



PLANNING COMMISSION

KAAINA S. HULL, CLERK OF COMMISSION

FRANCIS DEGRACIA, CHAIR
DONNA APISA, VICE CHAIR
GERALD AKO, MEMBER
HELEN COX, MEMBER
GLENDA NOGAMI STREUFERT, MEMBER
JERRY ORNELLAS, MEMBER
LORI OTSUKA, MEMBER

'23 FEB -8 A7:41

- The Planning Commission Meeting will be in-person at:
 - Līhu'e Civic Center, Moikeha Building
 - Meeting Room 2A-2B
 - 4444 Rice Street, Līhu'e, Kaua'i, Hawai'i
- Oral testimony will be taken on specific agenda items, **in-person at the public meeting location** indicated on the meeting agenda.
- Written testimony indicating your 1) name or pseudonym, 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 on any agenda item 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 at least **24 hours prior** to the meeting will be posted as testimony to the Planning Commission's website prior to the meeting (<https://www.kauai.gov/Government/Boards-and-Commissions/Planning-Commission>). Any testimony received after this time will be retained as part of the record, but we cannot assure the Commission will receive it with sufficient time for review prior to the meeting.

IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF BOARDS & COMMISSIONS AT (808) 241-4917 OR ASEGRETI@KAUAI.GOV AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST. UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.

PLANNING COMMISSION MEETING NOTICE AND AGENDA

**Tuesday, February 14, 2023
9:00 a.m. or shortly thereafter
Līhu'e Civic Center, Moikeha Building
Meeting Room 2A-2B
4444 Rice Street, Līhu'e, Kaua'i, Hawai'i**

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

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

1. November 15, 2022
2. January 10, 2023

E. RECEIPT OF ITEMS FOR THE RECORD

F. HEARINGS AND PUBLIC COMMENT

1. Continued Agency Hearing

- a. None for this Meeting.

2. New Agency Hearing

- a. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2023-3) to allow construction of a new single-family dwelling unit on a parcel situated along the makai side of Pee Road in Poipu, at the eastern terminus of a cul-de-sac, situated approximately 500 feet south of its intersection with Pee Road and further identified as Lot 4 of the Makahuena Estates Subdivision, Tax Map Key: (4) 2-8-021:071, containing a total area of approximately 43,604 square feet = **Makahuena-Preferred A LLC**.

1. Director's Report pertaining to this matter.

- b. CLASS IV ZONING PERMIT (Z-IV-2023-8) and VARIANCE PERMIT (V-2023-3) to allow deviations from the setback requirement, Section 8-4.3(b) of the Kauai County Code (1987), for the construction of a new single-family dwelling unit on a parcel situated along the mauka side of Hanalei Plantation Road in Princeville, situated immediately adjacent to and west of property identified as 5219 Hanalei Plantation Road, further identified as Tax Map Key: (4) 5-4-004:016, containing a total area of 838 square feet = **Matt Berg** [Director's Report Received, 1/24/2023].

1. Director's Report pertaining to this matter.

- c. AMENDMENT TO CLASS IV ZONING PERMIT (Z-IV-2006-27), USE PERMIT (U-2006-26), and PROJECT DEVELOPMENT USE PERMIT (PDU-2006-25) to allow a modification to Condition No. 10 relating to traffic circulation requirements for a development situated on the western side of Kiahuna Plantation Drive in Po'ipū, situated at the Pau A Laka Street/Kiahuna Plantation Drive intersection and further identified as 5425 Pau A Laka Street, Tax Map Key: 2-8-014:032, and containing a total area of 27.886 acres = **Meridian Pacific (formerly Kiahuna Poipu Golf Resort LLC)**.

1. Director's Report Pertaining to this Matter.

3. **Continued Public Hearing**

- a. None for this Meeting.

4. **New Public Hearing**

- a. None for this Meeting.

G. CONSENT CALENDAR

1. **Status Reports**

- a. 2022 Annual Status Report for Special Management Area Use Permit SMA(U)-2004-6, Project Development Use Permit PDU-2004-30, and Class IV Zoning Permit Z-IV-2004-35, Tax Map Keys: (4) 2-8-015:025-037, 045-074, 081, Poipu, Kauai = **Poipu Beach Villas, LLC**.

