

KAUAI PLANNING COMMISSION  
REGULAR MEETING

RECEIVED

Tuesday, January 9, 2018

18 JAN -3 P3:11

9:00:01 a.m. or Soon Thereafter  
Lihue Civic Center, Moikeha Building  
Meeting Room 2A-2B  
4444 Rice Street, Lihue, Kauai, Hawai'i

OFFICE OF  
THE COUNTY CLERK  
COUNTY OF KAUAI

AGENDA

SWEARING IN OF COMMISSIONERS

- A. CALL TO ORDER BY CHAIR PRO TEM
- B. ROLL CALL
- C. SELECTION OF CHAIRPERSON AND VICE CHAIRPERSON  
APPOINTMENT OF SUBDIVISION COMMITTEE CHAIRPERSON, VICE  
CHAIRPERSON
- D. APPROVAL OF AGENDA
- E. MINUTES of the meeting(s) of the Planning Commission
  - 1. Regular Meeting of November 14, 2017
  - 2. Contested Case Calendar of November 14, 2017
- F. RECEIPT OF ITEMS FOR THE RECORD
- G. 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

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

**3. Continued Public Hearing**

- a. Zoning Amendment ZA-2018-2: A bill for an ordinance amending Chapter 8, Kauai County Code 1987, as amended, introducing legislation that addresses "Additional Rental Units." The proposal amends Section 8-1.5 of the KCC by adding the definition of "Additional Rental Unit" and Chapter 8 of the KCC by adding a new article, entitled "Additional Rental Units" = *Kauai County Council*. [Director's Report received and hearing cont'd 11/14/17.]

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

**4. New Public Hearing**

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

**H. CONSENT CALENDAR**

**1. Status Reports**

**2. Director's Report(s) for Project(s) Scheduled for Agency Hearing on 1/23/18**

1. 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.]

2. 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*.

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

**I. EXECUTIVE SESSION**

**J. GENERAL BUSINESS MATTERS**

1. 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*.

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

2. In the matter of The Appeal of the Planning Director's Decision Related to an Additional Dwelling Unit Recertification Application for Property Situated in Kapaa, Kauai, Hawaii, identified by Kauai TMK No. (4) 4-6-012:006, and containing a total area of 1.6 acres, Contested Case No. CC-2015-19 = *Neill H. Sams and Fely D. Sams*.

- a. Hearing Officer's Report and Recommendation of Contested Case Hearing; Certificate of Service (10/20/17).

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

3. 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.
  - a. Director's Report pertaining to this matter.

**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 at the Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Kauai, Hawaii 96766 on **Tuesday, January 23, 2018.**

**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:** 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 9, 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 November 14, 2017

**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. Final Subdivision Map Approval
  - a. Subdivision Application No. S-2017-11  
**(D.R. Horton Schuler Homes, LLC)**  
Proposed 2-lot subdivision  
TMK: (4) 3-7-003:020 Por  
Hanamaulu, 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-2015-5  
(**Moloa'a Bay Land Co. LLC**)  
Proposed 2-lot Subdivision  
TMK: (4) 4-9-014:006 & 4-9-009:002  
Moloa'a, 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, Līhu'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 9, 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-2018-22	Victoria Leadley	5-8-006:022	Wainiha	After-the-Fact Lanai and Pre-CZO Deck
SSD-2018-23	Valerie Kickhoefer	5-4-012:011	Princeville	Atrium Roof Repair
SSD-2018-24	Tracey Souverein	5-4-012:011	Princeville	Atrium Roof Repair
SSD-2018-25	Susan Learned-Driscoll	5-4-012:011	Princeville	Atrium Roof Repair
SSD-2018-26	Paul LaBella	5-4-012:011	Princeville	Atrium Roof Repair
SSD-2018-27	Anini Beach Hale	5-3-007:006	Anini	Re-Roof and Add Entry Porch Roof