



PLANNING COMMISSION

KAAINA S. HULL, CLERK OF COMMISSION

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

RECEIVED

'23 FEB 21 P 2:45

- 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

OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUAI

- Oral testimony will be taken on specific agenda items, **in-person at the public meeting location** indicated on the meeting agenda.
- 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 posted as testimony to the Planning Commission's website prior to the meeting (<https://www.kauai.gov/Government/Boards-and-Commissions/Planning-Commission>). Any testimony received after this time will be retained as part of the record, but we cannot assure the Commission will receive it with sufficient time for review prior to the meeting.

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, February 28, 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**

RECEIVED

'23 FEB 21 P2:44

OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUAI

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

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

1. None for this Meeting.

E. RECEIPT OF ITEMS FOR THE RECORD

1. None for this Meeting.

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)-2023-4) to allow construction of a new single-family dwelling unit on a parcel situated along the mauka side of Moanakai Road in Kapa'a, situated approximately 300 feet north of its intersection with Panini Road and further identified as 1127 Moanakai Road, Tax Map Key: (4)4-5-002:003, Unit 1, affecting an area of approximately 10,124 square feet = **Vel Rajagopal and Sonja Ronning**.

1. Director's Report pertaining to this matter.

- b. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2023-5) to allow a development involving the construction of two (2) single-family dwelling units, driveway and associated site improvements on a parcel situated along the makai side of Kuhio Highway and along Kamoia Road in Kapa'a, situated approximately 400 feet east of its intersection with Kuhio Highway and further identified as 4460 Kamoia Road, Tax Map Key: (4) 4-3-007:008, Units 1 & 2, affecting an area of approximately 11,308 square feet = **Peter Whalley, Trustee of the Peter Whalley Trust**.

1. Director's Report pertaining to this matter.

3. **Continued Public Hearing**

- a. None for this Meeting.

4. **New Public Hearing**

- a. None for this Meeting.

G. **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.

H. **GENERAL BUSINESS MATTERS**

1. Stipulated Settlement Agreement with Attached Stipulation for Dismissal as to all Claims and all Parties as it relates to MOLOAA FARMS LLC, EL PASO INVESTMENTS LIMITED LIABILITY COMPANY, BOCA HOLDINGS, LLC and ROBERT B. LINDNER, JR., TRUSTEE OF THE ABL FAMILY LEGACY TRUST U/A/D DECEMBER 20, 2012, Plaintiffs v. KAUA'I PLANNING COMMISSION; COUNTY OF KAUA'I, et. al., United States District Court for the District of Hawai'i Civil Case No. CV-20-00020 HG-KJM.

I. **COMMUNICATION**

1. None for this Meeting.

J. **COMMITTEE REPORTS**

1. **Subdivision Committee**

- a. None for this Meeting.

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

1. None for this Meeting.

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

1. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2023-4) to allow construction of a new single-family dwelling unit on a parcel situated along the mauka side of Moanakai Road in Kapa'a, situated approximately 300 feet north of its intersection with Panini Road and further identified as 1127 Moanakai Road, Tax Map Key: (4)4-5-002:003, Unit 1, affecting an area of approximately 10,124 square feet = **Vel Rajagopal and Sonja Ronning**.
2. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2023-5) to allow a development involving the construction of two (2) single-family dwelling units, driveway and associated site improvements on a parcel situated along the makai side of Kuhio Highway and along Kamoia Road in Kapa'a, situated approximately 400 feet east of its intersection with Kuhio Highway and further identified as 4460 Kamoia Road, Tax Map Key: (4) 4-3-007:008, Units 1 & 2, affecting an area of approximately 11,308 square feet = **Peter Whalley, Trustee of the Peter Whalley Trust**.

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)-2023-4) to allow construction of a new single-family dwelling unit on a parcel situated along the mauka side of Moanakai Road in Kapa'a, situated approximately 300 feet north of its intersection with Panini Road and further identified as 1127 Moanakai Road, Tax Map Key: (4)4-5-002:003, Unit 1, affecting an area of approximately 10,124 square feet = **Vel Rajagopal and Sonja Ronning**.
2. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2023-5) to allow a development involving the construction of two (2) single-family dwelling units, driveway and associated site improvements on a parcel situated along the makai side of Kuhio Highway and along Kamoia Road in Kapa'a, situated approximately 400 feet east of its intersection with Kuhio Highway and further identified as 4460 Kamoia Road, Tax Map Key: (4) 4-3-007:008, Units 1 & 2, affecting an area of approximately 11,308 square feet = **Peter Whalley, Trustee of the Peter Whalley Trust**.
3. Stipulated Settlement Agreement with Attached Stipulation for Dismissal as to all Claims and all Parties as it relates to MOLOAA FARMS LLC, EL PASO INVESTMENTS LIMITED LIABILITY COMPANY, BOCA HOLDINGS, LLC and ROBERT B. LINDNER, JR., TRUSTEE OF THE ABL FAMILY LEGACY TRUST U/A/D DECEMBER 20, 2012, Plaintiffs v. KAUA'I PLANNING COMMISSION; COUNTY OF KAUA'I, et. al., United States District Court for the District of Hawai'i Civil Case No. CV-20-00020 HG-KJM.

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 April 11, 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.

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 (02.14.2023) | SMA(M)-2023-15 | Hanalei (5-5-010:077) | Construction/ New swimming pool and associated decking. |

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.

February 28, 2023
SHORELINE SETBACK DETERMINATIONS

| Application No. | Name of Applicant(s) | Property I.D. (Tax Map Key) | Location | Development/Reasons |
|-----------------|----------------------------|-----------------------------|-------------|---|
| SSD-2023-29 | Ka'upu Kea, LLC | 5-1-004:015 | Kīlauea | Enclosing lanai and bathroom renovation. / Rocky shore, development on 100-foot-high bluff, required setback 60 feet, development approximately 225 feet away from evidenced shoreline. |
| SSD-2023-30 | 5846 Weke Road LLC | 5-5-004:004 | Hanalei | Renovations of structure, fence improvements, rock wall improvements, hot tub, cold plunge, and sauna, outdoor shower, related site utilities. / Accreting shoreline with county park between subject site and shoreline, Required setback 60 feet, development approximately 350 feet or greater from evidenced shoreline. |
| SSD-2023-31 | 5454 Ka Haku Road Unit 208 | 5-4-012:011 0022 | Princeville | Construction of a roof over an existing atrium. /Required setback 100 feet, development on high cliff bluff approximately 100 to 150 feet in height and approximately 280 feet away from the evidenced shoreline. |