

KAUA'I PLANNING COMMISSION
REGULAR MEETING

Tuesday, January 10, 2012

9:00 A.M.

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

AGENDA

Call to Order by Chair pro tem

Approval of the Agenda

Receipt of Items for the Record

A. GENERAL BUSINESS MATTERS (For Action)

1. Annual Status Report (11/16/11) submitted by Richard Haviland for Class IV Zoning Permit Z-IV-2011-6, Special Permit SP-2011-3, Use Permit U-2011-5 for a commercial tour operation and construction of corresponding structures, including but not limited to zip lining facilities on the subject properties, Tax Map Keys 3-2-003: 043, 3-2-003: 057, 3-1-002: 001, 3-3-001: 001, 3-3-018: 002, and 3-3-018: 005, Kīpū, Nāwiliwili, Kaua'i = ***Outfitters Kaua'i***.
 - a. Staff Report pertaining to this matter.
2. Presentation of 2012/13 – 2017/18 Six-Year Capital Improvements Program Report and review of its consistency with the General Plan.
 - a. Director's Report pertaining to this matter.
3. Letter (10/29/11) from Phillip Ross, ***Coco Palms Ventures, LLC***, to Planning Director Michael Dahilig transmitting 2011 Status Report on the progress and status of the project and compliance with all conditions of approval for Special Management Area use Permit SMA(U)-2005-1, Project Development Use Permit P.D. U-2005-4, Use Permit U-2005-6, Variance Permit V-2005-1 and Class IV Zoning Permit Z-IV-2005-5, Tax Map Key 4-1-3: p. 4, 5, 11, 17 and 4-1-5: 14 & 17, Wailua, Kaua'i.
 - a. Staff Report pertaining to this matter.
4. Executive Session: Pursuant to Hawai'i Revised Statutes Section 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an executive session with the Planning Commission to request authority for a possible settlement proposal in the case of Coconut Beach Development LLC vs. Bryan Baptiste, et al., CV08-00036SOM KSC (United States District Court for the District of Hawai'i).

This briefing and consultation involves the consideration of the powers, duties, privileges, immunities and/or liabilities of the County as they relate to this agenda item.

5. Executive Session: Pursuant to Hawai'i Revised Statutes 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an executive session with the Planning Commission to discuss matters pertaining to Hawai'i Revised Statutes Section 514B and the provisions of Ordinance No. 904. This briefing and consultation involves the consideration of the powers, duties, privileges, immunities and/or liabilities of the Planning Commission and the County as they relate to this agenda item.

B. COMMUNICATION (For Action)

1. Memorandum (1/4/12) from Commissioner Herman Texeira to reconsider the action denying Special Permit SP-2011-22 to permit use of an existing single family residence for Transient Vacation Rental purposes as permitted by County of Kaua'i Ordinance No. 904, in Moloa'a, Kaua'i, approx. 2,650 ft. northeast of the Old Kūhi'ō Highway and Moloa'a Road intersection, further identified as Tax Map Key 4-9-13: 1 (Unit B aka "Skippers") and containing a unit area of 14,839 sq. ft. of a 31,246 sq. ft. parcel = **Aldo & Lisa Albertoni**. [Application denied 12/13/11.]

