: Thank you.

APPROVAL OF AGENDA

Mr. Hull: Next up would be the Approval of the Agenda. The Department has one recommended change and that would be to move Kukui'ula, the application for Kukui'ula Parcel X to immediately follow Agenda Item 1. Should be the first under Agenda Item 2.

Chair DeGracia: Okay.

Deputy County Attorney Laura Barzilai: It's a motion to amend, Chair.

Chair DeGracia: Okay, motion to amend.

Mr. Ako: Moving it from C to A?

Mr. Hull: Correct.

Mr. Ako: Move to amend the agenda.

Mr. Ornellas: Second.

Chair DeGracia: Commissioners, motion to amend the agenda as stated. All in favor, say aye. Aye (unanimous voice vote). Opposed. Hearing none. Motion carries. 3:0.

MINUTES of the meeting(s) of the Subdivision Committee (None)

Mr. Hull: We have no minutes for the subdivision committee.

RECEIPT OF ITEMS FOR THE RECORD (None)

Mr. Hull: We have no additional receipt of items for the record. As noted in previous meetings, we did receive comments from the public that we received after posting the agenda and so they have been placed at your tables, if you need extra time for reading, otherwise we continue on.

Chair DeGracia: I believe we're requesting a 10-minute recess to review the new documents and testimony.

Mr. Hull: Okay.

Chair DeGracia: Okay, we'll take a 10-minute recess.

The Committee went into recess at 8:33 a.m.
The Committee reconvened from recess at 8:47 a.m.

NEW BUSINESS (For Action)

Preliminary Subdivision Map Approval

Mr. Hull: Coming back from break, we are now on to Agenda Item Subdivision Committee meeting, G.1. Preliminary Subdivision Map for.

Subdivision Application No. S-2024-7
Hökūāla Resort Subdivision 1
Tower Kauai Lagoons Sub 1, LLC.
Proposed 10-Lot Consolidation and Re-subdivision into 16-Lots
TMK: (4) 3-5-004: 100 to 109
Kalapaki, Lihu'e, Kaua'i

1) Subdivision Report pertaining to this matter.

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

Staff Planner Kenny Estes: Good morning, Commissioner, I'll summarize the report for the record.

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

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

Mr. Ako: I have a question.

Chair DeGracia: Please, Commissioner.

Mr. Ako: You know regarding the report that has come in from the Housing Director, mentioning that he had insufficient information regarding whether the workforce housing project needed to be increased based upon the, I guess the increase of the number of rooms that are going to be made, has that been addressed?

Mr. Estes: I believe in speaking with the applicant, I mean Gary can talk further on that, but I believe it, it has been addressed. It was just a matter of the applicant working with the housing agency in resolving the requirement.

Mr. Hull: And then that's something that still can be addressed before final.

Chair DeGracia: Okay. Commissioners, any further questions for the department? If not, I'd like to invite the applicant up.

Mr. Gary Siracusa: Good morning, Chair, and Commissioners. For the record Gary Siracusa, representing the applicant, Director of Construction at Hōkūāla. I apologized for a froggy voice here this morning.

Chair DeGracia: No problem. Commissioners, any questions if at this point or if we'd rather have a brief overview over the couple of applications that you have moving forward.

Mr. Siracusa: Both applications?

Chair DeGracia: Oh, maybe just this one for now.

Mr. Siracusa: Or just Division 1?

Chair DeGracia: Sorry.

Mr. Siracusa: So, what we have is an existing subdivision of 10 lots and in 2021, we up zoned the parcel from R2 to R4, and at that point in time we were looking at 24 units for that particular parcel, which we decreased with our current application to 1/3 acre lots so that we would have 14 out of 16 as marketable developable lots and that has 6.2 acre parcel and market priced.

Chair DeGracia: Commissioners, any questions?

Mr. Ako: Yeah. I would ask regarding that housing question, whether that has been addressed?

Mr. Siracusa: Yes, back in...there was an amendment to the housing agreement back in 2005, which actually increased the number of affordable units that had to be completed and as of 2010 that the total was 113 units of affordable, they were completed in 2010 with the (inaudible) project, which is on the west side of the of the Hōkūala Resort, there's another parcel of development as well, but that I think it's just an inadvertent reference to 706 units in the housing report and (inaudible)...don't either have the complete document or somehow was overlooked inadvertently. Our project goes back over 22 years if you look at the history and it's easy to see how some documents can maybe not be in the current file.

Mr. Ako: So, that 706 number is not an accurate number.

Mr. Siracusa: That's not a correct number.

Mr. Ako: Thank you.

Chair DeGracia: Commissioners, any further questions for the applicant? I have none. Thank you very much.

Mr. Ako: Mr. Chair. I have a question regarding Condition Number 6, and Condition Number 6, regarding SHPD, and we placed their phone number on it. I was kind of wondering whether that's good thing to do or not, I mean, knowing that phone numbers change and whether that shifts the burden upon the department, you know once you give somebody their number, it changes and say, yep, I called but nobody answered and...

Chair DeGracia: That's a valid point.

Mr. Hull: Yeah, it's a valid point. We didn't adjust that as a in house revision to remove the phone number. It's a valid point, Commissioner.

Chair DeGracia: Okay. Commissioners, any further questions for the applicant or department? If not, I'll entertain a motion.

Mr. Ako: I so move to approve Subdivision Application No. S-2024-7, which involves a 10-lot consolidation and re-subdivision into 16-lots, name of the applicant Tower Kauai Lagoons Sub 1 LLC.

Mr. Ornellas: Second.

Chair DeGracia: Commissioners, motion on the floor is to approve Preliminary Subdivision Map Approval for Subdivision Application No. S-2024-7 with, I believe, amendments to the condition. Could we get a roll call or any discussion before we take our vote? Okay, hearing none, could we get a roll call vote, Mr. Clerk.

Mr. Hull: Roll call, 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. Next on to G.1.b.

Subdivision Application No. S-2024-8
Hökūala Resort Subdivision 1A
2014 Tower Kauai Lagoons Golf, LLC. /
Tower Kauai Lagoons Land, LLC. /
Tower Kauai Lagoons Sub 7, LLC.
Proposed 2-Lot Consolidation and Re-subdivision into 15-Lots
TMK: (4) 3-5-001: 027 and 168
Kalapaki, Lihu'e, Kaua'i

- 1) Subdivision Report pertaining to this matter.

Mr. Hull: Turn over. Oh, I apologize. I don't have any members of the public signed up to testify but is any member of the public that would like to testify on this agenda item. Seeing none, I'll turn it over to Kenny.

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).

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

Mr. Hull: We'll also make that same in-house amendment to our Condition 7.A, which would remove the phone number from Condition 7. A.

Chair DeGracia: Okay. Thanks. Commissioners, any questions for the applicant? If so I could invite him up, if not, yeah please, come up. Just real quick. I know it's very similar, but just a quick overview of this parcel as well.

Mr. Siracusa: Sure, so again, referencing the 2/20/2021 up zoning that was accomplished to R4. We had originally looked at 14 units on that parcel as part of that application and we've decreased it now down to 13, 1/3 acre marketable lots. The other two parcels referenced are part of the open zoning and golf course land surrounding it, so again, we've got a slight reduction in terms of number of units accordingly.

Chair DeGracia: Thank you. Commissioners, any questions for the applicant? Any last questions for the department? If not, I'll entertain a motion.

Mr. Ornellas: Move to approve Subdivision Application No. S-2024-8.

Mr. Ako: And I second.

Chair DeGracia: Commissioners, I believe on motion on the floor is to approve Subdivision Application No. S-2024-8 and believe as noted by the Director there were similar amendments to the prior as a prior application. So...

Ms. Barzilai: Any corporation of water comments, Chair? In corporation of Department of Water comments.

Chair DeGracia: And incorporation of water comments. Commissioners, any discussion before we take our vote?

Mr. Ako: No.

Chair DeGracia: Hearing none. 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.

Mr. Siracusa: Thank you.

Chair DeGracia: Thank you.

Preliminary Subdivision Extension Request

Mr. Hull: Next we have up 2.C.

Subdivision Application No. 5-2022-8
Kukui'ula Parcel X Subdivision, Phase II
BBCP Kukui'ula Parcel X, LLC. Et. Al.
Proposed 2-lot Consolidation and Re-subdivision into 4-lots
TMK: (4) 2-6-015: 010 and 011
Koloa (Makai), Koloa, Kaua'i

- 1) Subdivision Report pertaining to this matter.

Mr. Hull: I don't have anyone signed up to testify on this agenda item, but if any member of the public would like to testify, please approach the microphone. Seeing none, I'll turn it over to Kenny for the report.

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? I have a question believe for the department, there were some comments and testimony, written testimony that came in. I just had questions about, I guess the testimony stated that the, there were certain conditions placed when it went to the Land Use Commission in the form of a school park. I was just wondering if it's the responsibility of this specific landowner or is it a shared responsibility for the development?

Mr. Hull: Those conditions referenced in the public comments are responsibility of the landowner. And indeed, in line with those comments, the landowner still has to meet the condition of approval set by the LUC for either transfer of lands to the Department of Education and or to the County for housing purposes. There's also a park dedication requirement that is also the responsibility of the developer. When the LUC and the County Council adopted their respective actions, they hadn't set a specific deadline for when these improvements were supposed to be dedicated to the county or to DOE. We have been a fair amount of lengthy discussions with the developer stating that the park facility in particular, we would like to see timelines in the next series of proposals of subdivision applications. I think the developers also, somewhat consent that I can say in meetings with us over the park issues that the request for baseball parks and softball parks is was was 20-25 years old and perhaps that's not what the community totally wants and for their desire to reengage the community to see, is it a baseball park is a skate park, is it mountain climbing park, whatever it is, they're recognizing that there may be some outdatedness to what was set as a possible proposal, and if it is a baseball park, then it is a baseball park, but they want to go back and re-engage the community to see what type of park facilities they want. So, the developer and owner working on that, but we do also, the department has been saying we want timelines on these things for the parks. For the DOE site that was actually put on our radar not too long ago because the former housing director came in to explain that that condition still needed to be sufficed and I can say that the current housing director has reached out to DOE to get some form of affirmation that they do not want the

expansion area for their purposes. If and when that confirmation, we need official formal representation from DOE, they do not want to pursue expansion, then the housing director is free to work with the landowner to go back to the LUC to adjust that condition so that the land could possibly be transferred over for housing purposes, as is set under the County of Kaua'i Ordinance but is not set by the Land Use Commission, so the ball is rolling on that one, but in light of those comments, we definitely want some timelines from the land owner as well.

