



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

23 MAY -1 A8:13

OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUAI

- The Planning Commission Meeting will be at:
 - Līhu'e Civic Center, Moikeha Building
 - Meeting Room 2A-2B
 - 4444 Rice Street, Līhu'e, Kaua'i, Hawai'i
- Oral testimony will be taken on specific agenda items, 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, May 9, 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**

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)-2023-10), CLASS IV ZONING PERMIT (Z-IV-2023-10), USE PERMIT (U-2023-7) to allow construction of public shared use path extending from Nāwiliwili Park to Ahukini Landing and associated improvements involving a new comfort station, drainage ways, protective fencing and paved parking area, and SHORELINE SETBACK VARIANCE PERMIT (SSV-2023-1) to deviate from the shoreline setback requirement involving properties along makai side of the Lihue Airport, further identified as Tax Map Keys: 3-5-001:004, 005, 008, 009, 085, 092, 102, 128, 158 & 160; 3-7-002:001 (Por.) and affecting a total area of approx. 9.2 acres = **County of Kaua'i, Department of Public Works**. [Director's Report Received 4/25/2023.]

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. None for this Meeting.

I. COMMUNICATION

1. None for this Meeting.

J. COMMITTEE REPORTS

1. Subdivision Committee

a. Final Subdivision Map Approval

1. Subdivision Application No. S-2005-41
Visionary LLC. DBA Līhu'e Land Company
Ahukini Makai Subdivision
Proposed 49-lot Subdivision
TMK: (4) 3-7-002: 001 (por.)
Hanamā'ulu, Līhu'e, Kaua'i

K. UNFINISHED BUSINESS (For Action)

1. In the Matter of Planning Director Kaaina S. Hull's Petition to revoke Applicant Bula Tree House LLC Use Permit U-90-38 and Class IV Zoning Permit Z-IV-90-51 (former Mark Daniells art gallery approved in 1990), and Use Permit U-19-78 and Class IV Zoning Permit Z-IV-78-28 (former Diane Daniells pre-school approved in 1978) for failure to comply with conditions of approval by the Planning Commission and Issue an Order to Show Cause and Set Hearing; Memorandum in Support of Petition; Declaration of Kaaina S. Hull; Notice of Meeting; Certificate of Service, TMK (4) 5-5-004: 23, Hanalei, Kaua'i. [Deferred 2/14/2023, Deferred 4/11/2023.]

L. NEW BUSINESS (For Action)

1. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2023-10), CLASS IV ZONING PERMIT (Z-IV-2023-10), USE PERMIT (U-2023-7) to allow construction of public shared use path extending from Nāwiliwili Park to Ahukini Landing and associated improvements involving a new comfort station, drainage ways, protective fencing and paved parking area, and SHORELINE SETBACK VARIANCE PERMIT (SSV-2023-1) to deviate from the shoreline setback requirement involving properties along makai side of the Lihue Airport, further identified as Tax Map Keys: 3-5-001:004, 005, 008, 009, 085, 092, 102, 128, 158 & 160; 3-7-002:001 (Por.) and affecting a total area of approx. 9.2 acres = **County of Kaua'i, Department of Public Works.** [Director's Report Received 4/25/2023.]

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)-2023-10), CLASS IV ZONING PERMIT (Z-IV-2023-10), USE PERMIT (U-2023-7) to allow construction of public shared use path extending from Nāwiliwili Park to Ahukini Landing and associated improvements involving a new comfort station, drainage ways, protective fencing and paved parking area, and SHORELINE SETBACK VARIANCE PERMIT (SSV-2023-1) to deviate from the shoreline setback requirement involving properties along makai side of the Lihue Airport, further identified as Tax Map Keys: 3-5-001:004, 005, 008, 009, 085, 092, 102, 128, 158 & 160; 3-7-002:001 (Por.) and affecting a total area of approx. 9.2 acres = **County of Kauaʻi, Department of Public Works**. [Director's Report Received 4/25/2023.]
2. Subdivision Application No. S-2005-41
Visionary LLC. DBA Līhuʻe Land Company
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TMK: (4) 3-7-002: 001 (por.)
Hanamāʻulu, Līhuʻe, Kauaʻi
3. In the Matter of Planning Director Kaaina S. Hull's Petition to revoke Applicant Bula Tree House LLC Use Permit U-90-38 and Class IV Zoning Permit Z-IV-90-51 (former Mark Daniells art gallery approved in 1990), and Use Permit U-19-78 and Class IV Zoning Permit Z-IV-78-28 (former Diane Daniells pre-school approved in 1978) for failure to comply with conditions of approval by the Planning Commission and Issue an Order to Show Cause and Set Hearing; Memorandum in Support of Petition; Declaration of Kaaina S. Hull; Notice of Meeting; Certificate of Service, TMK (4) 5-5-004: 23, Hanalei, Kauaʻi. [Deferred 2/14/2023, Deferred 4/11/2023.]

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 June 13, 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 (04.05.2023)	SMA(M)-2023-18	Kapa'a (3-9-006:001)	Relocation and Reconstruction/ Portion of multi-use bike pedestrian path.

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.

May 9, 2023

SHORELINE SETBACK DETERMINATIONS

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Development/Reasons
SSD-2023-39	County of Kaua'i, Department of Public Works	3-5-001:005, 008, 102, 159, 160 & 3-7-002:999	Līhu'e	Construction of a Shared-Use path from Ninini Point to Ahukini landing. / Shoreline certified, required setback is 100 feet from certified shore. Most of the development is a public use concrete path which is allowed less than 40 feet to the certified shoreline. A prefabricated bridge located at drainageway no. 3 is 75 feet away from shoreline to which the applicant applied for a variance (SSV-2023-1).
SSD-2023-40	Pono Kai AOA	4-5-007:002	Kapa'a	Repair roof-Administration Building, Building C, and D/ Work deemed "unsubstantial".
SSD-2023-41	Pono Kai Interval Owners Association	4-5-007:002	Kapa'a	Building "F" interior renovations/ required setback 158 feet. Development at 175 feet.