



PLANNING COMMISSION

KAAINA S. HULL, CLERK OF COMMISSION

HELEN COX, CHAIR
FRANCIS DEGRACIA, VICE CHAIR
GERALD AKO, MEMBER
DONNA APISA, MEMBER
LORI OTSUKA, MEMBER

RECEIVED

'22 JUL 20 A10:37

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 live streamed and available as an archived meeting after completion at 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** 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 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 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, July 26, 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/83540285353>

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. January 11, 2022.
2. February 8, 2022.
3. March 22, 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. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2022-7) to allow construction of a new single-family dwelling unit on a parcel situated along the mauka side of Moloaa Road, situated approximately 700 feet north of the Moloaa Road/Kuono Road intersection, further identified as 3532 Moloaa Road, Tax Map Key: (4) 4-9-014:026, containing a total area of approximately 5,532 square feet = **RUSSEL & BONNIE CALDERONE**.
- b. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2022-8), CLASS IV ZONING PERMIT (Z-IV-2022-11) and USE PERMIT (U-2022-11) to allow replacement and upgrades to the existing wastewater treatment plant facility servicing the Nihi Kai Villas condominium project, involving a parcel situated on the mauka side of Hoone Road in Poipu, approximately 200 feet north of the Hoone Road/Nalo Road intersection, further identified as 1870 Hoone Road, Tax Map Key: (4) 2-8-019:022 and containing a total area of 5.975 acres = **ASSOCIATION OF APARTMENT OWNERS OF NIHI KAI VILLAS**. [Director's Report received 7/12/2022].

3. Continued Public Hearing

- a. ZA-2022-9: A bill for an ordinance amending Chapter 10, Article 3, Kauai County Code 1987, as amended, relating to the West Kauai Community Plan. The proposal amends Section 10-3 of the Kauai County Code relating to text and mapping requirements within to establish a Special Planning Area "O", which shall also be known as the "Plantation Camp Walkable Mixed Use District", and be designated as "SPA-O" as shown on Zoning Maps ZM-KV-100 (Kaumakani Village) and ZM-KA-100 (Kaumakani Avenue) for a portion of a property further identified as tax map key 1-7-006:001 = **COUNTY OF KAUA'I, PLANNING DEPARTMENT**. [Director's Report received, Hearing Deferred 7/12/2022].

4. New Public Hearing

- a. ZA-2022-10: A bill (2859) for an ordinance amending Chapter 8, Kaua'i County Code 1987, as amended, relating to the Comprehensive Zoning Ordinance (CZO). The purpose of this Ordinance is to permit educational campgrounds in the Agriculture and Open Zoning District under the Use Permit process and to exempt existing State and County campgrounds from Sec. 8-9.6 of the CZO = **KAUAI COUNTY COUNCIL**.
- b. ZA-2022-11: A bill (2860) for an ordinance amending Chapter 8, Kaua'i County Code 1987, as amended, relating to the Comprehensive Zoning Ordinance (CZO). The purpose of this Ordinance is to increase the overall size and encourage buildout of Guest House entitlements to increase the supply of long-term rental inventory and housing options for small or extended families and to require one (1) off-street parking space for each Guest House = **KAUAI COUNTY COUNCIL**.
- c. ZA-2022-14: A bill for an ordinance amending Chapter 8, Kaua'i County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZO). The proposal would amend and update s Section 8-1.5 of the CZO as it relates to the Definitions = **COUNTY OF KAUA'I, PLANNING DEPARTMENT**.
- d. A-2022-1 (previously published as A-2015-1): Request: State Land Use District Boundary Amendment from Agricultural District to Rural District. ZA-2022-13 (previously published as ZA-2015-5): Request: County Zoning Amendment from Agriculture District (A) to Residential District (R-I). Location: Kapa'a Homesteads, Kaua'i. Located along the southern side of Kawaihau Road, and approximately 1/4-mile west of the Kawaihau Road/Wana'ao Road intersection, further identified as 6501 Kawaihau Road and containing a total area of 4.669 acres. Tax Map Key: (4) 4-6-007:058 = **MANUEL DESILVA JR, TRUSTEE**.

G. CONSENT CALENDAR

1. Status Reports

- a. 2022 Annual Report on the progress and status of compliance of the conditions of the subject permits for Hokualea Resort (formerly Kaua'i Lagoons Resort) in accordance with Condition No. 28 of the Second and Third Amendments to Special Management Area SMA(U)-2005-8, Project Development Use Permit U-2005-26, Use Permit U-2005-25, and Class IV Zoning Permit Z-IV-2005-30.

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

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

- a. None for this Meeting.

