

KAUA'I PLANNING COMMISSION
REGULAR MEETING
January 14, 2020

The regular meeting of the Planning Commission of the County of Kaua'i was called to order by Chair Mahoney at 9:01 a.m., at the Līhu'e Civic Center, Mo'ikeha Building, in meeting room 2A-2B. The following Commissioners were present:

Mr. Sean Mahoney
Ms. Glenda Nogami Streufert
Ms. Donna Apisa

Absent and Excused:
Mr. Roy Ho

The following staff members were present: Planning Department – Director Kaaina Hull, Planning Commission Secretary Leslie Takasaki; Office of Boards and Commissions Support Clerk Arleen Kuwamura

CALL TO ORDER

Chair Mahoney called the meeting to order at 9:01 a.m.

ROLL CALL

Planning Director Kaaina Hull: Good morning, Chair and members of the Commission. First order of business is roll call. Commissioner Apisa.

Mr. Apisa: Here.

Mr. Hull: Commissioner Streufert.

Ms. Nogami Streufert: Here.

Mr. Hull: Commissioner Ho is excused and absent. Chair Mahoney.

Chair Mahoney: Here.

Mr. Hull: Chair, we have failed to make Quorum. With that, because of Sunshine Law, no deliberations on any Agenda Items can happen between the Commissions and certainly no action can be taken on the agenda item. For the purposes of the meeting the desires of the members of the public, or applicants to testify, they are afforded the opportunity. I will just go through the agenda and call out the Public Hearings, and then go into the actual Agenda Item itself. But you are...and I checked with the County Attorney. You are afforded the opportunity to ask clarifying questions of any of the members of the public that testifies, as well as the applicant. You can ask

clarifying questions but because of the lack of quorum, again, no deliberations can be made and certainly no motions or actions can be had on any agenda item.

APPROVAL OF AGENDA

1. Meeting of August 13, 2019
2. Meeting of November 12, 2019

MINUTES of the meeting(s) of the Planning Commission

RECEIPT OF ITEMS FOR THE RECORD

HEARINGS AND PUBLIC COMMENT

New Agency Hearing

Class IV Zoning Permit Z-IV- 2020-7 and Use Permit U-2020-6 to allow construction of a two (2) farmworker housing units on a parcel located along the Makai side of Koolau Road in Moloaa, situated approx. ½-mile east of its intersection with Kuhio Highway and further identified as 6020 Koolau Road, Tax Map Key: (4) 4-9-009:012, CPR unit 71, and affecting an area approx. 5.225 acres of a large parcel= Joseph Schwartz. [Director’s Report received by Commission Clerk 12/2319.]

1. Director’s Report pertaining to this matter.
2. Supplement No. 1 to Director’s Report.

Mr. Hull: So being that we don’t have the ability to take action, we will be moving beyond selection of the Chairperson, approval of the Agenda, approval of Minutes and move directly into the Hearings and Public Comment. New Agency Hearing, Class IV Zoning Permit Z-IV-2020-7 and Use Permit U-2020-6 to allow construction of a two (2) farmworker housing units on a parcel located along the Makai side of Koolau Road in Moloaa, the applicant is Joseph Schwartz. Are there any members of the public here to testify on the farmworker housing application with the applicant Joseph Schwartz? Seeing none.

Special Management Area Use Permit SMA (U)-2020-5 to construct a single family residence and associated amenities on a parcel situated along the southern side and near the terminus of Hanalei Plantation Road in Princeville, immediately adjacent to property identified as 5211 Hanalei Plantation Road, involving Tax Map Key: (4) 5-4-004:009, Unit 1, and affecting an area approx. 0.20 acre of a larger parcel. =22 Degrees Designs LLC.

1. Director’s Report pertaining to this matter.

Mr. Hull: Next Agenda Item for New Agency Hearing. Special Management Area Use Permit SMA (U)-2020-5 to construct a single family residence and associated amenities on a parcel

situated along the southern side and near the terminus of Hanalei Plantation Road in Princeville. The applicant is 22 Degrees Design, LLC. Are there any members of the public here to testify on the SMA permit for 22 Degrees Design, LLC? Seeing None.

