

KAUA'I PLANNING COMMISSION
REGULAR MEETING
March 27, 2019

The regular meeting of the Planning Commission of the County of Kaua'i was called to order by Chair Mahoney at 9:00 a.m., at the Līhu'e Civic Center, Mo'ikeha Building, in meeting room 2A-2B. The following Commissioners were present:

Mr. Sean Mahoney
Mr. Roy Ho
Ms. Donna Apisa
Mr. Kimo Keawe

Absent and Excused:
Ms. Glenda Nogami Streufert

The following staff members were present: Planning Department – Director Kaaina Hull, Deputy Director Jodi Higuchi Sayegusa, and Planning Commission Secretary Leslie Takasaki; Office of the County Attorney – Deputy County Attorney Nicholas Courson Office of Boards and Commissions – Administrative Specialist Anela Segreti, Support Clerk Arleen Kuwamura

CALL TO ORDER

Chair Mahoney called the meeting to order at 9:00 a.m.

ROLL CALL

Planning Director Kaaina Hull: Good morning, Chair and members of the Commission. First order of business is roll call. Commissioner Ho.

Mr. Ho: Here.

Mr. Hull: Commissioner Streufert is absent, excused. Commissioner Apisa.

Ms. Apisa: Here.

Mr. Hull: Commissioner Keawe.

Mr. Keawe: Here.

Mr. Hull: And Chair Mahoney.

Chair Mahoney: Here.

Mr. Hull: Chair, we have a Quorum.

APPROVAL OF AGENDA

Mr. Hull: Next agenda Item, Approval of the Agenda. The Department has no amended recommendations so we stand as is.

Chair Mahoney: Chair will accept a motion to approval the agenda for today.

Ms. Apisa: So moved.

Mr. Keawe: Seconded.

Chair Mahoney: It's been moved and seconded. Any further discussions? Hearing none? All in favor signify by saying aye? (Unanimous voice vote) Any opposed? (None) Motion carries 4:0.

MINUTES of the meeting(s) of the Planning Commission

Meeting of January 22, 2019

Meeting of February 12, 2019

Mr. Hull: Next agenda Item is Agenda Item D, minutes for the meeting of the Planning Commission for meeting of January 22, 2019 and minutes for the meeting of February 12th, 2019.

Ms. Apisa: Move to approve both minutes of January 22nd, 2019 and February 12th, 2019.

Mr. Ho: Second.

Chair Mahony: It's been moved and seconded. Hearing none? All in favor signify by saying aye? (Unanimous voice vote) Any opposed? (None) Motion carries 4:0.

RECEIPT OF ITEMS FOR THE RECORD

Mr. Hull: There are no Receipts of Items for the Record.

There were no items to receive for the record

HEARINGS AND PUBLIC COMMENT

Mr. Hull: Next agenda Item would be Public Comment where individuals may orally testify on any of the Agenda Items at this time. Seeing no audience members of the Department will move to the New Public Hearing.

New Public Hearing

HEARINGS AND PUBLIC COMMENT

Zoning Amendment ZA- 2019-4: A bill (No. 2693) for an ordinance amending Chapter 8, Kauai County Code 1987, as amended, related to Comprehensive Zoning Ordinance (CZO). The proposal amends Section 8-15.1(d) of the CZO relating to Additional Dwelling Units= County of Kauai Council.

Mr. Hull: Zoning Amendment ZA-2019-4: A bill (No. 2693) for an ordinance amending Chapter 8, Kauai County Code 1987, as amended, related to Comprehensive Zoning Ordinance (CZO). The proposal amends Section 8-15.1(d) of the CZO relating to Additional Dwelling Units initiator of this Zoning Amendment is the Kauai County Council. Seeing that we have no individuals signed up to testify, no members in the audience to further testify. The Department would recommend closing this Public Hearing

Chair Mahoney: Chair will entertain a motion to close the Hearing.

Mr. Keawe: Move to close the public hearing on this Item.

Mr. HO: Seconded.

Chair Mahoney: It's been moved and seconded. Any further discussion? Hearing none. All in favor signify by saying, Aye? (Unanimous voice vote) Opposed? Motion carries. 4:0.

CONSENT CALENDAR

Status Reports

Mr. Hull: We have no Consent Calendar.

EXECUTIVE SESSION

Mr. Hull: We have no Executive Session.

GENERAL BUSINESS MATTERS

Mr. Hull: We have no General Business Matters.