1. Director's Report Pertaining to this Matter.

2. **Director's Report for Project(s) Scheduled for Agency Hearing**

- a. None for this Meeting.

H. GENERAL BUSINESS MATTERS

1. In the Matter of Planning Director Kaaina S. Hull's Petition to revoke Applicant Bula Tree House LLC Use Permit U-90-38 and Class IV Zoning Permit Z-IV-90-51 (former Mark Daniells art gallery approved in 1990), and Use Permit U-19-78 and Class IV Zoning Permit Z-IV-78-28 (former Diane Daniells pre-school approved in 1978) for failure to comply with conditions of approval by the Planning Commission and Issue an Order to Show Cause and Set Hearing; Memorandum in Support of Petition; Declaration of Kaaina S. Hull; Notice of Meeting; Certificate of Service, TMK (4) 5-5-004: 23, Hanalei, Kaua'i.

- a. Letter (2/7/2023) from Ian K. Jung, Esq., Belles Graham LLP requesting a deferral of the Order to Show Cause Petition.

2. Applicant's request to amend Condition No. 7 of Special Management Area (SMA) Use Permit (SMA (U)-2021-03) to allow a five (5) year extension of this condition which would result in a change to the time deadlines for commencing and completing construction involving various properties located at Tax Map Keys: (4) 3-5-001: 008 & 159; 3-7-002: 001 & 002; 3-7-003:001, 008 & 017; 3-9-002:004 & 032; 3-9-005:001, 002, 003, & 009, Līhu'e to Wailua = **County of Kaua'i, Department of Public Works.**

- a. Director's Report Pertaining to this Matter.

3. Applicant's request for an extension of time to complete construction by amending Condition No. 9 of Special Management Area Use Permit (SMA(U)-2005-5), Class IV Zoning Permit (Z-IV-2005-7), Project Development Use Permit (PDU-2005-7), Port Allen, Kaua'i, Tax Map Key: (4) 2-1-010-062 CPRs 0001-0075 = **AHE GROUP (formerly A&B Properties, Inc.)**

- a. Director's Report Pertaining to this Matter.

I. COMMUNICATION

1. None for this Meeting.

J. COMMITTEE REPORTS

1. Subdivision Committee

- a. Subdivision Application No. HS-2023-2
State of Hawai'i, Department of Hawaiian Home Lands (DHHL)
DHHL Hanapēpē, Phase 2 Subdivision
Proposed 136-lot Subdivision
TMKs: (4) 1-8-007:003, 018, and 021; (4) 1-8-017:001 to 020; (4) 1-8-018:001 to 027
Hanapēpē, Waimea, Kaua'i

K. UNFINISHED BUSINESS (For Action)

1. None for this Meeting.

L. NEW BUSINESS (For Action)

1. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2023-3) to allow construction of a new single-family dwelling unit on a parcel situated along the makai side of Pee Road in Poipu, at the eastern terminus of a cul-de-sac, situated approximately 500 feet south of its intersection with Pee Road and further identified as Lot 4 of the Makahuena Estates Subdivision, Tax Map Key: (4) 2-8-021:071, containing a total area of approximately 43,604 square feet = **Makahuena-Preferred A LLC.**
2. CLASS IV ZONING PERMIT (Z-IV-2023-8) and VARIANCE PERMIT (V-2023-3) to allow deviations from the setback requirement, Section 8-4.3(b) of the Kauai County Code (1987), for the construction of a new single-family dwelling unit on a parcel situated along the mauka side of Hanalei Plantation Road in Princeville, situated immediately adjacent to and west of property identified as 5219 Hanalei Plantation Road, further identified as Tax Map Key: (4) 5-4-004:016, containing a total area of 838 square feet = **Matt Berg** [Director's Report Received, 1/24/2023].

3. AMENDMENT TO CLASS IV ZONING PERMIT (Z-IV-2006-27), USE PERMIT (U-2006-26), and PROJECT DEVELOPMENT USE PERMIT (PDU-2006-25) to allow a modification to Condition No. 10 relating to traffic circulation requirements for a development situated on the western side of Kiahuna Plantation Drive in Po'ipū, situated at the Pau A Laka Street/Kiahuna Plantation Drive intersection and further identified as 5425 Pau A Laka Street, Tax Map Key: 2-8-014:032, and containing a total area of 27.886 acres = **Meridian Pacific (formerly Kiahuna Poipu Golf Resort LLC)**.

