

Glenda Nogami Streufert
Chair

Donna Apisa
Vice Chair

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*20 MAY -7 P3:55

Members:
Melvin Chiba
Helen Cox
Francis DeGracia
Roy Ho
Lori Otsuka

OFFICE OF
THE CLERK
COUNTY OF KAUAI
COUNTY OF KAUAI PLANNING COMMISSION
NOTICE OF TELECONFERENCE AGENDA
Tuesday, May 12, 2020
9:00 a.m. or shortly thereafter

Microsoft Teams Audio: +1 469-848-0234, Conference ID: 528 065 917#

This meeting will be held via Microsoft Teams conferencing only. Members of the public are invited to join this meeting by calling the number above with the conference ID information. You may testify during the video conference or submit written testimony in advance of the meeting via e-mail or mail. To avoid excessive noise/feedback, please mute your microphone except to testify.

A. **CALL TO ORDER**

B. **ROLL CALL**

C. **APPROVAL OF THE AGENDA**

D. **APPOINTMENT OF SUBDIVISION COMMITTEE MEMBER**

E. **MINUTES of the meeting(s) of the Subdivision Committee**

1. Meeting of January 28, 2020
2. Meeting of February 11, 2020
3. Meeting of February 25, 2020

F. **RECEIPT OF ITEMS FOR THE RECORD (None)**

G. **HEARINGS AND PUBLIC COMMENT** The Planning Commission will accept written testimony for any agenda item herein. Written testimony indicating your 1) name, and if applicable, your position/title and organization you are representing, and 2) the agenda item that you are providing comment on, may be submitted in writing to plankauai@kauai.gov or mailed to the County of Kauai Planning Department, 4444 Rice Street, Suite 473, Lihue, Hawaii 96766. Written testimony received by the Planning Department before 9:00 a.m. on Monday, May 11, 2020, will be distributed to all Planning Commissioners prior to the meeting. Written testimony received after 9:00 a.m. on Monday, May 11, 2020, will be summarized by the Clerk of the Commission during the meeting and added to the record thereafter.

1. **Continued Agency Hearing**

G. HEARINGS AND PUBLIC COMMENT (Cont'd)

2. New Agency Hearing

- a. Amendment to Special Management Area Use Permit SMA(U)-2008-5, Class IV Zoning Permit Z-IV-2008-6, and Use Permit U-2008-4 involving the construction of two single-family residences/farm dwelling units, barn, and associate site improvements on a parcel situated near the terminus of Kahili Quarry Road in Kilauea, further identified as 1957 Kahili Quarry Road, Tax Map Key: 5-2-012:035 and 5-2-004:047, CPR Unit 2, and affecting an area approx. 161.88 acres = *Charles M. Somers & West Sunset 32 Phase I, LLC*. [Meeting cancelled 3/24/20.]

1. Director's Report pertaining to this matter.

3. Continued Public Hearing

- a. 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*.

[Director's Report and Supplement No. 1 to Director's Report received and hearing continued 2/11/20, Supplement No. 2 and Supplement No. 3 to Director's Report received and hearing continued 2/25/20, meeting cancelled 3/24/20.]

1. Supplement No. 4 to Director's Report pertaining to this matter.
2. Supplement No. 5 to Director's Report pertaining to this matter.

- b. Zoning Amendment ZA-2020-12: ZONING MAP AMENDMENTS: ZM 200 Hanapēpē. A bill for an ordinance to rezone portions of ZM 200 Hanapēpē from "Agriculture District" to "General Industrial District." The district will ensure that the historic industrial uses in the area that supports agricultural processing and

G. HEARINGS AND PUBLIC COMMENT (Cont'd)

3. Continued Public Hearing (Cont'd)

- b. Zoning Amendment ZA-2020-12: ZONING MAP AMENDMENTS: ZM 200 Hanapēpē. (Cont'd)

product development are able to continue in perpetuity = *County of Kauai, Planning Department*. [Director's Report received and hearing continued 2/25/20, meeting cancelled 3/24/20.]

