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.

The meetings of the Kaua‘i Planning Commission will be conducted as follows until further notice:

- Meetings will be publicly noticed pursuant to HRS Chapter 92.
- In-person meetings will be closed to the public to be consistent with social distancing practices.
- Planning Commissioners, Planning Department Staff, parties to agenda items, and resource individuals may appear via the ZOOM remote technology.
- The meeting will be live streamed and also available as an archived meeting after completion at www.kauai.gov/Webcast-Meetings. Please note video production services or enhancements will not be available.
- Written testimony may be submitted on any agenda item and submitted to planningdepartment@kauai.gov or mailed to the Kauai County Planning Department 4444 Rice Street, Ste A473, Lihu‘e, Hawaii 96766. Written testimony received by the Planning Department at least 24 hours prior to the meeting will be distributed to all Planning Commissioners prior to the meeting. Any testimony received after this time and up to the start of the meeting will be summarized by the Clerk of the Commission during the meeting and added to the record thereafter.
- Oral testimony will be taken during the public hearing portion of the meeting via Zoom remote technology platform. Anyone interested in providing oral testimony shall provide a request to the Planning Department 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.
  - It shall be the responsibility of the testifier to join the meeting through the Zoom link provided via E-mail to provide their oral testimony. In addition, it shall be the responsibility of the testifier to ensure that the Zoom software is downloaded and operational prior to the meeting.
  - All testifier audio and video will be disabled until it is your turn to testify.
  - Per the Planning Commission’s and Chairs practice, there is three-minute time limit per testifier.
  - If there are temporary technical glitches during your turn to testify, we may have to move on to the next person due to time constraints; we appreciate your understanding.
  - 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/Webcast-Meetings.
- If any major and insurmountable technical difficulties are encountered during the meetings, the Planning Commission will continue all matters and reconvene at the next scheduled Planning Commission Meeting.
- Minutes of meetings will be completed pursuant to HRS Chapter 92 and posted to the Planning Commission’s website upon completion and approval.
PLANNING COMMISSION TELECONFERENCE MEETING NOTICE
AND AGENDA
Tuesday, October 12, 2021
9:00 a.m. or shortly thereafter

Webcast Link: 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

1. February 9, 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 11, 2021, will be distributed to all Planning Commissioners prior to the meeting. Written testimony received after 9:00 a.m. on Monday, October 11, 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.
1. **Continued Agency Hearing**

   a. Special Management Area Use Permit SMA(U)-2020-1, Class IV Zoning Permit Z-IV-2020-3, and Use Permit U-2020-3 for the construction of a farm dwelling unit within Lot 7 of the Kahili Makai Subdivision in Kilauea, involving a parcel situated at the terminus of Kahili Makai Street and immediately adjacent to property identified as 4254 Kahili Makai Street, Tax Map Key: (4) 5-2-021:007 (Unit E), and affecting a portion of a larger parcel approx. 27.56 acres in size = **Valerie M. Neilson and David N. Kells**. [Director's Report received by Commission Clerk 10/8/19, deferred 10/22/19.]

2. **New Agency Hearing**

3. **Continued Public Hearing**

4. **New Public Hearing**

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**

   a. **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'ipu 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.**

   1. Director's Report Pertaining to this Item.

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: Hearing Officer’s Report and Recommendation of Contested Case, CC-2020-2, Valerie M. Neilson & David N. Kells, concerning Special Management Area Use Permit SMA(U)-2020-1, Class IV Zoning Permit Z-IV-2020-3, and Use Permit U-2020-3 for the construction of a Farm Dwelling Unit within Lot 7 of the Kahili Makai Subdivision in Kilauea, involving a parcel situated at the terminus of Kahili Makai Street and immediately adjacent to Property identified as 4316-Z Kahili Makai Road, Tax Map Key: (4) 5-2-001:007 (Unit E), and affecting a portion of a larger parcel approx. 27.56 acres in size.

I. GENERAL BUSINESS MATTERS

J. COMMUNICATION

K. COMMITTEE REPORTS

L. UNFINISHED BUSINESS (For Action)

1. Special Management Area Use Permit SMA(U)-2020-1, Class IV Zoning Permit Z-IV-2020-3, and Use Permit U-2020-3 for the construction of a farm dwelling unit within Lot 7 of the Kahili Makai Subdivision in Kilauea, involving a parcel situated at the terminus of Kahili Makai Street and immediately adjacent to property identified as 4254 Kahili Makai Street, Tax Map Key: (4) 5-2-021:007 (Unit E), and affecting a portion of a larger parcel approx. 27.56 acres in size = Valerie M. Neilson and David N. Kells. [Director’s Report received by Commission Clerk 10/8/19, deferred 10/22/19.]

a. Consideration of the Hearing Officer’s Report and Recommendation of Contested Case, CC-2020-2, Valerie M. Neilson & David N. Kells, concerning Special Management Area Use Permit SMA(U)-2020-1, Class IV Zoning Permit Z-IV-2020-3, and Use Permit U-2020-3 for the construction of a Farm Dwelling Unit within Lot 7 of the Kahili Makai Subdivision in Kilauea, involving a parcel situated at the terminus of Kahili Makai Street and immediately adjacent to Property identified as 4316-Z Kahili Makai Road, Tax Map Key: (4) 5-2-001:007 (Unit E), and affecting a portion of a larger parcel approx. 27.56 acres in size.

i. Intervenors CS Development LLC and Charles Somers Individually, Exception to the Hearing Officer’s Report and Recommendations; Request for Oral Argument Before the Commission; Certificate of Service.

ii. Respondent Planning Department of the County of Kaua‘i’s Report and Recommendation; Certificate of Service.

iii. Petitioners’ Support of the Hearing Officer’s Report and Recommendation; Certificate of Service.
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 October 26, 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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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@KAUAIGOV 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.
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 12, 2021

SHORELINE SETBACK DETERMINATIONS

<table>
<thead>
<tr>
<th>Application No.</th>
<th>Name of Applicant(s)</th>
<th>Property I.D. (Tax Map Key)</th>
<th>Location</th>
<th>Development/Reasons</th>
</tr>
</thead>
<tbody>
<tr>
<td>SSD-2021-17</td>
<td>Interstate Restoration Hawai‘i, Cory Ward (Kaua‘i Beach Villas)</td>
<td>(4) 3-7-003:014</td>
<td>Līhu‘e</td>
<td>Interior renovations Unit E1, E2, E7, E8, and E14. / Unsubstantial improvement</td>
</tr>
<tr>
<td>SSD-2022-9</td>
<td>Gabriel Prieto</td>
<td>(4) 4-9-005:023 CPR Unit 4</td>
<td>Anahola</td>
<td>Addition to Single family residence/Proposed setback, approximately 480 feet, required setback, 100 feet, site on 50 foot cliff bluff.</td>
</tr>
<tr>
<td>SSD-2022-10</td>
<td>EPG KBR fee owner, LLC</td>
<td>(4) 3-7-003:015</td>
<td>Princeville</td>
<td>Building 4 Lāna‘i railing repair/ Unsubstantial improvement.</td>
</tr>
<tr>
<td>SSD-2022-11</td>
<td>Tom and Margie Silva</td>
<td>(4) 2-8-020:003 CPR Unit 39</td>
<td>Kōloa</td>
<td>Makahuena Point Bldg 11A interior renovations / Unsubstantial improvement</td>
</tr>
</tbody>
</table>

PLANNING COMMISSION – OCTOBER 12, 2021

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