KAUAI PLANNING COMMISSION
REGULAR MEETING

Tuesday, January 28, 2020

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OFFICE OF THE COUNTY CLERK COUNTY OF KAUAI

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

AGENDA

SWEARING IN OF NEW COMMISSIONER

A. CALL TO ORDER BY CHAIR PRO TEM

B. ROLL CALL

C. SELECTION OF CHAIRPERSON AND VICE CHAIRPERSON
APPOINTMENT OF SUBDIVISION COMMITTEE CHAIRPERSON, VICE CHAIRPERSON

D. APPROVAL OF AGENDA

E. MINUTES of the meeting(s) of the Planning Commission

1. Meeting of August 13, 2019
2. Meeting of November 12, 2019
3. Meeting of January 14, 2020

F. RECEIPT OF ITEMS FOR THE RECORD

G. 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. Class IV Zoning Permit Z-IV-2020-7 and Use Permit U-2020-6 to allow construction of a two (2) farmworker housing units on a parcel located along the makai side of Koolau Road in Moloaa, situated approx. ½-mile east of its intersection with Kuhio Highway and further identified as 6020 Koolau Road, Tax Map Key: (4) 4-9-009:012, CPR unit 71, and affecting an area approx. 5.225 acres of a larger parcel = ***Joseph Schwartz.*** [Director's Report received by Commission Clerk 12/20/19.]

G. HEARINGS AND PUBLIC COMMENT (Cont'd)

2. New Agency Hearing (Cont'd)

a. Class IV Zoning Permit Z-IV-2020-7 and Use Permit U-2020-6 = ***Joseph Schwartz.*** (Cont'd)

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

b. Special Management Area Use Permit SMA(U)-2020-5 to construct a single-family residence and associate amenities on a parcel situated along the southern side and near the terminus of Hanalei Plantation Road in Princeville, immediately adjacent to property identified as 5211 Hanalei Plantation Road, involving Tax Map Key: (4) 5-4-004:009, Unit 1, and affecting an area approx. 0.20 acre of a larger parcel = ***22 Degrees Designs LLC.***

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

c. Special Management Area Use Permit SMA(U)-2020-6 to allow reconstruction of a Maintenance/Recreation Building containing multi-purpose rooms, office, storage, and laundry facilities, and Class IV Zoning Permit Z-IV-2020-8 and Use Permit U-2020-7 to allow a height deviation from the North Shore Planning Area, on a parcel situated on the makai side of Kuhio Highway in Wainiha, approx. 300 ft. east of the Kuhio Highway/Oneone Road intersection, further identified as 5-7130 Kuhio Highway, Tax Map Key: (4) 5-8-011:027, and containing a total area of 3.689 acres = ***Hanalei Colony Resort AOAO.*** [Director's Report and Supplement No. 1 to Director's Report received by Commission Clerk 12/20/19.]

1. Director's Report pertaining to this matter.
2. Supplement No. 1 to Director's Report pertaining to this matter.
3. Supplement No. 2 to Director's Report pertaining to this matter.
4. Supplement No. 3 to Director's Report pertaining to this matter.

3. Continued Public Hearing

a. Zoning Amendment ZA-2016-3: A bill for an ordinance Amending Chapter 8, Kauai County Code 1987, as amended, relating to Definitions = ***County of Kauai, Planning Department.*** [Director's Report received & hearing deferred 2/23/16, Supplement No. 1 to Director's Report received & hearing deferred 3/8/16, Supplement No. 2 received & hearing deferred 6/14/16.]

1. Supplement No. 3 to Director's Report pertaining to this matter.

4. New Public Hearing

a. Zoning Amendment ZA-2020-5: A bill (2755) for an ordinance amending Chapter 8, Kauai County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZO). The proposal amends Section 8-4.3(a) of the Kauai County Code relating to development standards for residential structures not involving a subdivision = ***County of Kauai, Planning Department.***

1. Director's Report pertaining to this matter.

G. HEARINGS AND PUBLIC COMMENT (Cont'd)

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

H. CONSENT CALENDAR

1. Status Reports

2. Director's Report for Project Scheduled for Agency Hearing on Tuesday, February 11, 2020. (NONE)

I. 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***.

J. GENERAL BUSINESS MATTERS

1. In the Matter of Petition to Appeal Decision of the Planning Director Relating to the Denial of Non-Conforming Use Certificate 2019 Renewal Packet submitted on November 15, 2019 for Non-Conforming Use Certificate TVNCU #4308 (4176 Pilikai Road), Anahola, Kauai, Tax Map Key 48007002, ***Elizabeth Kendrick and Joe Chaulklin,*** [Contested Case No. CC-2020-3].

   a. Clerk of the Commission's Recommendation to Refer an Appeal of the Planning Director's Decision Related to the Denial of a 2019 renewal packet by ***Elizabeth Kendrick and Joe Chaulklin*** for TVRNCU #4308 due to a failure to timely renew in 2017, Tax Map Key (4)48007002, Anahola, Kauai, received on January 17, 2020 via email for referral to Board and Commissions as Contested Case File No. CC-2020-3.

