

KAUAI PLANNING COMMISSION  
REGULAR MEETING

**Tuesday, February 24, 2015**

**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. Meeting of January 13, 2015
  - 2. Meeting of January 27, 2015
- 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**
    - a. Class IV Zoning Permit Z-IV-2015-8, Project Development Use Permit PDU-2015-7, Variance Permit V-2015-1 and Special Management Area Use Permit SMA(U)-2015-6 to permit repair and reconstruction of the former Coco Palms Resort including but not limited to: 350 hotel units, Lotus Restaurant and Flame Room Bar, the Lobby Building, the Commercial Building, three swimming pools, Queen's Audience Hall, the Palms Lanai, Sea Shell Restaurant, Chapel in

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

**1. Continued Agency Hearing (Cont'd)**

a. the Palms, 2 of 4 Bridge Crossings; the construction of a new Utility & Maintenance Building and a new Queen Lagoon Building into a spa and gym facility on the site of the previously demolished structure. The project is situated in Wailua and located at 04-241 Kuhio Highway, further identified as Tax Map Keys 4-1-003: 004 (por.), 005, 007, 011, and 017 and 4-1-005: 014 and 017, and containing a total area of approx. 28.523 acres = *Coco Palms Hui, LLC*. [Director's Report received 1/13/15, Supplemental No. 2 Director's Report received 1/27/15, Supplemental No. 3 Director's Report on 2/10/15 agenda.]

1. Supplemental No. 3 Director's Report pertaining to this matter.
2. Letter (2/9/15) from Dirk N. Soma, Coco Palms Cultural Advisory Committee.
3. Letter (2/10/15) from Myles Miyasato, Senior Compliance Officer, Hawaii Operating Engineers Industry Stabilization Fund.

**2. New Agency Hearing**

a. Class IV Zoning Permit Z-IV-2015-12 and Use Permit U-2015-11 to operate a self-storage facility and resource recovery facility for construction materials within the Nawiliwili Bulk Sugar Building in Nawiliwili, situated along the makai side of Niumalu Road and approx. 350 ft. south of its intersection with Nawiliwili Road, further identified as 2670 Niumalu Road, Tax Map Key (4) 3-2-005: 009, and affecting a parcel approx. 3.454 acres in size = *Island Self-Storage, LLC*. [Director's Report on 2/10/15 agenda.]

1. Director's Report pertaining to this matter.

b. Class IV Zoning Permit Z-IV-2015-11 and Use Permit U-2015-10 to operate a communications facility within the existing Waimea Baptist Church located in Waimea Town, situated along the mauka side of Kaunualii Highway and its intersection with Waimea Canyon Drive, further identified as 9611-A Kaunualii Highway, Tax Map Key (4) 1-6-009: 001, and affecting a parcel approx. 13,253 sq. ft. in size = *Waimea Baptist Church*. [Director's Report on 2/10/15 agenda.]

1. Director's Report pertaining to this matter.

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

**4. New Public Hearing**

a. To consider, pursuant to Section 91-3, and Chapter 205A Hawai'i Revised Statutes, amendments to the Special Management Area Rules of the County of Kauai regarding the adjustment of administrative fees for Use permits and the addition of administrative fees for minor permits = *County of Kauai, Department of Planning*.

1. Director's Report pertaining to this matter.

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

**4. New Public Hearing (Cont'd)**

- b. Zoning Amendment ZA-2015-4 : A bill for an ordinance amending Chapter 8, Kauai County Code 1987, as amended, to establish a process to permit Homestays in the Commercial Districts, Resort Zoning Districts and Residential Zoning Districts = *County of Kauai, Department of Planning*.

1. Director's Report pertaining to this matter.

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

**G. CONSENT CALENDAR**

**1. Status Reports**

- a. 2014 Annual Status Report for Special Management Area Use Permit SMA(U)-2006-5, Project Development Use Permit PDU-2006-7 and Class IV Zoning Permit Z-IV-2006-10, Tax Map Key 4-3-007: 027, Waipouli, Kauai – *Coconut Plantation Owners, LLC (formerly Coconut Plantation Holdings, LLC)*. [Director's Report on 2/10/15 agenda.]

