



PLANNING COMMISSION

KAAINA S. HULL, CLERK OF COMMISSION

DONNA APISA, CHAIR
GERALD AKO, VICE CHAIR
HELEN COX, MEMBER
FRANCIS DEGRACIA, MEMBER
GLENDA NOGAMI STREUFERT, MEMBER
JERRY ORNELLAS, MEMBER
LORI OTSUKA, MEMBER

RECEIVED

24 JUL -1 P2 106

- 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

OFFICE OF
THE COUNTY CLERK
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 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, July 9, 2024

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

B. ROLL CALL

C. APPROVAL OF AGENDA

24 JUL -1 P2:06

D. MINUTES OF THE MEETING(S) OF THE PLANNING COMMISSION

1. April 9, 2024.
2. June 4, 2024.

OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUAI

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. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2024-10) allow construction of a new single-family residence within Lot 79-A of the Wainiha Hui Partition in Wainiha, involving a parcel situated on the makai side of Kuhio Highway, approximately 200 feet west of the Kuhio Highway/Alamih Road intersection, further identified as 5-7070 Kuhio Highway, Tax Map Key: (4) 5-8-011:049 containing a total area of 22,736 square feet = **BRUCE HOLDINGS LLC**.

1. Transmittal of Agency Comments to Planning Commission.
2. Transmittal of Supplemental Information to Planning Commission.
3. Director's Report pertaining to this matter.

- b. CLASS IV ZONING PERMIT (Z-IV-2024-6) and VARIANCE PERMIT (V-2024-2) involving a 4-lot subdivision to allow a deviation from the maximum pole length requirement of a flag lot, pursuant to Section 8-4.4(a)(3) of the Kauai County Code (1987), as amended, for a parcel situated along the southern side of Kawaihau Road in Kapa'a, approximately 500 feet west of the Kawaihau Road/Makaleha Place intersection, and further identified as 6501 Kawaihau Road, Tax Map Key: (4) 4-6- 007:058, and containing a total area of 4.669 acres = **MANUEL DeSILVA JR, TRUSTEE**. [Director's report received 5/27/2024.]

1. Transmittal of Agency Comments to Planning Commission.
2. Director's Report pertaining to this matter.

- c. CLASS IV ZONING PERMIT (Z-IV-2024-7) and VARIANCE PERMIT (V-2024-3) involving a 10-lot subdivision to allow a deviation from the requirement involving the construction of curbs, gutter, and sidewalks for a subdivision within the Residential zoning district, pursuant to Section 9-2.3(e)(3) of the Kauai County Code (1987), as amended, for a parcel situated along the southern side of Kahilipulu Way within the Kauai Lagoons project area in Lihu'e, further identified as Tax Map Keys: (4) 3-5-004:100 through 109, and containing a total area of 6.2 acres = **TOWER KAUAI LAGOONS SUB 1, LLC.** [Director's report received 5/27/2024.]

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

- d. CLASS IV ZONING PERMIT (Z-IV-2024-8) and VARIANCE PERMIT (V-2024-4) involving a 13-lot subdivision to allow a deviation from the requirement involving the construction of curbs, gutter, and sidewalks for a subdivision within the Residential zoning district, pursuant to Section 9-2.3(e)(3) of the Kauai County Code (1987), as amended, for a parcel situated along the northern side of Kahilipulu Way within the Kauai Lagoons project area in Lihu'e, further identified as Tax Map Keys: (4) 3-5-001:027 (Par.) & 168 (Par.), and containing a total area of 4.6 acres = **TOWER KAUAI LAGOONS GOLF, LLC./TOWER KAUAI LAGOONS LAND, LLC./TOWER KAUAI LAGOONS SUB 7, LLC.** [Director's report received 5/27/2024.]

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

3. **Continued Public Hearing**

- a. None for this Meeting.

4. **New Public Hearing**

- a. Proposed Amendments to Chapter 4 of the Rules of Practice and Procedure of the County of Kauai Planning Commission, regarding Petition to Intervene, which details the applicability of intervention for Planning Commission actions, the requirements and contents to file a petition to intervene, multiple petitioners and intervenors, arguments for and against petitions to intervene, and action on petitions for intervention = **COUNTY OF KAUAI, PLANNING COMMISSION.**

- 1. Director's Report pertaining to this matter.

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. None for this meeting.