2. In the Matter of Petition of an Appeal of the Planning Director's Notice of Violation & Order to Pay Fines for the continued operation of a forfeited transient vacation rental in 2017 for failure to timely renew, ***Elizabeth Kendrick and Joe Chaulklin,*** TVRNCU #4308 (4176 Pilikai Road), Tax Map Key (4)48007002, Anahola, Kauai, received on January 17, 2020 via email [Contested Case No. CC-2020-4].

   a. Clerk of the Commission's Recommendation to Refer an Appeal of the Planning Director's Notice of Violation & Order to Pay Fines for the continued operation of a forfeited transient vacation rental in 2017 for failure to timely renew, Tax Map Key (4)48007002, Anahola, Kauai, received on January 17, 2020, via email, for referral to Board and Commissions as Contested Case File No. CC-2020-4.

K. COMMUNICATION (For Action)

L. COMMITTEE REPORTS

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

M. 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 Kaumualii 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, Supplement No. 1 to Director's Report received and matter deferred 11/12/19.]

   a. Supplement No. 2 to Director's Report pertaining to this matter.

2. 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; Supplement Nos. 1 and 2 to Director's Reports received, hearing closed and deferred 10/22/19; Supplement Nos. 3 and 4 to Director's Reports received 12/10/19.]

   a. Supplement No. 5 to Director's Report pertaining to this matter.

N. NEW BUSINESS

1. For Action – See Agenda F for Project Descriptions

O. 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 ***February 11, 2020.***

P. 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 DISBILITY,OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF BOARDS & COMMISSIONS AT (808) 241-4917 OR 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, January 28, 2020, 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 August 13, 2019
2. Meeting of November 12, 2019
3. Meeting of January 14, 2020

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-2020-8
   (Garden Isle OZ LLC)
   Proposed 2-lot Subdivision
   TMK: (4) 2-6-016:056
   Koloa, Kaua'i

      1) Subdivision Report pertaining to this matter.

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

b. Subdivision Application No. S-2020-9
(Baird Family Limited Partnership)
Proposed 3-lot Subdivision
TMK: (4) 4-4-013:002
Kapahi, Kaua'i

1) Subdivision Report pertaining to this matter.

2. Final Subdivision Map Approval

a. Subdivision Application No. S-2016-02
(Kukui'ula Development Co, LLC)
Proposed 29-lot Subdivision
TMK: (4) 2-6-015:014
Koloa, Kaua'i

1) Subdivision Report pertaining to this matter.

b. Subdivision Application No. S-2019-12
(Coco Palms Hui, LLC)
Proposed 2-lot Subdivision
TMK: (4) 4-1-003:007
Wailua, Kaua'i

1) Subdivision Report pertaining to this matter.

3. Subdivision Extension Request

a. Subdivision Application No. S-2018-15
(Kilauea Plateau Subdivision)
Proposed 10-lot Subdivision
TMK: (4) 5-2-005:023
Kilauea, 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.

January 28, 2020

SHORELINE SETBACK DETERMINATIONS

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Reasons
SSD-2020-24	Jesse L. Ashcraft	1-2-013:005	Kekaha	ADU – previously approved and expired
SSD-2020-25	Kawailoa Development	2-9-001:002	Poipu	Two Additional Hotel Units
SSD-2020-26	Waioli Surf Shack Holdings, LLC	5-5-005:027	Hanalei	Spa, Equipment Pads, Rock Wall
SSD-2020-27	Laura Bancroft, Trustee	5-8-011:010	Wainiha	Interior Renovation
SSD-2020-28	Michael & Crystine Margolis	5-5-004:044	Hanalei	Add Bedroom, Family Room and Bar
SSD-2020-29	Randall S. & Laura Gail Weir	1-7-006:012	Waimea	Relocation of Previously Approved New Residence
SSD-2020-30	James & Nany Lyman	2-8-015:003	Poipu	Interior Renovations

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Reasons
SSD-2020-31	Coconut Plantation Beach Investors, LLC	4-3-007:027	Wailua	Temporary Stockpile for Kauai Kailani work
SSD-2020-32	John Featherman	5-5-005:025	Hanalei	Demolish and Rebuild Single Family Residence