H. GENERAL BUSINESS MATTERS

- 1. Clerk of the Commission's Recommendation to Refer an Appeal of the Planning Director's Decision related to the Planning Director's 6/23/2022 Cease and Desist and Forfeiture of TVRNCU #4250 (Nami Nori) for the Failure to Renew by June 6, 2022, Patrick and Patricia Turley, 4895 Weke Road, TK 55001040, Hanalei Kauai, for referral to Board and Commissions as Contest Case File No. CC-2023-1.
 - a. Appeal from Liz Grout, Property Manager, dated 6/23/2022.
 - b. Appeal from Gregory W. Kugle, Esq. & Joanna C. Zeigler, Esq., Damon Key Leong Kupchak Hastert, dated 7/13/2022.

I. COMMUNICATION

- 1. None for this Meeting.

J. COMMITTEE REPORTS

1. **Subdivision Committee**

- a. None for this Meeting.

K. UNFINISHED BUSINESS (For Action)

- 1. ZA-2022-9: A bill for an ordinance amending Chapter 10, Article 3, Kauai County Code 1987, as amended, relating to the West Kauai Community Plan. The proposal amends Section 10-3 of the Kauai County Code relating to text and mapping requirements within to establish a Special Planning Area "O", which shall also be known as the "Plantation Camp Walkable Mixed Use District", and be designated as "SPA-O" as shown on Zoning Maps ZM-KV-100 (Kaumakani Village) and ZM-KA-100 (Kaumakani Avenue) for a portion of a property further identified as tax map key 1-7-006:001 = **COUNTY OF KAUAI, PLANNING DEPARTMENT**. [Director's Report received, Hearing Deferred 7/12/2022].
 - a. Supplement #1 to Director's Report pertaining to this matter (see agenda packet).
 - b. Memorandum No. 1 to Planning Commission.

L. NEW BUSINESS (For Action)

- 1. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2022-7) to allow construction of a new single-family dwelling unit on a parcel situated along the mauka side of Moloaa Road, situated approximately 700 feet north of the Moloaa Road/Kuono Road intersection, further identified as 3532 Moloaa Road, Tax Map Key: (4) 4-9-014:026, containing a total area of approximately 5,532 square feet = **RUSSEL & BONNIE CALDERONE**.
 - a. Director's Report pertaining to this matter (see agenda packet).

2. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2022-8), CLASS IV ZONING PERMIT (Z-IV-2022-11) and USE PERMIT (U-2022-11) to allow replacement and upgrades to the existing wastewater treatment plant facility servicing the Nihi Kai Villas condominium project, involving a parcel situated on the mauka side of Hoone Road in Poipu, approximately 200 feet north of the Hoone Road/Nalo Road intersection, further identified as 1870 Hoone Road, Tax Map Key: (4) 2-8-019:022 and containing a total area of 5.975 acres = **ASSOCIATION OF APARTMENT OWNERS OF NIHI KAI VILLAS**. [Director's Report received 7/12/2022].
 - a. Director's Report pertaining to this matter (see agenda packet).
3. ZA-2022-10: A bill (2859) for an ordinance amending Chapter 8, Kaua'i County Code 1987, as amended, relating to the Comprehensive Zoning Ordinance (CZO). The purpose of this Ordinance is to permit educational campgrounds in the Agriculture and Open Zoning District under the Use Permit process and to exempt existing State and County campgrounds from Sec. 8-9.6 of the CZO = **KAUAI COUNTY COUNCIL**.
 - a. Director's Report pertaining to this matter (see agenda packet).
4. ZA-2022-11: A bill (2860) for an ordinance amending Chapter 8, Kaua'i County Code 1987, as amended, relating to the Comprehensive Zoning Ordinance (CZO). The purpose of this Ordinance is to increase the overall size and encourage buildout of Guest House entitlements to increase the supply of long-term rental inventory and housing options for small or extended families and to require one (1) off-street parking space for each Guest House = **KAUAI COUNTY COUNCIL**.
 - a. Director's Report pertaining to this matter (see agenda packet).
5. ZA-2022-14: A bill for an ordinance amending Chapter 8, Kaua'i County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZO). The proposal would amend and update s Section 8-1.5 of the CZO as it relates to the Definitions = **COUNTY OF KAUAI, PLANNING DEPARTMENT**.
 - a. Director's Report pertaining to this matter (see agenda packet).
6. A-2022-1 (previously published as A-2015-1): Request: State Land Use District Boundary Amendment from Agricultural District to Rural District. ZA-2022-13 (previously published as ZA-2015-5): Request: County Zoning Amendment from Agriculture District (A) to Residential District (R-I). Location: Kapa'a Homesteads, Kaua'i. Located along the southern side of Kawaihau Road, and approximately 1/4-mile west of the Kawaihau Road/Wana'ao Road intersection, further identified as 6501 Kawaihau Road and containing a total area of 4.669 acres. Tax Map Key: (4) 4-6-007:058 = **MANUEL DESILVA JR, TRUSTEE**.
 - 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. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2022-7) to allow construction of a new single-family dwelling unit on a parcel situated along the mauka side of Moloaa Road, situated approximately 700 feet north of the Moloaa Road/Kuono Road intersection, further identified as 3532 Moloaa Road, Tax Map Key: (4) 4-9-014:026, containing a total area of approximately 5,532 square feet = **RUSSEL & BONNIE CALDERONE**.
2. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2022-8), CLASS IV ZONING PERMIT (Z-IV-2022-11) and USE PERMIT (U-2022-11) to allow replacement and upgrades to the existing wastewater treatment plant facility servicing the Nihi Kai Villas condominium project, involving a parcel situated on the mauka side of Hoone Road in Poipu, approximately 200 feet north of the Hoone Road/Nalo Road intersection, further identified as 1870 Hoone Road, Tax Map Key: (4) 2-8-019:022 and containing a total area of 5.975 acres = **ASSOCIATION OF APARTMENT OWNERS OF NIHI KAI VILLAS**. [Director's Report received 7/12/2022].
3. ZA-2022-9: A bill for an ordinance amending Chapter 10, Article 3, Kauai County Code 1987, as amended, relating to the West Kauai Community Plan. The proposal amends Section 10-3 of the Kauai County Code relating to text and mapping requirements within to establish a Special Planning Area "O", which shall also be known as the "Plantation Camp Walkable Mixed Use District", and be designated as "SPA-O" as shown on Zoning Maps ZM-KV-100 (Kaumakani Village) and ZM-KA-100 (Kaumakani Avenue) for a portion of a property further identified as tax map key 1-7-006:001 = **COUNTY OF KAUAI, PLANNING DEPARTMENT**. [Director's Report received, Hearing Deferred 7/12/2022].
4. ZA-2022-10: A bill (2859) for an ordinance amending Chapter 8, Kauai County Code 1987, as amended, relating to the Comprehensive Zoning Ordinance (CZO). The purpose of this Ordinance is to permit educational campgrounds in the Agriculture and Open Zoning District under the Use Permit process and to exempt existing State and County campgrounds from Sec. 8-9.6 of the CZO = **KAUAI COUNTY COUNCIL**.
5. ZA-2022-11: A bill (2860) for an ordinance amending Chapter 8, Kauai County Code 1987, as amended, relating to the Comprehensive Zoning Ordinance (CZO). The purpose of this Ordinance is to increase the overall size and encourage buildout of Guest House entitlements to increase the supply of long-term rental inventory and housing options for small or extended families and to require one (1) off-street parking space for each Guest House = **KAUAI COUNTY COUNCIL**.
6. ZA-2022-14: A bill for an ordinance amending Chapter 8, Kauai County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZO). The proposal would amend and update s Section 8-1.5 of the CZO as it relates to the Definitions = **COUNTY OF KAUAI, PLANNING DEPARTMENT**.

7. A-2022-1 (previously published as A-2015-1): Request: State Land Use District Boundary Amendment from Agricultural District to Rural District. ZA-2022-13 (previously published as ZA-2015-5): Request: County Zoning Amendment from Agriculture District (A) to Residential District (R-I). Location: Kapa'a Homesteads, Kaua'i. Located along the southern side of Kawaihau Road, and approximately 1/4-mile west of the Kawaihau Road/Wana'ao Road intersection, further identified as 6501 Kawaihau Road and containing a total area of 4.669 acres. Tax Map Key: (4) 4-6-007:058 = **MANUEL DESILVA JR, TRUSTEE.**
8. 2022 Annual Report on the progress and status of compliance of the conditions of the subject permits for Hokualea Resort (formerly Kaua'i Lagoons Resort) in accordance with Condition No. 28 of the Second and Third Amendments to Special Management Area SMA(U)-2005-8, Project Development Use Permit U-2005-26, Use Permit U-2005-25, and Class IV Zoning Permit Z-IV-2005-30.
9. Clerk of the Commission's Recommendation to Refer an Appeal of the Planning Director's Decision related to the Planning Director's 6/23/2022 Cease and Desist and Forfeiture of TVRNCU #4250 (Nami Nori) for the Failure to Renew by June 6, 2022, Patrick and Patricia Turley, 4895 Weke Road, TK 55001040, Hanalei Kauai, for referral to Board and Commissions as Contest Case File No. CC-2023-1.

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 August 9, 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.

O. ADJOURNMENT

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 (7.7.2022)	SMA(M)-2022-14	Kōloa (2-8-028:036)	Swimming pool and associated decking
Approved (7.19.2022)	SMA(M)-2022-15	Kōloa (2-8-015:014)	After the Fact Shed Construction
Approved (7.15.2022)	SMA(M)-2022-16	Wailua (4-1-017:011)	Concrete Masonry Unit (CMU) fence