

KAUAI PLANNING COMMISSION  
REGULAR MEETING

RECEIVED

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Tuesday, November 12, 2019

9:00 a.m. or Soon Thereafter  
Līhu'e 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**
- 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**
    - a. Special Management Area Use Permit SMA(U)-2020-2 and Class IV Zoning Permit Z-IV-2020-4 to allow installation of a new photovoltaic system and reconstruction of the luau facility on a parcel situated on the makai side of Aleka Loop in Wailua, approx. 400 ft. east of the Kuhio Highway/Aleka Loop intersection, further identified as 650 Aleka Loop, Tax Map Key: (4) 4-3-007:028, and containing a total area of 10.377 acres = ***KHS, LLC***. [Director's Report received by Commission Clerk 10/8/19, Letter (10/8/19) from Applicant's Agent, Tom Schnell, PBR Hawaii & Associates, Inc., requesting continuance of hearing to November 12, 2019, received, and hearing continued 10/22/19.]

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

**2. New Agency Hearing**

- a. Special Management Area Use Permit SMA(U)-2020-3 for the construction of highway improvements involving the replacement of 3 modular steel bridges situated at the Kuhio Highway/Alaekē Road intersection and approx. 250 ft. east of the Ananalu Road/Kuhio Highway intersection in Wainiha, identified as Tax Map Keys: 5-8-002:002 (Por.); 5-8-006:009, 011, 017-019, 030-033, 046, 060; 5-8-007:023, 024, 031, 032; 5-7-003:003, and containing a total area of approx. 3 acres = ***Federal Highways Admin., Central, Federal Lands Highway Division.***

1. Director's Report pertaining to this matter.
2. Supplemental No. 1 to Director's Report pertaining to this matter.

- b. Class IV Zoning Permit Z-IV-2020-5 and Use Permit U-2020-4 to allow construction of a new helicopter hangar, which would include an office and restroom facilities, on a parcel located along the makai side of Ahukini Road in Lihue, situated at the Lihue Airport facility and approx. 0.5 miles east of the Kapule Highway/Ahukini Road intersection, further identified as Tax Map Key: 3-5-001:008, and affecting a portion of a larger parcel containing 768 acres = ***County of Kauai, Fire Department.*** [Director's Report received 10/22/19.]

1. Supplemental No. 1 to Director's Report pertaining to this matter.

**3. Continued Public Hearing**

**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 for Project Scheduled for Agency Hearing on Tuesday, November 26, 2019.**

**H. EXECUTIVE SESSION**

1. Pursuant to Hawai'i Revised Statutes 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 Civil No 18-1-0192 (JKW), Class IV Zoning Permit Z-IV-2007-1, Use Permit U-2007-1, Special Permit SP-2007-1 for property located at Tax Map Key (4) 2-8-002; por. 005: ***Kauai Springs, Inc.***

**I. GENERAL BUSINESS MATTERS**

1. In the Matters of Application for a State Special Permit SP-2015-9, Use Permit U-2015-28, and Class IV Zoning Permit Z-IV-2015-29 for a bed and breakfast use on property identified by Kauai TMK 25005080 CPR Unit 1 containing a total area of 1.033 acres= ***John Hoff, Trustee of the John R. Hoff Revocable Trust dated April 5, 1994 and Lorna E. Hoff, Trustee of the Lorna E. Hoff Revocable Trust dated April 5, 1994*** (CC-2015-18 & CC-2016-7).

- a. Stipulation Recommending Issuance of Permits with Stipulated Conditions
- b. Findings of Fact, Conclusions of Law, and Decision and Order.

**J. COMMUNICATION (For Action)**

**K. COMMITTEE REPORTS**

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

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

1. Consideration of Class IV Zoning Permit Z-IV-2001-21, Use Permit U-2001-16, and Special Permit SP-2001-9 to amend Condition No. 1 that would allow an increase in the number of tours per day and amount of patrons (300 max.), and the construction of three (3) additional structures on the subject property situated south of Kaunualii Highway, approx. one mile south of its intersection with Kipu Road, further identified as Tax Map Key: (4) 3-1-002:001, and containing a total land area of approx. 2,843 acres = ***Kipu Ranch Tours***. [Director's Report received by Commission Clerk 10/8/19, hearing closed and action deferred 10/22/19.]
  - a. Supplement No. 1 to Director's Report pertaining to this matter.

**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, Hawaii 96766 on **Tuesday, December 10, 2019.**

**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 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 [ASEGRETI@KAUAI.GOV](mailto:ASEGRETI@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.**

KAUA'I PLANNING COMMISSION  
SUBDIVISION COMMITTEE MEETING

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

**Tuesday, November 12, 2019, 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**
- 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. In addition, testimony may 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 (None)**

- H. **UNFINISHED BUSINESS (For Action)**

- 1. **Request for a Modification of Condition**

- a. Subdivision Application No. S-76-60  
(**Antone M. Souza**)  
Proposed 7-lot Subdivision  
TMK: (4) 2-5-03:044  
Lawai, Kaua'i

- 1. Subdivision Report pertaining to this matter.

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

1. Final Subdivision Map Approval

- a. Subdivision Application No. S-2019-11  
(**Tower Kauai Lagoons**)  
Proposed 2-lot Subdivision  
TMK: (4) 3-5-001:027 & 3-5-004:700-710  
Lihue, 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.

November 12, 2019

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-2020-14	Kukui‘ula Development	2-6-015:025	Lawai	Rock Wall
SSD-2020-15	Kauai Blue, Inc.	2-8-016:003	Poipu	Interior Renovation of Executive Offices
SSD-2020-16	Poipu Kapili	2-8-015:003	Poipu	Repair Fence, Gate & Stairs
SSD-2020-17	Searle/May Living	2-6-022:015	Lawai	New Single Family Residence, Pavilion, Pool, Spa, Entry Gate, Retaining Walls
SSD-2020-18	David Weltman & Kelly Wilson Living Trust	4-5-002:011	Kapaa	New Single Family Residence
SSD-2020-19	Warren Owens	4-7-007:010	Kealia	New Fence