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* Minutes of meetings will be completed pursuant to HRS Chapter 92 and posted to the Planning Commission’s website upon completion and approval.

**REVISED**

**PLANNING COMMISSION TELECONFERENCE MEETING NOTICE AND AGENDA**

 **Tuesday, October 26, 2021**

**9:00 a.m. or shortly thereafter**

**Webcast Link:** [**https://www.kauai.gov/Webcast-Meetings**](https://www.kauai.gov/Webcast-Meetings)

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. APPROVAL OF AGENDA**

**D. MINUTES of the meeting(s) of the Planning Commission**

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

**F.** **HEARINGS AND PUBLIC COMMENT The Planning Commission will accept written testimony for any agenda item herein. Written testimony indicating your 1) name, and if applicable, your position/title and organization you are representing, and 2) the agenda item that you are providing comment on, may be submitted in writing to** **planningdepartment@kauai.gov** **or mailed to the County of Kaua‘i Planning Department, 4444 Rice Street, Suite 473, Līhu‘e, Hawai‘i 96766.** **Written testimony received by the Planning Department before 9:00 a.m. on Monday, October 25, 2021, will be distributed to all Planning Commissioners prior to the meeting. Written testimony received after 9:00 a.m. on Monday, October 25, 2021, will be summarized by the Clerk of the Commission during the meeting and added to the record thereafter.**

 **Oral testimony will be taken at the beginning of the meeting on any agenda item** **via the Zoom remote technology platform and it shall be the responsibility of the testifier to ensure that the Zoom software is downloaded prior to the meeting. Requests to provide oral testimony must be made at least 24 hours prior to the meeting by emailing** **planningdepartment@kauai.gov** **or by calling (808) 241-4050. Any request shall include your name, telephone number, E-mail address, and the specific agenda item(s) that you will be testifying on. Requests will not be allowed after that time. You will then be prompted to register for the meeting to receive the meeting link that is unique to each registrant that cannot be shared. After oral testimony has been taken, members of the public should continue watching the meeting via the live stream link found at** [**www.kauai.gov/webcastmeetings**](http://www.kauai.gov/webcastmeetings)**.**

1. **Continued Agency Hearing**
2. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2022-1), CLASS IV ZONING PERMIT (Z-IV-2022-1), and USE PERMIT (U-2022-1) for the construction of a farm dwelling unit, guest house, garage and associated site improvements within Lot 11-A of the Seacliff Plantation Subdivision in Kīlauea, involving a parcel situated approximately 1,000 feet west of the Pali Moana Place/Makana'ano Place intersection, further identified as Tax Map Key:(4) 5-2-004:084 (Unit 1) affecting a portion of a larger parcel approximately 12.305 acres in size ***= Phillip J. & Linda M. Green.*** [Director’s report received, hearing deferred 9/14/2021].
3. Supplemental Director’s Report transmitting written testimony
4. Petition for Intervention (received October 19, 2021) by Mehana Blaich Vaughn, Nicole Hoku Cody, and Jessica AK Fu on behalf of Na Kia`i O Nihoku.
5. **New Agency Hearing**
6. AMENDMENT TO SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-88-10), CLASS IV ZONING PERMIT (Z-IV-88-39), USE PERMIT (U-88-31), and SPECIAL PERMIT (SP-88-6) to allow construction of a paved parking lot containing approximately 90 off-street parking stalls, landscaping, and related improvements on a parcel situated on the mauka side of Po‘ipū Road, situated directly across the Grand Hyatt Kaua‘i Resort & Spa, affecting a portion of the Poipu Bay Golf Course further identified as Tax Map Key: 2-9-001:007, and affecting an area approx. 1.3 acres in size = ***Kawailoa Development LLP.*** [Director’s Report Received, 10/12/2021].

 **3. Continued Public Hearing**

1. **New Public Hearing**
2. **All remaining public testimony pursuant to HRS 92 (Sunshine Law)**

**G. CONSENT CALENDAR**

1. **Status Reports**
2. **Director’s Report for Project Scheduled for Agency Hearing**

**H. EXECUTIVE SESSION**

EXECUTIVE SESSION: The Commission may go into executive session on an agenda item for one of the permitted purposes listed in Section 92-5(a) Hawai‘i 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.

1. Pursuant to Hawai‘i Revised Statutes Section 92-4 and 92-5(a)(4), the purpose of this executive session is to consult with the County’s legal counsel on questions, issues, status and procedural matters. This consultation involves consideration of the powers, duties, privileges, immunities and/or liabilities of the Commission and the County as they relate to the matter of: SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2022-1), CLASS IV ZONING PERMIT (Z-IV-2022-1), and USE PERMIT (U-2022-1) for the construction of a farm dwelling unit, guest house, garage and associated site improvements within Lot 11-A of the Seacliff Plantation Subdivision in Kīlauea, involving a parcel situated approximately 1,000 feet west of the Pali Moana Place/Makana'ano Place intersection, further identified as Tax Map Key:(4) 5-2-004:084 (Unit 1) affecting a portion of a larger parcel approximately 12.305 acres in size = Phillip J. & Linda M. Green.

