



PLANNING COMMISSION

KAAINA S. HULL, CLERK OF COMMISSION

RECEIVED

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OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUAI

HELEN COX, CHAIR
FRANCIS DEGRACIA, VICE CHAIR
GERALD AKO, MEMBER
DONNA APISA, MEMBER
LORI OTSUKA, MEMBER

Pursuant to Hawai'i Revised Statutes Section 92-3.7, which codified Act 220, SLH 2021, the meetings of the County of Kaua'i Planning Commission will be conducted as follows:

- **The meeting location that will be open to the public with audiovisual connection is:**
 - Līhu'e Civic Center, Moikeha Building
 - Meeting Room 2A-2B
 - 4444 Rice Street, Līhu'e, Kaua'i, Hawai'i
- In addition to attendance in-person, the public may also attend the meeting through Zoom using link provided on the agenda.
 - If the Zoom connection or audio/visual connection is lost at the public location identified in the Commission's public notice and cannot be restored within 30 minutes during the meetings, the Planning Commission will postpone all matters and reconvene at the next scheduled Planning Commission Meeting.
- Also, the meeting will be live streamed and available as an archived meeting after completion at www.kauai.gov/Webcast-Meetings. Please note that the livestream broadcast does not allow interaction between the viewer and Planning Commission. Also, video production services or enhancements of the recorded video will not be available.
- **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 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 **in-person at the public meeting location or via Zoom link as an additional accommodation** listed on the agenda.
 - 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, per agenda item.
 - 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.
- **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, July 12, 2022

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

To Join by ZOOM Link: <https://us06web.zoom.us/j/87987571072>

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

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. None for this Meeting.

3. Continued Public Hearing

a. None for this Meeting.

4. New Public Hearing

a. ZA-2022-9: A bill for an ordinance amending Chapter 10, Article 3, Kauai County Code 1987, as amended, relating to the West Kauai Community Plan. The proposal amends Section 10-3 of the Kauai County Code relating to text and mapping requirements within to establish a Special Planning Area "O", which shall also be known as the "Plantation Camp Walkable Mixed Use District", and be designated as "SPA-O" as shown on Zoning Maps ZM-KV-100 (Kaumakani Village) and ZM-KA-100 (Kaumakani Avenue) for a portion of a property further identified as tax map key 1-7-006:001 = **County of Kaua'i, Planning Department.**

- b. ZA-2022-12: A bill for an ordinance amending Chapter 8, Kauai County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZO). The proposal amends Article 12 of the CZO relating to Constraint Districts. The purpose of the ordinance is to amend the CZO's Constraint Shoreline District (S-SH) and Flood District (S-FL) to become the Constraint Sea Level Rise District to address sea level rise impacts on annual high wave run up and passive flooding projected to occur within this century by a County of Kauai Sea Level Rise Constraint District Viewer = **County of Kaua'i, Planning Department**.

G. CONSENT CALENDAR

1. Status Reports

- a. None for this Meeting.

2. Director's Report for Project Scheduled for Agency Hearing

- a. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2022-8), CLASS IV ZONING PERMIT (Z-IV-2022-11) and USE PERMIT (U-2022-11) to allow replacement and upgrades to the existing wastewater treatment plant facility servicing the Nihi Kai Villas condominium project, involving a parcel situated on the mauka side of Hoone Road in Poipu, approximately 200 feet north of the Hoone Road/Nalo Road intersection, further identified as 1870 Hoone Road, Tax Map Key: (4) 2-8-019:022 and containing a total area of 5.975 acres.

1. Director's Report pertaining to this matter (see agenda packet).

H. GENERAL BUSINESS MATTERS

1. Planning Director Kaaina S. Hull's Petition to Revoke Applicant Sally Sellar Reed Trust TVNCU Certificate and Issue an Order to Show Cause and Set Hearing.
2. AMENDMENT TO CLASS IV ZONING PERMIT (Z-IV-2020-1), AND USE PERMIT (U-2020-1) to amend Condition No. 8 to allow completion of the project to construct a new branch office building and associated site improvements on property located within Kīlauea Town, situated immediately across the Kīlauea Post Office facility and immediately adjacent to the Kīlauea Lighthouse Shopping Center, along the northern side of the Kīlauea Lighthouse Road, Keneke Road intersection, further identified as Tax Map Key: 5-1-2-0005:023, and affecting a portion of the larger parcel containing approx.. 179.439 acres = **Gather Federal Credit Union**.

- a. Director's Report pertaining to this matter (see agenda packet).

I. COMMUNICATION

1. None for this Meeting.

J. COMMITTEE REPORTS

1. Subdivision Committee

- a. Consideration and Action on all Subdivision matters listed on the Subdivision Committee Agenda.