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

- c. Zoning Amendment ZA-2020-10: ZONING MAP AMENDMENTS: ZM 200 Hanapēpē. A bill for an ordinance to establish a zoning district called "Plantation Camp" under Kaua'i County Code Chapter 8, known as the County of Kaua'i Comprehensive Zoning Ordinance. The district will ensure that the use of these historic plantation camps can continue in perpetuity by allowing the continued use, maintenance, repair, and rebuild of existing structures to occur. Portions of ZM 200 Hanapepe will be amended to "Plantation Camp" = *County of Kauai, Planning Department*. [Director's Report received and hearing continued 2/25/20, meeting cancelled 3/24/20.]

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

- d. Zoning Amendment ZA-2020-9: ZONING MAP AMENDMENTS: ZM-K 100 Kekaha, ZM-W 100 Waimea, ZM-H 200 Hanapēpē-Port Allen-'Ele'ele, and ZM 200 Hanapēpē. A bill for an ordinance to establish a special treatment district called "Special Treatment - Coastal Edge" under Kaua'i County Code Chapter 8, known as County of Kaua'i's Comprehensive Zoning Ordinance. The district will ensure that development within applicable areas is constructed in a manner that safely mitigates impacts from coastal hazards, including but not limited to sea level rise, coastal erosion, high wave run-up, passive flooding, and an increased frequency and intensity of storms. Portions of ZM-K 100 Kekaha, ZM-W 100 Waimea, ZM-H 200 Hanapēpē-Port Allen-'Ele'ele, and ZM 200 Hanapēpē will be overlaid with "Special Treatment - Coastal Edge" = *County of Kauai, Planning Department*. [Director's Report received and hearing continued 2/25/20, meeting cancelled 3/24/20.]

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

- e. Zoning Amendment ZA-2020-11: ZONING MAP AMENDMENTS: ZM-H 200 Hanapēpē-Port Allen-'Ele'ele. A bill for an ordinance to overlay a portion of ZM 200 Hanapēpē-Port Allen-'Ele'ele to "Special Treatment-Public." The District will recognize the Port Allen Airport as a unique public facility used for the public and quasi-public airport use at a significant location. The District will require additional performance and procedural requirements to ensure critical or valuable social or aesthetic characteristics of the environment or community that exist in the same area are addressed and protected = *County of Kauai, Planning Department*. [Director's Report received and hearing continued 2/25/20, meeting cancelled 3/24/20.]

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

G. HEARINGS AND PUBLIC COMMENT (Cont'd)

3. Continued Public Hearing (Cont'd)

f. Zoning Amendment ZA-2020-8: A bill for an ordinance to 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 the General Plan, Chapter 7 of the Kauai County Code, to establish region-specific guidance and land use map changes for the West Kauai region including the Hanapēpē-'Ele'ele Planning District and the Waimea-Kekaha Planning District. Amendments include changes to provisional agriculture, provisional resort, plantation camps, and other policies as they pertain to the West Kauai Community Plan. The amendment also updates the preliminary community planning guidance for the Waimea-Kekaha and Hanapēpē-'Ele'ele planning districts = *County of Kauai, Planning Department*. [Director's Report received and hearing continued 2/25/20, meeting cancelled 3/24/20.]

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

4. New Public Hearing

a. Zoning Amendment ZA-2020-14: A bill for an ordinance amending Chapter 8, Kauai County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZ). The proposal amends Section 8-27 of the CZO relating to Shoreline Setback and Coastal Protection = *County of Kauai, Planning Department*. [Meeting cancelled 3/24/20.]

1. Director's Report pertaining to this matter.

b. Zoning Amendment ZA-2020-15: A bill for an ordinance relating to Enforcement, Legal Procedures, and Penalties. The proposed bill clarifies the enforcement, legal procedures, and penalties for violations of Kauai County Code 10 = *County of Kauai, Planning Department*. [Meeting cancelled 3/24/20.]

1. Director's Report pertaining to this matter.

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

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

I. EXECUTIVE SESSION

J. GENERAL BUSINESS MATTERS

1. Hearing Officer's Report and Recommendation of Contested Case re Petition to Appeal Decision of the Planning Director's Decision Related to the Notice of Violation and Order to Pay Fines for the Operation of an Illegal Transient Accommodation Use for Property Situated in Haena, Kauai, Hawaii, identified by Kauai Tax Map Key (4) 58005005 containing 26,092 sq. ft. = *Patricia D. McConnell*, Petitioner.

