

KAUAI PLANNING COMMISSION
REGULAR MEETING

Tuesday, February 11, 2020

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

RECEIVED

'20 FEB -5 P4:18

OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUAI

AGENDA

SWEARING IN OF NEW COMMISSIONER

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

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

1. Meeting of December 10, 2020

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. 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 continued 2/23/16, Supplement No. 1 to Director's Report received & hearing continued 3/8/16, Supplement No. 2 received & hearing continued 6/14/16, Supplement No. 3 received & hearing continued 1/28/2020.]

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

F. HEARINGS AND PUBLIC COMMENT (Cont'd)

4. New Public Hearing

- a. Zoning Amendment ZA-2020-6: A bill for an ordinance amending Chapter 8, Article 2, of the Kauai County Code 1987, as amended, relating to the Table of Uses in the Comprehensive Zoning Ordinance (CZO). The proposal amends Section 8-2.4 Table of Uses to allow residential uses as generally permitted in the General Commercial (CG) and Neighborhood Commercial (CN) Zoning Districts = *County of Kauai, Planning Department*.

1. Director's Report pertaining to this matter.

- b. Zoning Amendment ZA-2020-7:
 - DEVELOPMENT PLAN AMENDMENTS: Hanapēpē-'Ele'ele Development Plan and Waimea-Kekaha Development Plan.
 - ZONING MAP AMENDMENTS: ZM-K 100 Kekaha, ZM-W 100 Waimea, and ZM-H 200 Hanapēpē-Port Allen-'Ele'ele.

This bill for an ordinance proposes to adopt and implement the West Kauai Community Plan, which is an update to the Hanapēpē-'Ele'ele Development Plan and the Waimea-Kekaha Development Plan, and includes the communities of Kekaha, Waimea, Hanapēpē, 'Ele'ele, and Kaumakani. The proposed ordinance will amend Chapter 10, Articles 3 and 4 of the Kauai County Code to adopt the West Kauai Community Plan and establish special planning areas for the town centers of Kekaha, Waimea, Hanapēpē, and 'Ele'ele-Port Allen. The special planning areas will use form-based code to provide development standards and guidelines to further the goals and objectives for the West Kauai Community Plan that were created through a public planning process.

The following special planning areas are proposed:

- Special Planning Area "K", also known as the "Kekaha Town Walkable Mixed Use District".
- Special Planning Area "L", also known as the "Waimea Town Walkable Mixed Use District".
- Special Planning Area "M", also known as the "Hanapēpē Town Walkable Mixed Use District".
- Special Planning Area "N", also known as the "'Ele'ele-Port Allen Walkable Mixed Use District" = *County of Kauai, Planning Department*.

1. 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. Seventh Annual Status Report 2019 for Special Management Area Use Permit SMA(U)-2008-5, Use Permit U-2008-4, and Class IV Zoning Permit Z-IV-2008-6, Tax Map Keys: (4) 5-2-012:035, (4) 5-2-004:047 CPR No. 2 = *Charles Somers as Trustee of the Charles Somers Living Trust dated November 12, 2002 and West Sunset 32 Phase 1, LLC, a California limited liability company*.

1. Director's Report pertaining to this matter.

G. CONSENT CALENDAR (Cont'd)

2. Director's Report for Project Scheduled for Agency Hearing on Tuesday, February 25, 2020.

- a. Class IV Zoning Permit Z-IV-2020-9 to develop a mixed-use commercial/multi-family residential project containing spaces for retail, office, and restaurant operations, 62 residential units and associated site improvements on a parcel situated within the Lihue Town Core area on the corner of Rice Street and Umi Street, further identified as 3016 Umi Street, Tax Map Key: 3-6-003:010, and containing a total area of 1.5313 acres = ***RBM UMI, LLC***.

1. Director's Report pertaining to this matter.

H. EXECUTIVE SESSION

I. GENERAL BUSINESS MATTERS

1. Adoption of Findings of Fact, Conclusions of Law and Decision and Order regarding the denial of Class IV Zoning Permit Z-IV-2020-2, Use Permit U-2020-2, and Special Permit SP-2020-1 regarding the conversion of a farm dwelling and accessory building into a school on Tax Map Key 4-6-007:057 in Kapaa = ***Matthew and Naomi Yoshida***.

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, Hawaii 96766 on ***February 25, 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@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, February 11, 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 December 10, 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-2020-10
(**McBride, Conception, Pacuilla Trust**)
Proposed 3-lot Subdivision
TMK: (4) 5-2-006: 011, 012, 014 & 5-2-009:049
Kilauea, Kaua'i

1) Subdivision Report pertaining to this matter.

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

2. Subdivision Extension Request

- a. Subdivision Application No. S-2019-1
(Alexander & Vivian Trust)

Proposed 8-lot Subdivision

TMK: (4) 4-2-003:023

Wailua, 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.

February 11, 2020

SHORELINE SETBACK DETERMINATIONS

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Reasons
SSD-2020-33	Matthew Horwath	4-5-001:012	Kapaa	After-the-Fact Renovations to Single Family Residence
SSD-2020-34	Robert and Andi Ferguson	5-5-004:040	Hanalei	Rebuild of Existing Garage