

KAUAI PLANNING COMMISSION
REGULAR MEETING

Tuesday, February 14, 2017

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

- A. **CALL TO ORDER**

- B. **ROLL CALL**

- C. **APPROVAL OF AGENDA**

- D. **MINUTES of the meeting(s) of the Planning Commission**
 - 1. Contested Case Calendar of December 13, 2016
 - 2. Regular Meeting of January 10, 2017
 - 3. Contested Case Calendar of January 10, 2017
 - 4. Regular Meeting of January 24, 2017

- 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** (NONE)

F. HEARINGS AND PUBLIC COMMENT (Cont'd)

2. New Agency Hearing

- a. Class IV Zoning Permit Z-IV-2017-3, Use Permit U-2017-3 and Special Permit SP-2017-1 to allow replacement of an existing monopole with a 60 ft. high monopine tower and associated improvements at the Kilauea Japanese Cemetery near Crater Hill, approx. one mile north from Kilauea Town, at the end of Mihi Road, further identified as Tax Map Key (4) 5-2-004:049, and affecting a parcel approx. 1.997 acres in size = *New Cingular Wireless PCS, LLC (AT&T)*. [Director's Report received 1/24/17.]
- b. Class IV Zoning Permit Z-IV-2017-4 and Use Permit U-2017-4 to allow construction of a 0.5 MG reservoir, production well, control building booster pump station and associated improvements and Variance Permit V-2017-1 to deviate from the land coverage requirement within the Agriculture (A) zoning district, involving a parcel situated on the eastern side of Puuwai Road in Kalaheo, immediately adjacent to property identified as 5316 Puulima Road, Tax Map Key (4) 2-4-003:007, and affecting a parcel approx. 0.755 acre in size = *County of Kauai, Department of Water*. [Director's Report received 1/24/17.]

3. Continued Public Hearing

- a. Zoning Amendment ZA-2017-2 : Petition to amend Ordinance No. 436, relating to Section 8-17.2 of the Kauai County Code (1987), as amended, requesting a revision to the Visitor Destination Area boundary in Poipu; involving a project located along the makai side of Pe'e Road in Poipu and immediately adjacent to The Point at Poipu resort facility, further identified as Tax Map Keys: (4)2-8-021:041, 044 through 068, and containing a total area of 13.078 acres = *CIRI Land Development Company*. [Director's Report received and hearing continued 1/24/17.]

4. New Public Hearing (NONE)

G. CONSENT CALENDAR

1. Status Reports (NONE)

2. Director's Report(s) for Project(s) Scheduled for Agency Hearing on 2/28/17.

- a. Class IV Zoning Permit Z-IV-2017-5, Use Permit U-2017-5, and Special Permit SP -2017-2 to allow construction of a new terminal/administration facility, fueling area, aircraft hangar, and associated improvements on a parcel located along the makai side of Ahukini Road in Lihue, situated approx. 1/2-mile north of the Lihue Heliport facility, further identified as Tax Map Key 3-5-001:158, and affecting a portion of a larger parcel containing 61.5 acres = *Air Service Hawaii*.
 1. Director's Report pertaining to this matter.

H. EXECUTIVE SESSION

I. GENERAL BUSINESS MATTERS

1. Petition to Appeal Decision of the Planning Director (1/13/17) for Non-Conforming Use Certificate TVNCU #4298 (Hale Mahana) by Alexandra Falk Living Trust, Tax Map Key (4)58010015(3), Haena, Kauai. = *Alexandra Falk Living Trust*.
 - a. Memorandum (1/19/17) from the Clerk of the Commission Requesting to Refer the Appeal to a Hearings Officer (Contested Case Hearing No. CC-2017-2); Request for Delegation of Authority to the Clerk of the Commission to Procure and Appoint a Hearings Officer on Behalf of the Commission for the Instant Appeal.
2. Petition to Appeal Decision of the Planning Director (1/13/17) for Non-Conforming Use Certificate TVNCU #4299 (Lihi Kai) by Alexandra Falk Living Trust, Tax Map Key (4)58010015(1), Haena, Kauai. = *Alexandra Falk Living Trust*.
 - a. Memorandum (1/19/17) from the Clerk of the Commission Requesting to Refer the Appeal to a Hearings Officer (Contested Case Hearing No. CC-2017-3); Request for Delegation of Authority to the Clerk of the Commission to Procure and Appoint a Hearings Officer on Behalf of the Commission for the Instant Appeal.
3. Request for Extension of Time of five (5) years to operate a helicopter landing site near Manawaiopuna Falls for Class IV Zoning Permit Z-IV-2008-5, Use Permit U-2008-3 and Special Permit SP-2008-2, Tax Map Key 1-8-001:001, Koula Valley, Kauai = *Island Helicopters Kauai, Inc.*
 - a. Director's Report pertaining to this matter.

J. COMMUNICATION (For Action) (NONE)

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 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, Kauai, Hawai'i 96766 on **Tuesday, February 28, 2017.**

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: Special accommodations and sign language interpreters are available upon request five (5) days prior to the meeting date, to the County Planning Department, 4444 Rice Street, Lihue, Hawaii 96766. Telephone: 241-4050.

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, February 14, 2017, 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 (None)**
 - 1. Regular Meeting of January 10, 2017
- 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-2016-8
(KAKUDA BROTHERS, LLC)
Proposed 2-lot subdivision
TMK: (4) 2-7-006:087 & 141
Koloa, Kaua‘i
 - 1. Subdivision Report pertaining to this matter.

I. NEW BUSINESS (For Action) (Cont'd)

2. Subdivision Extension Request

- a. Subdivision Application No. S-2011-16
(**Cameron K. Burgess**)

Proposed 4-lot subdivision

TMK: (4) 4-1-008:013

Wailua, Kaua'i

1. Subdivision Report pertaining to this matter.

J. ADJOURNMENT

NOTE: Special accommodations and sign language interpreters are available upon request five (5) days prior to the meeting date, to the County Planning Department, 4444 Rice Street, Suite A473, Lihu'e, Hawai'i 96766. Telephone: (808) 241-4050.

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.

February 14, 2017

SHORELINE SETBACK DETERMINATIONS

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Reasons
SSD-2017-34	Timothy & Eliza Smith Trust	5-8-012:034	Wainiha	New single family residence
SSD-2017-35	Kauai Marriott	3-5-003:002	Lihue	Add ground floor lanais to existing building
SSD-2017-36	Steve & Yvonne Stoner	4-9-004:024	Moloaa	New single family residence and detached garage
SSD-2017-37	David & Laura Bancroft	5-8-011:010	Wainiha	After-the-Fact shed
SSD-2017-38	Steve & Betsy Rigotti	5-8-008:045	Wainiha	Replace roof, lanai supports and stairs