



## PLANNING COMMISSION

KAAINA S. HULL, CLERK OF COMMISSION

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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  
JERRY ORNELLAS, 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 available as an archived meeting after completion at [www.kauai.gov/Webcast-Meetings](http://www.kauai.gov/Webcast-Meetings).
- **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](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 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 on specific agenda items, **in-person at the public meeting location or via Zoom link as an additional accommodation.**
  - 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](mailto: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, November 15, 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/81647367935>**

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. APPROVAL OF AGENDA**

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

1. August 23, 2022

**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. CLASS IV ZONING PERMIT (Z-IV-2023-3) and USE PERMIT (U-2023-3) to allow operation of a retail agriculture feed store on a parcel situated on the southern side of the Alapaki Road/Ka'apuni Road intersection in Kapa'a Homesteads, further identified as 6121 Alapaki Road, Tax Map Key: 4-6-011 :049, and affecting a portion of a parcel approximately 2.015 acres in size = **AARON E. & KANOELANI S. BANDMANN, TRUSTEES**. [Director's report received 10/25/2022].
  - b. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2023-2), CLASS IV ZONING PERMIT (Z-IV-2023-4) and USE PERMIT (U-2023-4) to allow expansion of the Lihue Airport runway and associated site improvements, further identified as 3901 Mokulele Loop, Tax Map Key: 3-5-001 :008, and affecting a portion of a larger parcel containing 721 acres = **STATE OF HAWAII, DEPARTMENT OF TRANSPORTATION**. [Director's report received 10/25/2022].
  - c. CLASS IV ZONING PERMIT (Z-IV-2023-5) and VARIANCE PERMIT (V-2023-1) to allow a deviation from Section 8-4.4(a)(3) of the Kauai County Code (1987), as amended, concerning the development standards of a residential subdivision, involving a parcel in Kukui'ula and situated on the makai side of the Ala Kukui'ula/Kahela Place intersection, further identified as Tax Map Key: (4) 2-6-022:055 and containing a total area of 140,009 square feet = **KUKUIULA VISTAS LLC**. [Director's report received 10/25/2022].

- d. CLASS IV ZONING PERMIT (Z-IV-2023-6) and VARIANCE PERMIT (V-2023-2) to allow a deviation from Section 8-4.4(a)(3) of the Kauai County Code (1987), as amended, concerning the development standards of a residential subdivision, involving a parcel in Kukui'ula and situated on the makai side of the Ala Kukui'ula/Kahela Place intersection, further identified as Tax Map Key: ( 4) 2-6-022:054 and containing a total area of 87,919 square feet = **KUKUIULA VISTAS LLC**. [Director's report received 10/25/2022].
- e. CLASS IV ZONING PERMIT (Z-IV-2023-7), USE PERMIT (U-2023-5), and SPECIAL PERMIT (SP-2023-1) to allow operation of a gymnastics academy on a parcel along the western side of Kawaihau Road in Kapahi, further identified as 5859 Kawaihau Road, Tax Map Key: (4) 4-6-011 :061, affecting a portion of a parcel containing 43,560 square feet = **GARDEN ISLAND GYMNASTICS LLC**. [Director's report received 10/25/2022].

### 3. Continued Public Hearing

- a. None for this Meeting.

### 4. New Public Hearing

- a. ZA-2023-2: Request: County Zoning Amendment from Open District (O) to Residential District (R-4). Location: Lawa'i, Kaua'i. Located along the southern side of Koloa Road, and approximately 200 feet west of the Koloa Road/Horita Road intersection, further identified as 3980 A Koloa Road and containing a total area of 40,075 square feet, Tax Map Key: (4) 2-6-009:021 = **KURT BOSSHARD/STEVEN ABSHER**. [Director's Report received, deferred 10/25/2022].

## G. CONSENT CALENDAR

### 1. Status Reports

- a. 2022 Status Report regarding Class IV Zoning Permit Z-IV-2007-29, Project Development Use Permit PDU-2007-25, and Special Management Area Use Permit SMA(U)-2007-13 at Tax Map Keys: 2-8-015:043, 044 & 082, and 2-8-016:003 & 004 (the "permits"), with approval conditions as set forth in letter dated October 10, 2007 from the Planning Commission of the County of Kauai (the "Conditions") with Kauai Blue, Inc., as the Applicant ("Applicant").

