

KAUAI PLANNING COMMISSION
REGULAR MEETING

RECEIVED

Tuesday, August 13, 2019

'19 AUG -7 P3:06

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

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 June 25, 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. Class IV Zoning Permit Z-IV-2020-1 and Use Permit U-2020-1 to construct a new branch office building and associate site improvements on property located within Kilauea Town, situated immediately across the Kilauea Post Office facility and immediately adjacent to the Kilauea Lighthouse Shopping Center, along the northern side of the Kilauea Lighthouse Road/Keneke Road intersection, further identified as Tax Map Key: 5-2-005:023, and affecting a portion of a larger parcel containing approx. 179.439 acres = *Gather Federal Credit Union*. [Director's Report received 7/23/19.]
 1. Supplement No. 1 to Director's Report pertaining to this matter.

DC

F. HEARINGS AND PUBLIC COMMENT (Cont'd)

3. Continued Public Hearing

JG a. Zoning Amendment ZA-2019-7: A bill (2741) for an ordinance amending Chapter 11A, Kauai County Code 1987, as amended, relating to Environmental Impact Assessment on Land Development. The proposal amends Section 11A-2.1 of the Kauai County Code relating to EIA exemptions = ***Kauai County Council***. [Director's Report received 7/23/19. Hearing deferred 7/23/19.]

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

JG b. Zoning Amendment ZA-2019-8: A bill (2745) for an ordinance amending Chapter 10, Kauai County Code 1987, as amended, relating to the Lihue Town Core Urban Design District. The proposal amends Section 10-5A.7(a) of the Kauai County Code relating to generally permitted uses and structures within the Special Planning Area "D" (SPA-D), Rice Street Neighborhood Design District = ***Kauai County Council***. [Director's Report received 7/23/19. Hearing deferred 7/23/19.]

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

4. New Public Hearing

DC a. Zoning Amendment ZA-2020-1 to amend Zoning Conditions in Ordinance No. PM-2004-370, relating to zoning designation at Kukuiula, Kauai, further identified as Tax Map Keys 2-6-003: Por. 001, 004, 021, 023, Por. 031, and Por. 032; 2-6-004: 017, 038, and 045; 2-6-011: 013 through 016; 2-6-015: 001 and 006, and affecting a total land area of 1,002 acres = ***County of Kauai***.

1. Director's Report pertaining to this matter.

DC b. Zoning Amendment ZA-2020-2: A bill (2740) for an ordinance amending Chapter 8, Kauai County Code 1987, as amended, relating to Additional Rental Units. The proposal amends Section 8-3.1(i) of the Kauai County Code relating to Zoning Permit fee exemptions and establishes a process to subsidize the Facility Reserve Charge relating to an Additional Rental Unit (ARU) = ***Kauai County Council***.

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

DC a. Status Report regarding Class IV Zoning Permit Z-IV-2015-8, Project Development Use Permit PDU-2015-7, Variance Permit V-2015-1, and Special Management Area Use Permit SMA(U)-2015-6, Tax Map Keys: (4) 4-1-003:004 (por.), 005, 007, 011, and 017 and (4) 4-1-005:014 and 017 = ***Coco Palm Hui, LLC***.

1. Director's Report pertaining to this matter.

2. Director's Report for Project Scheduled for Agency Hearing on Tuesday, August 27, 2019. NONE

H. EXECUTIVE SESSION

I. GENERAL BUSINESS MATTERS

ML

1. Notice of Appeal and Demand for Contested Case Hearing from Notice of Violation & Order to Pay Fines, 4176 Anahola Road (aka 4176 Pilikai Road) for **Elizabeth Kendrick & Joe Chaulklin** from Gregory Kugle, Esq., and Joanna C. Zeigler, Esq., to Clerk of the Planning Commission, Mr. Kaaina S. Hull (7/18/19) [Contested Case No. CC-2019-4].

