



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

REGULAR TELECONFERENCE MEETING NOTICE AND AGENDA

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

RECEIVED

21 FEB -1 P4:27

Microsoft Teams Audio: + 1 469-848-0234, Conference ID: 115 001 121#

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.

OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUA'I

- 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, February 08, 2021, will be distributed to all Planning Commissioners prior to the meeting. Written testimony received after 9:00 a.m. on Monday, February 08, 2021, will be summarized by the Clerk of the Commission during the meeting and added to the record thereafter.
 1. Continued Agency Hearing
 2. New Agency Hearing

F. HEARINGS AND PUBLIC COMMENT (Cont'd)

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

H. EXECUTIVE SESSION

1. Pursuant to Hawai'i Revised Statutes Section 92-5(a)(2 and 4), the purpose of this executive session is to discuss matters pertaining to the annual evaluation of the Planning Director. This session pertains to the evaluation of the Planning Director's work performance where consideration of matters affecting privacy will be involved. Further, to consult with legal counsel regarding powers, duties, privileges, and/or liabilities of the Planning Commission as it relates to the evaluation of the Planning Director.

I. GENERAL BUSINESS MATTERS

1. Petition to Appeal of the Decision of the Planning Director; Exhibits "1" - "12"; Certificate of Service by Mauna Kea Trask of Cades Schutte, Attorney for Appellants **Charles M. Somers Trust and West Sunset Phase 1 LLC**, in the matter of the Application of Charles M. Somers Trust and West Sunset Phase 1 LLC appealing Notice of Violation & Order to Pay Fines executed on December 7, 2020 for properties located at 1957 Kahili Quarry Road, Kīlauea, HI, Tax Map Key No(s): (4) 5-2-012:035 & 047, Hanalei District Kahili, Kīlauea, Kaua'i, Hawai'i.
 - a. Clerk of the Commission's Recommendation to Refer an Appeal of the Planning Director's Decision Related to the Planning Director's Notice of Violation & Order to Pay Fines for the illegal development within the Special Management Area of Kīlauea, **Charles M. Somers Trust and West Sunset Phase 1 LLC**, Tax Map Key (4) 5-2-012:35 and 47, Hanalei District Kahili, Kīlauea, Kaua'i, received on December 28, 2020, for referral to Board and Commissions as Contested Case no. CC-2021-1.

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 March 09, 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

Tuesday, February 09, 2021
8:30 a.m. or shortly thereafter

Microsoft Teams Audio: + 1 469-848-0234, Conference ID: 212 932 174#

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A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

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

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 8:30 a.m. on Monday, February 08, 2021, will be distributed to all Planning Commissioners prior to the meeting. Written testimony received after 8:30 a.m. on Monday, February 08, 2021, will be summarized by the Clerk of the Commission during the meeting and added to the record thereafter.

G. GENERAL BUSINESS MATTERS

H. UNFINISHED BUSINESS

I. NEW BUSINESS (For Action)

1. Tentative Subdivision Map Approval

- a. Subdivision Application No. S-2021-3
(Allan & Karen Nesbitt, Trust)
Proposed 2-lot Boundary Adjustment
TMKs: (4) 2-3-022: 044 & 045
Kalāheo, Kōloa, Kauaʻi

1) Subdivision Report pertaining to this matter.

2. Tentative Subdivision Extension Request

- a. Subdivision Application No. S-2019-8
(Stephanie Fernandes)
Proposed 5-lot Subdivision
TMK: (4) 4-2-005: 044
Wailua, Kawaihau, Kauaʻi

1) Subdivision Report pertaining to this matter.

3. Final Subdivision Map Approval

- a. Subdivision Application No. S-2019-1
(Alexander & Vivian Youn, Trust)
Proposed 8-lot Subdivision
TMK: (4) 4-2-003: 023
Wailua, Kawaihau, Kauaʻi

1) Subdivision Report pertaining to this matter.

4. Recertification of Final Map Approval

- a. Subdivision Application No. S-2007-1
(State of Hawaiʻi – DOT)
Kaunuaʻi Highway Widening – Phase I
TMK: Various Parcels
Līhuʻe, Kauaʻi

1) Subdivision Report pertaining to this matter.

J. ADJOURNMENT

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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.

February 09, 2021

SHORELINE SETBACK DETERMINATIONS

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Reasons
SSD-2021-23	Kaua'i Marriott Ownership	3-5-002:002	Līhu'e	Replacement of slider doors for forty-eight (48) units
SSD-2021-24	Frederick Berg	1-3-003:020 0002	Kekaha	Interior alteration
SSD-2021-25	Blue Sky Construction, INC.	2-8-017:026 0150	Kōloa	Interior renovation
SSD-2021-26	Kaua'i Beach Villas	3-7-003:014	Līhu'e	Concrete repair, deck railing replacement
SSD-2021-27	Nihi Kai Villas	2-8-019:022	Po'ipū	Re-roof and repairs to BBQ Pavilion