



PLANNING COMMISSION

KAAINA S. HULL, CLERK OF COMMISSION

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

RECEIVED

- The Planning Commission Meeting will be in-person at:

- Līhu'e Civic Center, Moikeha Building
- Meeting Room 2A-2B
- 4444 Rice Street, Līhu'e, Kaua'i, Hawai'i

'23 JAN -4 A 7:33

OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUAI

- **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** indicated on the meeting agenda.

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, January 10, 2023
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**

SWEARING IN OF NEW AND RETURNING PLANNING COMMISSIONERS

A. CALL TO ORDER

B. ROLL CALL

**C. SELECTION OF CHAIRPERSON AND VICE CHAIRPERSON
APPOINTMENT OF SUBDIVISION COMMITTEE CHAIRPERSON AND VICE CHAIRPERSON**

D. APPROVAL OF AGENDA

E. MINUTES of the meeting(s) of the Planning Commission

1. October 11, 2022
2. October 25, 2022

F. RECEIPT OF ITEMS FOR THE RECORD

G. HEARINGS AND PUBLIC COMMENT

1. Continued Agency Hearing

- a. 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, October 25, 2022; deferred, November 15, 2022].

1. Letter (12/29/2022) from Dennis Esaki, Esaki Surveying & Mapping, Inc. withdrawing Class IV Zoning permit and variance permit for TMK (4)2-6-022:054.

2. New Agency Hearing

- a. None for this Meeting.

3. Continued Public Hearing

- a. None for this Meeting.

4. New Public Hearing

- a. None for this Meeting.

H. CONSENT CALENDAR

1. Status Reports

- a. None for this Meeting.

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

- a. None for this Meeting.

3. Class III Zoning Permits

- a. CLASS III ZONING PERMIT (Z-III-2023-1) to allow the demolition of an existing residence and construction of two (2) thirty-five foot (35') tall telecommunication/utility training poles with associated site improvements on a parcel situated on the eastern side of the Kūhiō Highway/Ma'alo Road intersection in Kapaia Town, further identified as 3-3590 Kūhiō Highway, Tax Map Key: 3-7-004:006 and affecting a portion of a parcel approximately 24,064 square feet = **Charter Spectrum**.

- 1. Director's Report Pertaining to this Matter.

I. GENERAL BUSINESS MATTERS

- 1. Applicant's petition to modify Condition No. 9 to Use Permit (U-88-23), Class IV Zoning Permit (Z-IV-88-28), and Special Permit (SP-88-3) to allow extension of the performance timeline involving the property situated at Kilauea, Kaua'i, Hawai'i, further identified as Tax Map Key: (4)5-2-013:012 (por.), and affecting a parcel containing approximately 12 acres = **CG Real Estate LLC. (Formerly Living Farms, LLC.)**

- a. Director's Report Pertaining to this Matter.

- 2. Applicant's request to amend Condition No. 10 of Class IV Zoning Permit (Z-IV-2008-5), Use Permit (U-2008-3), and Special Permit (SP-2008-2) to allow for an additional six (6) years to permit helicopter landings at Manawaiopuna Falls, Hanapēpē Valley, Kaua'i = **Island Helicopters Kaua'i, Inc.**

- a. Director's Report Pertaining to this Matter.

- 3. Applicant's petition to modify Condition No. 2 of Class IV Zoning Permit (Z-IV-2015-16), Use Permit (U-2015-15), Variance Permit (V-2015-2), and Special Permit (SP-2015-4) to allow continuation of operation involving the asphalt batch plant facility on real property located in Kekaha, District of Waimea, further identified as Tax Map Key (4) 1-2-006:009, CPR No. 6 = **Maui Asphalt X-IV, LLC.**

- a. Director's Report Pertaining to this Matter.

J. COMMUNICATION

- 1. None for this Meeting.

K. COMMITTEE REPORTS

1. Subdivision Committee

- a. None for this Meeting.

