

KAUAI PLANNING COMMISSION RECEIVED  
REGULAR MEETING

Tuesday, June 26, 2018 JUN 20 P1:21

9:00 a.m. or Soon Thereafter  
Lihue Civic Center, Moikeha Building  
Meeting Room 2A-2B  
4444 Rice Street, Lihue, Kauai, Hawai'i

OFFICE OF  
THE COUNTY CLERK  
COUNTY OF KAUAI

**AGENDA**

- A. **CALL TO ORDER**
- B. **ROLL CALL**
- C. **APPROVAL OF AGENDA**
- D. **MINUTES of the meeting(s) of the Planning Commission**
  1. Regular Meeting of May 22, 2018.
- E. **RECEIPT OF ITEMS FOR THE RECORD**
- F. **HEARINGS AND PUBLIC COMMENT** (Noticed hearings will not commence until 9:00 a.m. or soon thereafter.) Individuals may orally testify on items on this agenda during the Public Comment Period. Please call the Planning Department prior to the meeting or notify Commission Staff at the meeting site. Testimony shall also be accepted when the agenda item is taken up by the Commission. However if an individual has already testified during this period, additional testimony at the agenda item testimony may be allowed at the discretion of the Chair. Testifiers shall limit their testimony to three (3) minutes, but may be extended longer at the discretion of the Chair. Written testimony is also accepted. An original and twelve (12) copies of written testimony can be hand delivered to the Planning Department or submitted to Commission Staff at the meeting site.
  1. **Continued Agency Hearing**
  2. **New Agency Hearing**
  3. **Continued Public Hearing**
    - a. ZA-2018-1: Change from Open District (O) to Agriculture District (A). Parcel Location: Located approx. 500 ft. west of the Kainahola Road/Kawaihau Road intersection in Kapaa Homesteads, further identified as 6765 Kawaihau Road, Tax Map Key: (4) 4-4-013:002, and containing a total area of 3.377 acres = ***Baird Family Limited Partnership***. [Director's Report and Supplement No. 1 to Director's Report received 10/10/17; hearing deferred 10/10/17, deferred 11/14/17.]
      1. Supplemental No. 3 to Director's Report pertaining to this matter.

**F. HEARINGS AND PUBLIC COMMENT (Cont'd)**

**4. New Public Hearing**

**5. All remaining public testimony pursuant to HRS 92 (Sunshine Law)**

**G. CONSENT CALENDAR**

**1. Status Reports**

**2. Director's Report(s) for Project(s) Scheduled for Agency Hearing.**

**H. EXECUTIVE SESSION**

1. Pursuant to Hawaii Revised Statutes Sections 92-4 and 92-5(a)(4), the purpose of this executive session is to consult with 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 CC-2015-20, Class IV Zoning Permit Z-IV-2007-1, Use Permit U-2007-1, Special Permit SP-2007-01, Tax Map Key: (4) 2-8-002: por. 005 = *Kauai Springs, Inc.*

**I. GENERAL BUSINESS MATTERS**

1. Clerk of the Commission's Recommendation to Refer an Appeal of the Planning Director's Decision Related to the Forfeiture of Non-Conforming Use Certificate TVNCU #4235, *Elizabeth and Stephen Rigotti (Hale Hoku)* for Failure to Timely Renew, Tax Map Key (4) 58008045, Hanalei, Kauai, received on May 18, 2018 via email, to a Hearings Officer (Contested Case Hearing No. CC-2018-3); Request for Delegation of Authority to the Clerk of the Commission to Procure and Appoint a Hearings Officer on Behalf of the Commission for the Instant Appeal.
2. Clerk of the Commission's Recommendation to Refer an Appeal of the Planning Director's Decision Related to the Planning Director's Notice of Violation & Order to Pay Fines for the continued operation of an unpermitted homestay, *Steven and Eddi Henry*, Tax Map Key (4) 49011038, Moloaa, Kauai, received on June 1, 2018 via email, to a Hearings Officer (Contested Case Hearing No. CC-2018-4); Request for Delegation of Authority to the Clerk of the Commission to Procure and Appoint a Hearings Officer on Behalf of the Commission for the Instant Appeal.
3. In the matter of Remand from the Hawaii Supreme Court for Amended Decision and Order based upon Additional Evidence for CC-2015-20, Class IV Zoning Permit Z-IV-2007-1, Use Permit U-2007-1, Special Permit SP-2007-01, Tax Map Key: (4) 2-8-002: por. 005 = *Kauai Springs, Inc.* [Hearing Officer's Report and Recommendation of Contested Case Hearing; Certificate of Service (10/20/17) deferred 11/14/17, deferred 1/23/18; deferred 3/27/18; deferred 4/10/18]
4. Update and briefing on Ordinance No. 1035, an emergency ordinance relating to standards, permits, and fees for work on buildings, structures, and property damaged in the historic rain event of April 2018.

**J. COMMUNICATION (For Action)**

**K. COMMITTEE REPORTS**

1. **Subdivision** Subdivision Action matters listed in the Subdivision Committee Agenda (attached).

