

KAUAI PLANNING COMMISSION  
REGULAR MEETING

Tuesday, October 22, 2019

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

'19 OCT 16 PM 2:58

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 September 10, 2019
- 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. Consideration of Class IV Zoning Permit Z-IV-2001-21, Use Permit U-2001-16, and Special Permit SP-2001-9 to amend Condition No. 1 that would allow an increase in the number of tours per day and amount of patrons (300 max.), and the construction of three (3) additional structures on the subject property situated south of Kaumualii Highway, approx. one mile south of its intersection with Kipu Road, further identified as Tax Map Key: (4) 3-1-002:001, and containing a total land area of approx. 2,843 acres = ***Kipu Ranch Tours***. [Director's Report received by Commission Clerk 10/8/19.]

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

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

- b. Class IV Zoning Permit Z-IV-2020-2, Use Permit U-2020-2, and Special Permit SP-2020-1 to operate a school facility on a parcel situated on the southern side of Kawaihau Road in Kapahi, approx. 900 ft. west of the Kawaihau Road/Makaleha Place intersection, further identified as 6525 Kawaihau Road, Tax Map Key: (4) 4-6-007:057, and affecting a portion of a larger parcel approx. 6.231 acres in size = *Matthew and Naomi Yoshida*. [Director's Report received by Commission Clerk 10/8/19.]

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

- c. Special Management Area Use Permit SMA(U)-2020-1, Class IV Zoning Permit Z-IV-2020-3, and Use Permit U-2020-3 for the construction of a farm dwelling unit within Lot 7 of the Kahili Makai Subdivision in Kilauea, involving a parcel situated at the terminus of Kahili Makai Street and immediately adjacent to property identified as 4254 Kahili Makai Street, Tax Map Key: (4) 5-2-021:007 (Unit E), and affecting a portion of a larger parcel approx. 27.56 acres in size = *Valerie M. Neilson and David N. Kells*. [Director's Report received by Commission Clerk 10/8/19.]

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

2. Petition for Intervention (10/15/19) by Roy A. Vitousek III, Attorney for Petitioners CS Development LLC and Charles Somers, Individually.

- d. Special Management Area Use Permit SMA(U)-2020-2 and Class IV Zoning Permit Z-IV-2020-4 to allow installation of a new photovoltaic system and reconstruction of the luau facility on a parcel situated on the makai side of Aleka Loop in Wailua, approx. 400 ft. east of the Kuhio Highway/Aleka Loop intersection, further identified as 650 Aleka Loop, Tax Map Key: (4) 4-3-007:028, and containing a total area of 10.377 acres = *KHS, LLC*. [Director's Report received by Commission Clerk 10/8/19.]

1. Letter (10/8/19) from Applicant's Agent, Tom Schnell, PBR Hawaii & Associates, Inc., requesting continuance of hearing to November 12, 2019.

**3. Continued Public Hearing**

**4. New Public Hearing**

- a. Zoning Amendment ZA-2020-3: A bill for an ordinance amending Chapter 8, Kauai County Code 1987, as amended, relating to Zoning Permits. The proposal amends Section 8-3.1(f) of the Kauai County Code relating to Class IV Zoning Permits and amends the process to include the County Transportation Agency as one of the reviewing agencies = *County of Kauai Planning Department/Transportation Agency*.

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**

**G. CONSENT CALENDAR (Cont'd)**

**2. Director's Report for Project Scheduled for Agency Hearing on Tuesday, November 12, 2019.**

- a. Class IV Zoning Permit Z-IV-2020-5 and Use Permit U-2020-4 to allow construction of a new helicopter hangar, which would include an office and restroom facilities, on a parcel located along the makai side of Ahukini Road in Lihue, situated at the Lihue Airport facility and approx. 0.5 miles east of the Kapule Highway/Ahukini Road intersection, further identified as Tax Map Key: 3-5-001:008, and affecting a portion of a larger parcel containing 768 acres = ***County of Kauai, Fire Department.***

