



## 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 OCT 18 A10 :02

- 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

PLANNING DEPARTMENT  
COUNTY OF KAUAI

- 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](mailto: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](mailto: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 24, 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**

**F. HEARINGS AND PUBLIC COMMENT**

**1. Continued Agency Hearing**

- a. None for this Meeting.

**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.

**G. CONSENT CALENDAR**

**1. Status Reports**

- a. 2023 status report regarding Class IV Zoning Permit Z-IV-2015-8, Project Development Use Permit PDU-2015-7, Variance Permit V-2015-1, and Special Management Area Use Permit SMA(U)-2015-6 at Tax Map Key 4-1-003:004 (por.), 005, 007, 011, and 017 and 4-1-005:014 and 017 (the “permits”), with approval conditions as set forth in letter dated December 31, 2018 from the Planning Commission of the County of Kaua‘i (the “Conditions”) with Coco Palms Hui LLC, as Applicant (“Applicant”).

1. Director’s Report pertaining to this matter.

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

- a. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2024-5), CLASS IV ZONING PERMIT (Z-IV-2024-1), and USE PERMIT (U-2024-1) to allow construction of a new farm dwelling unit and associated site improvements within lot 20-A of the Seacliff Plantation Subdivision in Kilauea, involving a parcel situated approximately 1,300 feet southeast of the Pali Moana Place/Iwalani Lane intersection, adjacent to property identified as 3839 F Pali Moana Place, further identified as Tax Map Key: (4) 5-2-004:093 (Unit 2) affecting a portion of a larger parcel approximately 6.851 acres in size = **Bryan Madani and Kiana Buckley, Trustees of The Madani Buckley Trust.**

1. Director's Report pertaining to this matter.

3. **Class III Zoning Permits**

- 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 8/7/2023 Cease and Desist and Forfeiture of TVRNCU #1184 ('Ae Kai Le'a) for the Failure to Renew by March 6, 2023, Charles Smith and Deani Higashi, 2652-A Puuholo Road, TMK 26007012, Kauai, received on September 8, 2023, for referral to Board and Commissions as Contest Case File No. CC-2024-3. The renewal packet was hand delivered to the Department on April 19, 2023, and Denied on that date.

**I. COMMUNICATION**

1. None for this meeting.

**J. COMMITTEE REPORTS**

1. Subdivision Committee Report
  - a. None for this meeting.

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

1. None for this Meeting.

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

1. None for this Meeting.

#### **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. 2023 status report regarding Class IV Zoning Permit Z-IV-2015-8, Project Development Use Permit PDU-2015-7, Variance Permit V-2015-1, and Special Management Area Use Permit SMA(U)-2015-6 at Tax Map Key 4-1-003:004 (por.), 005, 007, 011, and 017 and 4-1-005:014 and 017 (the "permits"), with approval conditions as set forth in letter dated December 31, 2018 from the Planning Commission of the County of Kaua'i (the "Conditions") with Coco Palms Hui LLC, as Applicant ("Applicant").
2. Clerk of the Commission's Recommendation to Refer an Appeal of the Planning Director's Decision related to the Planning Director's 8/7/2023 Cease and Desist and Forfeiture of TVRNCU #1184 ('Ae Kai Le'a) for the Failure to Renew by March 6, 2023, Charles Smith and Deani Higashi, 2652-A Puuholo Road, TMK 26007012, Kauai, received on September 8, 2023, for referral to Board and Commissions as Contest Case File No. CC-2024-3. The renewal packet was hand delivered to the Department on April 19, 2023, and Denied on that date.

#### **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 November 14, 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**

**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 (10.02.2023)	SMA(M)-2024-4	Kōloa (2-6-016:007)	Construction/New swimming pool/ spa and pool equipment area. 6-foot Lava rock wall and 4 feet high gate.

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 24, 2023

SHORELINE SETBACK DETERMINATIONS

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Development/Reasons
SSD-2024-19	Kaua'i Dream Trust	(4) 5-4-003:032	Princeville	New bathroom addition. / Development located on 150-foot-high cliff bluff and approximately 400 feet from evidenced shoreline. Required setback 60 feet from evidenced shoreline for addition.