

KAUAI PLANNING COMMISSION RECEIVED
REGULAR MEETING

Tuesday, January 22, 2019 JAN 16 P3:49

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

OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUAI

AGENDA

- 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 11, 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. Class IV Zoning Permit Z-IV-2019-8, Use Permit U-2019-6 to construct a new gymnasium on the Kauai High School campus in Nawiliwili, and Variance Permit V-2019-2 to deviate from the height requirement within the Residential zoning district, situated approx. 1,800 ft. east of the Nawiliwili Road/Lala Road intersection, further identified as 3577 Lala Road, Tax Map Keys: 3-2-005:010, 011 and 3-3-003:007, 015, and containing a total area of 28.978 acres = *State of Hawaii, Department of Education*. [Director's Report received 1/8/19.]
 1. Supplemental No. 1 Director's Report pertaining to this matter.

F. HEARINGS AND PUBLIC COMMENT (Cont'd)

2. New Agency Hearing (Cont'd)

- b. Class IV Zoning Permit Z-IV-2019-9, Use Permit U-2019-7, and Special Permit SP-2019-4 to allow installation of a stealth telecommunication structure and associated equipment on a parcel located along Koloa Road in Omao, situated approx. 1,000 ft. east of its intersection with Manahema Place, further identified as Tax Map Key: 2-7-003:024, and affecting an area approx. 1,200 sq. ft. in size = *Verizon Wireless*. [Director's Report received 1/8/19.]

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

3. Continued Public Hearing

4. New Public Hearing

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

G. CONSENT CALENDAR

1. Status Reports

2. Director's Report for Project Scheduled for Agency Hearing on Tuesday, 2/12/19.

- a. Class IV Zoning Permit Z-IV-2019-10 and Special Management Area Use Permit SMA(U)-2019-4 to allow renovations to the existing hotel facility that includes a new courtyard, pool and recreation area, and associated site improvements on a parcel located along the makai side of Aleka Loop in Waipouli, situated approx. 400 ft. south of its intersection with Kuhio Highway, further identified as 650 Aleka Loop, Tax Map Key: 4-3-007:028, and affecting a total area of 10.377 acres = *KHS, LLC*.

- a. Director's Report pertaining to this matter.

- b. Class IV Zoning Permit Z-IV-2019-11, Use Permit U-2019-8 to facilitate improvements to the existing emergency power facility and Variance Permit V-2019-3 to deviate from the maximum height and building setback requirements within the Residential zoning district on a parcel located along the eastern side of Kuhio Highway in Lihue, situated approx. 450 ft. east of the Kuhio Highway/Kuene Road intersection, further identified as 3-3420 Kuhio Highway, Tax Map Key: 3-7-001:030, and affecting a portion of a larger parcel approx. 43.927 acres in size = *Wilcox Medical Center*.

- a. Director's Report pertaining to this matter.

H. EXECUTIVE SESSION

1. Pursuant to Hawaii 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 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.*

I. GENERAL BUSINESS MATTERS

1. In the Matter of Petition to Appeal Decision of Planning Director Relating to the Notice of Violation and Order to Pay Fines for the Operation of an Unpermitted Transient Vacation Rental on Property Situated in Wailua, Kauai, Hawaii, identified by Kauai TMK No. (4) 4-1-004:019 containing 11,979 square feet = *Greg L. Allen, Jr. and Joanne B. Allen.*
 - a. Hearing Officer's Report and Recommendation of Contested Case dated December 31, 2018.
 - b. Petitioners' Exceptions to Hearing Officer's Report and Recommendation of Contested Case; Request for Oral Argument; Certificate of Service.
2. Notice of Appeal and Demand for Contested Case Hearing from Denial of Submission of Administrative Fee for: 7214 Alamoo Road, Haena, HI 96714 (Certificate No. 1202) *Anininina, LLC*, from Gregory W. Kugle, Esq., and Joanna C. Zeigler, Esq., to Clerk of Planning Commission, Mr. Kaaina S. Hull (12/31/18) [Contested Case No. CC-2018-14].
3. Notice of Appeal and Demand for Contested Case Hearing from Denial of Submission of Administrative Fee for: 5204 Weke Road, Hanalei HI 96714 (Certificate No. 1166) *PMD Haalei, LLC*, from Gregory W. Kugle, Esq., and Joanna C. Zeigler, Esq., to Clerk of Planning Commission, Mr. Kaaina S. Hull (12/31/18) [Contested Case No. CC-2018-15].
4. Notice of Appeal and Demand for Contested Case Hearing from Denial of Submission of Administrative Fee for: 2659 Puuholo Road, Koloa, HI 96756, TVNCU No. 5035, *Boomerang, Ltd.*, from Gregory W. Kugle, Esq., and Joanna C. Zeigler, Esq., to Clerk of Planning Commission, Mr. Kaaina S. Hull (12/31/18).

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, Hawaii 96766 on **Tuesday, February 12, 2019.**

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 ASL Interpreter, materials in an alternate format, or other auxiliary aide support, or an interpreter for a language other than English, please contact Anela Segreti at (808)241-4917 or asegreti@kauai.gov at least seven calendar days prior to the meeting

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 22, 2019, 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 11, 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-2019-8
(Stephanie Fernandes)
Proposed 5-lot Subdivision
TMK: (4) 4-2-005:044
Kapaa, 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 22, 2019

SHORELINE SETBACK DETERMINATIONS

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Reasons
SSD-2019-28	Makahuena at Poipu	2-8-020:003	Poipu	Repairs to Building #1
SSD-2019-29	S. Kamal Salibi	3-2-003:009	Niumalu	Revisions to SSD-2016-72
SSD-2019-30	Timothy & Pamela Holland	1-3-010:111	Kekaha	New Single Family Residence
SSD-2019-31	Jim Roach & Rozann Marsi	3-9-006:004	Wailua	Interior Renovations Unit #218