



PLANNING COMMISSION

KAAINA S. HULL, CLERK OF COMMISSION

DONNA APISA, CHAIR
HELEN COX, VICE CHAIR
MELVIN CHIBA, MEMBER
FRANCIS DEGRACIA, MEMBER
ROY HO, MEMBER
GLENDA NOGAMI-STREUFERT, MEMBER
LORI OTSUKA, MEMBER

RECEIVED

REGULAR TELECONFERENCE MEETING NOTICE AND AGENDA

Tuesday, March 09, 2021
9:00 a.m. or shortly thereafter

'21 FEB 23 P 4:09

Microsoft Teams Audio: + 1 469-848-0234, Conference ID: 444 715 279#

OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUAI

This meeting will be held via Microsoft Teams conferencing only. Members of the public are invited to join this meeting by calling the number above with the conference ID information. You may testify during the video conference or submit written testimony in advance of the meeting via e-mail, fax, or mail. To avoid excessive noise/feedback, please mute your microphone except to testify.

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, March 08, 2021, will be distributed to all Planning Commissioners prior to the meeting. Written testimony received after 9:00 a.m. on Monday, March 08, 2021, will be summarized by the Clerk of the Commission during the meeting and added to the record thereafter.

1. Continued Agency Hearing

F. HEARINGS AND PUBLIC COMMENT (Cont'd)

2. New Agency Hearing

- a. Amendment to Project Development Use Permit PDU-2008-11, Use Permit U-2008-10, and Class IV Zoning Permit Z-IV-2008-12 to allow forty (40) additional multi-family residential units from 34 to 74 on a parcel situated at the Weliweli Road/Waikomo Road intersection in Kōloa Town, further identified as 5469 Kōloa Road, Tax Map Key: 2-8-008:001, and containing a total area of 5.381 acres = ***Kōloa Village, LLC***.

1. Director's Report pertaining to this matter.

- b. Class IV Zoning Permit Z-IV-2021-7 and Use Permit U-2021-6 to allow operation of an athletic health club within an existing warehouse building and operation of a commercial kitchen & retail business within the existing Old Mill Building on a parcel situated at the Oka Street/Aalona Street intersection in Kīlauea Town, further identified as 2430-A Oka Street, Tax Map Key: 5-2-014:049, and containing a total area of 20,389 sq. ft. = ***Kīlauea Old Mill, LLC***.

1. Director's Report pertaining to this matter.

3. Continued Public Hearing

4. New Public Hearing

- a. Proposed Amendments to the "Interpretive Administrative Zoning Rules and Regulations (2014) of the Kaua'i Planning Commission," Relating to Chapters 8, 9, and 10 of the Kaua'i County Code (1987), Relating to Development Standards for Guest Houses = ***County of Kaua'i, Planning Department***.

5. 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

1. Pursuant to Hawai'i Revised Statutes Sections 92-4 and 92-5(a)(4), the purpose of this executive session is to consult with County's legal counsel on questions, issues, status, and procedural matters. This consultation involves consideration of the powers, duties,

H. EXECUTIVE SESSION (Cont'd)

privileges, immunities, and/or liabilities of the Commission and the County as they relate to the matter of Petition for a Declaratory Order Regarding Noncompliance with the Comprehensive Zoning Ordinance and Variance Application Permit V-72-11, **HBR Enterprises, LLC**.

