



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 JUN 20 P 3:42

- The Planning Commission Meeting will be at:

Office of Boards and Commissions
4444 Rice Street, Suite 300
Lihue, HI 96766

- 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, Lihue, 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, June 27, 2023

9:00 a.m. or shortly thereafter

**Līhu'e Civic Center, Office of Boards and Commissions
4444 Rice Street, Suite 300, 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)-2023-11) to allow construction of a new single-family dwelling unit on a parcel situated along the makai side of Kealoha Road in Kapa'a, situated approximately 200 feet east of its intersection with Keaka Road and further identified as 1004 Kealoha Road, Tax Map Key: (4) 4-5-001:012, affecting an area of approximately 10,125 square feet = **Craig and Jill Schwed**.

1. Director's Report Pertaining to this Matter.

- b. 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.
3. Class III Zoning Permits
 - a. CLASS III ZONING PERMIT (Z-III-2023-11) to allow interior renovations to an existing 2-story single-family residence that would convert an existing guest house into a bedroom addition on a parcel situated on the makai side of the Weke Road in Hanalei, approximately 600 feet west of the Weke Road/Mahimahi Road intersection, further identified as 5418 Weke Road, Tax Map Key: 5-5-004:013, containing a total area of 16,885 square feet = **Concora Cliffs**.
 1. Director's Report Pertaining to this Matter.

H. GENERAL BUSINESS MATTERS

1. In the Matter of Petition to Appeal Decision of the Planning Director's Decision Related to the Planning Director's Cease and Desist and Forfeiture of TVRNCU #4250 (Nami Nori) for the Failure to Renew by June 6, 2022 Regarding the Property located at 4895 Weke Road, Hanalei, Kauai, Hawaii, identified by Kauai TMK No. (4)5-5-001: 040 containing 12,197.0 square feet, **Patrick & Patricia Turley**, Contested Case No. CC-2023-1.
 - a. Hearing Officer's Report and Recommendation of Contested Case related to the Planning Director's decision to deny the Renewal Application and Forfeit TVRNCU #4250 for the reasons therein.
 - b. Petitioners' Exceptions to Hearing Officer's Report and Recommendation of Contested Case; Request for Oral Argument; Certificate of Service.
 - c. Respondent Planning Department of the County of Kaua'i Support of Hearing Officer's Report and Recommendation of Contested Case; Certificate of Service.

2. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2021-8) for the development of an affordable housing project involving the construction of seventeen (17) housing units containing 8 duplexes and a single-family residence, and associated site improvements involving 2 parcels in Waipōuli, located along the makai side of Kūhiō Highway in the vicinity of property identified as 4-870 Kūhiō Highway, further known as Tax Map Keys: 4-3-009:051 & 071, and containing a total area of 36,861 square feet = **Kaua'i Habitat for Humanity**.
 - a. Request for Time Extension from Kauai Habitat for Humanity dated June 5, 2023
 - b. Director's Report Pertaining to this Matter.

3. Class IV Zoning Permit Z -IV- 2015 -39, Use Permit U- 2015 -38 to allow conversion of an existing residence into a homestay operation on a parcel located along the mauka side of Nohea Street within the Kakela Makai Subdivision in Kalaheo, situated approx. 450 ft. west of its intersection with Kakela Makai Drive and further identified as 1196 Nohea Street, Tax Map Key 2 -3- 023: 119, and containing a total area of 10, 017 sq. ft. = **David & Melinda Murray**.
 - a. Letter (5/14/2023) from Dave & Mindy Murray requesting cancellation and withdrawal of Class IV Zoning Permit Z-IV-2015-39 and Use Permit U-2015-38.
 - b. Memorandum of Clerk of the Commission (6/5/2023) recommending approval to cancel and withdraw Class IV Zoning Permit Z-IV-2015-39 and Use Permit U-2015-38.

4. In the Matter of Petition to Appeal Decision of the Planning Director's Decision Related to the Planning Director's Cease and Desist and Forfeiture of TVRNCU #4287 (Mau Loa Ohana) for the Failure to timely renewal by April 18, 2023, **Edmund & Linda Gregoire**, 4650 Amio Road, TMK 26011019, Koloa, Kauai, appeal received on June 2, 2023, for referral to Board and Commissions as Contested Case File No. CC-2023-4. The renewal packet was hand delivered to the Department on April 28, 2023.
 - a. Cease & Desist, and Forfeiture of Non-Conforming Use Certificate TVNCU #4287 letter dated 5/3/2023.
 - b. Letter (6/2/2023) from Jonathan Parrish, The Parrish Collection, LLC requesting petition to appeal.
 - c. Petition to Appeal of the Decision of the Planning Director, Exhibits 1-6; Certificate of Service dated (6/2/2023)
 - d. Memorandum of the Clerk of the Commission Memorandum (6/5/2023) recommending referral of the matter to a Hearings Officer for hearing of the appeal.