J. GENERAL BUSINESS MATTERS (Cont'd)

- a. Petitioner's Exceptions to Hearing Officer's Report and Recommendation of Contested Case; Request for Oral Argument; Certificate of Service for Case No. CC-2017-4, TMK (4) 5-8-005:005 = *Patricia D. McConnell*, Petitioner.
2. 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 an unpermitted transient vacation rental outside of the Visitor Destination Area, Tax Map Key (4)45006005, Kapaa, Kauai, received on April 6, 2020, for referral to Board and Commissions as Contested Case File No. CC-2020-5 = *Michael Hulme*.

K. COMMUNICATION (For Action)

L. COMMITTEE REPORTS

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

M. UNFINISHED BUSINESS (For Action)

N. NEW BUSINESS

1. For Action – See Agenda G 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 on May 26, 2020. The Planning Commission anticipates meeting via teleconference, but will announce its intended meeting method via an agenda electronically posted at least six days prior to the meeting date.

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 DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF BOARDS & COMMISSIONS AT (808) 241-4917 OR ASEGRETI@KAUAL.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.

Roy Ho
Chair

Member:

Donna Apisa
Vice Chair

AMENDED
COUNTY OF KAUAI PLANNING COMMISSION
NOTICE OF TELECONFERENCE AND SUBDIVISION COMMITTEE AGENDA
Tuesday, May 12, 2020
8:30 a.m. or shortly thereafter

Microsoft Teams Audio: +1 469-848-0234, Conference ID: 882 770 85#

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- B. ROLL CALL
- C. APPROVAL OF THE AGENDA
- D. MINUTES of the meeting(s) of the Subdivision Committee
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- E. RECEIPT OF ITEMS FOR THE RECORD (None)
- F. HEARINGS AND PUBLIC COMMENT The Planning Commission will accept written testimony for any agenda item herein. Written testimony indicating your 1) name, and if applicable, your position/title and organization you are representing, and 2) the agenda item that you are providing comment on, may be submitted in writing to plankauai@kauai.gov or mailed to the County of Kauai Planning Department, 4444 Rice Street, Suite 473, Lihue, Hawaii 96766. Written testimony received by the Planning Department before 8:30 a.m. on Monday, May 11, 2020, will be distributed to all Planning Commissioners prior to the meeting. Written testimony received after 8:30 a.m. on Monday, May 11, 2020, will be summarized by the Clerk of the Commission during the meeting and added to the record thereafter.
- G. GENERAL BUSINESS MATTERS (None)
- H. UNFINISHED BUSINESS (None)

I. NEW BUSINESS (For Action)

1. Final Subdivision Map Approval

- a. Subdivision Application No. S-2019-09
(Kukui'ula Development Co., LLC (Parcel FF))
Proposed 10-lot Subdivision
TMK: (4) 2-6-019:017 & 026
Koloa, Kaua'i
 - 1) Subdivision Report pertaining to this matter.

- b. Subdivision Application No. S-2019-13
(Kukui'ula Development Co., LLC (Kainani Villas))
Proposed 7-lot Subdivision
TMK: (4) 2-6-021:005
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.

March 24, 2020

SHORELINE SETBACK DETERMINATIONS

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Reasons
SSD-2020-36	Jim & Sue Henderson	2-8-015:003	Poipu	Interior Renovations Unit #11
SSD-2020-37	Joe Heney	2-8-019:008	Poipu	Interior Renovations
SSD-2020-38	Kawailoa Development	2-9-001:002 & 003	Poipu	Interior Renovations to Spa
SSD-2020-39	Red Lake Management	5-20010:012	Kalihiwai	New SFR, Garage and Guest House
SSD-2020-40	Kim Chung Yul TTEE	4-1-005:001	Kapaa	Interior Renovations Unit #124
SSD-2020-41	Cindy Lofton	4-1-005:001	Kapaa	Interior Renovations Unit #113

[Meeting cancelled 3/24/20.]

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.

May 12, 2020

SHORELINE SETBACK DETERMINATIONS

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Reasons
SSD-2020-42	County of Kaua'i	(4) 3-5-002:008, 085, 159; (4) 3-7-002:001, 002, 999; (4) 3-7-003:001, 017; (4) 3-9-002:032, 999; (4) 3-9-005:003, 009, 012; (4) 3-9-006:999	Ahukini to Lydgate	Bike Path
SSD-2020-43	Matthew Hunter	(4) 5-5-004:040	Hanalei	Installation of stove in existing guest house, 241 s.f. storage downstairs