

KAUAI PLANNING COMMISSION  
REGULAR MEETING

Tuesday, April 10, 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

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'18 APR -4 P2:31

AGENDA

OFFICE OF  
THE COUNTY CLERK  
COUNTY OF KAUAI

- A. CALL TO ORDER
- B. ROLL CALL
- C. ADDITION OF SUBDIVISION COMMITTEE MEMBER(S)
- D. APPROVAL OF AGENDA
- E. MINUTES of the meeting(s) of the Planning Commission
- 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
    - 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*. [Director's Report received 3/27/18.]

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

**2. New Agency Hearing (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. Supplemental No. 1 to Director's Report pertaining to this matter.

**3. Continued Public Hearing**

**4. New Public Hearing**

- a. Zoning Amendment ZA-2018-6: A bill (No.2693) for an ordinance amending Chapter 8, Kauai County Code 1987, as amended, relating to the Comprehensive Zoning Ordinance. The proposal amends Section 8-15.1(d) of the CZO relating to Additional Dwelling Units = *Kauai County Council*.

1. Director's Report pertaining to this matter.

**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 4/24/18.**

**I. EXECUTIVE SESSION**

1. Pursuant to Hawaii Revised Statutes Sections 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.*
2. Pursuant to Hawaii Revised Statutes Sections 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 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*.

**J. GENERAL BUSINESS MATTERS**

1. 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, deferred 3/27/18.]

**K. COMMUNICATION (For Action)**

**L. COMMITTEE REPORTS**

1. **Subdivision** Subdivision Action matters listed in the Subdivision Committee Agenda (attached).

**M. UNFINISHED BUSINESS (For Action)**

1. 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, Sup 1 to DR received 3/27/18, Agency Hearing closed 3/27/18.]
  - a. Supplemental No. 2 to Director's Report pertaining to this matter.

**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, April 24, 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, April 10, 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**
- 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-2018-10  
**(Judy Wakumoto)**  
Proposed 2-lot Boundary Adjustment  
TMK: (4) 5-5-010:074  
Hanalei, 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-2018-1  
**(Marty Hoffman Revocable Trust)**

Proposed 2-lot Subdivision

TMK: (4) 2-4-03:006

Kalaheo, Kaua'i

1. Subdivision Report pertaining to this matter.

- b. Subdivision Application No. S-2018-3  
**(Kukui'ula Development Co, LLC)**

Proposed 5-lot Boundary Adjustment

TMK: (4) 2-6-014: 027, 28, 45, 46; & 2-6-015:005

Koloa, 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, Lihu'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.

April 10, 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-2018-45	Kauai Coast Beachboy	4-3-002:014	Kapaa	Interior Renovations Building C