



## PLANNING COMMISSION

KAAINA S. HULL, CLERK OF COMMISSION

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HELEN COX, CHAIR  
FRANCIS DEGRACIA, VICE CHAIR  
GERALD AKO, MEMBER  
DONNA APISA, MEMBER  
MELVIN CHIBA, 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 by phone using the "join by phone" telephone number provided on the agenda.
- The public may also attend the meeting through Zoom using link provided on the agenda.
- Also, the meeting will be live streamed and available as an archived meeting after completion at [www.kauai.gov/Webcast-Meetings](http://www.kauai.gov/Webcast-Meetings). Please note that the livestream broadcast does not allow interaction between the viewer and Planning Commission. Also, video production services or enhancements of the recorded video 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.
- **Oral testimony** will be taken during the public hearing portion of the meeting **in-person at the public meeting location, by using the 'join by phone' number, or via Zoom link as an additional accommodation** listed on the agenda.
  - 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 the remote telephone connection is lost and cannot be restored within 30 minutes during the meetings, the Planning Commission will continue all matters and reconvene at the next scheduled Planning Commission Meeting.

**PLANNING COMMISSION TELECONFERENCE MEETING NOTICE AND AGENDA**

**Tuesday, April 12, 2022  
9:00 a.m. or shortly thereafter**

**To Join by Phone:**

US: +1 720 707 2699 or +1 253 215 8782 or +1 346 248 7799 or  
+1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799

Webinar ID: 932 6783 6491

Participant ID: #

**To Join by ZOOM Link:**

**<https://us06web.zoom.us/j/93267836491?pwd=N0NTQUlQRkRlQ1Y1WitJSgJBMkgyZz09>**

**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**
- 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, April 11, 2022, will be distributed to all Planning Commissioners prior to the meeting. Written testimony received after 9:00 a.m. on Monday, April 11, 2022, 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 in-person at the public meeting location, via Zoom link, or using the "join by phone" number listed on the agenda. After oral testimony has been taken, members of the public may continue watching the meeting via the live stream link found at [www.kauai.gov/webcastmeetings](https://www.kauai.gov/webcastmeetings).

- 1. **Continued Agency Hearing**
  - a. None for this Meeting

## 2. New Agency Hearing

- a. AMENDMENT TO SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-83-4), CLASS IV ZONING PERMIT Z-IV-83-27, and USE PERMIT U-83-17 to allow expansion for an outdoor restaurant use and associated improvements on a parcel situated on the makai side of Lawa'i Road, commonly known as The Beach House Restaurant, further identified as 5022 Lawa'i Road, Tax Map Key: 2-6-005:011, containing a total area of 34,900 square feet = **IP2 LLC (dba The Beach House Restaurant)**. [Director's report received 3/22/2022].

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

- b. CLASS IV ZONING PERMIT (Z-IV-2022-6) and USE PERMIT (U-2022-6) to facilitate conversion of an existing building into a pre-school facility containing classrooms, offices, a meeting room and reception area on the St. Catherine's Church/School campus, situated at the Kawaihau Road/Haua'ala Road intersection and further identified as Tax Map Key: (4) 4-6-015:058, containing a total area of approximately 1.09 acres = **Kamehameha Schools**. [Director's report received 3/22/2022].

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

- c. CLASS IV ZONING PERMIT (Z-IV-2022-7) and USE PERMIT (U-2022-7) to allow construction of a new single-family dwelling unit on a parcel situated at the southern terminus of Aalona Street in Kilauea, situated approximately 300 feet south of its intersection with Lokela Street and further identified as 4433 Aalona Street, Tax Map Key: (4) 5-2-006:014, containing a total area of approximately 16,187 square feet. = **Keopele V. & Ashley H. McBride**. [Director's report received 3/22/2022].

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

- d. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2022-3) to accommodate streambank stabilization repair work involving a parcel along the Hanalei River, along the makai side of Kuhio Highway in Hanalei Town, further identified as 5-5016 Kuhio Highway, Tax Map Key: 5-5-010:067, containing a total area of 2.32 acres = **Hanalei Traders, Inc.**

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

- e. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2022-4) to allow construction of a new single-family dwelling unit on a parcel situated along the makai side of Pee Road in Poipu, at the eastern terminus of a cul-de-sac, situated approximately 600 feet south of its intersection with Pee Road and further identified as Lot 3 of the Makahuena Estates Subdivision, Tax Map Key: (4) 2-8-021:070, containing a total area of approximately 43,604 square feet = **Makahuena-Preferred A LLC**.

