



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 SEP 27 A7:45

PLANNING DEPARTMENT
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 ADAVIS@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, October 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

RECEIVED

A. CALL TO ORDER

'23 SEP 27 A 7:45

B. ROLL CALL

C. APPROVAL OF AGENDA

RECEIVED
COUNTY OF KAUAI

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

1. July 11, 2023.

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. 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 a modification to Condition No. 24 that would allow permanent use of the outdoor dining expansion area 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 (DBA. THE BEACH HOUSE RESTAURANT)**.

1. Email (8/29/2023) from Erica Dunn, General Manager, The Beach House transmitting the Semi-annual Report on Decibel Readings for all Special Events Held on the Lawn of the Beach House.
2. Director's Report Pertaining to this Matter.

- b. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2024-1) to allow construction of a new single-family dwelling unit and associated improvements on a parcel situated at the along the mauka side of Kuhio Highway in Wainiha, situated at its intersection with Makamae Place, and further identified as Tax Map Key: (4) 5-8-012:027, containing an area of approximately 10,492 square feet = **MICHAEL SCHEIDLER**.

1. Director's Report Pertaining to this Matter.

- c. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2024-2) to allow reconstruction of a new single-family dwelling unit and associated improvements on a parcel situated at the along the makai side of Weke Road in Hanalei Town, situated approximately 350 feet east of its intersection with Malolo Road, and further identified as 5252 Weke Road, Tax Map Key: (4) 5 5-002:007, containing an area of approximately 54,667 square feet = **HALE KAUAI TRUST**.

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

- d. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2024-3) to allow construction of a new comfort station and associated site improvements within the Ha'ena State Park in Ha'ena, along the makai side of Kuhio Highway, further identified as Tax Map Key: (4) 5-9-008:001 and containing a total area of 50.38 acres = **STATE OF HAWAII, DEPARTMENT OF LAND & NATURAL RESOURCES**.

- 1. Director's Report Pertaining to this Matter.
- 2. Transmittal of Agency Comments to Planning Commission.

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.

3. **Class III Zoning Permits**

- a. None for this Meeting.

H. GENERAL BUSINESS MATTERS

- 1. Applicant's request to amend Condition No. 1 of Class IV Zoning Permit Z-IV-2020-7 and Use Permit U-2020-6 to allow construction of an additional farmworker housing unit on a parcel situated on the makai side of Koolau Road in Moloaa, situated approximately ½-mile east of its intersection with Kuhio Highway and further identified as 6020 Koolau Road, Tax Map key: 4-9-009:012, CPR Unit 71 and affecting an area approximately 5.225 acres of a larger parcel = **JOSEPH SCHWARTZ**.

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

J. COMMUNICATION

1. None for this meeting.

K. COMMITTEE REPORTS

1. Subdivision Committee Report

L. UNFINISHED BUSINESS (For Action)

1. None for this Meeting.

M. 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 a modification to Condition No. 24 that would allow permanent use of the outdoor dining expansion area 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 (DBA. THE BEACH HOUSE RESTAURANT)**.
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 - b. Director's Report Pertaining to this Matter.
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 - a. Director's Report Pertaining to this Matter.
3. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2024-2) to allow reconstruction of a new single-family dwelling unit and associated improvements on a parcel situated at the along the makai side of Weke Road in Hanalei Town, situated approximately 350 feet east of its intersection with Malolo Road, and further identified as 5252 Weke Road, Tax Map Key: (4) 5 5-002:007, containing an area of approximately 54,667 square feet = **HALE KAUAI TRUST**.
 - a. Director's Report Pertaining to this Matter.
4. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2024-3) to allow construction of a new comfort station and associated site improvements within the Ha'ena State Park in Ha'ena, along the makai side of Kuhio Highway, further identified as Tax Map Key: (4) 5-9-008:001 and containing a total area of 50.38 acres = **STATE OF HAWAII, DEPARTMENT OF LAND & NATURAL RESOURCES**.
 - a. Director's Report Pertaining to this Matter.
 - b. Transmittal of Agency Comments to Planning Commission.

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. 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 a modification to Condition No. 24 that would allow permanent use of the outdoor dining expansion area 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 (DBA. THE BEACH HOUSE RESTAURANT)**.
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5. Applicant's request to amend Condition to amend Condition No. 1 of Class IV Zoning Permit Z-IV-2020-7 and Use Permit U-2020-6 to allow construction of an additional farmworker housing unit on a parcel situated on the makai side of Koolau Road in Moloaa, situated approximately ½-mile east of its intersection with Kuhio Highway and further identified as 6020 Koolau Road, Tax Map key: 4-9-009:012, CPR Unit 71 and affecting an area approximately 5.225 acres of a larger parcel = **JOSEPH SCHWARTZ**.

N. ANNOUNCEMENTS

1. Topics for Future Meetings.

The following regularly scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter, on October 24, 2023. The Planning Commission anticipates this meeting to be held in-person at the Lihu'e Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihu'e, Kaua'i, Hawai'i. The Commission will announce its intended meeting method via an agenda electronically posted at least six days prior to the meeting date.

O. ADJOURNMENT



SPECIAL MANAGEMENT AREA (SMA) Minor Determinations

Date (Action)	SMA Minor Permit number	Location (TMK)	Activity/ structure
Approved (9.11.2023)	SMA(M)-2024-3	Princeville to Waikoko, Mile post 0.0 to Mile Post 4.5 of Kūhiō Highway.	Construction/New sidewalks, raised crosswalks, crosswalk alert lighting, guardrails, and other associated improvements.

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.

October 10, 2023
SHORELINE SETBACK DETERMINATIONS

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Development/Reasons
SSD-2024-15	County of Kauai, DPW	(4) 4-1-003:044	Kapa'a	Repair and renovations installing new emergency generator, flood proofing, and repairing of existing buildings. / Required setback 88 feet. The project is located approximately 433 feet from evidenced shoreline.
SSD-2024-16	Naeun Marx	(4) 4-3-002:013 0074	Kapa'a	Repair-Replacement of glass sliding door/ Cost of work are considered not to be substantial per DPW letter dated 3.16.2023.
SSD-2024-17	Kathleen M. Betor-Barnes	(4) 4-3-002:013 0183	Kapa'a	Repair-Replacement of glass sliding door/ Cost of work are considered not to be substantial per DPW letter dated 2.28.2023.
SSD-2024-18	Feryat Hiaasen- Steven Newman	(4) 2-6-012:004 0002	Kōloa	Renovation of kitchen and bathroom. / Cost of work are considered not to be substantial per DPW letter dated 5.16.2022.