L. UNFINISHED BUSINESS (For Action)

1. None for this Meeting.

M. NEW BUSINESS (For Action)

1. None for this Meeting.

N. 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 III ZONING PERMIT (Z-III-2023-1) to allow the demolition of an existing residence and construction of two (2) thirty-five foot (35') tall telecommunication/utility training poles with associated site improvements on a parcel situated on the eastern side of the Kūhiō Highway/Ma'alo Road intersection in Kapaia Town, further identified as 3-3590 Kūhiō Highway, Tax Map Key: 3-7-004:006 and affecting a portion of a parcel approximately 24,064 square feet = **Charter Spectrum**.
2. Applicant's petition to modify Condition No. 9 to Use Permit (U-88-23), Class IV Zoning Permit (Z-IV-88-28), and Special Permit (SP-88-3) to allow extension of the performance timeline involving the property situated at Kilauea, Kaua'i, Hawai'i, further identified as Tax Map Key: (4)5-2-013:012 (por.), and affecting a parcel containing approximately 12 acres = **CG Real Estate LLC. (Formerly Living Farms, LLC.)**
3. Applicant's request to amend Condition No. 10 of Class IV Zoning Permit (Z-IV-2008-5), Use Permit (U-2008-3), and Special Permit (SP-2008-2) to allow for an additional six (6) years to permit helicopter landings at Manawaiopuna Falls, Hanapēpē Valley, Kaua'i = **Island Helicopters Kaua'i, Inc.**
4. Applicant's petition to modify Condition No. 2 of Class IV Zoning Permit (Z-IV-2015-16), Use Permit (U-2015-15), Variance Permit (V-2015-2), and Special Permit (SP-2015-4) to allow continuation of operation involving the asphalt batch plant facility on real property located in Kekaha, District of Waimea, further identified as Tax Map Key (4) 1-2-006:009, CPR No. 6 = **Mauī Asphalt X-IV, LLC.**
5. 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.

O. 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 24, 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 will announce its intended meeting method via an agenda electronically posted at least six days prior to the meeting date.

P. ADJOURNMENT

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.

January 10, 2023

SHORELINE SETBACK DETERMINATIONS

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Development/Reasons
SSD-2023-19	RMR Group, INC.	3-5-002:002	Līhu'e	Upgrade exterior motif to contemporary designs, renovations, and repair to existing structures and hardscaping/ Proposed development areas outside of 100 foot required setback. Shoreline Certified 3.31.2022
SSD-2023-20	Douglas B. Brown	5-4-012:011 Unit 22	Princeville	Roof atrium addition/ Rocky shoreline required setback 100 feet/ Proposed development approximately 257 feet away on elevated cliff bluff.
SSD-2023-21	Jay Graham and Eileen Hansen	5-8-008:032	Hanalei	Repairs to existing residence/ Unsubstantial improvements.
SSD-2023-22	Kawailoa Development, LLP	2-9-001:002	Kōloa	Renovation of existing interior Sunset Terrance bar/ Required setback 100 feet/ development proposed at 490 feet from evidenced shore.
SSD-2023-23	Jordan-Kubota	2-6-003:007	Kōloa	Interior renovation/ Work deemed unsubstantial.
SSD-2023-24	Hotel Coral Reef	4-5-012:006	Kapa'a	Interior repair, renovation/ Required setback 228 feet, work deemed unsubstantial. proposed development 289 feet from evidenced (seawall) shoreline.
SSD-2023-25	Makahuena at Poipu	2-8-020:003	Kōloa	Walkway Repair Building IIA/ Repair work deemed unsubstantial.
SSD-2023-26	HPTMI Hawai'i INC.	3-5-002:002	Kōloa	Railing Repair/ Work deemed unsubstantial.
SSD-2023-27	Gabriel Prieto	2-8-020:010	Kōloa	Swimming Pool and associated decking/ Rocky shoreline required 60-foot setback, proposed development 183-187 feet from evidenced shoreline.



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 (11.23.2022)	SMA(M)-2023-10	Hanalei (5-2-004:093 Unit 1)	Construction/ 495 s.f. Guest House with no kitchen.
Approved (12.15.2022)	SMA(M)-2023-11	Hanalei (5-1-004:008 Unit 2)	Construction/ Rockfall mitigation fencing.