**I. GENERAL BUSINESS MATTERS**

**J.** **COMMUNICATION**

**K. COMMITTEE REPORTS**

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

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

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

SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2022-1), CLASS IV ZONING PERMIT (Z-IV-2022-1), and USE PERMIT (U-2022-1) for the construction of a farm dwelling unit, guest house, garage and associated site improvements within Lot 11-A of the Seacliff Plantation Subdivision in Kīlauea, involving a parcel situated approximately 1,000 feet west of the Pali Moana Place/Makana'ano Place intersection, further identified as Tax Map Key:(4) 5-2-004:084 (Unit 1) affecting a portion of a larger parcel approximately 12.305 acres in size ***= Phillip J. & Linda M. Green.*** [Director’s report received, hearing deferred 9/14/2021].

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**N. ANNOUNCEMENTS**

 1. Topics for Future Meetings

 2. The following regularly scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter, on November 9, 2021. The Planning Commission anticipates meeting via teleconference, but will announce its intended meeting method via an agenda electronically posted at least six days prior to the meeting date.

**O. ADJOURNMENT**

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**PLANNING COMMISSION**

**KAAINA S. HULL,** CLERK OF COMMISSION

 **FRANCIS DEGRACIA,** CHAIR

 **MELVIN CHIBA,** VICE CHAIR

On August 5, 2021, Governor David Y. Ige issued an Emergency Proclamation, which continued the suspension of Hawai‘i Revised Statutes (HRS) Chapter 92, relating to Public Agency Meetings and Records (also known as the Sunshine Law) as it pertained to the COVID-19 Response. HRS Chapter 92 was suspended to the extent necessary to enable boards to conduct business in-person or through remote technology without any board members or members of the public physically present in the same location.

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**SUBDIVISION COMMITTEE TELECONFERENCE MEETING NOTICE AND AGENDA**

 **Tuesday, October 26, 2021**

**8:30 a.m. or shortly thereafter**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. APPROVAL OF AGENDA**

**D. MINUTES of the meeting(s) of the Subdivision Committee**

1. January 12, 2021
2. February 9, 2021
3. March 9, 2021
4. April 13, 2021

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

**F. HEARINGS AND PUBLIC COMMENT The Planning Commission will accept written testimony for any agenda item herein. Written testimony indicating your 1) name, and if applicable, your position/title and organization you are representing, and 2) the agenda item that you are providing comment on, may be submitted in writing to** **planningdepartment@kauai.gov** **or mailed to the County of Kaua‘i Planning Department, 4444 Rice Street, Suite 473, Līhu‘e, Hawai‘i 96766. Written testimony received by the Planning Department before 9:00 a.m. on Monday, October 25, 2021, will be distributed to all Planning Commissioners prior to the meeting. Written testimony received after 9:00 a.m. on Monday, October 25, 2021, will be summarized by the Clerk of the Commission during the meeting and added to the record thereafter.**

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**G. GENERAL BUSINESS MATTERS**

**H. UNFINISHED BUSINESS**

1. **Extension Request to Complete Improvements**
2. **Subdivision Application No. S-99-49**

 **(Kūlana Association of Apartment Owners)**

**Kūlana Subdivision**

**23-lot Subdivision**

**TMK: (4) 4-3-011:001**

**Kapaʽa & Waipouli, Kawaihau, Kaua‘i**

1. **Subdivision Report pertaining to this matter.**

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

1. **Tentative Subdivision Map Approval**
2. **Subdivision Application No. S-2022-1**

 **(Inouye Family Trust, et. al.)**

**Proposed 2-lot Boundary Adjustment**

**TMK: (4) 2-3-018:015 & 036**

**Kalāheo, Kōloa, Kaua‘i**

1. **Subdivision Report pertaining to this matter.**

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Pursuant to Section 8-27.8 (6) of the Kaua‘i County Code (1987), as amended, the following shoreline setback determinations by the Director are disclosed for purposes of public notification.

October 26, 2021

SHORELINE SETBACK DETERMINATIONS

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Application No.** | **Name of Applicant(s)** | **Property I.D.****(Tax Map Key)** | **Location** | **Development/Reasons** |
| SSD-2022-12 | LP2, LLC dba Beach House Restaurant | (4) 2-6-005:011 | Kōloa  | Wedding services/ Per sec 8-27.2(2)(e) Temporary tents |
| SSD-2022-13 | Drew and Dana Porter | (4) 5-8-008:053 | Wainiha | Single-family dwelling/ required setback 88 feet, proposed setback 249.9 feet |
| SSD-2022-14 | Edward Gogek | (4) 1-3-004:022 Unit 2 | Kekaha | Single-family dwelling/ required setback 96.5 feet, proposed setback 270 feet |
| SSD-2022-15 | 3 Palms, LLC | (4) 5-5-002:107 | Hanalei | Renovation and covered deck addition to existing residence/ Accreting shoreline; 100 feet required setback, proposed setback 400 feet |