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

D. UNFINISHED BUSINESS (For Action)

1. Special Permit SP-2011-24 to permit use of an existing single family residence for Transient Vacation Rental purposes as permitted by County of Kaua'i Ordinance No. 904, in Kalihikai ('Anini), Kaua'i, mauka of and adjacent to 'Anini Road, approx. 430 ft. east of the 'Anini Beach Park, further identified as Tax Map Key 5-3-4: 20 and containing an overall size of .25 acre = **Weatherwax Family 2000 Trust**. [Hearing's Officer Special Meeting Public Hearing held 11/29/11; Action deferred 12/13/11.]
 - a. Supplemental No. 2 Director's Report pertaining to this matter.
2. Special Permit SP-2012-34 to permit use of an existing single family residence (ADU) for Transient Vacation Rental purposes as permitted by County of Kaua'i Ordinance No. 904, in Kalihikai ('Anini), Kaua'i, mauka of and adjacent to 'Anini Road, approx. 430 ft. east of the 'Anini Beach Park, further identified as Tax Map Key 5-3-4: 20 and containing an overall size of .25 acre = **Weatherwax Family 2000 Trust**. [Hearing's Officer Special Meeting Public Hearing held 11/29/11; Action deferred 12/13/11.]
 - a. Supplemental No. 2 Director's Report pertaining to this matter.
3. Special Permit SP-2012-6 to permit use of an existing single family residence for Transient Vacation Rental purposes as permitted by County of Kaua'i Ordinance No. 904, in Kalihiwai, Kaua'i, approx. 500 ft. west of the Old Kūhi'ō Highway and Anini Road intersection, further identified as Tax Map Key 5-3-9: 8 (Unit C), with a unit size of 2.967 acres of a 17.732 acre parcel = **John Suppes dba Clarum Corp.** [Hearing's Officer Special Meeting Public Hearing held 11/29/11.]
 - a. Supplemental No. 1 Director's Report pertaining to this matter.
4. Special Permit SP-2012-7 to permit use of an existing single family residence for Transient Vacation Rental purposes as permitted by County of Kaua'i Ordinance No. 904, in Kīlauea, Kaua'i, approx. 1,500 ft. west of the Kīlauea Lighthouse Road and Kauapea Road intersection, further identified as Tax Map Key 5-2-4: 63, with a parcel size of 9.084 acres = **William & Sandra Strong**. [Hearing's Officer Special Meeting Public Hearing held 11/29/11.]
 - a. Supplemental No. 1 Director's Report pertaining to this matter.
5. Special Permit SP-2012-8 to permit use of an existing single family residence for Transient Vacation Rental purposes as permitted by County of Kaua'i Ordinance No. 904, in Seacliff Plantation, Kīlauea, Kaua'i, approx. 2,700 ft. east of the Iwalani Land and Palimoana Road intersection, further identified as Tax Map Key 5-2-4: 96 (Unit A), with a unit size of 3.0 acres of a 11.0 acre parcel = **Elizabeth Freeman dba Makana Pomaikai LLC**. [Hearing's Officer Special Meeting Public Hearing held 11/29/11.]
 - a. Supplemental No. 1 Director's Report pertaining to this matter.
6. Special Permit SP-2012-12 to permit use of an existing single family residence for Transient Vacation Rental purposes as permitted by County of Kaua'i Ordinance No. 904, in Kalihiwai, Kaua'i, approx. 1,850 ft. northwest of the Old Kūhi'ō Highway (aka Kalihiwai Road) and Kūhi'ō Highway intersection, further identified as Tax Map Key 5-2-10: 21 (Unit B), with a unit size of 2.0 acres of a 5.050 acre parcel = **Judy Walker & Dan Bonow**. [Hearing's Officer Special Meeting Public Hearing held 11/29/11.]
 - a. Supplemental No. 1 Director's Report pertaining to this matter.

D. UNFINISHED BUSINESS (For Action) (Cont'd)

7. Special Permit SP-2011-32 to permit use of an existing single family residence for Transient Vacation Rental purposes as permitted by County of Kaua'i Ordinance No. 904, in Kōloa, Kaua'i, approx. 780 ft. west of the Maluhia Road and Wailaau Road intersection, further identified as Tax Map Key 2-8-5: 20, with an overall parcel size of 1.002 acres = *Diane & Lindsay Faye*. [Hearing's Officer Special Meeting Public Hearing to be held 1/6/12.]
 - a. Supplemental No. 1 Director's Report pertaining to this matter.

E. PUBLIC HEARING (NONE)

F. NEW BUSINESS

1. For Action – See Agenda E for Project Descriptions. (NONE)
2. For Acceptance into Record – Director's Report(s) for Project(s) Scheduled for Public Hearing on 1/25/11. (NONE)
3. For Acceptance and Finalization – Director's Report for Shoreline Setback Activity Determination. (NONE)

G. ANNOUNCEMENTS

1. The following scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter at the Līhu'e Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Līhu'e, Kaua'i, Hawai'i 96766 on **Tuesday, January 24, 2012.**

Selection of Chairperson and Vice Chairperson

Appointment of Subdivision Committee Chairperson, Vice Chairperson and Committee Members

H. 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, January 10, 2012, 8:30 A.M.

AGENDA

Call to Order

Approval of the Agenda

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-2011-21 = <i>Kukui‘ula Development Company (Hawai‘i) LLC.</i> | 40-lot Subdivision
TMK: 2-6-019:022, 023, 024
Kukui‘ula, Kaua‘i |
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2. Final Subdivision Action:

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| a. S-2005-26 = <i>Eleanor M. Cox</i> | 2-lot Subdivision
TMK: 2-7-005:028
‘Ōma‘ō, Kaua‘i |
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