



## 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](http://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](mailto: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.
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  - 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](http://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, December 14, 2021**  
**9:00 a.m. or shortly thereafter**

**Webcast Link:** <https://www.kauai.gov/Webcast-Meetings>

**Registration Link:**  
[https://zoom.us/webinar/register/WN\\_WXeSvP-BRZakshEb\\_POeCw](https://zoom.us/webinar/register/WN_WXeSvP-BRZakshEb_POeCw)

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. APPROVAL OF AGENDA**

**D. MINUTES of the meeting(s) of the Planning Commission**

1. June 8, 2021
2. July 13, 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](mailto: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, December 13, 2021, will be distributed to all Planning Commissioners prior to the meeting. Written testimony received after 9:00 a.m. on Monday, December 13, 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. Once you register for the meeting, you will receive the meeting link that is unique to each registrant that cannot be shared. It shall be the responsibility of the testifier to register for the Zoom meeting and ensure that the Zoom software is downloaded prior to the meeting. 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](http://www.kauai.gov/webcastmeetings).



## **1. Continued 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 Seacliff Plantation Subdivision in Kīlauea, 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***. [Director's report received, hearing deferred 9/14/2021; Supplement to Planning Director's Report Numbers 1, 2, 3, & 4 received, hearing deferred 10/26/2021].
  1. Petition for Intervention (received October 19, 2021) by Mehana Blaich Vaughn, Nicole Hoku Cody, and Jessica AK Fu on behalf of Na Kia'i O Nihoku.
  2. Applicants' Opposition to Na Kia'i O Nihoku's Petition to Intervene; Declaration of Timothy Irons; Exhibits "1" and "2"; Certificate of Service.

## **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**

## **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: 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 Seacliff 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. 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**

**J. COMMUNICATION**

1. Notice of Withdrawal (received, 12/2/2021) from Max W. J. Graham, Jr., Belles Graham LLP in the matter of the Application of SOF-XI Kaua'i PV Golf, L.P., a Delaware limited partnership, for PROJECT DEVELOPMENT USE PERMIT (PDU-2022-1), CLASS IV ZONING PERMIT (Z-IV-2022-3), and USE PERMIT (U-2022-3), to allow a development involving developed campground facilities affecting Holes #1 through #3 of the Princeville Makai Golf Club, Woods Course and the existing fitness center facility in Princeville, situated on the western side of Lei O Papa Road, approximately 400 feet south of the Lei O Papa Road/Ka Haku Road intersection, further identified as Tax Map Keys: (4) 5-4-006:003, 005 & 006 and affecting a total area of 6.27 acres of a larger parcel.

**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)-2022-1), 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 Seacliff Plantation Subdivision in Kīlauea, 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**. [Director's report received, hearing deferred 9/14/2021; Supplement to Planning Director's Report Numbers 1, 2, 3, & 4 received, hearing deferred 10/26/2021].
  - a. Supplement to Planning Director's Report Number 5.
  - b. Supplement to Planning Director's Report Number 6.

**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 January 11, 2022. 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](mailto:ASEGRETI@KAUAI.GOV) AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST.**

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## PLANNING COMMISSION

KAAINA S. HULL, CLERK OF COMMISSION

FRANCIS DEGRACIA, CHAIR  
MELVIN CHIBA, VICE CHAIR  
GERALD AKO, 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.

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# SUBDIVISION COMMITTEE TELECONFERENCE MEETING

## NOTICE AND AGENDA

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8:30 a.m. or shortly thereafter

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Registration Link:

[https://zoom.us/webinar/register/WN\\_WXeSvP-BRZakshEb\\_POeCw](https://zoom.us/webinar/register/WN_WXeSvP-BRZakshEb_POeCw)

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

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

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

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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-2022-2  
(Kukui'ula Vistas, LLC.)  
Proposed 6-lot Subdivision  
TMK: (4) 2-6-022:054  
Kōloa, Kona, Kaua'i

1) Subdivision Report pertaining to this matter.

- b. Subdivision Application No. S-2022-4  
(Tower Kaua'i Lagoons Sub 4, LLC.)  
Proposed 25-lot Boundary Adjustment  
TMK: (4) 3-5-004: 400-424  
Kalapakī, Līhu'e, Kaua'i

1) Subdivision Report pertaining to this matter.

- c. Subdivision Application No. S-2022-5  
(Morton L. Cohen Family Trust)  
Proposed 2-lot Boundary Adjustment  
TMK: (4) 4-4-013: 034 & 035  
Kapa'a and Waipouli, Kawaihau, Kaua'i

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.

December 14, 2021

SHORELINE SETBACK DETERMINATIONS

<b>Application No.</b>	<b>Name of Applicant(s)</b>	<b>Property I.D. (Tax Map Key)</b>	<b>Location</b>	<b>Development/Reasons</b>
SSD-2022-17	Marc Ventura	2-8-015:003 CPR Unit 13 and 43	Koloa	Interior repair, kitchen, and bathroom renovation/ Unsubstantial work.
SSD-2022-18	Stan Hesse	4-3-009:008	Kapa'a	Interior renovations/ Required setback 116 feet, proposed setback 337 feet.
SSD-2022-19	Treefish LLC, Adam Brown	2-8-020:003	Koloa	Walkway repair/ Unsubstantial work.
SSD-2022-20	Sonya Cabacungan	1-3-001:082	Kekaha	Roof repair/ Unsubstantial work.