

KAUAI PLANNING COMMISSION
REGULAR MEETING

Tuesday, October 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 OCT 17 P2 31

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 25, 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-2019-4, Use Permit U-2019-2, and Special Permit SP-2019-3 to demolish and replace the existing water tank with a new 0.5 MG tank on a parcel situated on the makai side of Kuhio Highway in Moloaa, approx. 1,500 ft. north of the Koolau Road/Kuhio Highway intersection, further identified as Tax Map Key (4) 4-9-009:009, and affecting a portion of a larger parcel containing an area approx. 1.882 acres in size = *Moloaa Irrigation Cooperative (MIC)*. [Director's Report received 10/9/18.]

1. Moloaa Farms LLC and Jeffrey S. Lindner's Petition to Intervene; Memorandum in Support of Petition to Intervene; Exhibits "1" through "7"; Certificate of Service (10/15/18).

OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUAI

F. HEARINGS AND PUBLIC COMMENT (Cont'd)

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 11/13/18.

- a. Class IV Zoning Permit Z-IV-2019-5 and Project Development Use Permit PDU-2019-3, to allow a residential development containing 67 affordable units and a 32-lot subdivision on property situated in Waimea Town, along the mauka side of Kaunualii Highway, immediately adjacent to the Waimea Technology Center, further identified as Tax Map Key: 1-6-008:006, and containing a total area of 6.5625 acres = *Ahe Group & Kauai Habitat for Humanity*.

1. Director's Report pertaining to this matter.

H. EXECUTIVE SESSION

I. GENERAL BUSINESS MATTERS

1. Annual Status Report 2018 relating to Condition 5 of Class IV Zoning Permit Z-IV-92-38, Use Permit U-92-36, and Special Permit SP-92-6, Tax Map Keys: (4) 2-9-003:005, 006 (Portion) = *Jas. W. Glover, Ltd.* [Director's Report received 10/9/18, deferred 10/9/18.]
2. In the Matter of Petition to Appeal Decision of Planning Director Relating to the Forfeiture of TVNVCVU #1171 (Ivy's Place) for Failure to Renew for Property Situated in Wainiha, Kauai, Hawaii, identified by Kauai TMK No. (4) 5-8-004:026, containing 8.343 acres = *Bryson K. Nishimoto and Catherine J. Nishimoto*.
- a. Hearing Officer's Report and Recommendation of Contested Case dated October 9, 2018.
- b. Respondent Planning Department of the County of Kauai's Exceptions to the Hearing Officer's Report and Recommendation of Contested Case; Exhibit A; Certificate of Service (10/16/18).

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, November 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: 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 Lani Agoot at (808)241-4917 or lagoot@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, October 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 September 25, 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-2019-2
(Sunset Strip properties, LLC & McBryde Sugar Company, LLC)
Proposed 12-lot Consolidation
TMK: (4) 2-4-016:001 & 020 - 031
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-2019-3
(Sunset Strip properties, LLC & McBryde Sugar Company, LLC)
Proposed 16-lot Consolidation
TMK: (4) 2-4-016:001, 013, 015 & 016
Kalaheo, Kaua'i

 - 1. Subdivision Report pertaining to this matter.

2. Final Subdivision Map Approval

- a. Subdivision Application No. S-2017-8
(Neil & Desiree Fagarang)
Proposed 2-lot Subdivision
TMK: (4) 3-7-006:097
Lihue, Kaua'i
 - 1. Subdivision Report pertaining to this matter.
- b. Subdivision Application No. S-2018-17
(Joanne P. Robsen)
Proposed 2-lot Consolidation
TMK: (4) 2-6-016:023 & 024
Koloa, 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.

October 23, 2018

SHORELINE SETBACK DETERMINATIONS

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Reasons
SSD-2019-19	Anini Beach Hale LLC	5-3-007:006	Anini	Replace Roof, Add Entry Porch, Replace Doors, Windows, Plumbing Fixtures and Electrical