M. EXECUTIVE SESSION

Pursuant to Hawaii Revised Statutes Sections 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 following matters:

1. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2023-3) to allow construction of a new single-family dwelling unit on a parcel situated along the makai side of Pee Road in Poipu, at the eastern terminus of a cul-de-sac, situated approximately 500 feet south of its intersection with Pee Road and further identified as Lot 4 of the Makahuena Estates Subdivision, Tax Map Key: (4) 2-8-021:071, containing a total area of approximately 43,604 square feet = **Makahuena-Preferred A LLC**.
2. CLASS IV ZONING PERMIT (Z-IV-2023-8) and VARIANCE PERMIT (V-2023-3) to allow deviations from the setback requirement, Section 8-4.3(b) of the Kauai County Code (1987), for the construction of a new single-family dwelling unit on a parcel situated along the mauka side of Hanalei Plantation Road in Princeville, situated immediately adjacent to and west of property identified as 5219 Hanalei Plantation Road, further identified as Tax Map Key: (4) 5-4-004:016, containing a total area of 838 square feet = **Matt Berg** [Director's Report Received, 1/24/2023].
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4. 2022 Annual Status Report for Special Management Area Use Permit SMA(U)-2004-6, Project Development Use Permit PDU-2004-30, and Class IV Zoning Permit Z-IV-2004-35, Tax Map Keys: (4) 2-8-015:025-037, 045-074, 081, Poipu, Kauai = **Poipu Beach Villas, LLC**.
5. In the Matter of Planning Director Kaaina S. Hull's Petition to revoke Applicant Bula Tree House LLC Use Permit U-90-38 and Class IV Zoning Permit Z-IV-90-51 (former Mark Daniells art gallery approved in 1990), and Use Permit U-19-78 and Class IV Zoning Permit Z-IV-78-28 (former Diane Daniells pre-school approved in 1978) for failure to comply with conditions of approval by the Planning Commission and Issue an Order to Show Cause and Set Hearing; Memorandum in Support of Petition; Declaration of Kaaina S. Hull; Notice of Meeting; Certificate of Service, TMK (4) 5-5-004: 23, Hanalei, Kaua'i.

6. Applicant's request to amend Condition No. 7 of Special Management Area (SMA) Use Permit (SMA (U)-2021-03) to allow a five (5) year extension of this condition which would result in a change to the time deadlines for commencing and completing construction involving various properties located at Tax Map Keys: (4) 3-5-001: 008 & 159; 3-7-002: 001 & 002; 3-7-003:001, 008 & 017; 3-9-002:004 & 032; 3-9-005:001, 002, 003, & 009, Līhu'e to Wailua = **County of Kaua'i, Department of Public Works.**
7. Applicant's request for an extension of time to complete construction by amending Condition No. 9 of Special Management Area Use Permit (SMA(U)-2005-5), Class IV Zoning Permit (Z-IV-2005-7), Project Development Use Permit (PDU-2005-7), Port Allen, Kaua'i, Tax Map Key: (4) 2-1-010-062 CPRs 0001-0075 = **AHE GROUP (formerly A&B Properties, Inc.)**
8. Subdivision Application No. HS-2023-2
State of Hawai'i, Department of Hawaiian Home Lands (DHHL)
DHHL Hanapēpē, Phase 2 Subdivision
Proposed 136-lot Subdivision
TMKs: (4) 1-8-007:003, 018, and 021; (4) 1-8-017:001 to 020; (4) 1-8-018:001 to 027
Hanapēpē, Waimea, Kaua'i

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 February 24, 2023. The Planning Commission anticipates this meeting to be held in-person at the Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Hawaii 96766. The Commission will announce its intended meeting method via an agenda electronically posted at least six days prior to the meeting date.

O. ADJOURNMENT

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR

SPECIAL MANAGEMENT AREA (SMA) MINOR DETERMINATIONS

Date (Action)	SMA Minor Permit number	Location (TMK)	Activity/ structure
Approved (01.18.2023)	SMA(M)-2023-14	Kōloa (2-8-020:010)	Construction/ New swimming pool and associated decking.