



## PLANNING COMMISSION

KAAINA S. HULL, CLERK OF COMMISSION

GERALD AKO, CHAIR  
DONNA APISA, VICE CHAIR  
JERRY ORNELLAS, MEMBER

RECEIVED

'23 APR -3 P1:50

- The Planning Commission Meeting will be 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, 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](mailto: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](mailto: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.

**SUBDIVISION COMMITTEE MEETING NOTICE AND AGENDA**

**Tuesday, April 11, 2023**

**8:30 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 Subdivision Committee**

1. February 14, 2023

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

**F. UNFINISHED BUSINESS**

1. None for this meeting.

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

1. Preliminary Subdivision Map Approval

- a. Subdivision Application No. S-2021-5  
**Kukui'ula Vistas, LLC. (formerly Kukui'ula Development Company, LLC.)**  
Kukui'ula Parcel H, Lot 19 Subdivision  
Proposed 8-lot Subdivision  
TMK: (4) 2-6-022: 055  
Kōloa, Kaua'i  
  - 1) Subdivision Report pertaining to this matter.
- b. Subdivision Application No. S-2022-2  
**Kukui'ula Vistas, LLC.**  
Kukui'ula Parcel H, Lot 18 Subdivision  
Proposed 7-lot Subdivision  
TMK: (4) 2-6-022: 054  
Kōloa, Kaua'i  
  - 1) Subdivision Report pertaining to this matter.

2. Preliminary Subdivision Extension Request

- a. Subdivision Application No. S-2019-8

**Stephanie Fernandes**

Fernandes ET AL. Subdivision

Proposed 5-lot Subdivision

TMK: (4) 4-2-005: 044

Wailua, Kawaihau, Kaua'i

- 1) Subdivision Report pertaining to this matter.

3. Final Subdivision Map Approval

- a. Subdivision Application No. S-2022-4

**Tower Kaua'i Lagoons Sub 4, LLC.**

Hōkūala Resort Subdivision 4

Proposed 25-lot Boundary Adjustment

TMKs: (4) 3-5-004: 400 to 424

Kalapakī, Līhu'e, Kaua'i

- 1) Subdivision Report pertaining to this matter.

**H. 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:

- a. Subdivision Application No. S-2021-5

**Kukui'ula Vistas, LLC. (formerly Kukui'ula Development Company, LLC.)**

Lot 19 of Kukui'ula Parcel H Subdivision

Proposed 8-lot Subdivision

TMK: (4) 2-6-022: 055

Kōloa, Kaua'i

- b. Subdivision Application No. S-2022-2

**Kukui'ula Vistas, LLC.**

Lot 18 of Kukui'ula Parcel H Subdivision

Proposed 7-lot Subdivision

TMK: (4) 2-6-022: 054

Kōloa, Kaua'i

- c. Subdivision Application No. S-2019-8

**Stephanie Fernandes**

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Wailua, Kawaihau, Kauaʻi

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**Tower Kauai Lagoons Sub 4, LLC.**  
Hōkūala Resort Subdivision 4  
Proposed 25-lot Boundary Adjustment  
TMKs: (4) 3-5-004: 400 to 424  
Kalapakī, Līhuʻe, Kauaʻi

I. ADJOURNMENT





## 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

RECEIVED

- The Planning Commission Meeting will be at:

23 APR -4 A9:01

- Līhu'e Civic Center, Moikeha Building
- Meeting Room 2A-2B
- 4444 Rice Street, Līhu'e, Kaua'i, Hawai'i

OFFICE OF  
THE COUNTY CLERK  
COUNTY OF KAUAI

- Oral testimony will be taken on specific agenda items, at the public meeting location indicated on the meeting agenda.
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**PLANNING COMMISSION MEETING NOTICE AND AGENDA**

**Tuesday, April 11, 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. January 24, 2023.
2. February 14, 2023.
3. February 28, 2023.

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

1. None for this Meeting.

**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)-2023-6) to accommodate streambank stabilization repair work involving a parcel along the Moloaa Stream, situated on the mauka side of Moloaa Road in Moloaa and further identified as 3540 A Moloaa Road, Tax Map Key: 4-9-014:020 (por.), affecting a total area of 1.641 acres= **David Houston 1997 Trust.**

1. Director's Report Pertaining to this Matter.

- b. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2023-7) to allow construction of a new single-family dwelling unit on a parcel situated along the makai side of Pe'e Road in Po'ipu, situated approximately 400 feet south of its intersection with Pe'e Road and further identified as Lot 6 of the Makahuena Estates Subdivision, Tax Map Key: (4) 2-8-021:073, containing a total area of approximately 1.103 acres = **Makahuena-Preferred A LLC et al.**

1. Director's Report Pertaining to this Matter.
2. Transmittal Memorandum No. 1 to Planning Commission

- c. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2023-8) to allow construction of a new single-family dwelling unit on a parcel situated along the makai side of Pe'e Road in Po'ipū, at the eastern terminus of a cul-de-sac, situated approximately 600 feet south of its intersection with Pe'e Road and further identified as Lot 2 of the Makahuena Estates Subdivision, Tax Map Key: (4) 2-8-021:069, containing a total area of approximately 1.027 acres = **Makahuena-Preferred A LLC et al.**

- 1. Director's Report Pertaining to this Matter.
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- d. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2023-9) to allow construction of a 5 feet high entry gate, water feature, and associated improvements within the private road right-of-way serving the Makahuena Estates Subdivision in Po'ipū, situated along the makai side of Pe'e Road and approximately 60 feet south of its intersection with Pe'e Road, further identified as Tax Map Key: (4) 2-8-021:078, containing a total area of approximately 0.946 acres = **Makahuena-Preferred A LLC et al.**

- 1. Director's Report Pertaining to this Matter.
- 2. Transmittal Memorandum No. 1 to Planning Commission.