Chair DeGracia: Just a follow-up question on that, those timelines that the department will be requesting, there's nothing in the existing conditions for the LUC that is any hard time.

Mr. Hull: There's no hard date and from the 1500, you know, units that were essentially approved by the LUC and the County Council, they're not near completing the project. So, without a hard deadline and not being near completion of the project, we're working in a very large gray area, but to that point, we're trying to get much more specificity from the landlord at this point.

Chair DeGracia: Okay. Thank you.

Mr. Ornellas: So, the requirement is they build the park or is it covered under park dedication fees?

Mr. Hull: No, they have to build the park facilities.

Mr. Ornellas: They have to build the park. Thank you.

Mr. Ako: Mr. Chair, I got a question too, and I'm not sure whether this is for the department or whether it's for applicant, but the entire project is subjected to the building of workforce housing? The Kukui'ula project, all of them.

Mr. Hull: They went through a workforce exaction during County Council back in the 90's.

Mr. Ako: So, they need to make workforce housing as part of this project.

Mr. Hull: They...

Mr. Ako: And I don't know if they did or not, but I'm trying to figure out whether if they are subjected to create workforce housing, whether they did it or not and if they did not do it yet, does the extension of time affect those projects?

Mr. Hull: Oh, so, the workforce housing requirements were exacted during the actions in the 90's by the County Council. Generally speaking, when they've been subjected to workforce housing requirements, the new housing ordinance is not applicable, but the housing director will make that analysis on each one of these. It's kind of like what was being discussed for Hōkūala is that they have been previously subjected to workforce housing exemptions, more than likely, they won't be subject to the second time to the ordinance or subsequent subdivisions, but ultimately the housing director is going to make that determination.

Mr. Ako: Okay, so the extension of time could possibly have an impact upon the prices of future workforce housing. The longer projects delay the potential of increase prices is real or no?

Mr. Hull: Well, more than likely what it looks like is because they already suffice their workforce housing requirements, this extension is not going to affect any workforce housing requirements or (inaudible), there's not anticipated to be workforce housing exemptions based on this subdivision application because those workforce housing requirements were already granted, like things like (inaudible) that were developed down there were done under land transfers that happen during the ordinance time. So, I don't have off the top of my head, but we can put together a list of all the workforce exactions that were done for this particular large project, the 1500 units.

Mr. Ako: Got it.

Chair DeGracia: Commissioners, any further questions for the department at this time, if not, I'd like to invite the applicant up for a quick overview.

Ms. Maren Arismendez: Good morning, Commission. Maren Arismendez, from Esaki Surveying, here on behalf of the owners, would like to respectfully request the approval of the extension. The main purpose is to allow time to, for the owner to continue with all the conditions. The latest accomplishment for this subdivision is that all the construction plans have been approved and signed by all agencies. So, the next step for the construction plans is for them to be bonded, which would fulfill one of the major requirements from the tentative approval letter.

Chair DeGracia: Thank you, commissioners. Any questions for the applicant?

Mr. Ako: Yeah.

Chair DeGracia: Please Commissioner.

Mr. Ako: Regarding, I know you have three projects on the agenda today. I think one of the issues that is coming up is the fact that has your Ka Pa'akai Analysis been completed already for this?

Ms. Arismendez: Yes. So, it has been completed and was submitted to Planning Department accepted by Planning Department. So that requirement has been fulfilled.

Mr. Ako: So, did you use...

Mr. Hull: I'll just clarify real quick. The Ka Pa'akai Analysis is required of the applicant for submittal of a subdivision application. The actual Ka Pa'akai Analysis is not complete until this body takes action, and if it's finding is that the analysis that was submitted was sufficient, that's fine, but as well as if other comments come up during the process, then going through those comments and concerns at this bodies level is an extension of that Ka Pa'akai Analysis.

Mr. Ako: So, the analysis that was done, was it one analysis for the three projects or was it three different Ka Pa'akai Analysis that was done that was put together as one or how was it done?

Ms. Arismendez: So, they analyzed each project, and they made our report comprising all of them and also giving an overview of like a larger area. I believe that was the main purpose of them putting them in one report.

Mr. Ako: So, each lot had their own Ka Pa'akai Analysis done?

Ms. Arismendez: There is one report that covers.

Mr. Ako: One report. Okay, I'm trying to figure out what that means whether one report that covered all three, so we actually went and did the analysis of all of these three properties or we did we take one property figure out the analysis there, same thing for the second one, the same thing for the third one, and then we just summarize it or put it together in one report. So...

Ms. Arismendez: Our office...

Mr. Ako: ...so we wouldn't get three separate reports.

Ms. Arismendez: So, the actual procedures on how they put it together, it was prepared by another consultant, so I can't really get into specifics other with what was presented to us as a report and that we submitted. So, it does consider all three parcels. How they went about it in their office as they were preparing it would just be guessing on my part.

Mr. Hull: I think there's two approaches, Commissioner that you can do with this Ka Pa'akai concern, is one, you can just have a deferral and then you have the applicant bring their, their responsible firm in to explain and assess the concern that's being raised or they still are only a tentative approval, they can take this back and if you decide to take action today and grab the extension that they take this back and make sure that this concern is folded in and addressed in their subsequent application for final subdivision. Either area would be appropriate.

Ms. Arismendez: So, is there some specific concern or question we could relay it to the consultant and get their response back to Planning Department.

Mr. Hull: Well, you would fold it into the final application for subdivision. Whichever is your preference.

Chair DeGracia: Commissioners, I'm comfortable having them fold in, I mean, if we have any concerns now during the tentative process for them to address it before they come in front for final map approval, granted if we have any concerns at this point.

Mr. Ako: Okay, got it.

Chair DeGracia: I just have one question for the applicant concerning Ka Pa'akai. We received written testimony from Honua Consulting, are you familiar with that analysis that was put together in, I believe, June 2022?

Ms. Arismendez: Yes, I read it at the time, it might not be as fresh in my memory, but was there specific question?

Chair DeGracia: I was just wondering if you're familiar with it, if there was, if you worked with the same community members, that was that they reached out to.

Ms. Arismendez: During the Ka Pa'akai?

Chair DeGracia: Yes, (inaudible).

Ms. Arismendez: That was done entirely by Honua.

Chair DeGracia: Exactly.

Ms. Arismendez: Yeah.

Chair DeGracia: Okay.

Mr. Hull: So yes, Honua was the firm that did the Ka Pa'akai Analysis before the project.

Ms. Arismendez: So, we're representing the owner and the owner's got Honua to do the Ka Pa'akai and provide it to us to put it in, in the application packet.

Chair DeGracia: Okay, so this is the same one that I have.

Ms. Arismendez: Yeah.

Chair DeGracia: Okay, just double checking. I didn't have the others sitting (inaudible).

Ms. Arismendez: No, there's just one.

Chair DeGracia: Okay. just this one.

Ms. Arismendez: Yeah.

Chair DeGracia: Okay, thank you. No questions. No concerns. Okay, Commissioners, any further questions for the applicant or department? If not, I'll entertain a motion.

Mr. Ako: With that I move to approve the extension request of the Subdivision Application No. S-2022-8 until March 22nd, 2025.

Mr. Ornellas: Second.

Chair DeGracia: Okay, Commissioners motion on the floor is to approve the Preliminary Subdivision Extension Request for Subdivision Application 2022-8.

Mr. Estes: Commissioner DeGracia, sorry, I just...the extension is till April 11th, 2025.

Chair DeGracia: Okay.

Mr. Estes: Just to make a correction.

Mr. Ako: Oh, I'm sorry, to April 11, 2025.

Chair DeGracia: Okay. Motion on the floor is to extend to date stated. So, at this time any further comments before I have a vote on it? Any discussion? If not, 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.

Ms. Arismendez: Thank you.

Mr. Hull: Next on the agenda, we have item 2.A. Subdivision Application No. S-20...

Ms. Barzilai: Mr. Clerk, excuse me.

Chair DeGracia: Mr. Clerk real quick...

Ms. Barzilai: Chair has an announcement.

Chair DeGracia: I have an announcement that I will be recusing myself for the remainder of this agenda.

Ms. Barzilai: We still have a quorum, and you can still vote. Is a recess necessary at this time, or we're ready to proceed.

Mr. Ako: No. Yeah.

Chair DeGracia recused himself at 9:16 a.m.

Ms. Barzilai: So, Commissioner Ako, you would Chair the item. You want to take a recess for 5 minutes?

Mr. Ako: No, I'm good.

Ms. Barzilai: Okay.

Chair Ako: Just for transition purposes, we'll take a 5-minute recess.

Committee went into recess at 9:17 a.m.
Committee reconvened at 9:21 a.m.

Chair DeGracia reentered the meeting at 9:21 a.m.

Chair DeGracia: Call the meeting back to order. I'm going to have the Director lead.

Mr. Hull: Thank you, Chair. So, we had a bit of an error while we had amended the agenda to have the Subdivision Application of S-2022-8 be the first in Preliminary Subdivision Extension Requests, and the agenda was formally amended. The staff planner had read the report for not that application, and the individual member representing you Esaki Surveyor is also not representing that application. They were confused and I apologize for that about what application was supposed to be presented on. So, I think for the cleanest action to happen is it probably be appropriate if the Commission would consider a motion to rescind the previous action for approval of the extension request and that we essentially redo and rehear the Subdivision No. S-2022-8.