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

### 2. Director's Report for Project(s) Scheduled for Agency Hearing

- a. None for this Meeting.

## H. GENERAL BUSINESS MATTERS

- 1. None for this Meeting.

**I. COMMUNICATION**

1. None for this Meeting.

**J. COMMITTEE REPORTS**

**1. Subdivision Committee**

- a. Consideration and Action on all Subdivision matters listed on the October 25, 2022 Subdivision Committee Agenda.
- b. Consideration and Action on all Subdivision matters listed on the November 15, 2022 Subdivision Committee Agenda.

**K. UNFINISHED BUSINESS (For Action)**

1. None for this Meeting.

**L. NEW BUSINESS (For Action)**

1. CLASS IV ZONING PERMIT (Z-IV-2023-3) and USE PERMIT (U-2023-3) to allow operation of a retail agriculture feed store on a parcel situated on the southern side of the Alapaki Road/Ka'apuni Road intersection in Kapa'a Homesteads, further identified as 6121 Alapaki Road, Tax Map Key: 4-6-011 :049, and affecting a portion of a parcel approximately 2.015 acres in size = **AARON E. & KANOELANI S. BANDMANN, TRUSTEES**. [Director's report received 10/25/2022].
  - a. Director's Report pertaining to this matter (see agenda packet).
2. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2023-2), CLASS IV ZONING PERMIT (Z-IV-2023-4) and USE PERMIT (U-2023-4) to allow expansion of the Lihue Airport runway and associated site improvements, further identified as 3901 Mokulele Loop, Tax Map Key: 3-5-001 :008, and affecting a portion of a larger parcel containing 721 acres = **STATE OF HAWAII, DEPARTMENT OF TRANSPORTATION**. [Director's report received 10/25/2022].
  - a. Director's Report pertaining to this matter (see agenda packet).
3. CLASS IV ZONING PERMIT (Z-IV-2023-5) and VARIANCE PERMIT (V-2023-1) to allow a deviation from Section 8-4.4(a)(3) of the Kauai County Code (1987), as amended, concerning the development standards of a residential subdivision, involving a parcel in Kukui'ula and situated on the makai side of the Ala Kukui'ula/Kahela Place intersection, further identified as Tax Map Key: (4) 2-6-022:055 and containing a total area of 140,009 square feet = **KUKUIULA VISTAS LLC**. [Director's report received 10/25/2022].
  - a. Director's Report pertaining to this matter (see agenda packet).