COMMITTEE REPORTS

Subdivision

Mr. Hull: Next Item on the Agenda is K. Committee Report Subdivision Committee Report.

Mr. Ho: Two Items before us this morning before us this morning was what was heard the first one was Tim Beckman and Mira Hess, tentative map approval and it was approved and Tower Kauai Lagoons Lands, LLC, they requested a deferral to April 9th meeting and it was granted. And that is Subdivision update.

Ms. Apisa: I Move the minutes be approved as presented.

Mr Keawe: Seconded.

Chair Mahoney: It's been Moved and seconded. Any discussion? Hearing none.

Ms. Apisa: I, I was saying Aye, I jumped the gun, sorry.

Chair Mahoney: OK. Once again Hearing none. All in favor signify by saying aye. (Unanimous voice vote) Opposed? (None) Motion carries 4:0.

UNFINISHED BUSINESS

Mr. Hull: We have no Unfinished Business for action.

NEW BUSINESS (For Action)

Zoning Amendment ZA- 2019-4: A bill (No. 2693) for an ordinance amending Chapter 8, Kauai County Code 1987, as amended, related to Comprehensive Zoning Ordinance (CZO). The proposal amends Section 8-15.1(d) of the CZO relating to Additional Dwelling Units= County of Kauai Council.

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Chair Mahoney: Hi Jodi.

Mr. Hull: Could we take a brief 10 min. break?

Chair Mahoney: Yes. Chair will let's break for 10 minutes.

The Commission recessed this portion of the meeting at 9:03 a.m.

The Commission reconvened this portion of the meeting at 9:04 a.m.

Chair Mahoney: We are back from our break.

Mr. Hull: Thank you. (Inaudible) this Zoning Amendment is our staff person is Jodi and she has a Directors report.

Ms. Jodi Higuchi Sayegusa: If I may I will just read some excerpts from the directly report if that's ok with you folks?

Chair Mahoney: Yes.

Ms. Higuchi Sayegusa: So on January 14, 2019, the Kauai County Council submitted this bill for an ordinance for the Planning Commissions review. The proposed bill amends KCC 8-15.1(d), and relates to other dwelling units and other than Residential Zoned lots. The bill will revive a re-certification process for those applicants and properties that were previously eligible to apply for an additional dwelling unit and hold complete ADU facility clearance forms as of June 15, 2007. These properties will be allowed to obtain re-certification from the Planning Department to re-certify that the applicant was previously eligible to construct ADU's outside of the residential areas and continue to hold complete ADU facilities clearance forms as of June 15, 2007. And then thereafter, they will have the entitlement to build an ADU on their properties. I can pause for any questions.

Chair Mahoney: Any Commissioners have any questions? Alright, so if the clearance form was good by June 15, 2007, and if granted it sunsets? They have to have it done by 2021?

Ms. Higuchi Sayegusa: Right. Right. So they would have had to have a sign off from all the applicable agencies so be it Waste Water, be it, so again Waste Water, Public Works, regarding the sanitary sewers or waste water systems, whether they are up to code? Water Department would have to be signed off on and Fire, Fire Department, Buibling Engineering for accessibility to all weather surfaces, streets and roadways, and so that would have had to be signed off and evidenced on the form that it was signed off prior to June 15, 2007. And if they were able to verify that than they would go through a re-certification process with the Department or we would verify that they did in fact did have a completed ADU clearance form and they would have to pay an additional certification fee and wants that was completed, then they would be able to have a fresh entitlement to be able to build their ADU on their properties.

Chair Mahoney: Commissioner Keawe.

Mr Keawe: So Jodi, based on the pre-qualifications that you just mentioned the Department the estimating that there will be forty properties that would qualify. Not necessarily that they would re-certify? But they would qualify to re-certify?

Ms. Higuchi Sayegusa: Yes. Yes. Yes.

Chair Mahoney: Any other questions from any other Commissioners?

Mr. Hull: I'll just state for the record because we will be stating it at Council if you guys do take action in the affirmative. Ultimately, I would be remiss to say that to a certain degree the proposal does run a bit counter to some of the policies established in the general plan that was recently adopted and updated this past year concerning removing the ability to further the use for residential uses and our agricultural lands and our open lands and look at it more focusing our residential development and any commercial development as well but particularly residential development in our town cores and stifling as much as possible for suburban sprawl. You guys have this bill before you and the Department is not, nor is the proposal looking at fully opening up the ADU on Ag land issue, It's just saying that there is a hand full of people there, that for whatever reason, you folks have seen the appeals did not come in to re-certify. We estimate it to

be around 40 and what the Councilmember who proposes this proposal is just is the way to allow for these individuals or these properties who have had entitlements before to re-establish that entitlement and because the number is nominal we don't have any objection to that. So, I just want to state that for the record. We are not trying to shift the goal and say, indeed let's look at further subdividing and pushing growth into agriculture lands, not by any means, but given the proposal and looking at the logistics of it, it is a nominal number.

