

KAUAI PLANNING COMMISSION  
REGULAR MEETING

Tuesday, January 23, 2018

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

18 JAN 17 P3:35

AGENDA

OFFICE OF  
THE COUNTY CLERK  
COUNTY OF KAUAI

- 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
  - 2. New Agency Hearing
    - a. Class IV Zoning Permit Z-IV-2018-3, Use Permit U-2018-2 and Special Permit SP-2018-2 to allow operation of a Child Care Home facility within an existing residence on a parcel along the southern side of Olohena Road in Wailua Homestead, and Variance Permit V-2018-2 to deviate from the parking standards specified in Section 8-6.3(e) of the Kauai County Code (1987) as amended, further identified as 6287D Olohena Road, Tax Map Key: (4) 4-4-009:028, and affecting a portion of a parcel containing 1.166 acres = *Leaps and Bounds Preschool, LLC*. [APPLICATION WITHDRAWN BY APPLICANT.]

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

2. **New Agency Hearing** (Cont'd)

- b. Class IV Zoning Permit Z-IV-2018-4 and Use Permit U-2018-3 to allow conversion of an existing single-family residence into an Administrative Office on a parcel located along the mauka side of Koloa Road in Lawai, situated approx. 200 ft. east of the Iwipoo Road/Koloa Road intersection, further identified as 3691 Koloa Road, Tax Map Key: (4) 2-5-011:077, and containing a total area of 10,326 sq. ft. = *Ohana Home Health, LLC*. [Director's Report in Consent Calendar brought to discussion by two Commissioners 1/9/18, deferred to 1/23/18.]

3. **Continued Public Hearing**

4. **New Public Hearing**

- a. Zoning Amendment ZA-2018-3: A bill (No. 2671) for an ordinance amending Chapter 8, Kauai County Code 1987, as amended, relating to Comprehensive Zoning Ordinance. The proposal amends several sections of the Shoreline Setback Ordinance = *Kauai County Council*.

1. Director's Report pertaining to this matter.

- b. Zoning Amendment ZA-2018-4: A bill (No. 2675) for an ordinance amending Chapter 8, Kauai County Code 1987, as amended, relating to Comprehensive Zoning Ordinance. The proposal amends sections of the Farm Worker Housing Ordinance = *Kauai County Council*.

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**

2. **Director's Report(s) for Project(s) Scheduled for Agency Hearing on 2/13/17**  
**NONE**

H. **EXECUTIVE SESSION**

I. **GENERAL BUSINESS MATTERS**

1. In the matter of Remand from the Hawaii Supreme Court for Amended Decision and Order based upon Additional Evidence for CC-2015-20, Class IV Zoning Permit Z-IV-2007-1, Use Permit U-2007-1, Special Permit SP-2007-01, Tax Map Key: (4) 2-8-002: por. 005 = *Kauai Springs, Inc.* [Hearing Officer's Report and Recommendation of Contested Case Hearing; Certificate of Service (10/20/17) deferred 11/14/17.]
2. Petition to Appeal the Shoreline Setback Determination, SSD-2018-22, for real property situated at 5-6608 Kuhio Highway, Wainiha, Kauai, Hawaii, identified as Tax Map Key 5-8-006:022 = *Victoria Leadley* [Deferred 11/14/18].
  - a. Letter (1/16/18) from Barbara Robeson and Caren Diamond withdrawing Petition to Appeal the Shoreline Setback Determination.

**I. GENERAL BUSINESS MATTERS (Cont'd)**

3. Request for Extension of Time and Amendment of Condition 1 of Special Management Area Use Permit SMA(U)-2014-5 = *Katherine A. Weir, Trustee of the Katherine A. Weir Revocable Trust; Randall Sinclair Weir and Laura Gail Weir, Trustees of the Randall Sinclair Weir Revocable Trust; and Judith A. Cook.*
  - a. Director's Report pertaining to this matter.
4. Clerk of the Commission's Recommendation to Refer an Appeal of the Planning Director's Decision Related to the Forfeiture of Non-Conforming Use Certificate TVNCU #4308 (Ginger Beach House), Elizabeth Kendrick (Ginger Beach House LLC), for failure to Timely Renew, Tax Map Key (4) 48007002, Anahola, Kauai, received on January 3, 2018, to a Hearings Officer (Contested Case Hearing No. CC-2018-1); Request for Delegation of Authority to the Clerk of the Commission to Procure and Appoint a Hearings Officer on Behalf of the Commission for the Instant Appeal = *Elizabeth Kendrick and Joe Chaulklin.*
  - a. Amended Notice of Appeal and Demand for Contested Case Hearing from Cease & Desist, and Forfeiture of Non-Conforming Use Certificate TVNCU No. 4308 and Denial of 2017 Transient Vacation Rental Renewal Application Form at 4176 Anahola Road (aka 4176 Pilikai Road) from Gregory Kugle, Esq. and Joanna C. Zeigler, Esq. (1/16/18).
5. Petition to Modify Condition Nos. 1 and 2 of Class IV Zoning Permit Z-IV-2015-16, Use Permit U-2015-15, Variance Permit V-2015-2, and Special Permit SP-2015-4; Exhibit List; Exhibit "A" = *Maui Asphalt X-IV, LLC.* [Deferred 1/9/18]
  - a. Supplemental No. 1 to Director's Report 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)**

**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, Kauai, Hawaii 96766 on **Tuesday, February 13, 2018.**

**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:** Special accommodations and sign language interpreters are available upon request five (5) days prior to the meeting date, to the County Planning Department, 4444 Rice Street, Lihue, Hawaii 96766. Telephone: 241-4050.

KAUA'I PLANNING COMMISSION  
SUBDIVISION COMMITTEE MEETING  
Līhu'e Civic Center, Mo'ikeha Building  
Meeting Room 2A-2B  
4444 Rice Street, Līhu'e, Hawaii 96766

Tuesday, January 23, 2018, 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 January 9, 2018
- 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. Testimony may also 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. **Final Subdivision Map Approval**
  - a. Subdivision Application No. S-2016-22  
**(Welk Resorts)**  
Proposed 2-lot consolidation  
TMK: (4) 2-8-014:008 & 034  
Koloa, Kaua'i
    - 1. Subdivision Report pertaining to this matter.

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

1. Tentative Subdivision Map Approval

- a. Subdivision Application No. S-2018-6  
(Nakamatsu Family)  
Proposed 2-lot Boundary Adjustment  
TMK: (4) 1-3-001:043 & 119  
Kekaha, Kaua'i

- 1. Subdivision Report pertaining to this matter.

**J. ADJOURNMENT**

**NOTE: Special accommodations and sign language interpreters are available upon request five (5) days prior to the meeting date, to the County Planning Department, 4444 Rice Street, Suite A473, Lihu'e, Hawai'i 96766. Telephone: (808) 241-4050.**

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 23, 2018

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-2018-28	Kauai County Water Department	2-1-002:001	Eleele	New Water Transmission Line
SSD-2018-29	Matt Hamai	5-4-012:011	Princeville	Atrium Roof Repair
SSD-2018-30	Scott Morison	5-5-005:003	Hanalei	New Single Family Residence
SSD-2018-31	Rakesh Joshi	5-4-008:051	Princeville	After-the-Fact Stairway