



COUNTY OF KAUA'I
PLANNING DEPARTMENT

SUBJECT TO CHANGE

SUBDIVISION REPORT

I. SUMMARY

Action Required by Planning Commission: Consideration of Subdivision Application No. S-2017-6 that involves a subdivision of a parcel into 6 Lots and 1 roadway lot.

Subdivision Permit No. Application No. S-2017-6

Name of Applicant(s) MOLOA'A VALLEY ONE, LLC

II. PROJECT INFORMATION

Map Title	Preliminary Subdivision of Lot D-3 Ka'apuna Hui Lands Being Also Portion of Grant 535 to James W. Smith into Lots 1 to 7, Inclusive and Designation of Easements AU-3, AU-4, AU-5, AU-6, and U-3 and Cancellation of Easements 2, 3, 4, and AU-2.				
Tax Map Key(s):	4-9-011:013	Area:	190.09 Acres		
Zoning:	Open				
State Land Use District(s):	Agricultural	General Plan Designation:	Open		
AGENCY COMMENTS					
<input checked="" type="checkbox"/> COK Public Works:	4/10/17	<input checked="" type="checkbox"/> State DOT-Highways:	4/11/17		
<input checked="" type="checkbox"/> COK Water:	3/28/17	<input checked="" type="checkbox"/> State Health:	3/15/17		
<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
Ko'olau Road	15 feet	56 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Varies
Kūhiō Hwy	56 feet	80 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
APPLICABLE FEES					
Environmental Impact Assessment (EIA)	\$1,250.00				
Park Dedication	Yes				
Appraisal Report Required	Yes				

III. EVALUATION


The proposed development subdivides a parcel into six (6) lots and a roadway lot. All lots are situated within the Open (O) zoning district and State Agricultural Land Use District.

Roadway Lot 7 will serve as the primary access for the majority of the lots within the development. Due to size of these lots and for safety reasons, further development on the subdivided lots shall be subjected to KCC Section 8-4.5 (a)(1) entitled "Access," that specifies that "No residential building may be constructed on a parcel that is on excess of six hundred (600) feet of traveling distance from a public thoroughfare, or is in excess of three hundred (300) feet of traveling distance from vehicular access."

This project is subjected to the "one-time" subdivision limitation for parcels within the Open District, pursuant to Section 8-8.3(c) of the Comprehensive Zoning Ordinance (CZO), Kaua'i County Code (1987). It is also noted that the subject parcel existed prior to the adoption of the CZO in 1972 and therefore, the project is subject to the requirements in Section 8-9.2(c)(4)(B) that stipulate the parcel "may be subdivided into ten (10) or fewer parcels, none of which may be smaller than five (5) acres" in size.

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IV. RECOMMENDATION

TENTATIVE 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 Date	Director of Planning Date

V. AGENCY REQUIREMENTS

1. Requirements of the Planning Department:
 - a. An updated preliminary title report for each existing lot shall be submitted to the Planning Department for review
 - b. All existing and proposed easements, if any, shall be identified in the deed descriptions of the affected lots, draft copies of which shall be submitted to the Planning Department for review and approval.
 - c. Pursuant to Section 9-3.8(b) of the Subdivision Ordinance, Kaua'i County Code (1987), the Applicant shall submit to the Planning Department an electronic record (digitized format) of the final subdivision map(s) on disk for record keeping purposes prior to final subdivision approval.
 - d. The applicant shall pay a Park Dedication fee pursuant to Section 9-2.8 of the Kaua'i County Code Subdivision Ordinance. An appraisal report and price list shall be provided to the Planning Department to forward to the Real Properties Division to help calculate the fee amount.
 - e. The applicant shall pay an Environmental Impact Assessment (EIA) Fee pursuant to Section 11A-2.2 of the Kaua'i County Code (1987), as amended. As proposed, the EIA Fee is assessed at One Thousand Two Hundred Fifty Dollars (\$1,250.00) and shall be paid to the County of Kaua'i prior to final subdivision map approval.
 - f. The Applicant is advised that uses on the newly-created lots shall be limited to those listed as permissible uses within the "A" Agricultural District in the State Land Use Commission Rules and Regulations. Dwellings on the lot shall mean a single-family dwelling located on and used in connection with a farm where agriculture activity provides income to the family occupying the dwelling. These restrictions shall be included in the covenants for the proposed lots, draft copies of which shall be submitted to the Planning Department for review and approval.
 - g. A future road widening reserve shall be established along the frontage of Ko'olau Road which shall be subject to the specifications of the Public Works Department for a Collector Street. There shall be no new structures permitted within the reserve, and any new structures should be setback from the reserve. The reserve along with its restrictions shall be incorporated into the deed descriptions of the affected lots, draft copies of which shall be submitted to the Planning Department for review and approval

 If necessary, a strip of land for road widening subject to the specifications of the Public Works Department (Ko'olau Road is classified as a Collector Street) shall be dedicated to the County of Kaua'i. The Dedication Deed shall be prepared by the applicant and shall be ready for execution prior to final approval.
 - h. As shown on the preliminary subdivision map, Lot 7 is an interior roadway lot and serves as the primary vehicular access for most of the lots within the subdivision.

