

KAUAI PLANNING COMMISSION  
REGULAR MEETING

Tuesday, May 28, 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

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AGENDA

OFFICE OF  
THE COUNTY CLERK  
COUNTY OF KAUAI

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVAL OF AGENDA
- D. MINUTES of the meeting(s) of the Planning Commission
  - 1. Meeting of April 9, 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
  - 3. Continued Public Hearing
    - a. Zoning Amendment ZA-2019-6: A bill for an ordinance amending Chapter 8, Kauai County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZO). The proposal amends Section 8-1.5 of the CZO relating to Guest House Definition = *Kauai County Council*. [Director's Report received and hearing deferred 4/23/19.]
      - 1. Supplemental 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)

## G. CONSENT CALENDAR

1. Status Reports
2. Director's Report for Project Scheduled for Agency Hearing on Tuesday, June 12, 2019. (NONE)

## H. EXECUTIVE SESSION

## 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 Related to Use Permit U-2015-20, Special Permit SP-2015-5 and Class IV Zoning Permit Z-IV-2015-21 for Property Situated at Lawai, Kauai, Hawaii, identified by Tax Map Key (4) 2-6-001:091, CPR Unit 2, containing a total area of 1.2 acres, **Michael Levy and Alexis Boilini, Trustees of the Levy-Boilini Living Trust.**
  - a. Memorandum (5/7/19) from Kaaina S. Hull, Director of Planning, to Planning Commission re Stipulation as to Findings of Fact, Conclusions of Law and Recommendation for Issuance of Permits with Stipulated Conditions, CC-2016-1, Class IV Zoning Permit Z-IV-2015-21, Use Permit U-2015-20, and Special Permit SP-2015-5, Tax Map Key (4) 2-6-001:091, CPR Unit 2, **Michael Levy and Alexis Boilini, Trustees of the Levy-Boilini Living Trust**, recommending Planning Commission adopt the Stipulation as provided for by Nadine Y. Ando, Hearing Officer.
2. Notice of Appeal and Demand for Contested Case Hearing from Notice of Violation & Order to Pay Fines for 7930 Ulili Road, Kekaha, Hawaii, Tax Map Key (4) 1-3-001:022 for **Cheree Rapozo**, from Gregory Kugle, Esq., and Joanna C. Zeigler, Esq., to Clerk of the Planning Commission and Kaaina S. Hull, Director of Planning and Jodi A. Higuchi, Deputy Director of Planning (5/7/19).
  - a. Clerk of the Commission's Recommendation to Refer an Appeal of the Planning Director's Decision Related to the Planning Director's Notice of Violation & Order to Pay Fines for the continued operation of an unpermitted transient vacation rental, **Cheree Rapozo**, Tax Map Key (4) 13001022, Kekaha, Kauai, received on May 9, 2019 via email, for referral to Board and Commissions as Contested Case Hearing No. CC-2019-1.
3. Petition to Appeal Action of the Planning Director in the matter of the application of **Kauai Springs, Inc.**, for Class IV Zoning Permit Z-IV-2007-1, Use Permit U-2007-1, Special Permit SP-2007-1 for property located at Tax Map Key (4) 2-8-002; por. 005 by Gregory H. Meyers, Attorney for Appellant-Applicant (5/2/19).
  - a. Clerk of the Commission's Recommendation to Refer an Appeal of the Planning Director's Decision Related to the Planning Director's Notice of Violation & Order to Pay Fines for the continued operation of an unpermitted Water bottling operation, **Kauai Springs, Inc.**, Tax Map Key (4) 2-8-002: por 5, Koloa, Kauai, received May 2, 2019 via email, for referral to Board and Commissions as Contested Case Hearing No. CC-2019-2.

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

4. In the Matter of Petition to Appeal Planning Director's Decision Related to the Denial of 2018 Non-Conforming Use Certificate Renewal Packet for TVRNCU #1060 (Fortune Cottage), Untimely Submitted on 8/13/18, as Required by Kauai County Code, Section 8-17.10(h)(1) And Cease and Desist and Forfeiture of TVRNCU Letter dated 8/7/18 related to Property Situated in Anini, Kauai, Hawaii, identified by Kauai Tax Map Key (4) 5-3-006:007 containing 11,250 square feet, *Fortune Family Trust*.
  - a. Hearing Officer's Report and Recommendation of Contested Case re CC-2018-13, TVNCU #1060, Tax Map Key (4) 5-3-006:007, (4/15/19), *Fortune Family Trust*.
5. Resolution to Honor and Recognize Joan Ho'olai Ludington, the Planning Department Employee of the Year.

**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 G 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, June 25, 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](mailto: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, May 28, 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. Minutes of April 9, 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-2019-15  
(Matthew Nelson, Stephanie & Kathrine Skow)  
Proposed 2-lot Subdivision  
TMK: (4) 4-7-006:019  
Keālia, Kaua'i

1. Subdivision Report pertaining to this matter.

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

1. Tentative Subdivision Map Approval (Cont'd)

- b. Subdivision Application No. S-2019-16  
**(Robert S. Barros, Jr & Kerrilyn R.V. Barros)**  
Proposed 2-lot Subdivision  
TMK: (4) 2-5-008:005  
Kōloa, Kaua'i
  - 1. Subdivision Report pertaining to this matter.

2. Final Subdivision Map Approval

- a. Subdivision Application No. S-2019-10  
**(Ahe Group, LLC / Kaua'i Habitat for Humanity)**  
Proposed 38-lot Subdivision  
TMK: (4) 1-6-008:006  
Waimea, Kaua'i
  - 1. Subdivision Report pertaining to this matter.

3. Subdivision Extension Request

- a. Subdivision Application No. S-2017-6  
**(Moloa'a Valley One, LLC)**  
Proposed 7-lot Subdivision  
TMK: (4) 4-9-011:013  
Moloa'a, 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.

May 28, 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-2019-44	Kahili Makai Holdings, LLC	5-3-004:025	Anini	Renovations to SFR, Driveway, Septic System, Propane Tank, Site Utilities
SSD-2019-45	Manor Village	4-3-007:013	Kapaa	Repair Stairways