Ms. Barzilai: So, we'll hear it in the order as was intended with the motion to amend the...

Mr. Hull: Correct.

Ms. Barzilai: Correct, so it'll be a motion to rescind on the specific application number that we just heard.

Mr. Hull: Yeah. So, we're recommending a motion to rescind Preliminary Subdivision Extension Request for Subdivision Application No. S-2022-8.

Ms. Barzilai: Is that applicant here right now?

Mr. Hull: Yes.

Ms. Barzilai: Okay. Are they in agreement? Do they understand?

Mr. Hull: Yeah, they are.

Ms. Barzilai: Motion to rescind, please Chair.

Chair DeGracia: Commissioners, seeking a motion to rescind.

Mr. Ornellas: Mr. Chairman, I move to rescind Preliminary Subdivision Extension Request on Subdivision Application No. S-2022-8.

Mr. Ako: And I will second that motion.

Chair DeGracia: Okay. Commissioners, motion on the floor is to rescind stated application number. We'll take a voice vote. All in favor, say aye. Aye (unanimous voice vote). Oppose. Hearing none, motion carries. 3:0.

Mr. Hull: With the rescinded action we go back into the agenda and rehear Preliminary Subdivision Extension Request for,

Subdivision Application No. 5-2022-8
Kukui'ula Parcel X Subdivision, Phase II
BBCP Kukui'ula Parcel X, LLC. Et. Al.
Proposed 2-lot Consolidation and Re-subdivision into 4-lots
TMK: (4) 2-6-015: 010 and 011
Koloa (Makai), Koloa, Kaua'i

1) Subdivision Report pertaining to this matter.

Mr. Hull: I again, don't have anyone signed up to testify on this agenda item. Is there anyone else would like to testify on this agenda item? If so, please approach the microphone. Seeing none, I'll turn it back over to Kenny, and Kenny if we get the right report on this one and we can keep it brief as time seems to be a bit of the essence at this point.

Mr. Estes: Okay. I apologize for that mix up. 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: Okay, Commissioners, any questions for the department? Okay, if not, I'd like to invite the applicant to give us a quick overview.

Mr. Lindsey Crawford: Good morning, commissioners. For the record, Lindsey Crawford representing BBCPK Kukui'ula.

Mr. Shawn Smith: Shawn Smith.

Mr. Crawford: Essentially, the summary that Ka'aina gave was very accurate as far as the conditions of approval, I can try to answer any additional questions you have, but there's an ongoing movement to try to bring fruition to these parks. So, we're working with the departments to do that.

Chair DeGracia: Thank you. Commissioners, any questions for the applicant? Thank you very much. Commissioners at this time, I'll entertain a motion.

Mr. Ako: I so move to approve the extension request for Subdivision Application S-2022-8 until March 22, 2025.

Mr. Ornellas: Second.

Chair DeGracia: Okay. Commissioners, any discussion before we take a vote. Okay. Motion on the floor is to approve Preliminary Subdivision Extension Request for Subdivision Application No. S-2022-8 till March 22, 2025. Could we get a roll call vote Mr. Clerk?

Mr. Hull: Roll call. 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. And with that, I will have a statement for the Commissioners that I will be recusing myself for the remainder of this agenda.

Chair DeGracia recused himself at 9:27 a.m.

Mr. Hull: Next, we have. Oh, sorry. Next, we have Preliminary Subdivision Extension Request 2.b.

Subdivision Application No. S-2022-2
Lot 18 of Kukui'ula Parcel H Subdivision
Kukui'ula Vistas, LLC.
Proposed 7-lot Subdivision
TMK: (4) 2-6-022: 054
Koloa, Kaua'i

1) Subdivision Report pertaining to this matter.

Mr. Hull: I don't have anyone sign up to testify on this agenda item, but if any member of the public would like to please approach the microphone. Seeing...Sorry, we shouldn't amend agendas anymore, Kenny's correcting me. We're actually on Subdivision Application No. S-2021-5.

Subdivision Application No. 5-2021-5
Lot 19 of Kukui'ula Parcel H Subdivision
Kukui'ula Vistas, LLC.
Proposed 8-lot Subdivision
TMK: (4) 2-6-022: 055
Koloa, Kaua'i

1) Subdivision Report pertaining to this matter.

Mr. Hull: Not seeing anybody signed up to testify. Would anybody like to testify on this agenda item? Seeing none, I'll turn to over to Kenny.

Mr. Estes: I'll summarize the report again for the record.

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

Vice Chair Ako: Any questions for staff? (Inaudible).

Mr. Ornellas: Can you repeat the date of extension please?

Mr. Estes: April 11th 2025.

Mr. Ornellas: Thank you.

Vice Chair Ako: Do we have a representative from the application?

Ms. Arismendez: Good morning. Maren Arismendez from Esaki Surveying here on behalf of the owner. We would like to respectfully request the extension that would allow time for the owner to fulfill the rest of the remaining conditions from the tentative approval letter. The latest update on the subdivision is the construction plan for Lot 19 have been approved in time by all agencies and next step for those plans would be to be bonded for subdivision purposes.

Vice Chair Ako: Questions, Commissioner? No. I just have one question regarding the conditions, Condition #5 and whether it's significant or not. I mean, Mr. Clerk, I hope you tell me that for that one it just has to do with the, you know, if that applicant is advised should any archaeological historical resources be discovered. I know this was done prior to the discussions that needs to be had about this, so whether it's appropriate to make a change to say that should any archaeological or historical resources be discovered that construction work shall stop.

Mr. Hull: You can, it's state law, right? Any violation of that, they will face severe penalties under it so...

Vice Chair Ako: Okay.

Ms. Arismendez: Also, not to interrupt, but it's standard note in construction plans a SHPD note relating that message.

Vice Chair Ako: Okay. Yeah, again, I was just...pointing out the fact that the applicant be advised as opposed to they just shall stop, but if it's not that big a deal then we're good.

Mr. Hull: Yeah, they have to stop period. Regardless of what our language says. I mean, like I said, if you want to adjust it, I think it could be adjusted, but...

Vice Chair Ako: With that, is there a recommendation? Oh, I'm sorry, you got a question?

Mr. Ornellas: No, I don't.

Mr. Estes: It is recommended that an extension until April 11th, 2025, be granted to obtain the final approval.

Vice Chair Ako: Hearing that, if there's no other questions, I'll entertain a motion to approve.

Mr. Ornellas: Move to, move for extension of Subdivision Application No. S-2021-5 until April 11th, 2025.

Vice Chair Ako: With that, I'll second. Any other question, concerns, if not, Mr. Clerk, if we can have a roll call vote, please.

Mr. Hull: Roll call. Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Chair Ako?

Vice Chair Ako: Aye.

Mr. Hull: Motion passes. 3:0.

Ms. Arismendez: Thank you.

Mr. Hull: And lastly, we have Preliminary Subdivision Extension Request for,

Subdivision Application No. S-2022-2
Lot 18 of Kukui'ula Parcel H Subdivision
Kukui'ula Vistas, LLC.
Proposed 7-lot Subdivision
TMK: (4) 2-6-022: 054
Koloa, Kaua'i

1) Subdivision Report pertaining to this matter.

Mr. Hull: I don't have anybody signed up and just to check is there anybody here that would like to testify in this action item? Seeing none, I'll turn it over to Kenny.

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

Vice Chair Ako: Okay. Any questions for staff? If not, if we can have the applicant summarize.

Ms. Arismendez: Good morning. My name is Maren Arismendez from Esaki Surveying here on behalf of the owner. We would like to respectfully request the extension to allow the owner to complete all the conditions in the tentative approval. I would like to give an update with the construction plans, they have been submitted to county and are going through the review process. We received comments from Public Works, but we're waiting on the review comments from the permanent water and the other utilities. So, we just need time to make sure we receive the comments and make any necessary changes and send them back for review. So, it's a back and forth that can take some time.

Vice Chair Ako: Commissioner Ornellas.

Mr. Ornellas: The date of the request.

Ms. Arismendez: Of the...

Vice Chair Ako: April 11.

Mr. Ornellas: The extension.

Ms. Arismendez: It's for the 11th.

Mr. Estes: April 11, 2025.

Vice Chair Ako: So, if there's no questions. We can entertain a motion.

Mr. Ornellas: Move to approve Preliminary Subdivision Extension Request, Subdivision Application No. S-2022-2, till April 11th, 2025.

Vice Chair Ako: I'll second that and unless you have any other questions, Mr. Clerk, if we can have a roll vote, please.

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

Mr. Ornellas: Aye.

Mr. Hull: Chair Ako?

Vice Chair Ako: Aye.

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

Ms. Arismendez: Thank you.

Vice Chair Ako: Okay. So, before we entertain a motion to adjourn, I just wanted to pass out, our congratulations tour Planner, Kenny Estes, for being the Planning Department Employee of the Year.

Mr. Estes: Thank you.

EXECUTIVE SESSION (None)

ADJOURNMENT

Vice Chair Ako: Congratulations. You do good work. With that, I'll entertain a motion to adjourn.

Mr. Ornellas: So moved.

Vice Chair Ako: Second. All those in favor say aye. Aye (unanimous voice vote). Subdivision Committee meeting is adjourned.

Committee Vice Chair Ako adjourned the meeting at 9:36 a.m.

Respectfully submitted by:

 Lisa Oyama

Lisa Oyama,
Commission Support Clerk

() Approved as circulated (date of meeting approved).

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

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR
 JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR
 REIKO MATSUYAMA, MANAGING DIRECTOR

SUBDIVISION REPORT

I. SUMMARY

Action Required by Planning Commission: Consideration of Subdivision Application No. S-2024-9 involving a two (2) lot boundary adjustment.

