



PLANNING COMMISSION

KAAINA S. HULL, CLERK OF COMMISSION

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DONNA APISA, CHAIR
HELEN COX, VICE CHAIR
GERALD AKO, MEMBER
MELVIN CHIBA, MEMBER
FRANCIS DEGRACIA, MEMBER
GLENDA NOGAMI-STREUFERT, MEMBER
LORI OTSUKA, MEMBER

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, Lihue, 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.
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- 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, November 9, 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. May 11, 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, November 8, 2021, will be distributed to all Planning Commissioners prior to the meeting. Written testimony received after 9:00 a.m. on Monday, November 8, 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)-2022-2) for the construction of a single-family residence and associated site improvements on a parcel situated along the makai side of Kaumuali'i Highway and immediately adjacent to the Kikialola Small Boat Harbor in Kekaha, further identified as 8948 Kaumuali'i Highway, Tax Map Key: (4) 1-2-006:022, containing a total area of 2.601 acres = ***Lāwa'i Properties LLC***.

1. Director's Report pertaining to this matter.

3. Continued Public Hearing

4. New Public Hearing

- a. ZA-2022-1: A bill (2834) for an ordinance amending Chapter 8, Kaua'i County Code 1987, as amended, relating to the Comprehensive Zoning Ordinance, and Chapter 22, Kauai County Code 1987, as amended, relating to Public Health, Safety, and Welfare. The purpose of this ordinance is to protect health, life, and property and to conform with the General Plan to ensure that future contacts and agreements do not limit or prohibit Long-Term Rentals, ARUs, ADUs, and Guest Houses = ***Kaua'i County Council***.

1. Director's Report pertaining to this matter.

5. All remaining public testimony pursuant to HRS 92 (Sunshine Law)

G. CONSENT CALENDAR

1. Status Reports

- a. Annual Status Report 2021 for Special Management Area Use Permit SMA(U)-2007-13, Project Development Use Permit P.D. U-2007-25, and Class IV Zoning Permit Z-IV-2007-29, Tax Map Keys: (4)2-5-015:043, 044 & 082; 2-8-016:003, 004 = ***Kaua'i Blue, Inc. (formerly SVO Pacific, Inc. & VSE Pacific, Inc.)***.

1. Director's Report pertaining to this matter.

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

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.

I. GENERAL BUSINESS MATTERS

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 (For Action)

1. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2022-2) for the construction of a single-family residence and associated site improvements on a parcel situated along the makai side of Kaumuali'i Highway and immediately adjacent to the Kikialola Small Boat Harbor in Kekaha, further identified as 8948 Kaumuali'i Highway, Tax Map Key: (4) 1-2-006:022, containing a total area of 2.601 acres = ***Lāwa'i Properties LLC***.
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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 December 14, 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

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

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SUBDIVISION COMMITTEE TELECONFERENCE MEETING
NOTICE AND AGENDA

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1. May 11, 2021

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G. GENERAL BUSINESS MATTERS

H. UNFINISHED BUSINESS

I. NEW BUSINESS (For Action)

1. Tentative Subdivision Map Approval

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

- 1) Subdivision Report pertaining to this matter.

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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.

November 9, 2021

SHORELINE SETBACK DETERMINATIONS

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Development/Reasons
SSD-2022-16	Gabriel Prieto	4-9-005:023 CPR Unit 4	Anahola	Swimming pool with associated decking and pool equipment area