

KAUAI PLANNING COMMISSION
REGULAR MEETING

Tuesday, December 10, 2019

RECEIVED

'19 DEC -4 P2:02

OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUAI

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

AGENDA

- A. **CALL TO ORDER**
- B. **ROLL CALL**
- C. **APPROVAL OF AGENDA**
- D. **MINUTES of the meeting(s) of the Planning Commission**
 - 1. Meeting of October 22, 2019
- 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**
 - a. Special Management Area Use Permit SMA(U)-2020-4 for the construction of a new pedestrian crossing bridge over Hanakapiai Stream in Hanakapiai Valley, located approx. 2 miles inland from the trailhead at Kee Beach and 300 ft. inland from the coastline, identified as Tax Map Key: 5-9-001:001 (Por.), and affecting an area approx. 1 acre of a larger parcel =*State of Hawaii, Department of Land and Natural Resources, Division of State Parks.*
 - 1. Director's Report pertaining to this matter.

F. HEARINGS AND PUBLIC COMMENT (Cont'd)

2. New Agency Hearing (Cont'd)

- b. Project Development Use PDU-2020-5 and Class IV Zoning Permit Z-IV-2020-6 to construct a residential development involving 53 affordable units and associated site improvements on a parcel situated along the southern side of Pua Loke Street and along the makai side of Kaumualii Highway in Lihue, and Variance Permit V-2020-3 to deviate from the land coverage requirements specified in Section 8-4.3(d) of the Kauai County Code (1987), as amended, immediately adjacent to the Kukui Grove Cinema along its southern boundary, further identified as Tax Map Keys: 3-8-005:028 & 029, and containing a total area of 1.469 acres = *Ahe Group & County of Kauai, Housing Agency*.

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

3. Continued Public Hearing

4. New Public Hearing

- a. Zoning Amendment ZA-2020-4: A bill for an ordinance amending Chapter 8, Kauai County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZO). The proposal amends Section 8-4.5 of the CZO relating to Development Standards involving Residential Development = *County of Kauai, Planning Department*.

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

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

G. CONSENT CALENDAR

1. Status Reports

- a. Annual Status Report 2019 for Special Management Area Use Permit SMA(U)-2007-13, Project Development Use Permit P.D. U-2007-25, and Class IV Zoning Permit Z-IV-2007-29, Tax Map Keys: (4) 2-8-015:043, 044 & 082; 2-8-016:003, 004 = *VSE Pacific, Inc.*

- 1. Director's Report pertaining to this matter.

2. Director's Report for Project Scheduled for Agency Hearing

H. EXECUTIVE SESSION

- 1. Pursuant to Hawaii Revised Statutes Section 92-5(a)(2 and 4), the purpose of this executive session is to discuss matters pertaining to the annual evaluation of Planning Director. This session pertains to the evaluation of the Planning Director's work performance where consideration of matters affecting privacy will be involved. Further, to consult with legal counsel regarding powers, duties, privileges, and/or liabilities of the Planning Commission as it relates to the evaluation of the Planning Director.

H. EXECUTIVE SESSION (Cont'd)

2. 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. *HBR Enterprises LP's* Petition for a Declaratory Order Regarding Noncompliance and, in the Alternative, Petition to Revoke and/or Modify Variance Application Permit V-72-11, (7/26/19) by Calvert G. Chipchase, Esq., and Nicholas M. McClean, Esq. of Cades Schutte LLP, Attorneys for Petitioner HBR Enterprises LP. [Director's Report and Association of Apartment Owners of Hanalei Bay Resort's Memorandum in Opposition to HBR Enterprises LP's Petition for a Declaratory Order Regarding Noncompliance and, in the Alternative, Petition to Revoke and/or Modify Variance Application Permit V-72-11 (9/3/19) from Ian J. Jung, William C. Byrns, A. Bernard Bays, Michael C. Carroll, and Sharon Paris, Attorneys for Respondent, Hanalei Bay Resort received 9/10/19, deferred 9/10/19.]
 - a. Director's Report No. 2 pertaining to this matter.

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. Class IV Zoning Permit Z-IV-2020-2, Use Permit U-2020-2, and Special Permit SP-2020-1 to operate a school facility on a parcel situated on the southern side of Kawaihau Road in Kapahi, approx. 900 ft. west of the Kawaihau Road/Makaleha Place intersection, further identified as 6525 Kawaihau Road, Tax Map Key: (4) 4-6-007:057, and affecting a portion of a larger parcel approx. 6.231 acres in size = *Matthew and Naomi Yoshida*. [Director's Report received by Commission Clerk 10/8/19, hearing closed and deferred 10/22/19.]
 - a. Supplement No. 3 to Director's Report pertaining to this matter.
 - b. Supplement No. 4 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 *January 14, 2020*.

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@KAUALGOV 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, December 10, 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**

- 1. Meeting of October 22, 2019

- 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 (None)**

- I. NEW BUSINESS (For Action)**

- 1. Tentative Subdivision Map Approval

- a. Subdivision Application No. S-2020-5
(Ralph Gordon Oswald)
Proposed 2-lot Subdivision
TMK: (4) 4-6-014:024
Kapaa, Kaua'i

- 1) Subdivision Report pertaining to this matter.

I. NEW BUSINESS (For Action) (Cont'd)

1. Tentative Subdivision Map Approval (Cont'd)

- b. Subdivision Application No. S-2020-6
(**Tallac Properties, LLC**)
Proposed 2-lot Consolidation
TMK: (4) 2-6-022:030
Koloa, 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.

December 10, 2019

SHORELINE SETBACK DETERMINATIONS

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Reasons
SSD-2020-20	Dougherty, Lyons, Citco Properties LLC, Rothstein	5-4-012:011	Princeville	Atrium Repairs to Four Units
SSD-2020-21	Jeff Smith	2-6-022:016	Lawai	New Pool, Spa, Pool Deck, Trellis
SSD-2020-22	Smoky Mountain Helicopters	1-8-008:004	Hanapepe	After-the-Fact Propane Tank with Slab, Relocation of Existing Generator with Slab, Air Conditioner Compressors with Slab, Electrical Switches and Panels on 4' Support Structure
SSD-2020-23	Moanakai Lani, LLC	4-5-002:003	Kapaa	DENIED New Single Family Residence Needs Shoreline Certification