Subdivision Permit No. Application No. S-2024-9

Name of Applicant(s) INOUYE FAMILY TRUST ET AL.

II. PROJECT INFORMATION

Map Title	Consolidation of Parcels 15 and 36 being portions of Grant 7255 to Kapahu Kani and resubdivision of said consolidation into Lots A and B at Kalāheo, Kōloa, Kaua'i, Hawai'i.				
Tax Map Key(s):	2-3-018: 015 & 036	Area:	4.111 Acres		
Zoning:	Residential (R-4) / Agriculture (AG) / Open (O)				
State Land Use District(s):	Urban / Agricultural	General Plan Designation:	Residential Community		
AGENCY COMMENTS					
<input checked="" type="checkbox"/> COK Public Works	Pending	<input type="checkbox"/> State DOT-Highways:			
<input checked="" type="checkbox"/> COK Water:	Pending	<input checked="" type="checkbox"/> State Health:	05.13.2024		
<input type="checkbox"/> Other(s)		<input type="checkbox"/> DLNR – SHPD:			
EXISTING ROAD RIGHT-OF-WAY(S)					
Road Name	Existing Width	Required Width	Pavement YES	NO	Reserve
Haupu Place	19 feet	44 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
APPLICABLE FEES					
Environmental Impact Assessment (EIA)	N/A				
Park Dedication	N/A				
Appraisal Report Required	N/A				

G.I.A.I.
 JUN 04 2024

III. EVALUATION




The proposed development redefines the boundaries between two (2) parcels identified as TMKs: (4) 2-3-018: 015 and 2-3-018: 036. Currently, Parcel 15 contains approximately 3.143 acres and is situated within the County Agriculture (Ag) and Open (O) zoning districts and State Land Use Agricultural District. Parcel 36 contains approximately 0.968 acres and is situated within the County Residential (R-4) zoning district and State Land Use Urban District. The surrounding parcels to the north are within the County Residential (R-4) zoning district and the parcels to the south, east, and west are within the County Agriculture and Open zoning districts.

Upon reviewing the subdivision proposal, the department cannot definitively determine that Parcels 15 and 36 are lots of record. County tax records show that the area encompassed by these parcels was originally a single tax parcel identified as TMK: (4) 2-3-008: 024. However, in 1970, Parcel 24 was dropped and subsequently became Parcels 15 and 36. In considering this, it is important to note that tax parcels are primarily intended for taxation purposes and should not be recognized as lots of record. In further reviewing the subject property, the department could not find documentation of a subdivision that established the boundaries of Parcels 15 and 36, and thus cannot confirm them as lots of record. Pursuant to Section 8-1.5 of the Comprehensive Zoning Ordinance (CZO), K.C.C., 1987, as amended, the definition of "Lot", states:

""Lot" means a portion of land shown as a unit on an approved and recorded Subdivision Map."

To meet the definition of a Lot, the Applicant must provide the Planning Department with documentation indicating that Parcel 15 and Parcel 36 are lots of record. This matter must be resolved prior to Tentative Approval being granted for the subdivision.

IV. RECOMMENDATION

TENATIVE APPROVAL	FINAL APPROVAL
<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Denied	<input type="checkbox"/> Approval <input type="checkbox"/> Denied
Tentative Approval subject to all requirements as noted on the follow pages: 	All conditions have been complied with
	
Director of Planning	Director of Planning
Date	Date

V. AGENCY REQUIREMENTS

1. Requirements of the Planning Department:

- a. The Applicant is made aware that in order to approve the tentative action for the proposed "Consolidation and Resubdivision", the Planning Department is requesting the Applicant provide a recorded subdivision map and/or deeds that indicate that Parcel 15 and Parcel 36 are lots of record.

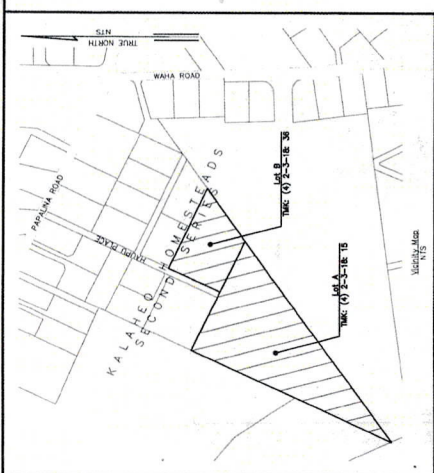
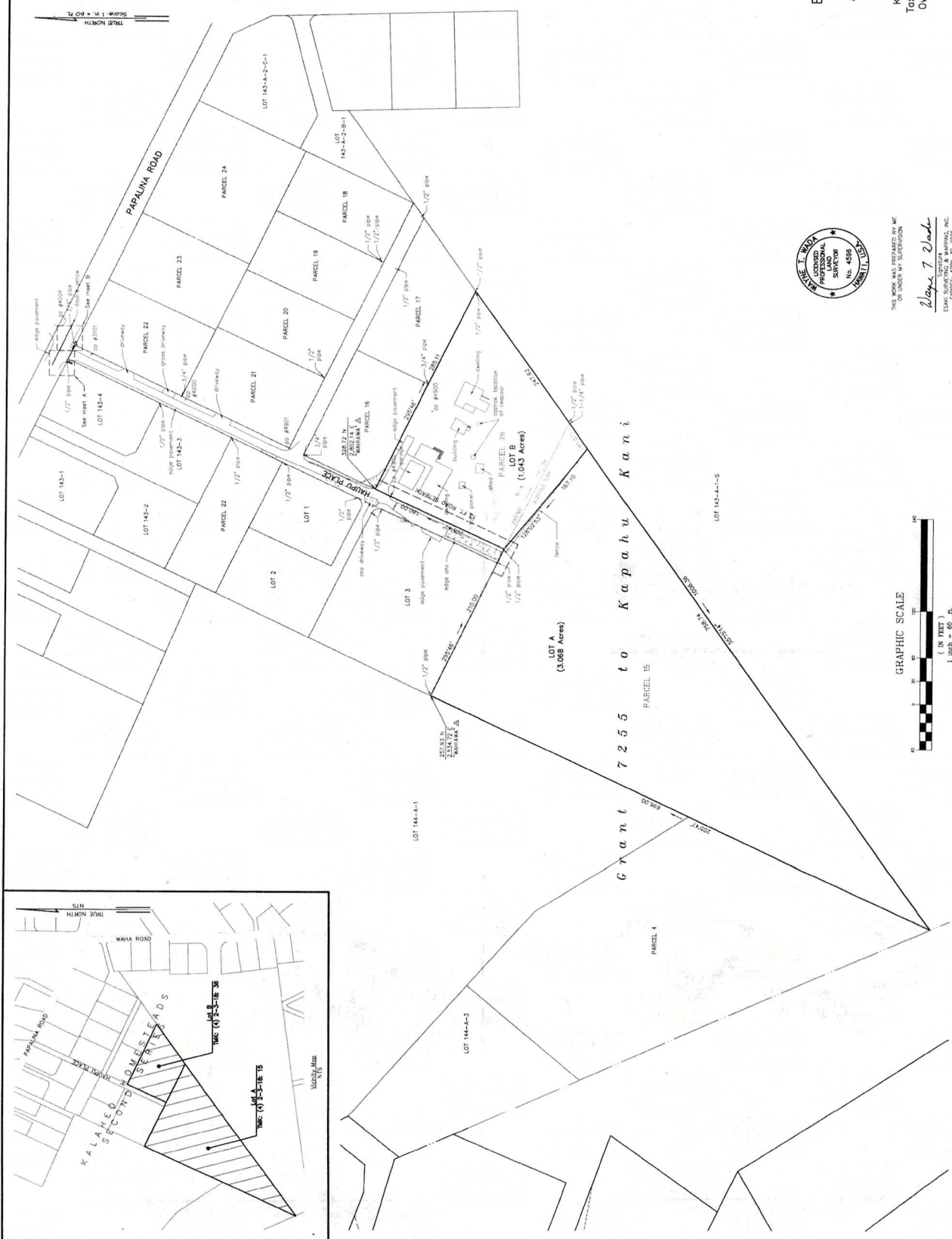
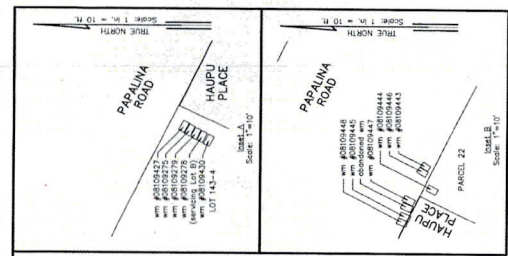
Furthermore, Part II of the Tentative Approval with all agencies' conditions will be imposed upon submittal of the recorded subdivision map and/or deeds required under this condition.

- b. The Applicant shall be informed that the tentative approval for Part II will be processed through the Planning Commission within 30 days or the next available Planning Commission Meeting upon compliance with Condition No. 1.a.
- c. If the Applicant fails to provide the recorded subdivision map and/or deeds as required in Condition 1.a. within 6 months from the date of the June 04, 2024, Planning Commission Meeting, this application (Subdivision Application No. S-2024-9) shall become null and void as determined by the Planning Director.

The Planning Commission is further advised that this report does not represent the Planning Department's final recommendation in view of the forthcoming public hearing process scheduled for JUNE 04, 2024, whereby the entire record should be considered prior to decision-making. The entire record should include but not be limited to:

- a. Pending government agency comments;
- b. Testimony from the general public and interested others; and
- c. The Applicant's response to staff's report and recommendation as provided herein.