- e. CLASS IV ZONING PERMIT (Z-IV-2023-9) and USE PERMIT (U-2023-6) to allow installation of security fencing, wastewater and associated site improvements at the base yard facility in Lihue, situated along the western side of Wehe Road and immediately adjacent to the County Department of Water, further identified as 4398 Pua Loke Street, Tax Map Key: (4) 3-8-005:002 and containing a total area of 7.319 acres = **State of Hawai'i, Department of Land & Natural Resources (DLNR), Division of Forestry and Wildlife (DOFAW).** [Director's Report Received 3/28/2023]

- 1. Director's Report Pertaining to this Matter.
- 2. Supplemental #1 to Planning Director's Report.

3. **Continued Public Hearing**

- a. None for this Meeting.

4. **New Public Hearing**

- a. ZA-2023-3 – Request: County Zoning Amendment from Agriculture (A) & Open (O) Districts to University District (UNV). Location: Līhu'e, Kaua'i. The entire Kauai Community College campus as well as adjacent parcels to the west, located on the mauka side of Kaumuali'i Highway in Puhi, further identified as 3-1901 Kaumuali'i Highway and affecting a total area of 148.37 acres. Tax Map Key: (4) 3-4-007:001 (Portion), 002, and 003 = **University of Hawai'i, Kaua'i Community College.**

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

## **G. CONSENT CALENDAR**

### **1. Status Reports**

- a. Annual Status Report for Special Management Area Use Permit (SMA(U)-2006-5), Class IV Zoning Permit (Z-IV-2006-10), and Project Development Use Permit (PDU-2006-7), Tax Map Key: (4) 4-3-07:27, Waipouli, Kauai = **Coconut Plantation Beach Investors, 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. Long Range Planning Division Annual Update.

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

## **I. COMMUNICATION**

1. None for this Meeting.

## **J. COMMITTEE REPORTS**

### **1. Subdivision Committee**

#### **a. Preliminary Subdivision Map Approval**

1. Subdivision Application No. S-2021-5  
**Kukui'ula Vistas, LLC. (formerly Kukui'ula Development Company, LLC.)**  
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TMK: (4) 2-6-022: 054  
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#### **b. Preliminary Subdivision Extension Request**

1. Subdivision Application No. S-2019-8  
**Stephanie Fernandes, Fernandes ET AL.** Subdivision  
Proposed 5-lot Subdivision  
TMK: (4) 4-2-005: 044  
Wailua, Kawaihau, Kaua'i



c. Final Subdivision Map Approval

1. Subdivision Application No. S-2022-4  
**Tower Kaua'i Lagoons Sub 4, LLC.**  
Hōkūala Resort Subdivision 4  
Proposed 25-lot Boundary Adjustment  
TMKs: (4) 3-5-004: 400 to 424, Kalapakī,  
Līhu'e, Kaua'i

K. UNFINISHED BUSINESS (For Action)

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. [Deferred 2/14/2023.]

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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 June 13, 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**





SPECIAL MANAGEMENT AREA (SMA) MINOR DETERMINATIONS

Date (Action)	SMA Minor Permit number	Location (TMK)	Activity/ structure
Approved (02.27.2023)	SMA(M)-2023-16	Kōloa (2-8-028:056)	Construction/ Guest house (380 s.f.) without kitchen.
Approved (03.15.2023)	SMA(M)-2023-17	Kapa'a (4-3-002:012)	Construction/ New equipment enclosure platform and six (6) foot high chain link fence.

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

April 11, 2023  
SHORELINE SETBACK DETERMINATIONS

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Development/Reasons
SSD-2023-32	Feryat Newman and Steven Hiaasen	2-6-012:004 Unit 2	Kōloa	Construction of a Second-Floor addition office to an existing garage. / Shoreline certified, required setback is 74 feet from certified shore. Development setback is 129 feet from certified shore.
SSD-2023-33	Steven Rigotti	5-8-008:045	Wainiha	Replace Existing roof existing lanai, replace lanai support posts, add new rood over existing roof, and replace stairs. /Work deemed unsubstantial, required setback is 74 feet, development approximately 240 feet away from evidenced shoreline.
SSD-2023-34	5020 Weke Road LLC, a Hawaii limited liability company	5-5-001:022	Hanalei	Renovation of existing residence. / Accreting shoreline, required setback is 60 feet, proposed development setback is 150 feet from evidenced shoreline.
SSD-2023-35	Craig Devereaux	5-5-003:017	Hanalei	Bathroom renovation and addition. /Weke Road and 2 other parcels are between the subject site and shoreline which is accreting 1.4 tenths of a foot per year. Required setback is 60 feet. Development is about 500 feet away from evidenced shoreline.

SSD-2023-36	Kauai Beach Resort	3-7-003:015	Līhu'e	Structural roof repairs. / Work deemed unsubstantial.
SSD-2023-37	Makena C.K. Nakaahiki and Shay Liko Nakaahiki	1-3-010:101	Kekaha	Construction Single-family dwelling (ADU) with detached garage. / Required setback is 137 feet, proposed structures are setback approximately 375 feet away from evidenced shoreline.
SSD-2023-38	HPTMI Hawaii INC.	3-5-002:002	Lihue	Construction of three (3) beach cabanas 12' X 12' (144 s/f. ea.) / Cabana deemed as " Minor Structure" per Section 8-27.2 definitions.