Chair Mahoney: But it would be incumbent upon the owners to make sure that they follow-up because this does sunset and this might be the last hurrah on that one. So any other questions or comments? Ok. The Chair will entertain a motion.

Mr Keawe: I move to approve Zoning Amendment ZA-2015-4: A bill (No. 2693) for an ordinance amending Chapter 8, Kauai County Code 1987, as amended related to Comprehensive Zoning Ordinance (CZO). The proposal amends Section 8-15.1(d) of the CZO relating to Additional Dwelling Units.

Mr. Ho: Seconded.

Chair Mahoney: It's been moved and seconded for Zoning Amendment ZA-2019-4. All in favor signify by saying aye. (Unanimous voice vote) Opposed? (None) Motion carries 4:0.

ANNOUNCEMENTS

Topics for Future Meetings

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-aB, 4444 Rice Street, Lihue, Hawaii 96766 on Tuesday, March 12, 2019.

Mr. Hull: Thank you Chair and Commission. The next agenda Item is rounding it out here is Announcements and Topics for Future Meetings. Quite honestly, for the next few months our application process is fairly lean. We have got one industrial application coming in it's just an amendment to an existing permit. And the rest of them are actually policy changes, so you are going to see and I talked to you guys about this before of fair amount of code amendments that the Department as well as some of the Council members are initiating. You folks are an enforcement bill, last meeting you are seeing this ADU bill and this meeting got a serious of other bills residential setbacks and how there is a bit of a conundrum in the way how the existing setbacks are applied and a need to amend that as well as opening up the ability to have kitchens and guest houses that was an issue at the County Council. There are also a serious of commercial bills and a few clean-up bills concerning the South Kauai Farm Based Codes, there are a few issues and when it was originally presented it was presented as a pilot, there have been a few issues that need to be cleaned up a bit so we will be coming to you folks with those. But, for the next few months the vast majority of discussions are going to be policy oriented. We are fairly excited about it, many of them where set to be done in the general plan update so it our attempt to initiate those projects that were brought up in the general plan update. Other than that it's going to be fairly lean cycle for the next few months.

Mr Keawe: Chair can I ask a question? What about contested cases? We went through a whole bunch and then nothing for now, so I assume they are working their way through the pipe.

Mr. Hull: They are working their way through the pipe and there are some that, the contested case last week, for two. There was one that has movement and another one that needs more clarity (Inaudible) and one was deferred but there are moving their way through the pipe.

Chair Mahoney: Any other business?

Mr. Hull: Oh, sorry, no other business Chair.

Chair Mahoney: With no further business? Chair will entertain a motion for adjournment.

Mr. Ho: I got a New Business. Is there a need to (inaudible)?

Mr. Hull: At this point, I can say that there obviously the newspaper article. I can say that the Department is in discussion with the note holder if you will, being that the newspaper article did bring up the, those individuals are no longer with them. They will be before you folks quite honestly for a subdivision application to meet on of their conditions of approval in the upcoming April meeting. As far as the need to re-hear the Department does not feel it's totally necessary but I think further discussions will acquire in the April meeting which may warrant should you folks decide to have, to initiate something else.

Mr Keawe: Chair. So the note holder has basically taken control of the property and now will initiate all actions from here?

Chair Mahoney: No, we are getting off. This isn't an Agenda Item either it will be on the April meeting so we will pull back a little for commentary on it.

Mr. Hull: It will be on the April meeting.

Chair Mahoney: Ok, so getting back to adjournment if there is no other agenda Items to discuss? Is there a motion on the floor to adjournment?

Mr. Ho: I moved to adjourn.

Ms. Apisa: I seconded.

Chair Mahoney: Moved and seconded. All in favor signify by saying aye. (Unanimous voice vote) Opposed? (None) Motion carries 4:0. Adjourned. Thank you.

ADJOURNMENT

Chair Mahoney adjourned the meeting 9:15 a.m.

Respectfully submitted by:



Arleen Kuwamura,
Commission Support Clerk

Approved as circulated (add date of meeting approval)

Approved as amended. See minutes of _____ meeting.