I. GENERAL BUSINESS MATTERS

1. Hearing Officer's Report and Recommendation of Contested Case re Appeal of Planning Director's Decision Regarding Denial of 2019 Renewal Application Packet for Non-Conforming Use Certificate TVNCU #5023, Haloko Kai, located at 5111 Hoona Road, Kōloa, Kaua'i, Hawai'i, TMK 2-6-006:4, and containing 6,035 sq. ft., **Rosa Giem, Petitioner**, Contest Case File CC-2019-18.
2. Notice of Appeal and Demand for Contested Case Hearing from Notice of Violation & Order to Pay Fines for 4-1194 Kūhiō Hwy #1, Kapa'a, Hawai'i, TMK (4) 4-5-006:005 = **Michael and Paula Hulme**.
 - a. Clerk of the Commission's Recommendation to Refer and Appeal of the Planning Director's Decision Related to the Planning Director's Notice of Violation & Order to Pay Fines for the unpermitted transient vacation rental use outside of the Visitor Destination Area, **Michael and Paula Hulme**, 4-1194 Kūhiō Highway #1, Kapa'a, Hawai'i, Tax Map Key (4) 4-5-006:005, received on February 22, 2021 via email, for referral to Board and Commissions as Contested Case File No. CC-2021-2.
3. Petition for Declaratory Order regarding Noncompliance with the Comprehensive Zoning Ordinance and Variance Application V-72-11, Memorandum in Support, Verification of Petition, Declaration of Mauna Kea Trask, Exhibits "1-20," Certificate of Service (10/22/20) from Mauna Kea Trask, Cades Schutte LLP, Attorneys for Petitioner **HBR Enterprises, LLC**. (Deferred 12/08/20.)
 - a. Association of Apartment Owners of Hanalei Bay Resort's Memorandum in Opposition to HBR Enterprises, LLC's Petition for a Declaratory Order Regarding Noncompliance with the Comprehensive Zoning Ordinance and Variance Application Permit V-7-11; Exhibits 1-6; Certificate of Service (12/7/20) from Ian K. Jung, Michael C. Carroll, and Sharon Paris, Attorneys for Interested Party Hanalei Bay Resort. (Deferred 12/08/20.)
 - b. Petitioner's Reply to Association of apartment Owners of Hanalei Bay Resort's Memorandum in Opposition to HBR Enterprises LLC's Petition for a Declaratory Order Regarding Noncompliance with the Comprehensive Zoning Ordinance and Variance Application Permit V-72-11; Declarations of Mauna Kea Trask; Exhibits "21-72"; Certificate of Service (01/22/21) from Mauna Kea Trask, Cades Schutte, LLP,

I. GENERAL BUSINESS MATTERS (Cont'd)

3. *HBR Enterprises, LLC* (Cont'd)

Attorneys for Petitioner Dennis R. Sciotto and Carol Ann Sciotto as Trustees of the Dennis R. Sciotto and Carol Ann Sciotto Community Property Trust, Edward E. Colson, III and Karen Jeanne Colson as Trustees of the Colson Family Trust owners of Unit 16A and HBR Enterprises, LLC.

- c. Association of Apartment Owners of Hanalei Bay Resort's Surreply to HBR Enterprises LLC's Petition for a Declaratory Order Regarding Noncompliance with the Comprehensive Zoning Ordinance and Variance Application Permit V-72-11; Exhibit 7; Certificate of Service (02/05/21) from Ian K. Jung, Michael C. Carroll, and Sharon Paris, Attorneys for Interested Party Association of Apartment Owners of Hanalei Bay Resort.

J. COMMUNICATION

K. COMMITTEE REPORTS

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

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L. UNFINISHED BUSINESS (For Action)

M. NEW BUSINESS

- 1. For Action – See Agenda F for Project Descriptions

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 April 13, 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

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 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: 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

KAAINA S. HULL, CLERK OF COMMISSION

FRANCIS DEGRACIA, CHAIR
MELVIN CHIBA, VICE CHAIR
ROY HO, MEMBER

SUBDIVISION COMMITTEE TELECONFERENCE MEETING NOTICE AND AGENDA

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8:30 a.m. or shortly thereafter

RECEIVED

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G. GENERAL BUSINESS MATTERS

H. UNFINISHED BUSINESS

I. NEW BUSINESS (For Action)

1. Tentative Subdivision Extension Request

- a. Subdivision Application No. S-2005-41
(**Visionary LLC.**)
Ahukini Makai Subdivision
49-lot Subdivision
TMK: (4) 3-7-002:001 (por.)
Hanamā'ulu, Līhu'e, 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.

March 09, 2021

SHORELINE SETBACK DETERMINATIONS

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Reasons
SSD-2021-28	3525 'Anini Road, LLC.	5-3-004:029	Kīlauea	Construction of new entry gate