Lot 7 shall be designed and constructed to meet County roadway standards as determined by the County Department of Public Works.

- i. The applicant is made aware that the streets designated within the subdivision must be officially named before the Department approves the construction plans. Street names should be in Hawaiian and be submitted to our Department for review and approval, along with a request letter and 12 maps (on 8½" x 14" paper). The maps should be detailed such that emergency vehicles, police services, postal deliveries, etc., are able to locate the street. References to roadway, such as the highway and other surrounding roads, should be shown on the street-naming map.
- j. Relative to Condition No. 1.h. above, the applicant shall prepare and obtain construction plan approvals for necessary road, water, drainage, electrical and telephone utilities and facilities, and either construct the same or post a surety bond for completion.
- k. Prior to final subdivision approval, the following restriction shall be incorporated into the lot descriptions of the affected lots, draft copies of which shall be submitted to the Planning Department for its review and acceptance.
 - Pursuant to Section 8-4.5(a)(1) of the Kaua'i County Code, "No residential building may be constructed on a parcel that is on excess of six hundred (600) feet of traveling distance from a public thoroughfare, or is in excess of three hundred (300) feet of traveling distance from vehicular access."
- l. There shall be no direct access permitted onto Kūhiō Highway from any of the lots within the subdivision. Semi-circles denoting "No Direct Access Permitted" shall be shown on the final subdivision map. This provision shall be incorporated as a restrictive covenant for the subject lots, draft copies of which shall be submitted to the Planning Department for review and approval.
- m. In order to ensure that the subdivision and development of property complies with the land use requirements contained in Chapter 205 of the Hawai'i Revised Statutes ("HRS"), the following matter shall be resolved prior to final subdivision approval:
 - (1) The Applicant shall provide the following documents to the Subdivision Committee of the Planning Commission ("Subdivision Committee") for its review and approval:
 - (A) An Agriculture Master Plan shall describe the proposed agricultural uses of the property, the marketing and business plans associated with such activities, and the manner in which the agricultural and related uses on the property will comply with HRS Chapter 205.
 - (B) A map of the property showing the proposed location of: Agricultural Activities; Building Areas; and Agricultural Easements.
 - (C) A Declaration of Conditions, Covenants and Restrictions ("Restrictive Covenants") which will be recorded in the Bureau of Conveyances of the State of Hawai'i ("Bureau"), which will encumber and run with the property, and which will provide and require: that the owners of the lots in the subdivision ("Subdivision Lots") shall comply with the Agricultural Plan and the provisions of HRS Chapter 205; that the owners of all of the Subdivision Lots shall be members in an association ("Association") which will have the power and duty to enforce the Restrictive Covenants; that the Association shall file periodic reports (as determined by the Planning Department) with the Planning Department verifying compliance with the Agricultural Master Plan; and that the Agricultural Master Plan shall not be amended without prior approval of the Planning Department.

(D) An Agricultural Subdivision Agreement which will be recorded in the Bureau, run with and encumber the property, and which will provide and require: that each Subdivision Lot owner shall indemnify, defend and hold the County harmless from any claims arising out of the failure of the Subdivision Lot owner to comply with the Agricultural Master Plan and/or HRS Chapter 205; and that in the event of a Subdivision Lot owner's noncompliance with the Agricultural Master Plan and/or HRS Chapter 205 as determined by the Planning Department, the County and the State of Hawai'i shall have the right to refuse to grant any permits or approvals for uses or development on any Subdivision Lot affected by such noncompliance unless and until the noncompliance is cured, as determined by the Planning Department.

- n. Relative to the requirements/standards set forth in Ordinance No. 777, the subdivider shall resolve with the Planning Department the provision of public access.

If public access is required, the applicant shall propose an access plan identifying the access location(s) for the review and approval of the Planning and Public Works Departments. Furthermore, proper documents shall be prepared and ready for execution prior to final subdivision approval. The Planning Department reserves the right to impose additional conditions relating to this matter while in the process of resolving this condition

2. Requirements of the Department of Water (DOW):

The subdivider shall clearly letter the following on the final subdivision map and deeds:

- a. "Domestic water service is not available from the Department of Water, County of Kaua'i."
- b. "Prior to building permit approvals, the applicant shall either complete a Waiver and Release Agreement with the Department of Water, County of Kaua'i or submit a copy of the deeds of the lot to the Department of Water that state that domestic water service is not available from the Department of Water, County of Kaua'i."

