

RECEIVED

KAUAI PLANNING COMMISSION
REGULAR MEETING

'18 SEP 19 P3:29

Tuesday, September 25, 2018

OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUAI

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

AGENDA

SWEARING IN OF NEW COMMISSIONER

- A. **CALL TO ORDER**
- B. **ROLL CALL**
- C. **APPROVAL OF AGENDA**
- D. **MINUTES of the meeting(s) of the Planning Commission**
- 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. Special Management Area Use Permit SMA(U)-2019-1 and Class IV Zoning Permit Z-IV-2019-1 for the construction of twenty-two (22) mounded LPG storage tanks and associated improvements (underground transmission pipelines) on parcels located in the Nawiliwili Harbor area in the vicinity of Pier 2, further identified as Tax Map Keys: (4) 3-2-004:016 (Por.), 021-023, 053; 3-2-003:001-004, 007, and affecting a total area of approx. 2 acres = *The Gas Company, LLC*. [Director's Report received 9/11/18.]

F. HEARINGS AND PUBLIC COMMENT (Cont'd)

2. New Agency Hearing (Cont'd)

- b. Class IV Zoning Permit Z-IV-2019-2, Use Permit U-2019-1, and Special permit SP-2019-2 to demolish and replace the existing water tank with a new 1.0 MG tank on a parcel situated on the mauka side of Kuhio Highway in Waiakalua, approx. 500 ft. southeast of the terminus of Wailapa Road, further identified as Tax Map Key: (4) 5-1-005:131, and containing a total area of 22,868 sq. ft. = *County of Kauai, Department of Water*. [Director's Report received 9/11/18.]
- c. Class IV Zoning Permit Z-IV-2019-3 and Variance Permit V-2019-1 to deviate from the lot length requirements within the Residential (R-2) zoning district, pursuant to Sections 8-4.4(a)(3)(A) & 8-4.4(a)(3)(B) of the Kauai County Code (1987), as amended, involving an 8-lot subdivision of a parcel situated on the eastern side of Kamalu Road in Wailua Homesteads, approx. 350 ft. south of the Kamalu Road/Opaekaa Road intersection, further identified as 370 A Kamalu Road, Tax Map Key: (4) 4-2-003:023, and containing a total area of 4.068 acres = *Alexander and Vivian Youn Family Trust*. [Director's Report received 9/11/18.]
 - 1. Letter (Received 9/5/18) from Avery Youn, Co-Trustee, Alexander and Vivian Youn Trust, requesting agency hearing be opened and deferred to the October 9, 2018 Planning Commission meeting.

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

- a. Annual Status Report 2018 for Special Management Area Use Permit SMA (U)-2007-13, Project Development Use Permit P.D. U-2007-25 and Class IV Zoning Permit Z-IV-2007-29, Tax Map Keys: (4) 2-8-015:043, 044 & 082; 2-8-016:003, 004 = *VSE Pacific, Inc.*

- 1. Director's Report pertaining to this matter.

2. Director's Report for Project Scheduled for Agency Hearing on 10/9/18. (None)

H. EXECUTIVE SESSION

- 1. Pursuant to Hawaii Revised Statutes 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-2016-2 and CC-2015-7 = *William I. Cowern and Catherine F. Cowern*.

I. GENERAL BUSINESS MATTERS

1. In the Matter of 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 Palms Hui, LLC*.
 - a. Planning Director Michael A. Dahilig's Second Petition to Modify or Revoke Applicant Coco Palms Hui, LLC's Permits and Issue an Order to Show Cause and Set Hearing (9/12/18).

2. 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-2015-25, Special Permit SP-2015-6 and Class IV Zoning Permit Z-IV-2015-26 for Property Situated at Lawai, Kauai, Hawaii, identified by TMK No. (4) 2-5-002:037 containing a total area of 3,089 acres = *William I. Cowern and Catherine F. Cowern*,
and
In the Matter of Application for a State Special Permit, Use Permit and Class IV Zoning Permit on Property Situated in Lawai, Kauai, Hawaii, identified by Kauai TMK No. (4) 2-5-002:037, and containing a total area of 3.089 acres = *William I. Cowern and Catherine F. Cowern*.
 - a. Hearing Officer's Report of Proposed Findings of Fact and Conclusions of Law and Recommended Order.

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, October 9, 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, September 25, 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. **Final Subdivision Map Approval**
 - a. Subdivision Application No. S-2016-17
(Cheryl Cowden-Schenck/Riley Family Revocable Living Trust)
Proposed 2-lot Boundary Adjustment
TMK: (4) 4-9-012:005, 011
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.

September 25, 2018

SHORELINE SETBACK DETERMINATIONS

| Application No. | Name of Applicant(s) | Property I.D. (Tax Map Key) | Location | Reasons |
|------------------------|-----------------------------|------------------------------------|-----------------|------------------------------|
| SSD-2019-14 | Jonathan Gaoiran | 2-1-010:025 | Eleele | Shed and Sidewalks |
| SSD-2019-15 | Kauai Marriott Ownership | 3-5-002:002 | Nawiliwili | Ground Floor Lanai Additions |