1. Director's Report pertaining to this matter.

- b. 2014 Annual Status Report for Project Development PDU-2013-15, Class IV Zoning Permit Z-IV-2013-7, Use Permit U-2013-14, Special Permit SP-2013-5, Tax Map Key 5-2-013: 001, Kilauea, Kauai – *The Resonance Project Foundation*. [Director's Report on 2/10/15 agenda.]

1. Director's Report pertaining to this matter.

**2. Director's Report(s) for Project(s) Scheduled for Agency Hearing on 2/24/15.**

- a. Class IV Zoning Permit Z-IV-2015-12 and Use Permit U-2015-11 to operate a self-storage facility and resource recovery facility for construction materials within the Nawiliwili Bulk Sugar Building in Nawiliwili, situated along the makai side of Niumalu Road and approx. 350 ft. south of its intersection with Nawiliwili Road, further identified as 2670 Niumalu Road, Tax Map Key (4) 3-2-005: 009, and affecting a parcel approx. 3.454 acres in size = *Island Self-Storage, LLC*. [Director's Report on 2/10/15 agenda.]

1. Director's Report pertaining to this matter.

- b. Class IV Zoning Permit Z-IV-2015-11 and Use Permit U-2015-10 to operate a communications facility within the existing Waimea Baptist Church located in Waimea Town, situated along the mauka side of Kaumualii Highway and its intersection with Waimea Canyon Drive, further identified as 9611-A Kaumualii Highway, Tax Map Key (4) 1-6-009: 001, and affecting a parcel approx. 13,253 sq. ft. in size = *Waimea Baptist Church*. [Director's Report on 2/10/15 agenda.]

1. Director's Report pertaining to this matter.

**3. Director's Report(s) for Project(s) Scheduled for Agency Hearing on 3/10/15.  
(NONE)**

## **H. 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. 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.

## **I. GENERAL BUSINESS MATTERS**

1. Time Extension Request regarding Special Management Area Use Permit SMA(U)-2014-4 to complete the project, Tax Map Key 2-8-018: 033, Poipu, Kauai = ***Nadine M. Rosenberger Trust***. [Director's Report on 2/10/15 agenda.]
  - a. Director's Report pertaining to this matter.
2. Class IV Zoning Permit Z-IV-2015-9, Use Permit U-2015-8 and Special Management Area Use Permit SMA(U)-2015-7 to allow conversion of an existing residence into a bed and breakfast operation on a parcel located along the eastern side of Alamihi Road in Wainiha, situated approx. 300 ft. mauka of its intersection with Kuhio Highway, further identified as 7083 Alamihi Road, Tax Map Key 5-8-012: 022, and containing a total area of 11,827 sq. ft. = ***Kirby B. Guyer/Milton Searles***. [Petition to Intervene by Petitioners Caren Diamond and Barbara Robeson (1/7/15) and Planning Department's Memorandum in No Opposition to Caren Diamond and Barbara Robeson's Petition to Intervene (1/7/15), rec'd 1/13/15; Letter from Jonathan Chun, Esq., requesting Commission's Reconsideration of its decision to approve the petition to intervene by Petitioners Caren Diamond and Barbara Robeson and Update of Hearings Officer deferred 1/27/15.]
  - a. Letter (2/13/15) from Harold Bronstein, Attorney for Intervenors Caren Diamond and Barbara Robeson.
  - b. Michael A. Dahilig, Director Department of Planning, County of Kauai, Statement of No Position on Reconsideration of Caren Diamond and Barbara Robeson's Petition to Intervene (2/13/15).
3. Six-year Capital Improvement Program Report Presentation.
  - a. Director's Report pertaining to this matter.
4. Request for extension of 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, for an additional two (2) years to permit helicopter landings at Manawaiopuna Falls, Hanapepe Valley, Kauai = ***Island Helicopters***.
  - a. Director's Report pertaining to this matter.