This deed restriction shall be recorded with the Bureau of Conveyances within ninety (90) days of final subdivision approval by the Planning Department.

3. Requirements for Department of Public Works:

DRAINAGE

- a. There are drainage ways, swales, and ditches that flow through and along the property. These natural drainage ways will collect and concentrate storm flows through the site. A Drainage Study shall be performed and provisions shall be established to prevent structures from being built in flood prone areas and to preserve the function and capacity of the watercourses.

ROAD

- b. Lot 7 of the Subdivision Map is an interior roadway lot. Roadways that are to be dedicated to the County of Kauai must be designed to meet County Road Standards and in accordance with AASHTO policies on highway practices.

OTHERS

- c. The Applicant shall obtain construction plan approvals for the necessary roadways, water, drainage, electrical, telephone and cable utilities. A grading permit may be required for this project. Best Management Practices (BMP's) shall be provided at all times to the maximum extent practicable to prevent damage by sedimentation, erosion and dust to streams, water courses, natural areas and the properties of others.

4. Requirements for State Department of Health:

- a. All structures and wastewater disposal systems are not shown on the subdivision map. Wastewater Branch will not recommend final approval of the subdivision application until we have information on existing wastewater systems. Only the septic system on Unit 2 is on record at the Department of Health. The applicant must have his/her engineer or contractor submit a completed existing cesspool information card for each cesspool, identifying the location of all wastewater systems with associated structures and their relationship to existing and proposed property lines.
- b. The Noise will be generated if/when construction begins shall not be exceed the applicable maximum permissible sound levels as stated in Title 11, Hawaii Administrative Rules (HAR), Chapter 11-46, "Community Noise Control", unless a noise permit is obtained from the State Department of Health (DOH).
- c. The property may harbor rodents which will be dispersed to the surrounding areas when the site is cleared. In accordance with Chapter 11-26, entitled "Vector Control", Title 11, HAR, the applicant shall ascertain the presence or absence of rodents on the property. Should the presence of rodents be determined, the applicant shall eradicate the rodents prior to clearing the site.
- d. Temporary fugitive dust emissions during site preparation and construction could impact the nearby residents when the subdivided lots are developed. In accordance with Chapter 11-60.1, entitled "Air Pollution Control", Title 11, HAR, effective air pollution control measures shall be provided to minimize or prevent any fugitive dust emission from impacting the surrounding areas. This includes the off-site roadways used to enter/exit the project. The control measures include but are not limited to the use of water wagons, sprinkler systems, dust fences, etc.
- e. In accordance with Chapter 11-58.1, entitled "Solid Waste Management Control", Title 11, HAR, the grubbed material, demolition waste and construction waste generated by the project shall be disposed of in a manner or at a site approved by the State Department of Health. The open burning of any of these wastes on or off site is prohibited.

5. Requirements for State Department of Transportation (DOT), Highways Division:

- a. No new access points will be approved on Kūhiō Highway for this new subdivision.
- b. The proposed access for this new subdivision is from the Kūhiō Highway at Ko'olau Road. The State DOT will require a Traffic Impact Analysis Report (TIAR) for this intersection. This analysis may lead to improvements such as a right and left turn lane from Kūhiō Highway onto Ko'olau Road.
- c. The department reserves the right to make additional comments as plans for this proposed subdivision are developed.

d. No work will be allowed within the State Right-of-Way without an approved Permit to perform work.

6. Requirements for Kaua'i County Housing Agency:

Chapter 7A of the Kauai County Code, 1987, as amended, is applicable to the proposed subdivision, pursuant to Section &A-1.4(c)(1).

- a. Prior to final subdivision approval, the Applicant shall resolve the workforce housing assessment and shall execute a Workforce Housing Agreement with the Kaua'i County Housing Agency, as to the method of meeting the workforce housing requirement pursuant to Chapter 7A. The Executed agreement shall be recorded on the deed of the project properties concurrent with final subdivision approval.

The Kauai County Housing Agency reserves the right to change this determination if the petition or application changes from the above, or if the project incorporates or becomes part of a larger residential or resort project, such that the provisions of Kaua'i County Code, Section 7A-1.4 become applicable.

7. The Applicant is advised the should any archaeological or historical resources be discovered during ground disturbing/construction work, all work in the area of the archaeological/historical findings shall immediately cease and the applicant shall contact the State Department of Land and Natural Resources, Historic Preservation Division and the Planning Department to determine mitigation measures.
8. The Applicant is advised that prior to and/or during construction and use additional conditions may be imposed by government agencies. Should this occur, the applicant shall resolve these conditions with the respective agency(ies).

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 MAY 9, 2017 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



CHANCE BUKOSKI
Planner