By  _____
KENNETH A. ESTES, PLANNER



PRELIMINARY CONSOLIDATION OF PARCELS 15 AND 36
 Being Portions of Grant 7255 to Kapahu Kani AND RESUBDIVISION OF SAID CONSOLIDATION INTO LOTS A AND B
 KALAEHO, KŌLOA, KAUAI, HAWAII
 Tax Map Key: (4) 2-3-18: 15 & 36
 Owners: Inouye Family Trust, et. al.
 Date: March 25, 2024



THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION
 Kasey L. Buda
 ES&M SURVEYING & MAPPING, INC.
 EXPIRES: APRIL 30, 2028



ES&M SURVEYING & MAPPING, INC.
 Civil Engineers - Land Surveys - Planners

2 3 18 4TH DIST.

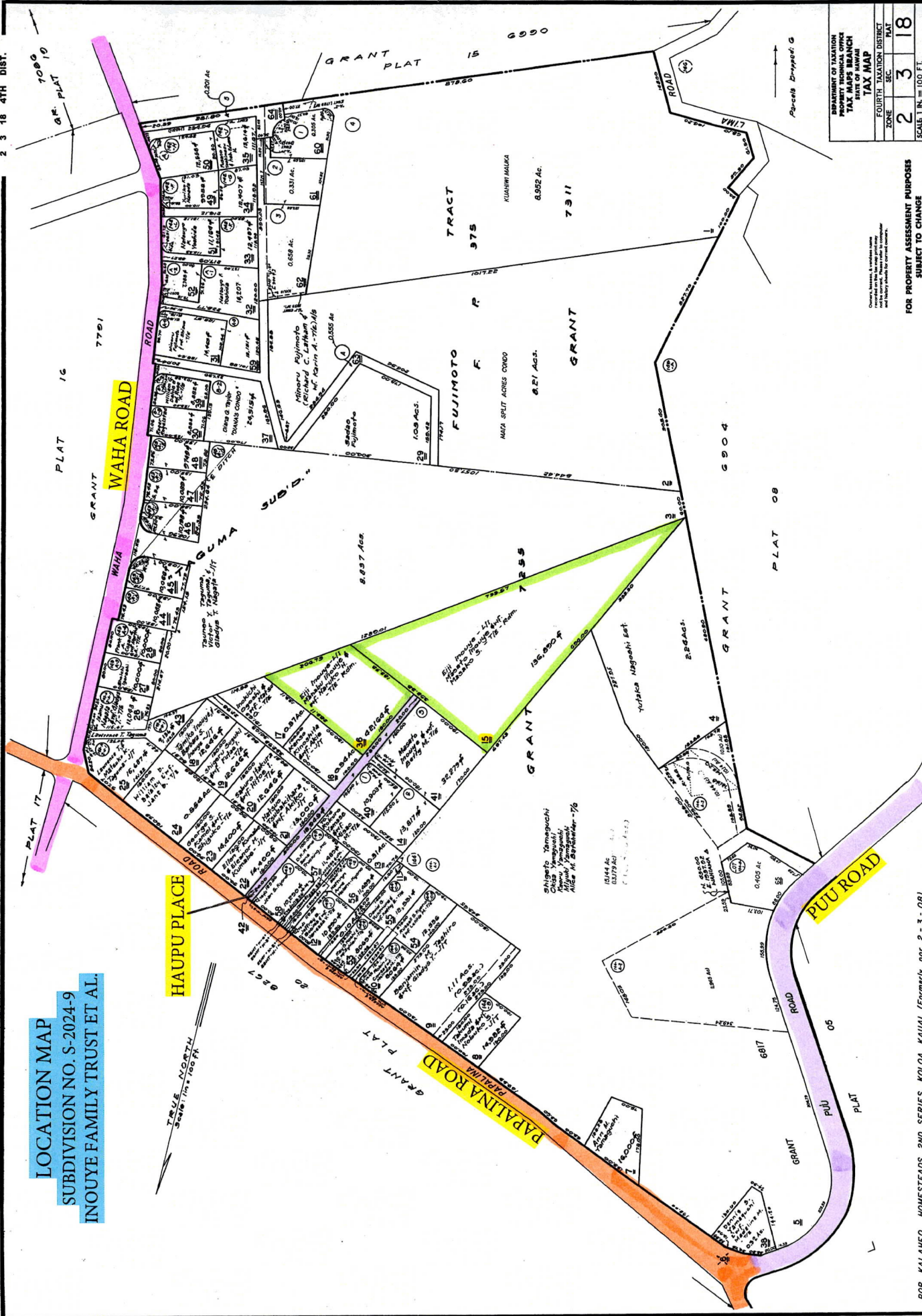
LOCATION MAP
SUBDIVISION NO. S-2024-9
INOUEY FAMILY TRUST ET AL

HAUPU PLACE

WAHA ROAD

PAPAINA ROAD

PUU ROAD



DEPARTMENT OF TAXATION PROPERTY TECHNICAL OFFICE TAX MAP SECTION STATE OF HAWAII			
FOURTH TAXATION DISTRICT			
TAX MAP	ZONE	SEC.	PLAT
	2	3	18

Check names, boundaries, areas, recorded and unrecorded interests, and history sheets for current status.

FOR PROPERTY ASSESSMENT PURPOSES
SUBJECT TO CHANGE

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR
REIKO MATSUYAMA, MANAGING DIRECTOR

TRANSMITTAL OF PUBLIC TESTIMONY TO PLANNING COMMISSION

DATE: May 29, 2024

PERMIT NUMBER(S): S-2017-6

APPLICANT(S): Moloa'a Valley Homeowners, LLC.

Attached for the Planning Commission's reference are public testimony for the permit referenced above.

G.2.a.1.
JUN 04 2024

MAY 29 '24 AM 8:24
PLANNING DEPT

To Whom It May Concern,

My name is Kristina Carrillo-Bucaram. I am a home-owner and full-time resident in Moloa'a. I'm not only a home-owner, but also a farmer, care-taker, and steward of the beautiful land on which my partner, Lance Thomas, and I reside. We care deeply about our property, our neighborhood and our community. We are very active community members. Our parcel ID is: 490090300000.

We are aware of a new potential subdivision development pending for approval for Moloa'a Ranch, Parcel ID 490110130000, which is directly across/adjacent to our property. We--along with the undersigned residents and homeowners of Moloa'a--would like to submit our testimony in opposition of the development and express our strong objection to the proposed development of a new subdivision within our community.

We believe that this development would have detrimental effects on the character, infrastructure, and quality of life in our neighborhood. Attached in the following document is a petition with signatures of other home-owners and Hawaii residents in our neighborhood.

This is an imminent issue for everyone living in the Moloa'a area.

We hope that you will take our objections and concerns into consideration at the upcoming hearing:

- **Overcrowding and Strain on Infrastructure:** Our neighborhood is already experiencing strains on its infrastructure, including roads, resources, and utilities. The addition of a new subdivision would only exacerbate these issues, leading to increased traffic congestion, overcrowded roads, and increased strain on water and sewage systems.
 - Koolau Road is not to current county specifications. It is not a legal county road. The road is deteriorating, and it cannot support our current residency as it is. Children, animals, and active elderly play on and use this road daily and are already at risk of getting hit by cars attempting to share the road. If this new development were to be approved, it would create further stress, traffic, congestion, hazard, and risk to the area.
 - The addition of twenty to forty more homes is significant for this small area. If that many homes are approved for building to the neighborhood, it would add more stress to a small road infrastructure that can't support the current population.
 - Constructing and developing twenty to forty new homes in our small, quiet neighborhood will create much disturbance and congestion. Many of the land-owners desiring to develop the properties do not live on island, so they will not be inconvenienced. The residing neighbors in our small and close-proximity community will be the ones to experience the disturbance and stress of the development.
 - In addition to the road not being to current county specification, there is not adequate infrastructure *outside* of the developing property area to accommodate the residing neighbors.
 - It is noted that a new road or entrance would need to be created for the subdivision. The entrance, which is currently a dirt road, is set to cross-section right in front of private residential properties. This will not only bring in more traffic directly from the highway, but also create a large disturbance in our neighborhood. The road cannot support the extra traffic.
 - There are not enough sufficient water systems or supplies to support this development in our area. Insufficient water supply has already been an on-going issue for years amongst current residents.
- **Safety Hazards:** There are many safety hazards that need to be addressed to properly illuminate what issues could be exacerbated if more construction, development, traffic, and homes are to be added to the area.
 - The current roads (Koolau and Moloa'a) are already out of current county specification and hazardous in case of an emergency tsunami or fire evacuation. If new homes are added (increasing traffic and population), this will pose even more of a safety risk and challenge in the