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. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2024-10) allow construction of a new single-family residence within Lot 79-A of the Wainiha Hui Partition in Wainiha, involving a parcel situated on the makai side of Kuhio Highway, approximately 200 feet west of the Kuhio Highway/Alamih Road intersection, further identified as 5-7070 Kuhio Highway, Tax Map Key: (4) 5-8-011:049 containing a total area of 22,736 square feet = **BRUCE HOLDINGS LLC**.
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4. CLASS IV ZONING PERMIT (Z-IV-2024-8) and VARIANCE PERMIT (V-2024-4) involving a 13-lot subdivision to allow a deviation from the requirement involving the construction of curbs, gutter, and sidewalks for a subdivision within the Residential zoning district, pursuant to Section 9-2.3(e)(3) of the Kauai County Code (1987), as amended, for a parcel situated along the northern side of Kahilipulu Way within the Kauai Lagoons project area in Lihu'e, further identified as Tax Map Keys: (4) 3-5-001:027 (Par.) & 168 (Par.), and containing a total area of 4.6 acres = **TOWER KAUAI LAGOONS GOLF, LLC./TOWER KAUAI LAGOONS LAND, LLC./TOWER KAUAI LAGOONS SUB 7, LLC.** [Director's report received 5/27/2024.]

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)-2024-10) allow construction of a new single-family residence within Lot 79-A of the Wainiha Hui Partition in Wainiha, involving a parcel situated on the makai side of Kuhio Highway, approximately 200 feet west of the Kuhio Highway/Alamihi Road intersection, further identified as 5-7070 Kuhio Highway, Tax Map Key: (4) 5-8-011:049 containing a total area of 22,736 square feet = **BRUCE HOLDINGS LLC.**
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5. Proposed Amendments to Chapter 4 of the Rules of Practice and Procedure of the County of Kauai Planning Commission, regarding Petition to Intervene, which details the applicability of intervention for Planning Commission actions, the requirements and contents to file a petition to intervene, multiple petitioners and intervenors, arguments for and against petitions to intervene, and action on petitions for intervention = **COUNTY OF KAUAI, PLANNING COMMISSION.**

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 23, 2024. 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, Kauai, Hawaii. 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



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DEREK S.K. KAWAKAMI, MAYOR
 REIKO MATSUYAMA, MANAGING DIRECTOR

24 JUL 11 P2:06

SPECIAL MANAGEMENT AREA (SMA) Minor Determinations

COUNTY OF KAUAI

Date (Action)	SMA Minor Permit number	Location (TMK)	Activity/ structure
Approved (6.10.2024)	SMA(M)-2024-19	Hanalei (5-5-001:042 Unit 1)	Construction/ To rehabilitate the lot to allow planting and water of fruit trees and vegetable gardens. To till, fill in ruts and slope the lot to allow drainage and removal of trees. Building 1 woodworking shop, 3 waterspouts and security / agriculture poles, 1 equipment shed, 1 septic and leech field, and 1 green house.
Approved (6.17.24)	SMA(M)-2024-20	Kōloa (2-6-022:013)	Construction/ New swimming pool. outdoor showers, paving/ walkway, fire pit area, water features, and additional site improvements.
Approved (6.20.24)	SMA(M)-2024-21	Hanalei (5-5-010:067)	Construction/ Site Improvements-Gate, fence, trash enclosure, signage, and related site utilities.
Approved (6.20.24)	SMA(M)-2024-22	Hanalei (5-8-009:039)	Construction/ Fence and shed to be constructed on property.
Approved (6.20.24)	SMA(M)-2024-23	Anahola (4-9-014:008 CPR Unit 2)	Construction/ Water well

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.

July 9, 2024

SHORELINE SETBACK DETERMINATIONS

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Development/Reasons
SSD-2024-43	Irena Lenner TR=Poipu Shores Condominium Unit 201A	2-8-019:004 CPR Unit 8	Kōloa	Renovations to kitchen and bath. Door and window repairs. / Work considered non-substantial per DPW letter.
SSD-2024-44	Hale Nalu Holdings, LLC	5-8-008:040	Hanalei	Construction of a Fence and gateway. / Required setback 74 feet. Fence and gate setback an additional 87 feet from shoreline setback.
SSD-2024-45	4287 'Anini Road LLC	5-3-007:011	Kīlauea	Renovations to kitchen and bath. Door and window repairs. / Work considered non-substantial per DPW letter.