1. Director's Report pertaining to this matter.

**H. EXECUTIVE SESSION**

**I. GENERAL BUSINESS MATTERS**

1. Applicant's Motion to Amend Master Permit Special Management Area Use Permit SMA(U)-80-18; Use Permit U-37-80; and Class IV Zoning Permit Z-IV-80-43 and Renovation Permit Special Management Area Use Permit SMA(U)-89-4, Use Permit U-89-14, and Class IV Zoning Permit Z-IV-89-14, concerning property located at Princeville and Hanalei, Halalea, Kauai, Hawaii, identified by Kauai Tax Map Key Nos. (4) 4-4-004:029 and 035 and (4) 4-4-011:004 = ***SOF-XI Kauai PV Hotel, L.P. (Princeville Hotel).***
  - a. Director's Report pertaining to this matter.
  - b. Supplement No. 1 to Planning Director's Report.
2. Applicant's Request to Amend Condition Nos. 1 & 2 of Class IV Zoning Permit Z-IV-2015-16, Use Permit U-2015-15, Variance Permit V-2015-2, and Special Permit SP-2015-04 to allow continuation of operation involving the asphalt batch plant facility = ***Maui Asphalt X-IV, LLC.***
  - a. Director's Report pertaining to this matter.
3. Applicant's Request to Amend the existing permits to include construction of a new pistol/rifle range and transform the existing south 5-stand course into a combination of Trap/Skeet field with associated site improvements = ***Benjamin Ellsworth (Kauai Eco Sporting Clays, LLC).***
  - a. Director's Report pertaining to this matter.
4. Class IV Zoning Permit Z-IV-2019-13 and Use Permit U-2019-10 to allow modifications to an existing helicopter tour facility that includes restroom facilities, office trailer, storage, and associated improvements on a parcel located along the mauka side of Kuiloko Road in Hanapepe, situated at its intersection with Lele Road, further identified as 3441 Kuiloko Road, Tax Map Key: 1-8-008:004 (Portion) and 1-8-008:005 and affecting a portion of a larger parcel that is approx. 54,461 sq. ft., a portion of a larger parcel that is 166.452 acres = ***Smoky Mountain Helicopters, Inc.*** [Director's Report received by Commission Clerk 6/12/19, Supplement No. 1 to Director's Report received and Petition to Intervene by Hui Hana Pa'akai O Hanapepe, Ku'ueialoha Santos, and Malia Nobrega-Olivera approved 6/25/19.]
  - a. Letter (10/7/19) from Jonathan J. Chun, Esq., Withdrawing Application.

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

5. In the Matters of Petition to Appeal the Planning Director's Decision Related to the Planning Director's Notice of Violation and Order to Pay Fines for the Continued Operation of an Unpermitted Homestay for Property Situated at Moloaa, Kauai, Hawaii, identified by TMK No. (4) 4-9-011:038, (CC-2018-14) and Petition to Appeal Decision of Planning Director's Recommendation for Denial of Class IV Zoning Permit Z-IV-2016-17, Use Permit U-2016-14, and Special Permit SP-2016-6 for Property Situated at for Property Situated at Moloaa, Kauai, Hawaii, identified by TMK No. (4) 4-9-011:038, containing a total area of 43,560 sq. ft. (CC-2016-11) = *Steven Henry and Eddi Henry*.
  - a. Findings of Fact, Conclusions of Law, and Decision and Order (9/18/19).
  - b. Stipulation and Recommendation for Issuance of Permits with Stipulated Conditions (6/21/19).

**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, November 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 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@KAUAI.GOV](mailto:ASEGRETI@KAUAI.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.**

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

**Tuesday, October 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 September 10, 2019.

- 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. In addition, testimony may 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-2020-1  
(**STEPHEN L. PALAMA & KATHY S. PALAMA**)  
Proposed 4-lot Subdivision  
TMK: (4) 2-3-020:001  
Kalaheo, Kaua'i

1) Subdivision Report pertaining to this matter.

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

1. Tentative Subdivision Map Approval (Cont'd)

- b. Subdivision Application No. S-2020-2  
**(KUKUI'ULA DEVELOPMENT COMPANY, LLC)**  
Proposed 13-lot Subdivision  
TMK: (4) 2-6-022:020 Por  
Koloa, Kaua'i

1) Subdivision Report pertaining to this matter.

2. Final Subdivision Map Approval

- a. Subdivision Application No. S-2018-16  
**(STATE OF HAWAII)**  
Proposed 2-lot Subdivision  
TMK: (4) 2-4-009:003  
Koloa, Kaua'i

1) Subdivision Report pertaining to this matter.

**J. ADJOURNMENT**

**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@KAUAI.GOV](mailto:ASEGRETI@KAUAI.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.**

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.

October 22, 2019

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-2020-8	Robert Katz	1-3-001:047	Kekaha	New Covered Patio, Storage, Workshop and Exercise Room
SSD-2020-9	Seven Hills, LLC	2-8-019:057	Poipu	Interior Remodel
SSD-2020-10	Henry Rosen	2-8-020:008	Poipu	Interior Remodel
SSD-2020-11	Kawailoa Development	2-9-001:002 & 003	Poipu	Mechanical System Replacement at Hale Nalu
SSD-2020-12	John Murray	2-6-003:022	Poipu	Interior Renovations
SSD-2020-13	Brendan McKenny	2-8-016:007	Poipu	Interior Renovations