- case of an emergency evacuation. Not to mention, there are sustained fire risks, due to the fact that there is already a lack of water in the area.
- Traffic is dangerous on both sides of Koolau road as it intersects Moloa'a road, and also near the bridge. This road and area will line the new development. Many neighbors have witnessed several people almost getting hit while walking this blind-corner conjunction and also while crossing the bridge Koolau/Moloa'a on multiple occasions.
 - There are multiple blind-corner conjunctions on Koolau Road that are already very risky and hazardous to locals when people speed around these corners. With more traffic this will undoubtedly create more risk.
 - Our neighbor Peter was hit by a car 2-years ago right in front of his home on Moloa'a road and left on the side of the road for dead.
 - In addition, husband and wife—the Goodriches—were killed on Koolau on one of the blind corners, leaving two daughters without parents. This was devastating when it happened. Here is the article: <https://archives.starbulletin.com/2008/05/13/news/story01.html>
 - Increased traffic and population to this area will cause more congestion and issues down near Moloa'a beach. Parking is already a huge problem. Many neighbors have witnessed the county and first responders struggling to enter the area during called-in emergencies and on other occasions.
 - In 2021, a home near the buddhist temple on Koolau burned down: <https://www.hawaiinewsnow.com/2021/07/16/fire-engulfs-2-homes-kauai-displacing-6-people/>
 - Additionally, there are no fire hydrants in Moloa'a. A fire in the proposed subdivision would be devastating. There is simply not enough water in the area to support more homes.
- **Environmental Impact:** The proposed development would likely entail the destruction of natural habitats, green spaces, and mature trees, leading to environmental damage. This loss of greenery not only affects the aesthetic appeal of our neighborhood but also contributes to the loss of biodiversity and exacerbates issues such as air and noise pollution.
 - Pollution already plagues Moloa'a stream. Moloa'a stream consistently tests as one of the dirtiest waterways on Kauai island year after year. Runoff from ground chemicals, trash, and homes that are still on cesspool water systems creates even higher contamination levels and serious ecological concerns. More homes and more people in our area will only intensify this problem, making it unsafe to enjoy our neighborhood and Moloa'a Bay.
 - There is no drainage infrastructure in place to accommodate our current neighborhood. Adding more homes will only exacerbate this problem. All of the run-off or drainage flows into Moloa'a stream and then into the ocean.
 - The construction and development of this project would create a large amount of run-off. It will increase the amount of damage to the ecosystem, adding more pollution to Moloa'a stream, adversely affecting the reefs, and creating more flooding for downstream homes, which is already a big issue.
 - More development will create more pollution and destruction to nature and ruin the habitats of the existing and unique animal life to Kauai.
 - **Negative Impact on Property Values:** The construction of a new subdivision often leads to a decrease in property values for existing homeowners. The increased density, changes to the neighborhood's character, and potential strain on infrastructure can deter prospective buyers and diminish the investment value of our properties and homes.
 - Many of the surrounding parcels to this development are zoned as agricultural lots. This may affect the tax dollars and zoning of all neighboring lots if approved.
 - Moloa'a is known for being an agricultural community. By creating a new subdivision community within this neighborhood, it has the potential to change the zoning for existing parcels. This could, in turn, affect our local businesses and individual financial states.
 - **Lack of Community Consultation:** We believe that the developers have not adequately consulted or engaged with the local community regarding their plans. Decisions that affect the future of our neighborhood should involve input from residents who will be directly impacted by these changes.
 - No plans have been put into place that improve the overall infrastructure of the entire neighborhood, only for the newly proposed subdivision.

- The entrance and exit plans of the new subdivision have not been discussed with neighbors, and this new traffic will disrupt the accessibility of the entire neighborhood. In addition, the construction will also create disruption and interference.
- **Preservation of Community Character and Land:** Our neighborhood is a very special and unique agricultural area. The introduction of a new subdivision, with a potentially transient population, threatens to erode the very essence of what makes our community special.

We believe in alternative solutions that call forth a planned community vision that will greatly benefit the Aina, community relationships, and future generations.

Moloa'a is a quiet, agricultural area. Those of us who live here, came to be here so that we could live in alignment with stewarding the land and caring for this area. We plead for you to help keep it this way.


While my partner and I are not native Hawaiians, we respect and practice the Hawaiian phrase "Aloha Aina", to love the land and be connected to all living things. We must be responsible stewards of the Aina. We believe our voices—and neighboring voices—matter very much in this matter.

In light of the aforementioned concerns, we respectfully urge the relevant authorities to reconsider the approval of the proposed subdivision development.

We trust that our objections will be given due consideration, and we stand ready to participate in any further discussions or consultations regarding the future of our community.

Thank you for your consideration.

Blessings,

DocuSigned by:

88656622A4ED48B...

Kristina Carrillo-Bucaram & Lance Thomas
6540 Koolau Road
Kilauea, HI 96703

COUNTY OF KAUA'I
PLANNING DEPARTMENT

TO: Subdivision Committee, Planning Commission

SUBJECT: Extension Request

PURPOSE: File Final Subdivision Maps
 Complete Subdivision Improvements
 Other: _____


Subdivision Application No.		Applicant(s)	
S-2017-6		Moloa'a Valley Homeowners, LLC.	
Location:	Moloa'a	Tax Map Key:	(4) 4-9-011:013
Extension Request No. (1st, 2nd, etc.)		Tentative Approval Granted On:	Previous Ext. Expired On:
6th		May 09, 2017	May 09, 2024
Subdivision Bonded:		Deadline to Complete Improvements:	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Not Applicable	

APPLICANT'S REASONS: Additional time is being requested to comply with the conditions/requirements of tentative approval. The Applicant is currently with the various reviewing agencies in resolving the required infrastructure improvements for the subdivision.

**PLANNING DEPARTMENT
EVALUATION & RECOMMENDATION**

EVALUATION: Please refer to next page...

RECOMMENDATION: Please refer to next page...




 Staff Planner

05.24.2024

 Date

[] Approved and Recommended to Planning Commission [] Denied

Comments: _____



 Planning Director

5/24/2024

 Date

G.2.a.2.

JUN 04 2024

COUNTY OF KAUA'I PLANNING DEPARTMENT

Extension requests are primarily processed for the purpose of continuing a tentative approval for a subdivision application. An extension approval allows an applicant additional time to comply with the requirements in order to obtain final subdivision approval.

In determining whether additional time should be granted, an evaluation is made of the project's progress as well as compliance with the requirements of tentative approval. The evaluation is primarily based on determining whether the applicant is **progressively working** towards obtaining final subdivision approval with the various reviewing agencies. The **tentative approval conditions** are then re-evaluated to determine whether the conditions/requirements are adequate to address the impacts of the proposed development in consideration of the time that has lapsed.

Pending evaluation of an extension request, one of the following can occur:

1. The extension is approved without changes to the tentative approval requirements;
2. The extension is approved with modified time frames but no modifications or additions to the tentative approval requirements;
3. The extension is approved with modifications and/or additions to the requirements; and
4. The extension is denied.

FINDINGS/BACKGROUND:

The proposed development involves a six (6) lot subdivision and one (1) roadway lot. This application was granted tentative approval by the Planning Commission on May 09, 2017, and the Applicant's request is the **sixth** extension of the tentative approval.

The subject property is situated in the Moloa'a area and a section of the subject property is abutting Kūhi'ō Highway. The total area involved is approximately 190.09 acres within the County Open (O) zoning district and State Land Use Agricultural District. The surrounding parcels are similarly within the County zoned Open District with the exception of the parcels to the Southeast that are within the County Agriculture zoning district. All of the surrounding parcels are within the State Land Use Agricultural District.

Roadway Lot 7 will serve as the primary access for majority of the lots within the development. As represented, the applicant has intentions to dedicate the roadway to the County.

It is also noted that the subject parcel existed prior to the adoption of the Comprehensive Zoning Ordinance (CZO) in 1972 and will be subjected to the "one-time" subdivision limitation for parcels within the Open District, pursuant to Section 8-8.3(c) of the CZO, Kaua'i County Code (1987), as amended.

PROGRESS OF THE SUBDIVISION:

The Applicant is currently working to comply with Conditions 1.h. and 1.j. of tentative approval relating to roadway improvements on Lot 7. The construction plans for roadway improvements have been prepared and were submitted to the Planning Department on May 17, 2024, for the department's review. As represented, the Applicant is intending to post a bond for completion and will work with the Planning Department and the Department of Public Works in getting the matter resolved once the construction plans have been approved by all agencies. In addition, the Applicant has worked with the County Fire Department to resolve driveway access within proposed Lots 3 and 4 of the development. It was previously determined that the proposed driveway location was too steep for emergency vehicle access and as a result, the Applicant conducted a topographic survey to identify an adequate driveway location to accommodate emergency vehicles. The new emergency vehicle access driveway, identified as Easement AU-9, traverses Lot 4 and a portion of Lot 3 on the Pre-Final Subdivision Map dated March 8, 2024.

