

KAUAI PLANNING COMMISSION
REGULAR MEETING

Tuesday, March 27, 2018

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

RECEIVED

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AGENDA

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVAL OF AGENDA
- D. MINUTES of the meeting(s) of the Planning Commission
1. Regular Meeting of January 23, 2018
 2. Regular Meeting of February 13, 2018
- 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)-2018-6 for the construction of highway improvements at the Kapaa Stream Bridge and Kuhio Highway/Mailihuna Road intersection in Kapaa, identified as Tax Map Keys: 4-6-014:024, 031, 033, 090, 092; 4-7-003:001, 002; 4-7-008:042, and affecting a total area of approx. 1.7 acres = *Federal Highway Administration/State of Hawaii, Department of Transportation.*
 1. Director's Report pertaining to this matter.
 2. Supplemental No. 1 to Director's Report pertaining to this matter.

OFFICE OF
THE CLERK
COUNTY OF KAUAI

F. HEARINGS AND PUBLIC COMMENT (Cont'd)

2. New Agency Hearing (Cont'd)

- b. Class IV Zoning Permit Z-IV-2018-5 and Use Permit U-2018-4 to construct a new covered play court on the Waimea Canyon Middle School campus in Waimea Town, situated approx. 1,200 ft. north of the Kaunualii Highway/Huakai Road intersection, further identified as Tax Map Key: 1-2-006:033 (portion), and containing a total area of 15.5 acres = *State of Hawaii, Department of Education*. [Director's Report received by Commission Clerk 3/13/18.]

1. Director's Report pertaining to this matter.

3. Continued Public Hearing

- a. Zoning Amendment ZA-2014-4, Amendments to Chapter 8 of the Kauai County Code 1987, as amended, relating to the Agriculture Zoning District and the re-designation of agriculture uses that are generally permitted, permitted with a use permit, and/or prohibited in each respective zoning district = *County of Kauai*. [Director's Report received 3/25/14, hearing continued 3/25/14.]

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

4. New Public Hearing

- a. Zoning Amendment ZA-2018-5: A bill (No.2687) for an ordinance amending Chapter 8, Sections 8-2.1(a) and 8-4.2(a), and Chapter 10, Section 10-5A.7(a), Kauai County Urban Design District. The proposal amends the Comprehensive Zoning Ordinance by introducing a new residential designation to reflect the increase in the Residential Zoning District to R-40 = *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 4/10/18.

- a. Class IV Zoning Permit Z-IV-2018-6, Use Permit U-2018-5 and Special Permit SP-2018-3 to allow improvements to the Kilauea Wells No. 1 and 2 facility that includes construction of a new generator shelter, and replacement of an existing pump and motor control center, on a parcel situated on the mauka side of Kuhio Highway in Kilauea, approx. 3,500 ft. southwest of the terminus of Kuawa Road, further identified as Tax Map Key: (4) 5-2-002:013, and containing a total area of 2.737 acres = *County of Kauai, Department of Water*.

1. Director's Report pertaining to this matter.

G. CONSENT CALENDAR (Cont'd)

2. Director's Report(s) for Project(s) Scheduled for Agency Hearing on 4/10/18. (Cont'd)

- b. Class IV Zoning Permit Z-IV-2018-7 and Use Permit U-2018-6 to allow construction of a new electrical substation on a parcel situated on the makai side of Koloa Road in Lawai, approx. 3,300 ft. southeast of the terminus of Aka Road, further identified as Tax Map Key: (4) 2-6-003:001, and affecting an area approx. 2.5 acres in size of a larger parcel = ***Kauai Island Utility Cooperative (KIUC)***.

1. Director's Report pertaining to this matter.

H. EXECUTIVE SESSION

1. Pursuant to Hawaii Revised Statutes Sections 92-5 (a)(2 and 4), the purpose of this executive session is to consult with the County's legal counsel pertaining to Director's Department Goals for Fiscal Year 2019. Further to discuss with legal counsel regarding powers, duties, privileges and/or liabilities of the Planning Commission as it relates to the Director's departmental goals for fiscal year 2019.

I. GENERAL BUSINESS MATTERS

1. Consideration and Review of Condition No. 20 for Class IV Zoning Permit Z-IV-2017-12, Use Permit U-2017-10 and Special Permit SP-2017-5, situated on Tax Map Key: (4) 4-9-009:012 (portion), Moloaa Kauai = ***Green Earth Matters Inc.***
2. Director's Report for a Petition to Revoke, Amend, or Modify Special Permit SP-2012-3 for a non-conforming transient accommodation use on State Land Use Districted "Agricultural" land, by applicant ***Vard Stephen Hunt***, and to set a date for an Order to Show Cause, at TMK 510050280001, 4613 E Waiakalua Street, East Waiakalua, Kilauea, Kauai. [Director's Report received 1/9/18, deferred 1/9/18 for hearing set for 3/27/18.]
 - a. Stipulated Decision and Order pertaining to this matter.
3. 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, deferred 1/23/18.]

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, April 10, 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, March 27, 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 February 13, 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 (None)**

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

1. **Tentative Subdivision Map Approval**

- a. Subdivision Application No. S-2018-8
(Grove Farm Company, Inc.)

Proposed 6-lot Subdivision

TMK: (4) 3-8-018:001

Līhu'e, Kaua'i

1. Subdivision Report pertaining to this matter.

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

2. Final Subdivision Map Approval

- a. Subdivision Application No. S-2017-12
(Jack Philips)

Proposed 3-lot Subdivision

TMK: (4) 2-3-07:001, 002, & 003

Kalaheo, Kaua'i

1. Subdivision Report pertaining to this matter.

- b. Subdivision Application No. S-2015-14
(CIRI LAND DEVELOPMENT Co.)

Proposed 10-lot Subdivision

TMK: (4) 2-8-021:041 044 - 068

Koloa, Kaua'i

1. Subdivision Report pertaining to this matter.

3. Subdivision Extension Request

- a. Subdivision Application No. S-2017-4
(D.R. HORTON-SCHULER HOMES, LLC)

Proposed 2-lot Subdivision

TMK: (4) 3-7-003: Por 020

Hanama'ulu, Kaua'i

1. Subdivision Report pertaining to this matter.

- b. Subdivision Application No. S-2011-16
(CAMERON K. BURGESS)

Proposed 4-lot Subdivision

TMK: (4) 4-1-008:013

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.

March 27, 2018

SHORELINE SETBACK DETERMINATIONS

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Reasons
SSD-2018-4 Revised	Federal Highway Administration	4-6-014:024, 031, 033, 090, 092, 4-7-003:001 and 4-7-008:042	Kealia	Single-lane Roundabout and Bridge Replacement
SSD-2018-37	Tower Kauai Lagoons Retail, LLC	3-5-001:173	Nawiliwili	Repair and Refurbish Commercial Center
SSD-2018-38	Caitlin Palmer	5-8-012:024	Wainiha	New Stairway to Access KIUC Panel and Two After-the-Fact Sheds
SSD-2018-39	Stewart Neil Husband	1-6-006:011	Waimea	Additional Dwelling Unit
SSD-2018-40	Scott Morison	5-5-005:003	Hanalei	New garage, Storage, Pool and Fence
SSD-2018-41	Lucas Le	2-8-018:012	Poipu	New Single Family Residence
SSD-2018-42	Arvin Erickson	2-8-015:003	Poipu	Interior Remodel Unit #59
SSD-2018-44	AOAO Kiahuna Plantation	2-8-014:018, 2-8-016:007, 2-8-017:026, 009, 010	Poipu	Parkway Lighting, Chain Link Fencing, Cement Path