Special Management Area Use Permit SMA-(U)-2020-6 to allow reconstruction of a Maintenance/Recreational Building containing multi-purpose rooms, office, storage, and laundry facilities, and Class IV Zoning Permit Z-IV-2020-8 and Use Permit U-2020-7 to allow a height deviation from the North Shore Planning Area, on a parcel situated on the makai side of Kuhio Highway in Wainiha, approx. 300 ft. east of the Kuhio Highway/Oneone Road intersection, further identified as 5-7130 Kuhio Highway, Tax Map Key: (4) 5-8-011:027, and containing a total area of 3.689 acres = Hanalei Colony Resort AOA. [Director's Report and Supplement No. 1 to Director's Report received by Commission Clerk 12/23/19.]

1. Director's Report pertaining to this matter.
2. Supplement No. 1 to Director's Report.
3. Supplement No. 2 to Director's Report.

Mr. Hull: Next Agency Hearing is Special Management Area Use Permit SMA-(U)-2020-6 to allow reconstruction of a Maintenance/Recreational Building containing multi-purpose rooms, office, storage, and laundry facilities, and Class IV Zoning Permit Z-IV-2020-8. The applicant is Hanalei Colony Resort AOA. Is there any member of the public here to testify on Hanalei Colony Resort AOA SMA Permit? Seeing none.

New Public Hearing

Zoning Amendment ZA-2020-: A bill (2755) for an ordinance amending Chapter 8, Kauai County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZO). The proposal amends Section 8-4.3(a) of the Kauai County Code relating to development standards for residential structures not involving a subdivision = County of Kauai, Planning Department.

Mr. Hull: There is a New Public Hearing. We are moving on beyond the Agency Hearing, New Public Hearing for Zoning Amendment ZA-2020-: A bill (2755) for an ordinance amending Chapter 8, Kauai County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZO). The proposal amends Section 8-4.3(a) of the Kauai County Code relating to development standards for residential structures not involving a subdivision. Is there any member of the public here to testify on the Zoning Amendment ZA-2020-5? Seeing none.

COMMITTEE REPORTS

Subdivision

Mr. Hull: The Subdivision Agenda did not have Quorum Either. Are there any members of the public here to testify on any of the Subdivision actions? Or should I say Agenda Items? Seeing none.

UNFINISHED BUSINESS

Consideration of Class IV Zoning Permit Z-IV-2001-21, Use permit U-2001-16, and Special Permit SP-2001-9 to amend Condition No. 1 that would allow an increase in the number of tours per day and amount of patrons (300 max.), and the construction of three (3) additional structures on the subject property situated south of Kaumualii Highway, approx. one mile south of its intersection with Kipu Road, further identified as Tax map Key: (4) 3-1-002:001, and containing a total land area of approx. 2,843 acres = Kipu Ranch Tours. [Director's Report received by Commission Clerk 10/8/19, hearing closed and action deferred 10/22/19, Supplemental No.1 to Director's Report received and matter deferred 11/12/19.]

Mr. Hull: Moving on to Unfinished Business Consideration of Class IV Zoning Permit Z-IV-2001-21, Use Permit U-2001-16, and Special Permit SP-2001-9 to amend Condition No. 1 that would allow an increase in the number of tours per day and amount of patrons (300 max.), and the construction of three (3) additional structures on the subject property situated south of Kaumualii Highway. The applicant is Kipu Ranch Tours. Is there any members of the public here to testify on Kipu Ranch Tours? Seeing none.

