

KAUAI PLANNING COMMISSION  
REGULAR MEETING

RECEIVED

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Tuesday, July 24, 2018

9:00 a.m. or Soon Thereafter  
Lihue 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 26, 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-2018-9, Use Permit U-2018-8 and Special Permit SP-2018-4 to allow operation of a small engine repair facility on a parcel along the western side of Kawaihau Road in Kapahi, further identified as 5859 Kawaihau Road, Tax Map Key: (4) 4-6-011:061, and affecting a portion of a parcel containing 43,560 sq. ft. = *Spencer Aguiar dba S & S Speed Shop*. [Director's Report received by Commission Clerk 7/10/18.]

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

**2. New Agency Hearing (Cont'd)**

- b. Class IV Zoning Permit Z-IV-2018-10 and Variance Permit V-2018-3 to deviate from the requirement to provide curbs, gutter, and sidewalks for a subdivision within the Residential (R-4) zoning district, as prescribed by Section 9-2.3(e) of the Kauai County Code (1987) as amended, involving a parcel situated on the southern side of Kuhio Highway in Hanamaulu Town, approx. 350 ft. west of the Laukona Street/Kuhio Highway intersection and immediately adjacent to property identified as 4485 Laukona Street, Tax Map Key: (4) 3-7-006:097, and affecting a total area of 82,880 sq. ft. = *Neil B. & Desiree A. Fagarang*. [Director's Report received by Commission Clerk 7/10/18.]

**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(s) for Project(s) Scheduled for Agency Hearing.**

**H. EXECUTIVE SESSION**

**I. GENERAL BUSINESS MATTERS**

1. Clarification of the Clerk of the Commission's Authority to Refer the Appeal of the Planning Director's Decision Related to the Forfeiture of Non-Conforming Use Certificate TVNCU #4235, *Elizabeth and Stephen Rigotti (Hale Hoku)* for Failure to Timely Renew, Tax Map Key (4) 58008045, Hanalei, Kauai, received on May 18, 2018 via email (Contested Case Hearing No. CC-2018-3) to the Office of Boards and Commissions to Procure and Appoint a Hearings Officer on Behalf of the Planning Commission for the Instant Appeal. [6/26/18]
2. Clarification of the Clerk of the Commission's Authority to Refer the 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 homestay, *Steven and Eddi Henry*, Tax Map Key (4) 49011038, Moloaa, Kauai, received on June 1, 2018 via email (Contested Case Hearing No. CC-2018-4) to the Office of Boards and Commissions to Procure and Appoint a Hearings Officer on Behalf of the Planning Commission for the Instant Appeal. [6/26/18]
3. Letter (7/13/18) from Nadine Y. Ando, Esq., to respectively withdraw from serving as the appointed Hearings Officer related to *Alexandra Falk (CC-2017-2; CC-2017-3)* and *Patricia McConnell (CC-2017-4)*.

**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, August 28, 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](mailto: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, July 24, 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 June 26, 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 (For Action)**

- 1. **Tentative Subdivision Map Approval**
  - a. Subdivision Application No. S-2018-15  
**(Kilauea 'Ohana Plateau LLC, ET AL)**  
Proposed 10-lot Subdivision  
TMK: (4) 5-2-005:023  
Kilauea, Kaua'i
    - 1. Subdivision Report pertaining to this matter.

**H. UNFINISHED BUSINESS (For Action) (Cont'd)**

2. Final Subdivision Map Approval

- a. Subdivision Application No. S-2016-22  
(**Welk Resorts**)  
Proposed 2-lot Consolidation  
TMK: (4) 2-8-014:008 & 034  
Koloa, Kaua'i

1. Subdivision Report pertaining to this matter.

**I. NEW BUSINESS (For Action)**

3. Final Subdivision Map Approval

- a. Subdivision Application No. S-2015-05  
(**Moloaa Bay Land Co., LLC**)  
Proposed 2-lot Subdivision  
TMK: (4) 4-9-009:002 & 4-9-014:006  
Moloaa, 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.

July 24, 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-2018-54	Chet Bozdog	5-4-012:011	Princeville	Interior Renovation Unit #412
SSD-2018-55	Marriott Waiohai	2-8-017:00	Poipu	Installation of Boilers
SSD-2018-56	Duane Grummer	5-4-012:011	Princeville	Interior Renovation Unit #302
SSD-2018-57	Tower Kauai Lagoons Retail, LLC	3-5-001:027	Nawiliwili	Repair and Renovations to Resort Residential Units, Townhomes and Quadplex Buildings and Garages
SSD-2018-58	Grueber Family Trust	3-5-002:013	Nawiliwili	Interior Renovations, New Stairs and Walkway
SSD-2018-59	Pranava Properties, Inc.	5-2-005:028	Kilauea	New Residence, Guest House, Pool, Garage, Driveway and Improvements