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PLANNING COMMISSION TELECONFERENCE MEETING NOTICE
AND AGENDA
Tuesday, September 14, 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. November 10, 2020
2. December 8, 2020

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, September 13, 2021, will be distributed to all Planning Commissioners prior to the meeting. Written testimony received after 9:00 a.m. on Monday, September 13, 2021, will be summarized by the Clerk of the Commission during the meeting and added to the record thereafter.

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1. Continued Agency Hearing

2. New Agency Hearing

a. 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 Seaciff Plantation Subdivision in Kilauea, 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.

2. Director’s Report Pertaining to this item.
3. Supplemental #1 to the Director’s Report pertaining to this matter.

3. Continued Public Hearing

a. ZA-2021-2: A bill (2822) for an ordinance amending Chapter 8, Kaua‘i County Code 1987, as amended, relating to Transient Accommodations. The proposal amends various articles of the Comprehensive Zoning Ordinance (CZO) relating to transient accommodations = Kaua‘i County Council. [Director’s Report Received, hearing continued 7/13/2021.]

1. Letter (7/11/2021) from Roberta Jones.
2. Letter (undated, received on 7/12/2021) from S. Kamal Salibi.
3. Letter (7/12/2021) from Valerie & Austin Owen.
5. Letter (7/12/2021) from Jessica Muffett Schilling.
8. Letter (7/12/2021) from Jill and Steve Landis.
10. Letter (7/12/2021) from Emily Olbrich.
11. Letter (7/12/2021) from Betsy Lis.
12. Letter (7/12/2021) from Jason M. Cuce, Vice President, SOF-XI Kaua‘i PV HOLDINGS, LP.
15. Letter (7/12/2021) from Lori Smith.
16. Letter (7/12/2021) from Ron Wright, President, Alii Kai II.
17. Letter (7/12/2021) from Elizabeth Callahan.
25. Letter (9/6/2021) from Mary Paterson.
31. Letter (9/7/2021) from Susan Barnett.
32. Letter (9/7/2021) from Stephen Barnett.
33. Letter (9/7/2021) from Bob Doyle.
34. Letter (9/7/2021) from Rod Dryden.
35. Letter (9/7/2021) from Ann & Gary Mahon.
36. Letter (9/7/2021) from Victoria Parvin.
37. Letter (9/7/2021) from Matthew Schaller.
38. Letter (9/7/2021) from James & Frances Lee.
39. Letter (9/7/2021) from Albert Baroni and Sandra Ughoc Lew.
40. Letter (9/7/2021) from Anne Schneider.
41. Supplemental #2 to the Director’s Report pertaining to this matter.

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 on Tuesday, September 28, 2021.**

   a. CLASS IV ZONING PERMIT (Z-IV-2022-2) and USE PERMIT (U-2022-2) to allow renovations to the existing building to convert commercial retail and office spaces into residential units on a parcel in Hanapepe Town, situated on the mauka side of Hanapepe Road, approximately 550 feet north of the Hanapepe Road/Hana Road intersection, further identified as 3731 Hanapepe Road, Tax Map Key: (4) 1-9-004:015 and containing a total area of 6,808 square feet = **John & Elizabeth Von Krusensteirn.**

   1. Director’s Report pertaining to this matter.
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.

a. 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 a legal case captioned: In the Circuit Court of the Fifth Circuit, State of Hawai‘i: Michael Kaplan, Trustee of the Michael A. Kaplan Revocable Trust, dated August 12, 1992, Appellant v. County of Kaua‘i Planning Commission and County of Kaua‘i, Appellees; Civil No. 5CCV-21-0000057 (Agency Appeal).

I. GENERAL BUSINESS MATTERS


a. Director’s Supplemental Report on this matter.

b. Written Assessment Related to Native Hawaiian Traditional and Customary Practices on Kuleana Lot owned by Kaplan, TMK No. (4)5-2-012-019 (Kuleana Lot), Submitted by Dawn N.S. Chang, Esq., 08/24/2021.

2. In accordance with the terms of a Settlement Agreement in a legal case captioned: In the Circuit Court of the Fifth Circuit, State of Hawai‘i: Michael Kaplan, Trustee of the Michael A. Kaplan Revocable Trust, dated August 12, 1992, Appellant v. County of Kaua‘i Planning Commission and County of Kaua‘i, Appellees; Civil No. 5CCV-21-0000057 (Agency Appeal), consideration of Class IV Zoning Permit Z-IV-2021-8 and Use Permit U-2021-7 for the construction of a farm dwelling unit and associated site improvements on a parcel located in Kilauea, situated approximately 1,700 feet from Kahili Makai Road and 2,700 feet from the Kahili Makai Road/Kūhiō Highway Intersection, further identified as Tax Map Key: (4)5-2-012:019 and containing a total area of 0.735 acre.

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

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 September 28, 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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SUBDIVISION COMMITTEE TELECONFERENCE MEETING NOTICE AND AGENDA
Tuesday, September 14, 2021
8:30 a.m. or shortly thereafter

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B. ROLL CALL

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

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2. December 8, 2020

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G. GENERAL BUSINESS MATTERS

H. UNFINISHED BUSINESS

I. NEW BUSINESS (For Action)

1. Extension Request to Complete Improvements

   a. Subdivision Application No. S-99-49
      (Kūlana Association of Apartment Owners)
      Kūlana Subdivision
      23-lot Subdivision
      TMK: (4) 4-3-011:001
      Kapa’a & Waipouli, Kawaihau, Kaua’i

      1) Subdivision Report pertaining to this matter.

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BRAILLE, OR ELECTRONIC COPY.
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.

September 14, 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 2022-1</td>
<td>Scot and Lynn Johnson</td>
<td>(4) 5·4:012:011 CPR Unit 16</td>
<td>Princeville</td>
<td>Interior renovation and atrium roofing/ Unsubstantial development</td>
</tr>
<tr>
<td>SSD 2022-2</td>
<td>Johnathan Berent</td>
<td>(4) 2·8:020:003 CPR Unit 71</td>
<td>Kōloa</td>
<td>Structural repair to floor joists from AC Conduit drilling./ Rocky shore, approximately 35 ft. above MSL</td>
</tr>
<tr>
<td>SSD 2022-3</td>
<td>George Coughlin</td>
<td>(4) 5·4:012:011 CPR Unit 38</td>
<td>Princeville</td>
<td>Replacement of Atrium roofing and window wall/ Unsubstantial improvement</td>
</tr>
</tbody>
</table>