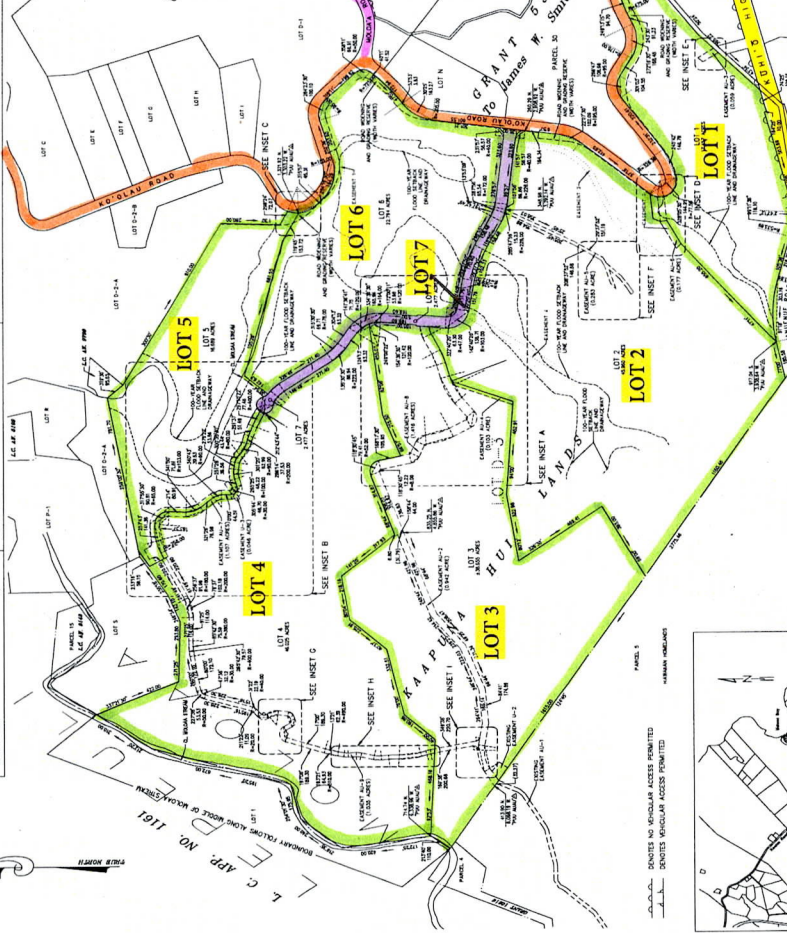
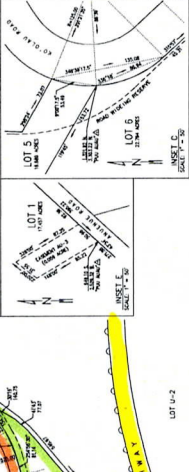
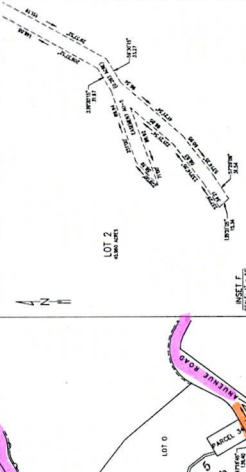
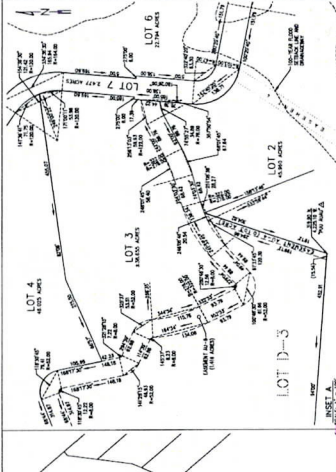
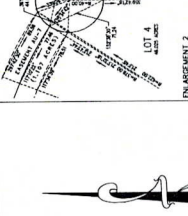
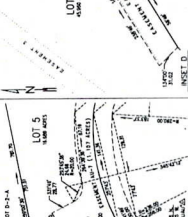
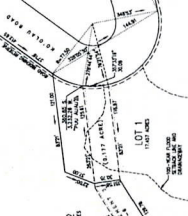
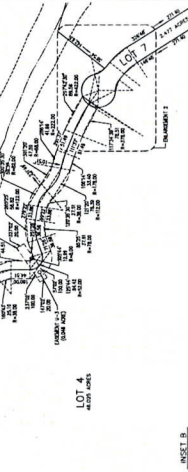
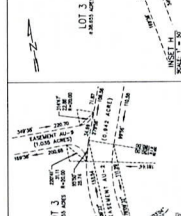
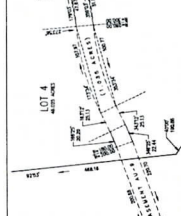
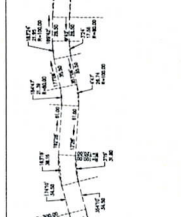
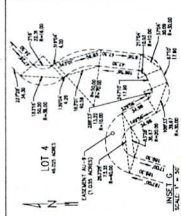
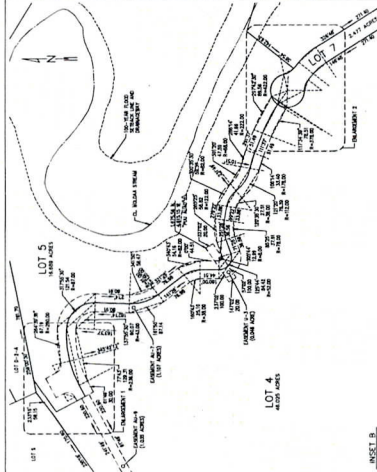
In reviewing the extension request, it should be noted that the Applicant has shown progress with the development as reflected in their current status report submitted with their correspondence to the department dated March 08, 2024. The Applicant has submitted pre-final subdivision maps and already received final subdivision map approval recommendations from the Department of Water, the County Housing Agency, and the State Department of Health.

Based on the foregoing circumstances, the Applicant's reasons are justifiable and no problems are foreseen in granting the extension request.

Additionally, the Applicant should demonstrate further progress with the subdivision within one (1) year from the approval of this extension request. As such, the Applicant shall be made aware that in further considering extension requests involving the proposed development, the Applicant shall continue to submit to the Planning Department an updated status report on the subdivision with a detailed time chronology on the progress of the tentative approval requirements. The status report shall be submitted to the Planning Department no later than sixty (60) days prior to the expiration date in order to allow sufficient time to evaluate whether progress has been made and conditions satisfied.

RECOMMENDATION:

It is recommended that an extension until **MAY 09, 2025**, be granted to obtain final subdivision approval. However, the Applicant is made aware that an updated status report on the subdivision with a detailed time chronology on the progress of the tentative approval requirements shall be submitted to the Planning Department for review for further extensions requests. The status report shall be submitted to the Planning Department no later than sixty (60) days prior to the expiration date.

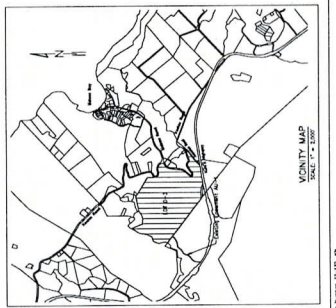
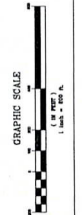


PRE-FINAL
 S-2017-6
 SUBMISSION OF LOT D-3
 AND LOTS 1 THROUGH 12
 BEING ALSO PORTION OF GRANT 535 TO JAMES W. SMITH
 AND DESIGNATION OF
 EASEMENTS 1, 2, 3, AND 4
 AND CANCELLATION OF
 EASEMENTS 1, 2, 3, AND 4
 Owner: Ambros North Enterprises LLC
 1000 W. 10th St., Suite 100
 Fargo, ND 58103
 Date: March 11, 2017



THESE ARE RECORDS IN THE
 PUBLIC RECORDS OF THE
 STATE OF NORTH DAKOTA
 FILED BY THE
 COUNTY CLERK OF BEND
 COUNTY, NORTH DAKOTA
 DATE 03/11/17

- NOTES:
1. Domestic water service is not available from the Department of Water, County of Grand Forks.
 2. Complete a Water and Sewer Agreement with the Department of Water, County of Grand Forks, and the Department of Health, County of Grand Forks, to obtain a water service connection. The Department of Health, County of Grand Forks, water service is not available from the Department of Water, County of Grand Forks.

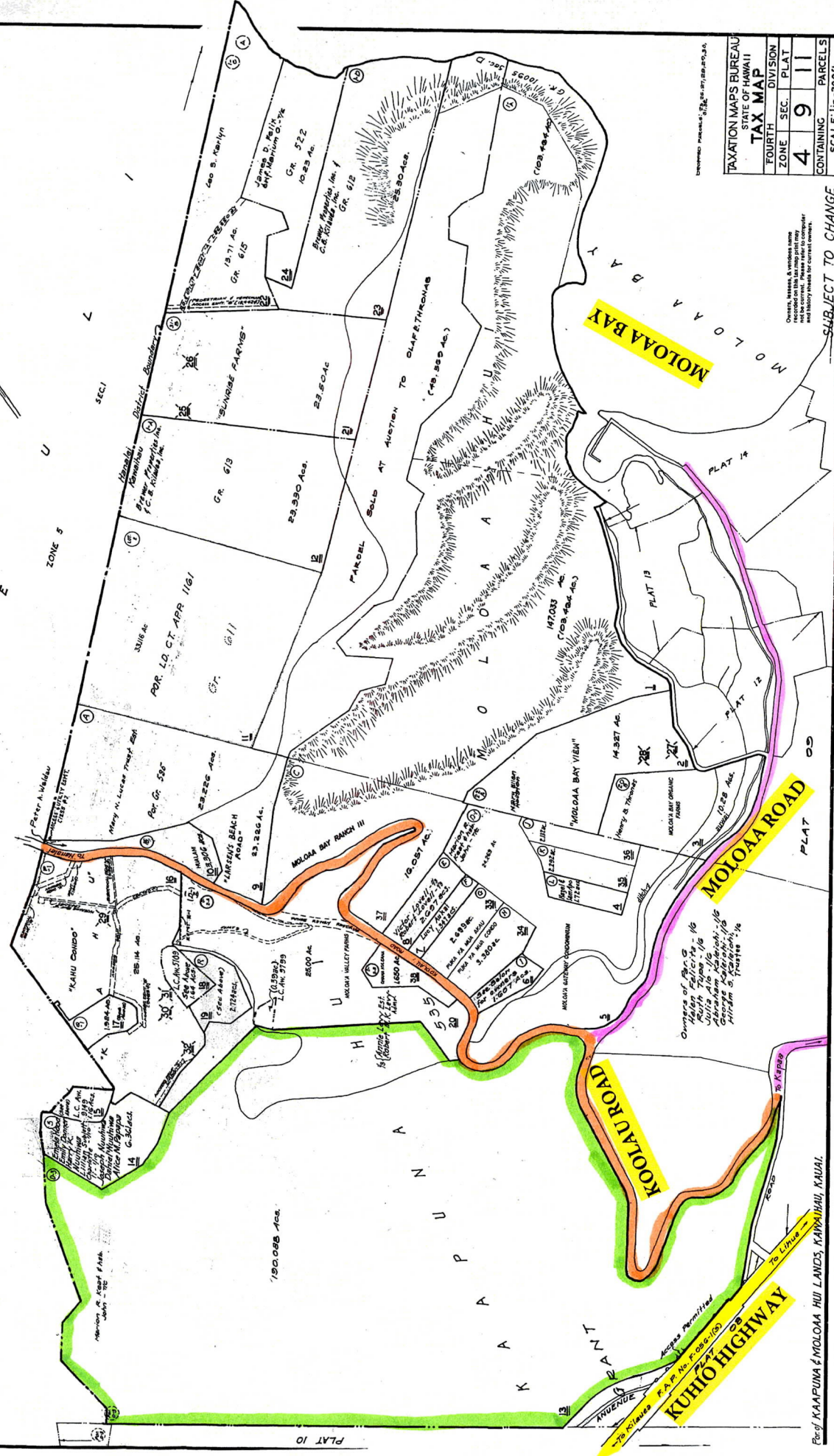
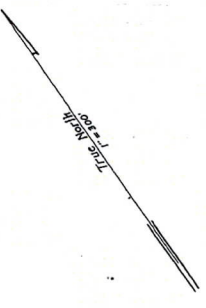


LOCATION MAP SUBDIVISION NO. S-2017-6 MOLOAA VALLEY HOMEOWNERS, LLC.