## **J. COMMUNICATION (For Action)**

1. Letter (1/21/15) from Daniel G. Hempey and Gregory H. Meyers, Attorneys for Appellant-Plaintiff Lee Unkrich & Laura Century Trust, requesting to set a Contested Case Hearing in the matter of Stipulation for Remand to the Planning Commission for Hearing and Order re TVNC #4311, Tax Map Key 5-2-4: 64 (1), Kilauea, Kauai.

**K. COMMITTEE REPORTS**

1. **Subdivision** Subdivision Action matters listed in the Subdivision Committee Agenda (attached).

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

1. Sixth Annual Status Report for Special Management Area Use Permit SMA(U)-2008-05, Use Permit U-2008-4, Class IV Zoning Permit Z-IV-2008-6, Tax Map Key 5-2-012: 035, Kilauea, Kauai = *Charles Somers, as Trustee of the Charles Somers Living Trust dated November 12, 2002 and West Sunset 32 Phase 1, LLC, a California Limited Liability Company*. [Director's Report received 1/13/15.]
  1. Supplemental No. 1 Director's Report pertaining to this matter.
2. Class IV Zoning Permit Z-IV-2015-10, Use Permit U-2015-9 and Special Permit SP-2015-2 to conduct agricultural educational programs and tours within a parcel located along the mauka side of Olohena Road in Kapaa Homesteads, situated approx. ½ mile mauka of its intersection with Waipouli Road, further identified as 5730 Olohena Road, Tax Map Key 4-4-03: 045, and affecting approx. 8.654 acres of a larger parcel = *Steelgrass Farm, LLC*. [Director's Report received 12/9/14.]
  - a. Supplemental No. 1 Director's Report (2/17/15).
  - b. Letter (1/22/15) from Walton Hong, Esq.
  - c. Letter (1/12/15) from Steven S. Dick Jr.
  - d. Letter (1/3/15) from Douglas Cheeseman.
  - e. Letter (1/12/15) from Joseph & Annette Denbeau.
  - f. Letter (1/23/15) from John Kress.
  - g. Letter (1/15/15) from Jim & Lynelle Hughes.

**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, March 10, 2015**.

**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**

KAUAI PLANNING COMMISSION  
SUBDIVISION COMMITTEE MEETING

Lihue Civic Center, Moikeha Building  
Meeting Room 2A-2B  
4444 Rice Street, Lihue, Hawaii 96766

**Tuesday, February 24, 2015, 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**

1. Meeting of January 27, 2015
2. Meeting of February 10, 2015

**E. RECEIPT OF ITEMS FOR THE RECORD**

1. Communication from Deputy Planning Director, Dee Crowell, requesting reconsideration of Tentative Subdivision Approval for subdivision application:

- a. Subdivision Application No. S-2015-07  
*(Property Development Centers, LLC.)*  
Proposed 11-lot Subdivision  
TMK: (4) 3-3-003:046  
Līhu‘e, Puna, Kaua‘i

**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 (For Action)**

1. Tentative Subdivision Action (If Request for Reconsideration is Granted)

- a. Subdivision Application No. S-2015-07  
*(Property Development Centers, LLC.)*  
Proposed 11-lot Subdivision  
TMK: (4) 3-3-003:046  
Līhu‘e, Puna, Kaua‘i

1. Supplemental # 1 to Subdivision Report.

**H. UNFINISHED BUSINESS**

**I. NEW BUSINESS (For Action)**

1. Final Subdivision Action

- a. Subdivision Application No. S-2006-27  
*(Grove Farm Properties, Inc.)*  
Proposed 30-lot subdivision  
TMK: (4) 3-3-003: 041 por.  
Lihue, Puna, Kauai

1. Subdivision Report pertaining to this matter.

**J. ADJOURNMENT**

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