



## PLANNING COMMISSION

KAAINA S. HULL, CLERK OF COMMISSION

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DONNA APISA, CHAIR  
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GERALD AKO, MEMBER  
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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 Microsoft Teams 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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  - It shall be the responsibility of the testifier to join the meeting through the Microsoft Teams link provided via E-mail and listed on the agenda to provide their oral testimony. In addition, it shall be the responsibility of the testifier to ensure that the Microsoft Teams software is downloaded and operational prior to the meeting. In addition,
  - All testifier audio will be muted and video 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, 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](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, 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.

Requests to provide oral testimony must be made at least 24 hours prior to the meeting by emailing [planningdepartment@kauai.gov](mailto: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. Oral testimony will be taken during the public hearing portion of the meeting via the following Microsoft Teams link: [https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_ZjdmOWQ3YjEtNjg0YS00ZjNlLWJiN2ltMjFjNmNlZGlyN2lw%40thread.v2/0?context=%7b%22Tid%22%3a%2282057022-1cb1-40a6-ada9-2fd512d13e37%22%2c%22Oid%22%3a%22ae8b71af-4959-499c-b300-2ff716814d2b%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZjdmOWQ3YjEtNjg0YS00ZjNlLWJiN2ltMjFjNmNlZGlyN2lw%40thread.v2/0?context=%7b%22Tid%22%3a%2282057022-1cb1-40a6-ada9-2fd512d13e37%22%2c%22Oid%22%3a%22ae8b71af-4959-499c-b300-2ff716814d2b%22%7d)



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 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.**

1. Letter (6/5/2021) from Yoshito L'Hote, President, Kīlauea Neighborhood Association.
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.
4. Letter (7/12/2021) from Dough & Cheryl Ludolph.
5. Letter (7/12/2021) from Jessica Muffett Schilling.
6. Letter (7/12/2021) from Sam Knepper.
7. Letter (7/12/2021) from Carolyn Knepper.
8. Letter (7/12/2021) from Jill and Steve Landis.
9. Letter (7/12/2021) from Anabella Bruch, President, Hawaii Farmers Union United – Kauai Chapter.
10. Letter (7/12/2021) from Emily Olson.
11. Letter (7/12/2021) from Betsy Lis.
12. Letter (7/12/2021) from Jason M. Cruce, Vice President, SOF-XI Kaua'i PV HOLDINGS, LP.
13. Letter (7/12/2021) from Terry and Sonja Passalacqua.
14. Letter (7/12/2021) from Rick and Debra Drayton.
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.
18. Letter (7/13/2021) from Eric Crisler.
19. Letter (9/6/2021) from Michael Shandling.
20. Letter (9/6/2021) Letter from Bob & Sarah Chrisman.
21. Letter (9/6/2021) from Travis, Kristy, Madison & Braiden Prentice.
22. Letter (9/6/2021) from Eric Crisler.
23. Letter (9/6/2021) from Ronald Stone.
24. Letter (9/6/2021) from Jonathan McRoberts.
25. Letter (9/6/2021) from Mary Paterson.
26. Letter (9/6/2021) from Miranda Moss.
27. Letter (9/6/2021) from Ken Rosenthal, MBA Sr. Advisor, CDC Capital Markets.
28. Letter (9/6/2021) from Terry and Sonja Passalacqua.
29. Letter (9/6/2021) from Lynn Misajon.
30. Letter (9/6/2021) from Lisa Vitorelo.
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**

1. Consideration 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) (settlement under Court Seal).
  - 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 Kīlauea, 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**

**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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KAAINA S. HULL, CLERK OF COMMISSION

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

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## **SUBDIVISION COMMITTEE TELECONFERENCE MEETING NOTICE AND AGENDA**

**Tuesday, September 14, 2021  
8:30 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 Subdivision Committee**
  - 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](mailto:planningdepartment@kauai.gov) or mailed to the County of Kaua'i Planning Department, 4444 Rice Street, Suite 473, Lihue, Hawaii 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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[https://teams.microsoft.com/dl/launcher/launcher.html?url=%2F%20%2Fmeetup-join%2F19%3Ameeting\\_NjQzMjEyNjYtNTA1My00NjBjLTkwODAtYTZmYjMxODJiNjQz%40thead.v2%2F0%3Fcontext%3D%257b%2522id%2522%253a%252282057022-1cb1-40a6-ada9-2fd512d13e37%2522%252c%2522oid%2522%253a%2522ae8b71af-4959-499c-b300-2ff716814d2b%2522%257d%26CT%3D1630713823582%26OR%3DOutlook-Body%26CID%3D7196F5F8-8A02-402F-A0BC-E74D61B0248E%26anon%3Dtrue&type=meetup-join&deeplinkId=2cca9664-ff0a-429c-b8a4-a1b805dc211d&directDl=true&msLaunch=true&enableMobilePage=true&suppressPrompt=true](https://teams.microsoft.com/dl/launcher/launcher.html?url=%2F%20%2Fmeetup-join%2F19%3Ameeting_NjQzMjEyNjYtNTA1My00NjBjLTkwODAtYTZmYjMxODJiNjQz%40thead.v2%2F0%3Fcontext%3D%257b%2522id%2522%253a%252282057022-1cb1-40a6-ada9-2fd512d13e37%2522%252c%2522oid%2522%253a%2522ae8b71af-4959-499c-b300-2ff716814d2b%2522%257d%26CT%3D1630713823582%26OR%3DOutlook-Body%26CID%3D7196F5F8-8A02-402F-A0BC-E74D61B0248E%26anon%3Dtrue&type=meetup-join&deeplinkId=2cca9664-ff0a-429c-b8a4-a1b805dc211d&directDl=true&msLaunch=true&enableMobilePage=true&suppressPrompt=true)



**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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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

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