

KAUAI PLANNING COMMISSION  
REGULAR MEETING

**Tuesday, January 24, 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. **APPOINTMENT OF SUBDIVISION COMMITTEE MEMBER(S)**
- D. **APPROVAL OF AGENDA**
- E. **MINUTES of the meeting(s) of the Planning Commission (NONE)**
- F. **RECEIPT OF ITEMS FOR THE RECORD**
- G. **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**
    - a. Special Permit SP-2016-4 to operate a transient vacation rental in Kilauea, located on Kauapea Road, approx. 1,300 ft. from the Kauapea Road and Kilauea Road intersection, identified as Tax Map Key 5-2-004:064, and affecting a portion of 7.418 acres = *Lee Unkrich and Laura Century Family Trust*. [Director's Report, Recommended Findings of Fact, Conclusions of Law, and Decision and Order received; hearing deferred 6/28/16, deferred 9/27/16.]

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

**2. New Agency Hearing**

- a. Class IV Zoning Permit Z-IV-2017-2 and Use Permit U-2017-2 to allow construction of a new administration building, hanger, parking area, and associated improvements on a parcel located along the mauka side of Ahukini Road in Lihue, situated at the Lihue Heliport facility and approx. ¼-mile east of the Kapule Highway/Ahukini Road intersection, further identified as Tax Map Key: (4)3-5-001:148 and affecting a portion of a larger parcel containing 3.67 acres = ***Mauna Loa Helicopter Tours, LLC***. [Director's Report received 1/10/17.]

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

- b. Class IV Zoning Permit Z-IV-2016-18 and Use Permit U-2016-15 to allow conversion of an existing residence into a bed and breakfast operation on a parcel located along the northern side of Poipu Road in Poipu, approx. 250 ft. north of the Kipuka Street/Poipu Road intersection and further identified as 2375 Kipuka Street, Tax Map Key 2-8-023:040, and containing a total area of 10,570 sq. ft. = ***Rebecca Smith-Magdalen***. [Director's Report received 7/12/16, hearing postponed 7/26/16 due to applicant's failure to meet the requirements of Section 8-3.1(f) of the Kauai County Code, 1987, as amended.]

**3. Continued Public Hearing (NONE)**

**4. New Public Hearing**

1. 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***.

a. Director's Report pertaining to this matter.

**H. CONSENT CALENDAR**

**1. Status Reports (NONE)**

**2. Director's Report(s) for Project(s) Scheduled for Agency Hearing on 2/14/17.**

- 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)***.

1. Director's Report pertaining to this matter.

**H. CONSENT CALENDAR (Cont'd)**

**2. Director's Report(s) for Project(s) Scheduled for Agency Hearing on 2/14/17. (Cont'd)**

- 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.*

1. Director's Report pertaining to this matter.

**I. EXECUTIVE SESSION**

1. Pursuant to Hawaii Revised Statutes Sections 92-5(a)(2 and 4), the purpose of this executive session is to discuss matters pertaining to the evaluation of the Planning Director over the past and current fiscal year and to discuss any updates to fiscal year goals. This session pertains to the Planning Director's evaluation where consideration of matters affecting privacy will be involved. Further, to consult with legal counsel regarding powers, duties, privileges and/or liabilities of the Planning Commission as it relates to the evaluation of the Planning Director.

**J. GENERAL BUSINESS MATTERS**

1. Petition (1/6/11) to Appeal the Planning Director's Decision Related to the Forfeiture of Non-Conforming Use Certificate TVNCU #4291 (Pohaku) for Failure to Timely Renew, by Thomas Brooks, Tax Map Key (4)58008021, Haena, Kauai. = *Thomas J. Brooks & Jennifer S. Brooks.*
- a. Memorandum (1/11/17) from the Clerk of the Commission Requesting to Refer the Appeal to a Hearings Officer; 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

**K. COMMUNICATION (For Action) (NONE)**

**L. COMMITTEE REPORTS (NONE)**

1. **Subdivision** Subdivision Action matters listed in the Subdivision Committee Agenda (attached). (NONE)

**M. UNFINISHED BUSINESS (For Action)**

**N. NEW BUSINESS**

1. **For Action – See Agenda G for Project Descriptions**

**O. 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 14, 2017.**

**P. 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.