

KAUA'I PLANNING COMMISSION
REGULAR MEETING

Tuesday, November 23, 2010

9:00 A.M.

**Lihue Civic Center, Moikeha Building
Meeting Room 2A-2B
4444 Rice Street, Lihue, Kauai, Hawaii**

AGENDA

Call to Order

Approval of the Agenda

Minutes – Meeting of October 12, 2010

A. GENERAL BUSINESS MATTERS (For Action)

1. Request from Association of Apartment Owners of the Makahuena at Po'ipū, to amend Condition No. 5 of Project Development Use Permit P.D. U-15-79, Special Management Area Use Permit SMA(U)-79-6 and Class IV Zoning Permit Z-IV-79-21, Tax Map Key 2-8-020: 003, Po'ipū, Kaua'i = *Association of Apartment Owners of the Makahuena at Po'ipū*.
 - a. Staff Report pertaining to this matter.
2. Memorandum (11/17/10) from Planning Director Ian K. Costa correcting the memorandum dated September 9, 2010 and agenda of September 28, 2010 to reflect the correct zoning amendment number of ZA-2011-1 for a bill to consider the addition of an additional section to Chapter 8, Article 24, relating to the imposition of civil fine authority for the County of Kaua'i Planning Department.

B. COMMUNICATION (For Action)

1. Letter (11/16/10) from Planning Director Ian K. Costa to Chairman Raco and Members of the Planning Commission offering his resignation as Director of Planning for the Commission's acceptance.
2. Letter (11/17/10) from Mayor Bernard P. Carvalho, Jr., ex-officio Planning Commission member, to Chairman Raco and Members recommending that the Commission consider the appointment of Michael A. Dahilig as Director of Planning to serve in the interim.

C. SUBDIVISION – Action on subdivision matters listed in the Subdivision Committee Agenda (attached).

D. UNFINISHED BUSINESS (For Action)

1. Special Permit SP-2011-3, Use Permit U-2011-5 and Class IV Zoning Permit Z-IV-2011-5 to permit the operation of outdoor recreation activities and the construction of recreation facilities, including zip-line facilities, on lands located approx. .25 miles east of the Kīpū Road and Aakukui Road intersection, Kaua'i, further identified as Tax Map Keys 3-3-001: 001, 3-3-018: 002, and 3-1-002: 001, and affecting an area of approx. 5 acres = *Outfitters Kaua'i, Ltd.* [Director's Report received 9/28/10, hearing closed 10/26/10.]
 - a. Supplemental Director's Report pertaining to this matter.
 - b. Testimony (Received 11/1/10) from Cheryl Obatake.

E. NEW PUBLIC HEARING

1. Use Permit U-2011-6, Variance Permit V-2011-1 and Class IV Zoning Permit Z-IV-2011-6 to permit the construction and operation of a telecommunication facility that includes a 165 ft. high stealth monopine (a monopole designed to look like a pine tree) and associated equipment at a site located on a cane haul road approx. 90 ft. north of the cane haul road's intersection with Kaumualii Highway intersection, said intersection is located approx. 1.7 miles west of the Kaumualii Highway and Kīpū Road intersection, and approx. .40 miles north of that area generally referred to as Halfway Bridge, further identified as Tax Map Key 3-4-001: 003, and affecting a 600 sq. ft. portion of a 2,668.037 acre parcel = *Verizon Wireless*.
 - a. Director's Report pertaining to this matter.
2. Zoning Amendment ZA-2011-2 (Draft Bill No. 2380) to Sections 9-2.13 & 9-3.4 of the Subdivision Ordinance, Chapter 9 of the Kauai County Code (1987), as amended, relating to exemptions from infrastructure improvements involving the consolidation of lots and approval of preliminary subdivision map, respectively = *Kaua'i County Council*.
 - a. Staff Report pertaining to this matter.
3. Use Permit U-2011-7 and Class IV Zoning Permit Z-IV-2011-7 to permit the construction of an addition to an existing single family residence in Open-Special Treatment District within Sea Cliff Plantation on Makana'ano Drive, located in Kīlauea, approx. .25 miles from the intersection of Pali Moana, further identified as Tax Map Key 5-2-004: 092, and containing a total area of 5.287 acres = *Mark Hurt*.
 - a. Director's Report pertaining to this matter.

F. NEW BUSINESS

1. **For Action – See Agenda E for Project Descriptions.**
 - a. Use Permit U-2011-6, Variance Permit V-2011-1 and Class IV Zoning Permit Z-IV-2011-6 = *Verizon Wireless*.
 - b. Zoning Amendment ZA-2011-2 (Draft Bill No. 2380) = *Kaua'i County Council*.
 - c. Use Permit U-2011-7 and Class IV Zoning Permit Z-IV-2011-7 = *Mark Hurt*.
2. **For Acceptance into Record – Director's Report(s) for Project(s) Scheduled for Public Hearing on 12/14/10. (NONE)**
3. **For Acceptance and Finalization – Director's Report for Shoreline Setback Activity Determination.**
 - a. Shoreline Setback Commission Review SSCR-2011-3 for a shoreline determination, Tax Map Key 2-8-020: 003, Po'ipū, Kaua'i, for acceptance by the Planning Commission = *The Makahuena at Po'ipū*.
4. **For Discussion and Possible Action**
 - a. Discussion and possible action for the appointment of the Director of Planning pursuant to the Charter of the County of Kaua'i Section 14.04.
 - i. Executive Session: Pursuant to the Hawai'i Revised Statutes Section 92-4 and 92-5(a)(2 & 4), the purpose of this executive session is to consult with legal counsel regarding the powers, duties, privileges, immunities, and/or liabilities of the Planning Commission as it relates to the appointment of the Director of Planning pursuant to the Charter of the County of Kaua'i Section 14.04.

G. 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.

KAUAI PLANNING COMMISSION
SUBDIVISION COMMITTEE MEETING
Lihue Civic Center, Moikeha Building
Meeting Room 2A-2B
4444 Rice Street, Lihue, Hawaii 96766

Tuesday, November 23, 2010, 8:30 A.M.

AGENDA

Call to Order

Approval of the Agenda

Minutes – Meetings of September 28, 2010 & October 12, 2010

Public Comment for Listed Agenda Items

A. GENERAL BUSINESS MATTERS

B. COMMUNICATIONS

C. UNFINISHED BUSINESS

D. NEW BUSINESS (For Action)

1. Tentative Subdivision Action:

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| a. S-2011-10 = <i>Kukui‘ula Development Company (Hawai‘i) LLC.</i> | 2-lot Consolidation
TMK: 2-6-016:056, 057
Kukui‘ula, Kaua‘i |
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2. Final Subdivision Action:

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| a. S-2006-43 = <i>Isabel M. Parraga</i> | 3-lot Subdivision
TMK: 2-4-005:020
Kalāheo, Kaua‘i |
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3. Tentative Subdivision Extension Requests:

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| a. S-99-49 = <i>Kapa‘a 382, LLC./Kulana AOA</i> | 20-lot Subdivision
TMK: 4-3-003:005
Kapa‘a, Kaua‘i |
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E. ADJOURNMENT

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