- 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 a forfeited transient vacation rental, **Elizabeth Kendrick & Joe Chaulklin**, (aka 4176 Pilikai Road), Tax Map Key (4) 48007002, Anahola, Kauai, received on July 18, 2019, via email, for referral to Board and Commissions as Contested Case File No. CC-2019-4.

ML

2. Request of Appeal to the Actions of the Planning Director by **Alfred Sprenger** (7/19/19) [Contested Case No. CC-2019-5].

- 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 operation of an unpermitted homestay, **Alfred Sprenger**, Tax Map Key (4) 24015010, Kalaheo, Kauai, received on July 22, 2019, for referral to Board and Commissions as Contested Case File No. CC-2019-5.

ML

3. In the Matter of Petition to Appeal Decision of the Planning Director Relating to the Denial of Non-Conforming Use Certificate Packet Submitted on 8/13/18, as Required by Kauai County Code Sec. 8-17.10(h)(1) for TVNC#5081, Anini Beach Hale, LLC, located at 4371 Anini Beach Road, Kilauea, Kauai, Hawaii, 96754, and Further identified by Kauai TMK No. (4) 5-3-007:006, and containing 32,813 s.f. = **Anini Beach Hale LLC**.

- a. Hearing Officer's Report and Recommendation of Contested Case dated July 29, 2019.

J. COMMUNICATION (For Action)

DC

1. Letter (4/11/19) from County Clerk Jade K. Fountain-Tanigawa to Planning Commission regarding referral of Kauai County Council's proposed amendments to sections of the Kauai County Code 1987, as amended, related to Additional Rental Units, for review and recommendation.

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, August 27, 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 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
Lihu'e Civic Center, Mo'ikeha Building
Meeting Room 2A-2B
4444 Rice Street, Lihu'e, Hawai'i 96766

Tuesday, August 13, 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 May 28, 2019
2. Meeting of June 25, 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 (For Action)**

1. **Request for a Modification of Condition**

- a. Subdivision Application No. S-76-60
(**Antone M. Souza**)
Proposed 7-lot Subdivision
TMK: (4) 2-5-03:044
Lawai, Kaua'i

1. Subdivision Report pertaining to this matter.

H. **UNFINISHED BUSINESS (None)**

I. NEW BUSINESS (For Action)

1. Tentative Subdivision Map Approval

- a. Subdivision Application No. S-2019-17
(County of Kauai)

Proposed 2-lot Subdivision

TMK: (4) 2-6-004: 019 Por

Koloa, Kaua'i

1. Subdivision Report pertaining to this matter.

2. Final Subdivision Map Approval

- a. Subdivision Application No. S-2019-5
(John K. Morioka Trust)

Proposed 2-lot Subdivision

TMK: (4) 4-4-005:036

Kapa'a, Kaua'i

1. Subdivision Report pertaining to this matter.

- b. Subdivision Application No. S-2019-7
(Raymond Rapozo & Dorina Augustine)

Proposed 2-lot Subdivision

TMK: (4) 4-7-005;033

Kawaihau, Kaua'i

1. Subdivision Report pertaining to this matter.

- c. Subdivision Application No. S-2019-14
(Kee Kauai Carport, LLC)

Proposed 2-lot Consolidation

TMK: (4) 2-6-017:045 & 046

Koloa, Kaua'i

1. Subdivision Report pertaining to this matter.

J. ADJOURNMENT

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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.

August 13, 2019

SHORELINE SETBACK DETERMINATIONS

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Reasons
SSD-2020-2	Hanalei Colony Resort	5-8-011:027	Haena	Rebuild fire damaged maintenance building and associated improvements
SSD-2020-3	Vicky Leadley	5-8-006:022	Wainiha	DENIED Repairs to existing non-conforming deck as it is makai of shoreline (Referred to DLNR)
SSD-2020-4	4914 Weke, LLC	5-5-001:013	Hanalei	Renovations to existing single family residence