10 Kenneth Nakonec and
Mary E. Tye
(Co-Proprietors)

11 Cliff S. Thomas and
Blissbeth S. Tye
J. Iliano (Agents)

12 Robert E. Lane and
Loretta S. Lane
George S. Nelson
William R. Nelson



TAXATION MAPS BUREAU
STATE OF HAWAII
TAX MAP

FOURTH	DIVISION	ZONE	SEC.	PLAT	CONTAINING	PARCELS
4	9	11	11	11		

Owners, interests, & vendors shown
may not be current. Please refer to computer
and history sheets for current owners.

SUBJECT TO CHANGE
SCALE: 1" = 300 FT.

MAR 8 '24 PM 1:27
PLANNING DEPT

ESAKI SURVEYING AND MAPPING INC.

1610 Haleukana Street Lihue, Kauai, Hawaii 96766
Phone: (808) 246-0625 Fax: (808) 246-0229

LETTER OF TRANSMITTAL

DATE: March 8, 2024
PROJECT NUMBER 2012-132

TO: County of Kauai, Planning Department

ATTENTION: Kenny Estes
RE: Moloaa Valley Homeowners Association LLC S-2017-6
TMK (4) 4-9-11: 13
Kawaihau, Kauai, Hawaii

WE ARE SENDING YOU:

- | | |
|--|--|
| <input checked="" type="checkbox"/> ATTACHED | <input type="checkbox"/> FORWARDED SEPARATELY _____ |
| <input type="checkbox"/> prints | <input type="checkbox"/> tracings <input type="checkbox"/> shop drawings |
| <input type="checkbox"/> copy of letter | <input type="checkbox"/> change order <input type="checkbox"/> original |
| <input type="checkbox"/> specifications | <input type="checkbox"/> other _____ |

QUANTITY	IDENT. NO.	DATE	DESCRIPTION
1	Letter		6 th Subdivision Extension Request Letter
6	Maps		Pre-Final S-2017-6 Subdivision of Lot D-1 Kaapuna Hui Lands
1			DRAFT Legal Descriptions (63 Pages)
1			Project Status

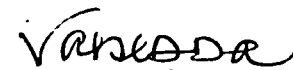
THESE ARE TRANSMITTED as checked

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> For approval | <input type="checkbox"/> Approved | <input type="checkbox"/> Resubmit _____ copies for |
| <input type="checkbox"/> For your use | <input type="checkbox"/> Approved as noted | <input type="checkbox"/> Submit _____ copies for |
| <input type="checkbox"/> As requested | <input type="checkbox"/> Returned for corrections | <input type="checkbox"/> Return _____ corrected prints |
| <input type="checkbox"/> For review and comment | <input type="checkbox"/> Other _____ | |

REMARKS:

Copy to:

Signed:


for Wayne Wada

ESAKI SURVEYING & MAPPING, INC

1610 HALEUKANA STREET - LIHUE, KAUA'I, HAWAI'I 96766
(808) 246-0625 ESM@ESAKIMAP.COM

March 8, 2024

Mr. Ka'aina Hull
Director of Planning
County of Kauai
4444 Rice Street, Suite A473
Lihue, HI 96766

**RE: S-2017-6, MOLOAA VALLEY ONE, LLC
6th SUBDIVISION EXTENSION REQUEST
TMK (4) 4-9-11: 13
KAWAIHAU, KAUA'I, HAWAI'I**

The subject subdivision was granted **TENTATIVE APPROVAL** by the Planning Commission at their meeting held on May 9, 2017. It was also granted an extension until May 9, 2024, by the Planning Commission at their meeting held on June 27th, 2023.

The chronology of the progress during the extension period mentioned above, is as follow:

JUNE 2023	Planning Commission approval of the 5 th extension request.
JULY 2023	Receipt by Esaki Surveying and Mapping, Inc. of the 5 th extension request approval letter.
AUGUST 2023	Mowing/clearing by Owner to prepare site for survey.
SEPTEMBER 2023	Survey work by Esaki Surveying and Mapping, Inc. (ESM) for realignment of the new emergency vehicle access easement.
OCTOBER 2023	ESM compiles old topographical data with new survey for Owner's review.
NOVEMBER 2023	ESM and Owners define new emergency vehicle access easement that meets slope requirements.
FEBRUARY 2023	ESM revises Pre-final map and prepares revised draft legal descriptions.

Owners have retained Belles Graham LLP as their Legal Counsel. They will be working on the CC&Rs, draft Deeds, and revised Subdivision Agreement.

ESAKI SURVEYING & MAPPING, INC

1610 HALEUKANA STREET - LIHUE, KAUA'I, HAWAI'I 96766
(808) 246-0625 ESM@ESAKIMAP.COM

The Owners are still pursuing a road redesign and realignment that would shorten the total length of roads and upgrade the previous design to current County standards.

Previously resolved conditions include:

- Appraisal report and price list provided to the Planning Department to forward to the Real Properties Division to calculate the Park Dedication fee amount.
- Park Dedication fee paid on June 8th, 2021.
- Environmental Impact Assessment fee paid on June 8th, 2021.
- Map amended to reflect no direct access from Kuhio Highway, as recommended by DOT (per email communication dated April 19th, 2021).
- Workforce Housing agreement executed and recorded with Bureau of Conveyances.
- Draft CC&Rs complete.
- Traffic Impact Analysis was completed on May 6th, 2019. The report was sent to the County and to State DOT.
- Ag master plan was sent to County on May 2019.
- Draft Subdivision Agreement sent to County on June 30th, 2021.
- Taxes, fines, and encumbrances have been paid and are current. Title reports have been received.
- Ag master plan has been completed.
- Ag subdivision agreement has been drafted.
- Drainage study has been completed.
- Traffic Impact Analysis by Austin Tsutsumi and Associates, Inc. is complete.

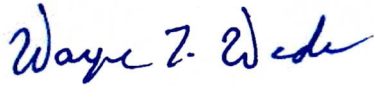
The applicant requires more time to complete all the conditions. We respectfully request an extension in time of two years to file the Final Subdivision Map. Two years are being requested to allow for approval of construction plans and to post a surety bond for completion.

ESAKI SURVEYING & MAPPING, INC

1610 HALEUKANA STREET - LIHUE, KAUA'I, HAWAI'I 96766
(808) 246-0625 ESM@ESAKIMAP.COM

Thank you for your consideration,

Very truly yours,

A handwritten signature in blue ink that reads "Wayne T. Wada". The signature is written in a cursive style with a large initial 'W'.

Wayne T. Wada

cc: Carl Wright, Mark Freeman

Tentative Approval Reference	Notes	Revised 3/7/2024
	Items to be completed shown in Yellow	
¶ 1. Planning Dept		
a. Preliminary Title Report	Completed 2018. Will have to be re-done nearer to approval	X
b. Deeds	Deeds to include all existing and proposed easements. Subdivision CC&Rs and Deeds in Process. To be submitted to Planning by March 31, 2024	X
c. Final Subdivision Map	Draft submitted to AOA for review March 1, 2024, minor revisions to be completed and submitted to Planning by March 9	X
d. Park Dedication Fee	Paid June 8, 2021	
e. EIA fee	Paid June 8, 2021	
f. CC&Rs	Under review, to be completed by March 13, 2024 and submitted to Planning by March 31, 2024	X
g. Road Widening Reserve	Completed 3/1/2024 to be submitted to Planning by March 9, 2024	X
h. Road Drawing Approvals by Public Works	Road and electrical drawings under revision by Esaki including modification of electrical drawings to facilitate new easements	X
i. Street Name	Main Road: Honua Lani	
j. Construction Plan approvals	Esaki to recertify drawings	
k. 600 ft rule included in deeds	REMOVED BY PLANNING- COMPLETE	

I. No direct access to Kuhio Hwy	Labeled on Subdivision Map-complete	
m. Chapter 205 HRS		
1.A. Ag Master Plan	http://moloaahomeowners.info/news/Master%20Plan%20180905.pdf	
1.B. Map	http://moloaahomeowners.info/news/Master%20Plan%20180905.pdf	
1.C. CC&Rs	See also ¶1.f. Under review, to be completed by March 13, for submission to Planning	X
1.D. Ag Subdivision Agreement	Submitted to Planning June 30, 2021. Needs revision to current standards. To be submitted before final approval.	X
¶ 2. Department of Water		
a. No Water Service	Documented in CC&Rs and Subdivision Map.	X
b. Deeds	"Domestic water service is not available from the Department of Water, County of Kauai" to be included in Lot and Apt. deeds. Subdivision CC&Rs and Deeds in Process. To be submitted to Planning by March 31, 2024	X
¶ 3. Department of Public Works		
a. Drainage Study	Completed and sent to Public Works 2018	
b. Road Lot dedication	Will dedicate	
c. Best Management Practices	Construction Requirement	
¶ 4. Department of Health		
a. Wastewater disposal systems	Approved	
b. Noise mitigation	Construction Requirement	
c. Vector Control	Construction Requirement	

d. Dust Control	Construction Requirement
e. Solid Waste Management	Construction Requirement
¶ 5. State DOT	
a. No new access to Kuhio Hwy	DOT Approved access off Kuhipo HWY at location of Easement AU3
b. TIAR	Completed May 6, 2019
¶ 6. Kauai Housing Agency	
a. Workforce Housing Agreement	Recorded 8/6/2021 Document A-78880008
¶ 6. Archaeological Notification	
¶ 7. Additional Conditions	