RECEIPT OF ITEMS FOR THE RECORD

Class IV Zoning Permit Z-IV- 2020-7 and Use Permit U-2020-6 to allow construction of a two (2) farmworker housing units on a parcel located along the Makai side of Koolau Road in Moloaa, situated approx. ½-mile east of its intersection with Kuhio Highway and further identified as 6020 Koolau Road, Tax Map Key: (4) 4-9-009:012, CPR unit 71, and affecting an area approx. 5.225 acres of a large parcel= Joseph Schwartz. [Director's Report received by Commission Clerk 12/23/19.]

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

Mr. Hull: Moving on to Agenda Item F, Project Descriptions. So moving back for the first item is Class IV Zoning Permit Z-IV- 2020-7 and Use Permit U-2020-6 to allow construction of a two (2) farmworker housing units on a parcel located along the Makai side of Koolau Road in Moloaa. The applicant is Joseph Schwartz. There is a Director's Report for this matter, but again, because you guys can't deliberate. Is the applicant present and desire to make a presentation to the Commission?

Chair Mahoney: Could you state your name for the record, please? There's a button on top of the mike. Pull it towards you.

Mr. Joseph Schwartz: Good morning.

Chair Mahoney: Good morning. Would you like to do your presentation?

Mr. Joseph Schwartz: Yes, its farmworker housing in Moloaa. The five acre farm, and it's pretty straight forward. Farm mostly exotic fruit trees, banana, cacao, and it would be gratefully helpful to be able to live on a farm and work on the farm. Rather than commuting to a farm. There are so many immediate needs that the farm that the farm needs and I don't want to go into all of them. But it greatly increases productivity, efficiency to be able to live on a farm, especially when you have animals and plants. Is there any questions about farming? I would love to answer them.

Chair Mahoney: Commissioner Streufert?

Ms. Nogami Streufert: Are these farm dwelling intended for you and another worker or for two other workers and not your family?

Mr. Joseph Schwartz: Just my family.

Ms. Nogami Streufert: Just your family.

Mr. Joseph Schwartz: Just my family. So it's 1800 sq. ft. and total living area. So you could break that up into three 600 sq. ft. houses or what I'm going to do is 1200 sq. ft. and a 600 sq. ft. so two separate little farm worker houses.

Ms. Nogami Streufert: That is for your family to live on?

Mr. Joseph Schwartz: Yes, yes. I have four kids, so yes I definitely need a place to live.

Ms. Nogami Streufert: You are going to take the smaller one and give the kids the bigger one.

Mr. Joseph Schwartz: We'll see.

Chair Mahoney: Any other questions?

Mr. Apisa: No questions.

Chair Mahoney: Seeing know more questions, is there anything you wanted to add to your presentation? You understand there is not enough Commissioners.

Mr. Joseph Schwartz: I totally understand. I just want to thank you and for this opportunity to live on a farm. It's been like many, many, many, years, probably 20 years of farming and to be able to live on a farm and to be able to work the farm. It's exciting to have this opportunity to do that.

Mr. Apisa: I guess just a comment. My roots are on the farm and I do understand what you mean and I'm certain you've gone through all the requirements of the farmworker housing.

Mr. Joseph Schwartz: Yes. The application was quite extensive and just the recent winds we've had have knocked down so many bananas and limbs and when you commute to the farm, it's like

chaos, because you are seeing all that needs to be done and what repair and cut down. So if you are living there, it's like you can see what immediately needs to be done. Whether it's leaking irrigation or animals getting out of the cage. It's so challenging to just show up, you know, and run around. So to live there, it's going to be, you know, the farm will be so much more efficient and better.

Mr. Apisa: Thank you.

Mr. Joseph Schwartz: Thank you.

Chair Mahoney: Thank you for your presentation.

Special Management Area Use Permit SMA (U)-2020-5 to construct a single family residence and associated amenities on a parcel situated along the southern side and near the terminus of Hanalei Plantation Road in Princeville, immediately adjacent to property identified as 5211 Hanalei Plantation Road, involving Tax Map Key: (4) 5-4-004:009, Unit 1, and affecting an area approx. 0.20 acre of a larger parcel. =22 Degrees Designs LLC.

