

KAUA'I PLANNING COMMISSION
REGULAR MEETING

Tuesday, July 12, 2011

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

Receipt of Items for the Record

Minutes – Meetings of April 12, 2011 and June 14, 2011

- A. SPECIAL ORDER OF THE DAY** – June 28, 2011 Motion to approve Special Permit SP-2011-4 with amendments to the Director's Recommendations for 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, approximately 220 ft. west of Moloa'a Road, further identified as Tax Map Key (4) 4-9-14: 21, and containing an area of 0.701 acres (by lack of a majority equal to quorum vote of 3-1-0 motion to approve not carried) = *David R. Houston*.
- B. GENERAL BUSINESS MATTERS (For Action)**
1. Letter of Transmittal, Status Report and Time Extension request by State of Hawai'i, Department of Transportation, Airports Division, as required by Condition No. 8 of Special Management Area Use Permit SMA(U)-2008-13, Shoreline Setback Variance SSV-2008-3, Tax Map Key (4) 3-5-001: 008, Līhu'e, Kaua'i = *State of Hawai'i, Department of Transportation, Airports Division*.
 - a. Staff Report pertaining to this matter.
 2. Executive Session: Pursuant to the Hawai'i Revised Statutes Section 92-4 and 92-5(a)(2 and 4), the purpose of this executive session is to consult with legal counsel regarding powers, duties, privileges, immunities, and/or liabilities of the Planning Commission as it relates to options available for the selection of the Director of Planning pursuant to Charter of the County of Kaua'i Section 14.04.
- C. COMMUNICATION (For Action)**
- D. SUBDIVISION** – Action on subdivision matters listed in the Subdivision Committee Agenda (attached).
- E. UNFINISHED BUSINESS (For Action) (NONE)**
- F. PUBLIC HEARING**
1. **Continued Public Hearing:** (NONE)
 2. **New Public Hearing:**
 - a. Use Permit U-2011-15 and Class IV Zoning Permit Z-IV-2011-15 to permit the construction and operation of a wastewater treatment facility at a property located on Kōloa Road, approx. 100 ft. west of the intersection of Kōloa Road and Waikomo Road, Kōloa, Kaua'i, and further identified as Tax Map Key 2-8-008: 014 = *N. F. Kawakami Store, Ltd.* [Director's Report received 6/28/11.]

F. PUBLIC HEARING (Cont'd)

2. New Public Hearing: (Cont'd)

- b. Use Permit U-2011-14, Special Permit SP-2011-28 and Class IV Zoning Permit Z-IV-2011-14 to permit the construction and operation of a solar power facility at a property located adjacent to the Kaumuali'i Highway and Kekaha Road intersection, Kekaha, Kaua'i, further identified as Tax Map Key 1-2-006: 009, and affecting an area of approx. 20 acres = ***Kikiaola Solar***. [Director's Report received 6/28/11.]
- c. Special Permit SP-2011-27 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 the Wailapa Agricultural Subdivision, Kaua'i, approx. 2,700 ft. north of the Kūhi'ō Highway and Wailapa Street intersection, further identified as Tax Map Key 5-1-5: 15 (5) and containing an area of 1.445 acres of the overall 22.10 acre site = ***Bruce & Cynthia Fehring***.
 - 1. Staff Report pertaining to this matter.
- d. Special Permit SP-2011-26 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 Keapana, Kaua'i, on the property known as "Valley House," further identified as Tax Map Key 4-7-2: 2 (Cistern House), and containing an area of 81.6 acres = ***Falko Partners, LLC***.
 - 1. Staff Report pertaining to this matter.
- e. Special Permit SP-2011-16 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 Moloaa, Kaua'i, approx. 2,500 ft. northeast of the old Kūhi'ō Highway and Moloa'a Road intersection, further identified as Tax Map Key 4-9-12: 2 (A), and containing an area of 1.71 acres of the overall 2.52 acre site = ***Vertigo Associates, LLC***. **POSTPONED.**
- f. 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 east of the 'Anini Beach Park, further identified as Tax Map Key 5-3-4: 20, and containing an area of .25 acres = ***Weatherwax Family 2000 Trust***. **POSTPONED.**