**L. UNFINISHED BUSINESS (For Action)**

**M. NEW BUSINESS**

1. **For Action – See Agenda F for Project Descriptions**

**N. ANNOUNCEMENTS**

1. Topics for Future Meetings
2. The following regularly scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter at the Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Kauai, Hawaii 96766 on **Tuesday, July 24, 2018.**

**O. ADJOURNMENT**

**EXECUTIVE SESSION:** The Commission may go into an executive session on an agenda item for one of the permitted purposes listed in Section 92-5(a) Hawaii Revised Statutes (“H.R.S.”), without noticing the executive session on the agenda where the executive session was not anticipated in advance. HRS Section 92-7(a). The executive session may only be held, however, upon an affirmative vote of two-thirds of the members present, which must also be the majority of the members to which the board is entitled. HRS Section 92-4. The reason for holding the executive session shall be publicly announced.

**NOTE:** If you need an ASL Interpreter, materials in an alternate format, or other auxiliary aide support, or an interpreter for a language other than English, please contact Lani Agoot at (808)241-4917 or [lagoot@kauai.gov](mailto:lagoot@kauai.gov) at least seven calendar days prior to the meeting.

KAUA'I PLANNING COMMISSION  
SUBDIVISION COMMITTEE MEETING

Līhu'e Civic Center, Mo'ikeha Building  
Meeting Room 2A-2B  
4444 Rice Street, Līhu'e, Hawaii 96766

**Tuesday, June 26, 2018, 8:30 A.M.**

**AGENDA**

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. APPROVAL OF AGENDA**

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

1. Meeting of April 24, 2018
2. Meeting of May 22, 2018

**E. RECEIPT OF ITEMS FOR THE RECORD (None)**

**F. HEARINGS AND PUBLIC COMMENT**

Individuals may orally testify on items on this agenda during the Public Comment Period. Please call the Planning Department prior to the meeting or notify Commission Staff at the meeting site. Testimony may also be accepted when the agenda item is taken up by the Commission at the discretion of the Chair. Testifiers shall limit their testimony to three (3) minutes, but may be extended longer at the discretion of the Chair. Written testimony is also accepted. An original and twelve (12) copies of written testimony can be hand delivered to the Planning Department or submitted to Commission Staff at the meeting site.

**G. GENERAL BUSINESS MATTERS**

1. Recertification of Final Subdivision Map Approval
  - a. Subdivision Application No. S-2011-9  
(J. Fredrick & Gary E. Bolster/Masakatsu & Mieko Katsura)  
Proposed 10-lot Subdivision  
TMK: (4) 4-3-009: 041, 042 & 071  
Kapa'a, Kaua'i
    1. Subdivision Report pertaining to this matter.

**H. UNFINISHED BUSINESS (None)**

**I. NEW BUSINESS (For Action)**

1. Tentative Subdivision Map Approval

- a. Subdivision Application No. S-2018-15  
**(Kilauea 'Ohana Plateau LLC, ET AL)**  
Proposed 10-lot Subdivision  
TMK: (4) 5-2-005:023  
Kilauea, Kaua'i
  - 1. Subdivision Report pertaining to this matter.
  
- b. Subdivision Application No. S-2018-16  
**(State of Hawaii)**  
Proposed 2-lot Subdivision  
TMK: (4) 2-4-009: 003  
Kalaheo, Kaua'i
  - 1. Subdivision Report pertaining to this matter.
  
- c. Subdivision Application No. S-2018-17  
**(Joanne P Robson)**  
Proposed 2-lot Consolidation  
TMK: (4) 2-6-016:023 & 024  
Koloa, Kaua'i
  - 1. Subdivision Report pertaining to this matter.
  
- d. Subdivision Application No. S-2018-18  
**(YAMA-UMI LLC)**  
Proposed 2-lot Subdivision  
TMK: (4) 4-3-009:042  
Koloa, Kaua'i
  - 1. Subdivision Report pertaining to this matter.

2. Final Subdivision Map Approval

- a. Subdivision Application No. S-2011-19  
**(Halelea Investment LLC)**  
Proposed 4-lot Consolidation  
TMK: (4) 5-5-10:066, 068, 069 & 081  
Hanalei, Kaua'i
  - 1. Subdivision Report pertaining to this matter.

3. Subdivision Extension Request
  - a. Subdivision Application No. S-2017-8  
**(Neil & Desiree Fagarang)**  
Proposed 2-lot Subdivision  
TMK: (4) 3-7-006:097  
Lihue, Kaua'i
    1. Subdivision Report pertaining to this matter.
  - b. Subdivision Application No. S-2017-10  
**(Medeiros Farm, Inc)**  
Proposed 3-lot Boundary Adjustment  
TMK: (4) 2-3-014:007, 009, & 031  
Kalaheo, Kaua'i
    1. Subdivision Report pertaining to this matter.

**J. ADJOURNMENT**

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Pursuant to Section 8-27.8 (6) of the Kaua'i County Code (1987), as amended, the following shoreline setback determinations by the Director are disclosed for purposes of public notification.

June 26, 2018

SHORELINE SETBACK DETERMINATIONS

<b>Application No.</b>	<b>Name of Applicant(s)</b>	<b>Property I.D. (Tax Map Key)</b>	<b>Location</b>	<b>Reasons</b>
SSD-2018-52	George Hampilos	4-9-004:024	Aliomanu	Solar Panels
SSD-2018-53	County of Kauai Department of Public Works	5-1-003:021	Moloaa	Chain Link Fence