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



- f. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2022-5) to allow construction of a new single-family dwelling unit on a parcel situated along the makai side of Pee Road in Poipu, situated approximately 500 feet south of its intersection with Pee Road and further identified as Lot 5 of the Makahuena Estates Subdivision, Tax Map Key: (4) 2-8-021:072, containing a total area of approximately 49,005 square feet = **Makahuena-Preferred A LLC**.

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

3. **Continued Public Hearing**

- g. None for this Meeting

4. **New Public Hearing**

- a. ZA-2022-5: A bill for an ordinance amending Chapter 11A, Kaua'i County Code 1987, as amended, relating to Environmental Impact Assessment on Land Development. The proposal amends Sections 11A-1.3 & 11A-2.2 of the Kauai County Code relating to Applicability/Assessment of regulations and more specifically, application of environmental impact assessment fees = **County of Kaua'i, Planning Department**.

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

- b. ZA-2022-6: A bill for an ordinance amending Chapter 8, Kaua'i County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZO). The proposal amends Sections 8-15.1 & 8-15.2 of the CZO relating to Additional Dwelling Units (ADU) and more specifically, qualification requirements involving ADUs = **County of Kaua'i, Planning Department**.

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

- c. ZA-2022-7: A bill for an ordinance amending Chapter 8, Kaua'i County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZO). The proposal amends Sections 8-1.5, 8-2.4, and Articles 17 & 19 of the CZO relating to Definitions, Table of Uses, and Time Sharing & Transient Vacation Rentals respectively = **County of Kaua'i, Planning Department**.

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

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

G. **CONSENT CALENDAR**

1. **Status Reports**

- a. None for this Meeting.

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

- a. None for this Meeting.

#### H. GENERAL BUSINESS MATTERS

1. Request to amend Condition No. 1 of Class IV Zoning Permit Z-IV-2003-19 and Use Permit U-2003-18 to allow for the installation of an emergency back-up generator = **T-Mobile (previously Voicestream PCS II Corporation)**
  - a. Director's Report pertaining to this matter (see agenda packet).

#### I. COMMUNICATION

1. None for this Meeting.

#### J. COMMITTEE REPORTS

1. Subdivision Committee
  - a. Consideration and Action on all Subdivision matters listed on the Subdivision Committee Agenda. **None for this meeting.**

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

1. None for this Meeting.

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

1. AMENDMENT TO SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-83-4), CLASS IV ZONING PERMIT Z-IV-83-27, and USE PERMIT U-83-17 to allow expansion for an outdoor restaurant use and associated improvements on a parcel situated on the makai side of Lawa'i Road, commonly known as The Beach House Restaurant, further identified as 5022 Lawa'i Road, Tax Map Key: 2-6-005:011, containing a total area of 34,900 square feet = **IP2 LLC (dba The Beach House Restaurant)**. [Director's report received 3/22/2022].
  - a. Director's Report pertaining to this matter (see agenda packet).
2. CLASS IV ZONING PERMIT (Z-IV-2022-6) and USE PERMIT (U-2022-6) to facilitate conversion of an existing building into a pre-school facility containing classrooms, offices, a meeting room and reception area on the St. Catherine's Church/School campus, situated at the Kawaihau Road/Haua'ala Road intersection and further identified as Tax Map Key: (4) 4-6-015:058, containing a total area of approximately 1.09 acres = **Kamehameha Schools**. [Director's report received 3/22/2022].
  - a. Director's Report pertaining to this matter (see agenda packet).
3. CLASS IV ZONING PERMIT (Z-IV-2022-7) and USE PERMIT (U-2022-7) to allow construction of a new single-family dwelling unit on a parcel situated at the southern terminus of Aalona Street in Kilauea, situated approximately 300 feet south of its intersection with Lokela Street and further identified as 4433 Aalona Street, Tax Map Key: (4) 5-2-006:014, containing a total area of approximately 16,187 square feet = **Keopele V. & Ashley H. McBride**. [Director's report received 3/22/2022].
  - a. Director's Report pertaining to this matter (see agenda packet).

4. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2022-3) to accommodate streambank stabilization repair work involving a parcel along the Hanalei River, along the makai side of Kuhio Highway in Hanalei Town, further identified as 5-5016 Kuhio Highway, Tax Map Key: 5-5-010:067, containing a total area of 2.32 acres = **Hanalei Traders, Inc.**
  - a. Director's Report pertaining to this matter (see agenda packet).
5. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2022-4) to allow construction of a new single-family dwelling unit on a parcel situated along the makai side of Pee Road in Poipu, at the eastern terminus of a cul-de-sac, situated approximately 600 feet south of its intersection with Pee Road and further identified as Lot 3 of the Makahuena Estates Subdivision, Tax Map Key: (4) 2-8-021:070, containing a total area of approximately 43,604 square feet = **Makahuena-Preferred A LLC.**
  - a. Director's Report pertaining to this matter (see agenda packet).
6. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2022-5) to allow construction of a new single-family dwelling unit on a parcel situated along the makai side of Pee Road in Poipu, situated approximately 500 feet south of its intersection with Pee Road and further identified as Lot 5 of the Makahuena Estates Subdivision, Tax Map Key: (4) 2-8-021:072, containing a total area of approximately 49,005 square feet = **Makahuena-Preferred A LLC.**
  - a. Director's Report pertaining to this matter (see agenda packet).
7. ZA-2022-5: A bill for an ordinance amending Chapter 11A, Kaua'i County Code 1987, as amended, relating to Environmental Impact Assessment on Land Development. The proposal amends Sections 11A-1.3 & 11A-2.2 of the Kauai County Code relating to Applicability/Assessment of regulations and more specifically, application of environmental impact assessment fees = **County of Kaua'i, Planning Department.**
  - a. Director's Report pertaining to this matter (see agenda packet).
8. ZA-2022-6: A bill for an ordinance amending Chapter 8, Kaua'i County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZO). The proposal amends Sections 8-15.1 & 8-15.2 of the CZO relating to Additional Dwelling Units (ADU) and more specifically, qualification requirements involving ADUs = **County of Kaua'i, Planning Department.**
  - a. Director's Report pertaining to this matter (see agenda packet).
9. ZA-2022-7: A bill for an ordinance amending Chapter 8, Kaua'i County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZO). The proposal amends Sections 8-1.5, 8-2.4, and Articles 17 & 19 of the CZO relating to Definitions, Table of Uses, and Time Sharing & Transient Vacation Rentals respectively = **County of Kaua'i, Planning Department.**
  - a. Director's Report pertaining to this matter (see agenda packet).
10. Request to amend Condition No. 1 of Class IV Zoning Permit Z-IV-2003-19 and Use Permit U-2003-18 to allow for the installation of an emergency back-up generator = **T-Mobile (previously Voicestream PCS II Corporation)**
  - a. Director's Report pertaining to this matter (see agenda packet).



## H. 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. AMENDMENT TO SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-83-4), CLASS IV ZONING PERMIT Z-IV-83-27, and USE PERMIT U-83-17 to allow expansion for an outdoor restaurant use and associated improvements on a parcel situated on the makai side of Lawa'i Road, commonly known as The Beach House Restaurant, further identified as 5022 Lawa'i Road, Tax Map Key: 2-6-005:011, containing a total area of 34,900 square feet = **IP2 LLC (dba The Beach House Restaurant)**. [Director's report received 3/22/2022].
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**I. 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 May 10, 2022. 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 telephone and 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.

**J. 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.**

**UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.**



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.

April 12, 2022

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-2022-35	Makahuena Preferred A, LLC et. Al.	2-8-021:076	Kōloa	Single family dwelling, accessory structures (pool, detached garage, 'ohana unit above garage)/ Rocky shore, required setback 76 feet, proposed setback of pool and SFR 454 feet.
SSD-2022-36	Coconut Plantations Beach Investors	4-3-007:027	Kapa'a	Sand stockpiling for beach restoration project/ Minimum setback required 100 feet. Proposed stockpile setback 140 feet. (Renewal of original SSD-2020-31).
SSD-2022-37	Hokuala Kaua'i	3-005:001:216	Līhu'e	Sales office renovation, Lāna'i addition with flagstone walkway/ Rocky shore, high cliff bluff approximately 100 feet in elevation, required setback 100 feet proposed development 424 feet away from shoreline.
SSD-2022-38	Iurii Iefymenko	5-4-012:011 0043	Princeville	New roof over existing atrium. / Unsubstantial improvement. Required setback 67 feet, Setback for existing building is 373 feet. Property is on a high cliff bluff approx. 150 feet high.