4. CLASS IV ZONING PERMIT (Z-IV-2023-6) and VARIANCE PERMIT (V-2023-2) to allow a deviation from Section 8-4.4(a)(3) of the Kauai County Code (1987), as amended, concerning the development standards of a residential subdivision, involving a parcel in Kukui'ula and situated on the makai side of the Ala Kukui'ula/Kahela Place intersection, further identified as Tax Map Key: ( 4) 2-6-022:054 and containing a total area of 87,919 square feet = **KUKUIULA VISTAS LLC**. [Director's report received 10/25/2022].
  - a. Director's Report pertaining to this matter (see agenda packet).
  - b. Supplement #1 to Director's Report.
5. CLASS IV ZONING PERMIT (Z-IV-2023-7), USE PERMIT (U-2023-5), and SPECIAL PERMIT (SP-2023-1) to allow operation of a gymnastics academy on a parcel along the western side of Kawaihau Road in Kapahi, further identified as 5859 Kawaihau Road, Tax Map Key: (4) 4-6-011 :061, affecting a portion of a parcel containing 43,560 square feet = **GARDEN ISLAND GYMNASTICS LLC**. [Director's report received 10/25/2022].
  - a. Director's Report pertaining to this matter (see agenda packet).
6. ZA-2023-2: Request: County Zoning Amendment from Open District (O) to Residential District (R-4). Location: Lawa'i, Kaua'i. Located along the southern side of Koloa Road, and approximately 200 feet west of the Koloa Road/Horita Road intersection, further identified as 3980 A Koloa Road and containing a total area of 40,075 square feet, Tax Map Key: (4) 2-6-009:021 = **KURT BOSSHARD/STEVEN ABSHER**.
  - 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. CLASS IV ZONING PERMIT (Z-IV-2023-3) and USE PERMIT (U-2023-3) to allow operation of a retail agriculture feed store on a parcel situated on the southern side of the Alapaki Road/Ka'apuni Road intersection in Kapa'a Homesteads, further identified as 6121 Alapaki Road, Tax Map Key: 4-6-011 :049, and affecting a portion of a parcel approximately 2.015 acres in size = **AARON E. & KANOELANI S. BANDMANN, TRUSTEES**. [Director's report received 10/25/2022].
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3. CLASS IV ZONING PERMIT (Z-IV-2023-5) and VARIANCE PERMIT (V-2023-1) to allow a deviation from Section 8-4.4(a)(3) of the Kauai County Code (1987), as amended, concerning the development standards of a residential subdivision, involving a parcel in Kukui'ula and situated on the makai side of the Ala Kukui'ula/Kahela Place intersection, further identified as Tax Map Key: (4) 2-6-022:055 and containing a total area of 140,009 square feet = **KUKUIULA VISTAS LLC.** [Director's report received 10/25/2022].
4. CLASS IV ZONING PERMIT (Z-IV-2023-6) and VARIANCE PERMIT (V-2023-2) to allow a deviation from Section 8-4.4(a)(3) of the Kauai County Code (1987), as amended, concerning the development standards of a residential subdivision, involving a parcel in Kukui'ula and situated on the makai side of the Ala Kukui'ula/Kahela Place intersection, further identified as Tax Map Key: (4) 2-6-022:054 and containing a total area of 87,919 square feet = **KUKUIULA VISTAS LLC.** [Director's report received 10/25/2022].
5. CLASS IV ZONING PERMIT (Z-IV-2023-7), USE PERMIT (U-2023-5), and SPECIAL PERMIT (SP-2023-1) to allow operation of a gymnastics academy on a parcel along the western side of Kawaihau Road in Kapahi, further identified as 5859 Kawaihau Road, Tax Map Key: (4) 4-6-011 :061, affecting a portion of a parcel containing 43,560 square feet = **GARDEN ISLAND GYMNASTICS LLC.** [Director's report received 10/25/2022].
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7. Final Subdivision Map Approval
  - a. Subdivision Application No. S-2021-2  
(**Tower Kaua'i Lagoons 9C, LLC. / Tower Kaua'i Lagoons 9D, LLC.**)  
Proposed 2-lot Consolidation  
TMK: (4) 3-5-001:218, 219  
Kalapakī, Līhu'e, Kaua'i
  - b. Subdivision Application No. S-2021-4  
(**Tower Kaua'i Lagoons 8, LLC.**)  
Proposed 2-lot Subdivision  
TMK: (4) 3-5-001:171  
Kalapakī, Līhu'e, Kaua'i
8. Preliminary Subdivision Map Approval
  - a. Subdivision Application No. S-2023-1  
(**BBCP Kukui'ula Development, LLC.**)  
Kukui'ula Parcel A2F2F3 Subdivision  
Proposed 31-lot Subdivision  
TMK: (4) 2-6-022:020  
Lāwa'i, Kōloa, Kona, Kaua'i

**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 10, 2023. 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 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 Kauaʻi County Code (1987), as amended, the following shoreline setback determinations by the Director are disclosed for purposes of public notification.

November 15, 2022  
SHORELINE SETBACK DETERMINATIONS

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Development/Reasons
SSD-2023-18	Sharyl Craig	4-7-007:005	Keālia	New Farm dwelling/ Rocky shoreline, required setback 100 feet from evidenced shoreline, dwelling approximately 340 feet from evidenced shoreline on high cliff bluff.

## DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR  
MICHAEL A. DAHLIG, MANAGING DIRECTOR

### SPECIAL MANAGEMENT AREA (SMA) Minor Determinations

Date (Action)	SMA Minor Permit number	Location (TMK)	Activity/ structure
Approved (10.25.2022)	SMA(M)-2023-8	Hanalei (5-5-001:010)	Construction of a 108 S.f. Chicken Coop.
Approved (10.27.2022)	SMA(M)-2023-9	Līhu'e (3-5-001:027 and 168)	Construction of two (2) 5'-10" high rock wall.