1. Director's Report pertaining to this matter.

Mr. Hull: Seeing no further questions. Is there any applicant here to testify concerning 22 Degrees Design, LLC's SMA Permit application for single family dwelling? I guess there is.

Mr. Ian Jung: Good morning Commissioners. Ian Jung on behalf of the applicant and I understand there is no quorum. So we'll just defer our presentation till the next meeting.

Chair Mahoney: Thank you.

Mr. Ian Jung: Thank you.

Chair Mahoney: Appreciate it.

Special Management Area Use Permit SMA-(U)-2020-6 to allow reconstruction of a laundry facilities, and Class IV Zoning Permit Z-IV-2020-8 and Use Permit U-2020-7 to allow a height deviation from the North Shore Planning Area, on a parcel situated on the makai side of Kuhio Highway in Wainiha, approx. 300 ft. east of the Kuhio Highway/Oneone Road intersection, further identified as 5-7130 Kuhio Highway, Tax Map Key: (4) 5-8-011:027, and containing a total area of 3.689 acres = Hanalei Colony Resort AOA. [Director's Report and Supplement No. 1 to Director's Report received by Commission Clerk 12/23/19.]

1. Director's Report pertaining to this matter.
2. Supplement No. 1 to Director's Report.
3. Supplement No. 2 to Director's Report.

Mr. Hull: Seeing no presentations or questions. Is there any applicant or representative here to testify on behalf of Hanalei Colony Resort, AOA Special Management Area Use Permit to allow Maintenance/Recreation building? Seeing none.

Zoning Amendment ZA-2020-: A bill (2755) for an ordinance amending Chapter 8, Kauai County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZO). The proposal amends Section 8-4.3(a) of the Kauai County Code relating to development standards for residential structures not involving a subdivision = County of Kauai, Planning Department.

Mr. Hull: The Zoning Amendment is a presentation on behalf of the Department. We will also be deferring that to the next meeting.

Consideration of Class IV Zoning Permit Z-IV-2001-21, Use permit U-2001-16, and Special Permit SP-2001-9 to amend Condition No. 1 that would allow an increase in the number of tours per day and amount of patrons (300 max.), and the construction of three (3) additional structures on the subject property situated south of Kaumualii Highway, approx. one mile south of its intersection with Kipu Road, further identified as Tax map Key: (4) 3-1-002:001, and containing a total land area of approx. 2,843 acres = Kipu Ranch Tours. [Director's Report received by Commission Clerk 10/8/19, hearing closed and action deferred 10/22/19, Supplemental No.1 to Director's Report Received and matter deferred 11/12/19.]

Mr. Hull: Concerning lastly, is there any applicant or representative here on behalf of Kipu Ranch Tours to testify on the Class IV Zoning Permit and Use Permit to amend the Conditions of Approval? Seeing none. That concludes any agenda items to receive public testimony, applicant testimony or presentations.

All remaining public testimony pursuant to HRS 92 (Sunshine Law)

ANNOUNCEMENTS

Topics for Future Meetings

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-aB, 4444 Rice Street, Lihue, Hawaii 96766 on Tuesday, January 28, 2020.

Mr. Hull: The next Planning Commission meeting is scheduled to be held at 9:00 a.m., or shortly thereafter at the Lihue Civic Center, Moikeha Building, Meeting Room 2A-aB, 4444 Rice Street, Lihue, Hawaii 96766 on Tuesday, January 28, 2020. And all of those agenda items that are here because of the failure to meet quorum will be moved to the January 28, 2020 meeting.

Chair Mahoney: Hearing that adjourn? Meeting Adjourned. Thank you.

ADJOURNMENT

Chair Mahoney adjourned the meeting 9:11 a.m.

Respectfully submitted by:



Arleen Kuwamura,
Commission Support Clerk

() Approved as circulated (add date of meeting approval)

() Approved as amended. See minutes of _____ meeting.