



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 SEP -6 P 4 :00

- 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, September 12, 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

15 11:00

A. CALL TO ORDER

'23 SEP -6 P4:00

B. ROLL CALL

C. APPROVAL OF AGENDA

PLANNING COMMISSION
SEP 12 2023

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

1. June 27, 2023.

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. 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. 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. 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

- a. Supplement #1 to Subdivision Report/Request for Extension of Time.
b. Correspondence dated September 01, 2023, from McCorriston Miller Mukai MacKinnon LLP involving Petition to Appeal Action of the Director Pertaining to Subdivision Application No. S-2021-7.

2. 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

- a. Supplement #1 to Subdivision Report/Request for Extension of Time.
b. Correspondence dated September 01, 2023, from McCorriston Miller Mukai MacKinnon LLP involving Petition to Appeal Action of the Director Pertaining to Subdivision Application No. S-2022-6.

3. In the Matter of Petition to Appeal Decision of the Planning Director's Decision Related to the Planning Director's Notice of Violation and Order to Pay Fines for the continued use of a Farm Dwelling as a "Dormitory/Residence Hall and School", Kauai Christian Fellowship, 2799 R Ala Kinoiki, Koloa, Kauai, TMK 28022015-2, appeal received on July 28, 2023, for referral to Board and Commissions as Contested Cased File No. CC-2024-2.

- a. Memorandum in Opposition to Planning Director Kaaina S. Hull's Petition to Revoke Permits Initially Grante to Applicant Koloa Congregation of Jehovah's Witness, Presently Owned by Kauai Christian Fellowship, and Issue an Order to Show Cause and Set Hearing = Use Permit U-2013, Special Permit SP-2013-4, and Class IV Zoning Permit Z-IV-2013-11, Tax Map Key (4)2-8-022:015 (Unit B), Poipu, Kauai. Koloa Congregation of Jehovah's Witness, applicant, Property now owned by Kauai Christian Fellowship.

4. Pacific Resource Partnership's Petition for Declaratory Order regarding HPM Building Supply's permit application for a Class IV Zoning Permit (Z-IV-2022-8), Use Permit (U-2022-8), and Special Permit (SP-2022-1), Tax Map Key (4)2-6-001-001, Koloa, Kauai.

I. COMMUNICATION

1. None for this meeting.

J. COMMITTEE REPORTS

1. Subdivision Committee Report

K. UNFINISHED BUSINESS (For Action)

1. In the Matter of the Petition to revoke: (1) Land Use Commission District Boundary Amendment under Decision and Order A76-418, as amended August 5, 1997; and (2) Class IV Zoning Permit (Z-IV-2006-27), Use Permit (U-2006-26), and Project Development Use Permit (PDU-2006-25) for a development situated at the Pau A Laka Street/Kiahuna Plantation Drive, 5425 Pau A Laka Street. Tax Map Key: 2-8-014: 032, and containing a total area of 27.886 acres, Petitioners Friends of **Mahaulepu and save Koloa's Petition for to Intervene and, Alternatively for Denial of Applications**. [Referred to Planning Director and deferred, July 11, 2023].
 - a. Director's Report Pertaining to this Matter.

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. 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
2. 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
3. In the Matter of Petition to Appeal Decision of the Planning Director's Decision Related to the Planning Director's Notice of Violation and Order to Pay Fines for the continued use of a Farm Dwelling as a "Dormitory/Residence Hall and School", Kauai Christian Fellowship, 2799 R Ala Kinoiki, Koloa, Kauai, TMK 28022015-2, appeal received on July 28, 2023, for referral to Board and Commissions as Contested Cased File No. CC-2024-2.
4. Pacific Resource Partnership's Petition for Declaratory Order regarding HPM Building Supply's permit application for a Class IV Zoning Permit (Z-IV-2022-8), Use Permit (U-2022-8), and Special Permit (SP-2022-1), Tax Map Key (4)2-6-001-001, Koloa, Kauai.

5. In the Matter of the Petition to revoke: (1) Land Use Commission District Boundary Amendment under Decision and Order A76-418, as amended August 5, 1997; and (2) Class IV Zoning Permit (Z-IV-2006-27), Use Permit (U-2006-26), and Project Development Use Permit (PDU-2006-25) for a development situated at the Pau A Laka Street/Kiahuna Plantation Drive, 5425 Pau A Laka Street. Tax Map Key: 2-8-014: 032, and containing a total area of 27.886 acres, Petitioners Friends of **Mahaulepu and save Koloa's Petition for to Intervene and, Alternatively for Denial of Applications**. [Referred to Planning Director and deferred, July 11, 2023].

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 10, 2023. The Planning Commission anticipates this meeting to be held in-person at the Līhu'e Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Līhu'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 (08.23.2023)	SMA(M)-2024-1	Princeville (5-4-004:050)	Construction / Ground mounted photovoltaic array.
Approved (09.1.2023)	SMA(M)-2024-2	Hanalei (5-8-011:011)	Construction/ Fence and 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.

September 12, 2023
SHORELINE SETBACK DETERMINATIONS

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Development/Reasons
SSD-2024-6	SOF-XI Kauai PV Hotel L.P., a Delaware Limited Partnership	(4) 5-4-011:004	Princeville	Beach Chairs and Existing Pads moved mauka of the certified shoreline. Relocation of activity structure to low-level pool area. / Shoreline certified to determine proper placement.
SSD-2024-7	Theron L. JR. and Geneil Vines	(4) 5-8-011:011	Hanalei	Fence and entry gate. / Based on a Shoreline Certification dated Oct. 4, 2022 on an adjacent property (TMK: 5-8-011:049), fence is setback 41 feet away from the shoreline line on the northwestern property line.
SSD-2024-8	Ed and Joan Ben Dor	(4) 5-5-010:032	Hanalei	Bedroom addition in existing lanai. Kitchen, Bedrooms, Living Room Remodel. / Pursuant to DPW letter dated August 2, 2023, work and improvements are considered unsubstantial.
SSD-2024-9	Andrew Porter	(4) 5-8-008:053	Hanalei	New Single-Family Dwelling and temporary construction storage containers to be removed after construction of dwelling is completed. / Single-family dwelling/ required setback 88 feet, proposed setback 249.9 feet.
SSD-2024-10	Paul Kyno and Stefan Mandel	(4) 4-5-011:036	Kapa'a	Construct a new 2-story Restaurant and Bar Building. / Required setback 109 feet. Proposed development approximately 470 feet from evidenced shoreline.

SSD-2024-11	Sunset Kahili	(4) 2-8-019:003 Unit 23	Kōloa	Concrete Deck Repairs to Apt. #406. / Rocky shoreline required setback is 70 feet from evidenced shoreline. Repair work is approximately 200 feet away evidenced shoreline.
SSD-2024-12	Sunset Kahili	(4) 2-8-019:003 Unit 24	Kōloa	Concrete Deck Repairs to Apt. #407. / Rocky shoreline required setback is 70 feet from evidenced shoreline. Repair work is approximately 200 feet away evidenced shoreline.
SSD-2024-13	Sheraton Coconut Beach Resort	(4) 4-3-007:028	Kapa'a	Interior repair and renovation. / Stable shoreline, required setback 100 feet minimum. Development approximately 250 feet from evidenced shoreline.
SSD-2024-14	Brad and Wendy Rambo	(4) 5-6-004:014	Hanalei	Repairs. / Per Department of Public Works letter dated 8.11.2023 work has been deemed unsubstantial.