K. UNFINISHED BUSINESS (For Action)

1. None for this Meeting.

L. NEW BUSINESS (For Action)

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 - a. Director's Report pertaining to this matter (see agenda packet).
2. ZA-2022-12: A bill for an ordinance amending Chapter 8, Kauai County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZO). The proposal amends Article 12 of the CZO relating to Constraint Districts. The purpose of the ordinance is to amend the CZO's Constraint Shoreline District (S-SH) and Flood District (S-FL) to become the Constraint Sea Level Rise District to address sea level rise impacts on annual high wave run up and passive flooding projected to occur within this century by a County of Kauai Sea Level Rise Constraint District Viewer = **County of Kaua'i, Planning Department**.
 - a. Director's Report pertaining to this matter (see agenda packet).

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. ZA-2022-9: A bill for an ordinance amending Chapter 10, Article 3, Kauai County Code 1987, as amended, relating to the West Kauai Community Plan. The proposal amends Section 10-3 of the Kauai County Code relating to text and mapping requirements within to establish a Special Planning Area "O", which shall also be known as the "Plantation Camp Walkable Mixed Use District", and be designated as "SPA-O" as shown on Zoning Maps ZM-KV-100 (Kaumakani Village) and ZM-KA-100 (Kaumakani Avenue) for a portion of a property further identified as tax map key 1-7-006:001 = **County of Kaua'i, Planning Department**.
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3. Planning Director Kaaina S. Hull's Petition to Revoke Applicant Sally Sellar Reed Trust TVNCU Certificate and Issue an Order to Show Cause and Set Hearing.

4. AMENDMENT TO CLASS IV ZONING PERMIT (Z-IV-2020-1), AND USE PERMIT (U-2020-1) to amend Condition No. 8 to allow completion of the project to construct a new branch office building and associated site improvements on property located within Kīlauea Town, situated immediately across the Kīlauea Post Office facility and immediately adjacent to the Kīlauea Lighthouse Shopping Center, along the norther side of the Kilauea Lighthouse Road, Keneke Road intersection, further identified as Tax Map Key: 5-1-2-0005:023, and affecting a portion of the larger parcel containing approx.. 179.439 acres = Gather Federal Credit Union.

5. **Preliminary Subdivision Extension Request**

- a. Subdivision Application No. S-2017-6
(Moloa`a Valley Homeowners, LLC.)
Proposed 7-lot Subdivision
TMK: (4) 4-9-11:013
Kawaihau, Kaua`i
- b. Subdivision Application No. S-2019-3
(McBryde Sugar Company, LLC. / Sunset Strip Properties, LLC.)
Proposed 19-lot consolidation and resubdivision into 2-lots
TMK: (4) 2-4-016:001 - 019
Wahiawa, Kōloa, Kaua`i
- c. Subdivision Application No. S-2019-4
(Tim Beckman & Mira Hess)
Proposed 4-lot consolidation and resubdivision into 3-lots
TMK: (4) 2-8-014:038, 042
Kōloa, Kaua`i
- d. Subdivision Application No. S-2019-8
(Stephanie Fernandes)
Proposed 5-lot subdivision
TMK: (4) 4-2-005:044
Wailua, Kawaihau, Kaua`i
- e. Subdivision Application No. S-2020-9
(Baird Family Limited Partnership)
Proposed 3-lot subdivision
TMK: (4) 4-4-013:002
Kapa`a Homesteads, 2nd Series, Kaua`i

6. **Final Subdivision Map Approval**

- a. Subdivision Application No. S-2021-6
(KEEKAUAICARPORT, LLC.)
Proposed 2-lot subdivision
TMK: (4) 2-6-017:045
Kōloa (Makai), Kōloa, Kona, Kaua`i

b. Subdivision Application No. S-2022-3
(Whiptail Wallaby, LLC.)
Proposed 2-lot consolidation
TMK: (4) 2-6-018:025, 027
Kōloa (Makai), Kōloa, Kona, Kauaʻi

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 July 26, 2022. 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 also anticipates providing telephone and a virtual platform capability for members of the public to testify remotely. The Commission will announce its intended meeting method via an agenda electronically posted at least six days prior to the meeting date.

O. ADJOURNMENT

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.

July 12, 2022

SHORELINE SETBACK DETERMINATIONS

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Development/Reasons
SSD-2022-49	Concora Cliffs LLC	2-8-015:014	Hanalei	Second story addition/
SSD-2022-50	COK Department of Parks and Recreation	5-5-002:019	Hanalei	Renovation of existing Hanalei Pavilion/ Accreting shoreline required setback 100 feet, Existing Pavilion 280 feet away from shoreline