5. Kaua'i County Housing Director Presentation.

I. COMMUNICATION

1. None for this Meeting.

J. COMMITTEE REPORTS

1. **Subdivision Committee**

a. Preliminary Subdivision Extension Request

1. Subdivision Application No. S-2017-6
Moloa'a Valley Homeowners, LLC.
Proposed 7-lot Subdivision
TMK: (4) 4-9-011: 013
Kawaihau, Kaua'i
2. Subdivision Application No. S-2021-7
5425 Pa'u A Laka, LLC.
Proposed 2-lot Consolidation and Resubdivision into 4-lots
TMK: (4) 2-8-014: 032
Kōloa, Kaua'i
3. Subdivision Application No. S-2022-6
**Kukui'ula Development Company, LLC./
MP Kaua'i HH Development Fund, LLC.**
Kukui'ula Parcel HH Subdivision
Proposed 3-lot Consolidation and Resubdivision into 51-lots
TMK: (4) 2-6-019: 026, 029, 031
Kōloa, Kaua'i
4. Subdivision Application No. S-2022-8
BBCP Kukui'ula Parcel X, LLC. Et. Al.
Kukui'ula Parcel X Subdivision
Proposed 2-lot Consolidation and Resubdivision into 4-lots
TMK: (4) 2-6-015: 010, 011
Kōloa (Makai), Kōloa, Kaua'i

b. Final Subdivision Map Approval

1. Subdivision Application No. S-2022-5
Morton L. Cohen Family Trust
Proposed 2-lot Boundary Adjustment
TMKs: (4) 4-4-013: 034, 035
Kapa'a and Waipouli, Kawaihau, Kaua'i

K. UNFINISHED BUSINESS (For Action)

1. None for this meeting.

L. NEW BUSINESS (For Action)

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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:

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Proposed 2-lot Boundary Adjustment
TMKs: (4) 4-4-013: 034, 035
Kapa'a and Waipouli, Kawaihau, Kaua'i

13. In re: The Community Association of Poipu Aina Estates, Appellant vs. County of Kaua'i Planning Commission; HPM Building Supply, Appellees, Fifth Circuit Court Civil Case No. 5CCV-22-0000055 and In Re: Pacific Resource Partnership, Appellant vs. County of Kaua'i Planning Commission, HPM Building Supply, John Does 1-10; et al., Appellees, Fifth Circuit Court Civil Case No. 5CCV-22-0000049 and Case No. 5CCV-22-0000060. Litigation Update from the Office of the County Attorney.

- a. Case No. 5CCV-22-0000055 (Administrative Appeal); Findings of Fact, Conclusions of Law and Order; Certificate of Service.
- b. Case No. CASE NO. 5CCV-22-0000049; CASE NO. 5CCV-22-0000060; (Consolidated) (Agency Appeal); Findings of Fact, Conclusions of Law and Order.

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 July 11, 2023. The Planning Commission anticipates this meeting to be held in-person at the Lihu'e Civic Center, Office of Boards and Commissions, 4444 Rice Street, Suite 300, 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.

L. 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 (04.10.2023)	SMA(M)-2023-19	Līhu'e (3-2-003:058 Unit 13)	After the fact grading and construction. / Gravel and concrete driveway (95 feet long by 10 feet wide), boulder wall.

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.

June 27, 2023
SHORELINE SETBACK DETERMINATIONS

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Development/Reasons
SSD-2023-42	Steven Harmsen Manager SEC106 & SEC 107 LLC	2-8-019:006	Kōloa	Construction of upper floor lanai. / Rocky shoreline required setback 60 feet. Proposed addition approximately 190 feet from evidenced shoreline.
SSD-2023-43	Peter Whalley TR and Hong/Roh Living TR	4-3-007:008 Unit 1 and Unit 2	Kapa'a	Construction of two (2) single-family dwellings. / Non abutting shoreline property. Required setback 123 feet. Development is set approximately 420 feet from the evidenced shoreline.
SSD-2023-44	Bruce Holdings LLC	5-8-011:049	Hanalei	Construction of a new ADU. / Shoreline certified, required setback 88 feet. ADU shall outside of shoreline setback area.
SSD-2023-45	Try Slow LLC	5-8-008:034	Hanalei	Repairs / Repair work deemed unsubstantial. (Cottage 1)
SSD-2023-46	Try Slow LLC	5-8-008:034	Hanalei	Repairs / Repair work deemed unsubstantial. (Cottage 2)

SSD-2023-47	Try Slow LLC	5-8-008:034	Hanalei	Repairs / Repair work deemed unsubstantial. (Cottage 3)
SSD-2023-48	Try Slow LLC	5-8-008:034	Hanalei	Repairs / Repair work deemed unsubstantial. (Cottage 4)
SSD-2023-49	Pilaa International LLC	5-1-003:006	Kilauea	Construction of a pool shade structure and associated site utility improvements. / Proposed project is located at a distance of 450 feet and on an elevated cliff bluff approximately 100 feet above mean sea level.
SSD-2023-50	Red Lake Management S A	5-2-01:012	Kilauea	Construction of a swimming Pool and pool equipment area. / Project located on a high cliff bluff approximately 100 feet above mean sea level. Project is also located approximately 340 feet away from evidenced shoreline.
SSD-2023-51	Coconut Coast Partners	4-3-002:012	Kapa'a	Interior repairs of Lanai Guest Wing Building/ Development are 170 feet outside of the 100-foot shoreline setback area.
SSD-2023-52	Coconut Coast Partners	4-3-002:012	Kapa'a	Interior repairs of Lei Guest Wing Building/ Development are 70 feet outside of the 100-foot shoreline setback area.
SSD-2023-53	Makahuena Preferred A LLC et. Al.	2-8-021:041	Kōloa	Construction of a single-family dwelling with accessory structures/ Project located on a high cliff bluff. Project is also located outside of the required of

				the 100-foot shoreline setback area.
SSD-2023-54	Princeville Sealodge	5-4-005:007	Princeville	Repair of exterior cedar shingle siding. / Development on 150-foot-high cliff bluff and outside of the required 100-foot setback for rocky shoreline parcels.