G. NEW BUSINESS

1. For Action – See Agenda E for Project Descriptions.

- a. Use Permit U-2011-15 and Class IV Zoning Permit Z-IV-2011-15 = ***N. F. Kawakami Store, Ltd.***
- b. Use Permit U-2011-14, Special Permit SP-2011-28 and Class IV Zoning Permit Z-IV-2011-14 = ***Kikiaola Solar***.
- c. Special Permit SP-2011-27 = ***Bruce & Cynthia Fehring***.
- d. Special Permit SP-2011-26 = ***Falko Partners, LLC***.
- e. Special Permit SP-2011-16 = ***Vertigo Associates, LLC***. **POSTPONED.**
- f. Special Permit SP-2011-24 = ***Weatherwax Family 2000 Trust***. **POSTPONED.**

2. For Acceptance into Record – Director's Report(s) for Project(s) Scheduled for Public Hearing on 7/26/11.

- a. Use Permit U-2011-16 and Class IV Zoning Permit Z-IV-2011-16 to construct a new health care facility and storage building on a parcel located along Kapule Highway in Līhu'e, immediately adjacent to the Kaua'i Veteran Center, affecting a parcel approx. 3.29 acres in size, further identified as Tax Map Key (4) 3-6-002: 024 = ***Kaua'i Veterans Council***.
 - 1. Director's Report pertaining to this matter.

G. NEW BUSINESS (Cont'd)

2. **For Acceptance into Record – Director’s Report(s) for Project(s) Scheduled for Public Hearing on 7/26/11. (Cont’d)**
 - b. Use Permit U-2011-17 and Class IV Zoning Permit Z-IV-2011-17 to improve an existing pedestrian way as a shared use path for pedestrians and bicyclists starting from the Kūhi‘ō Highway/Kawaihau Road intersection to Gore Park in Kapa‘a, for a distance of approx. one-half mile (2,570 linear feet), affecting a parcel approx. 12.831 acres in size, and further identified as Tax Map Key (4) 4-6-014: 030 (por.) = *County of Kaua’i, Department of Public Works*.
 1. Director’s Report pertaining to this matter.
3. **For Acceptance and Finalization – Director’s Report for Shoreline Setback Activity Determination. (NONE)**

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, July 12, 2011, 8:30 A.M.

AGENDA

Call to Order

Approval of the Agenda

Minutes – Meetings of April 26, 2011 & May 24, 2011

Public Comment for Listed Agenda Items

A. GENERAL BUSINESS MATTERS MATTERS (For Action)

1. Transmittal of Agriculture Master Plan, pursuant to Condition No. 1.e. of the Tentative Approval Letter dated June 23, 2010, relating to a 3-lot boundary adjustment within the Agriculture (A) & Open (O) zoning districts, Subdivision Application No. S-2010-08, Tax Map Key: (4) 2-5-001:001, 009, & 010, Princeville = *Enrico Santelli Jr. Trust/Scott F. Schweiger Trust/Roger M. & Judy Peckenpaugh.*

B. COMMUNICATIONS

C. UNFINISHED BUSINESS

D. NEW BUSINESS (For Action)

1. Tentative Subdivision Action:
 - a. S-2011-19 = *Halale'a Investment Company LLC/Patricia Wilcox Sheehan* 4-lot Consolidation
TMK: 5-5-10:66, 68, 69, 81
Hanalei, Kaua'i
2. Tentative Subdivision Extension Requests:
 - a. S-2008-16 = *Melvin Soong/Clarence Soong* 2-lot Subdivision
TMK: 4-6-015:048
Kapa'a, Kaua'i

E. ADJOURNMENT

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