



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 MAR -6 AIO 28

- 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, March 12, 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

24 MAR -6 AIO :29

OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUAI

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

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

1. October 10, 2023.
2. October 24, 2023.
3. November 14, 2023.
4. December 12, 2023.
5. January 9, 2024.

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. 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. In the Matter of Petitions to Appeal Planning Director's Determination in Regard To The Applications of Try Slow, LLC Shoreline Setback Applications and Determinations, SSD-2023-45, SSD-2023-46, SSD-2023-47, and SSD-2023-48, Received on July 24, 2023, The Hale Makai Cottages, located at 4400 Oneone Road, Hanalei, Kaua'i, Hawai'i, identified by Kaua'i TMK No. (4) 5-8-008:034, containing 39,000.00 square feet.
 - a. Petition for Appeal submitted by Petitioners on July 24, 2023.
 - b. Petitioners Malama Kua'aina and Caren Diamond's Prehearing Statement.
 - c. Applicant Try Slow, LLC's Prehearing Statement.
 - d. Respondent Planning Department of the County of Kaua'i's Prehearing Statement.
 - e. Conditional Settlement Agreement.
 - f. Stipulation and Order to Vacate Pending Hearing Dates in Contemplation of Dismissal approved by Hearing Officer Harlan Kimura on February 9, 2024.
 - g. Stipulation, Recommendation, and Order Approving Withdrawal of Appeal.
2. In the Matter of the Petition of Friends of Māhā'ulepu To revoke 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 issued to Coco Palms Hui, LLC for use at Wailua, Kaua'i, Tax Map Keys 4-1-003: 004 (por.), 005, 007, 011, and 017 and 4-1-005: 014 and 017.
 - a. Petitioner Friends of Māhā'ulepu's Petition for Revocation of Permits Issued to Coco Palms Hui, LLC.
 - b. Petitioner Friends of Māhā'ulepu's Supplement to Petition to Revoke Permits Issued to Coco Palms Hui, LLC.
 - c. Petitioner Friends of Māhā'ulepu's Memorandum in Opposition to RP21 LLC and Coco Palms Hui LLC's Petition for Intervention and Reply to Opposition to Petitioner's Supplement to Petition.
 - d. RP21 LLC and Coco Palms Hui LLC's (1) Petition for Intervention; and (2) Memorandum in opposition to Petitioner Friends of Māhā'ulepu's Petition for Revocation of Permits issued to Coco Palms Hui, LLC.
 - e. RP21 Coco Palms LLC and Coco Palms Hui LLC's Opposition to Petitioner Friends of Māhā'ulepu's Supplement to Petition for Revocation of Permits Issued to Coco Palms Hui, LLC.
 - f. Director's Report Pertaining to this Matter.
 - g. Supplement #1 to Director's Report.
3. In the Matter of the Petition of Friends of Māhā'ulepu and Save Koloa for Declaratory Orders Interpreting Kaua'i Planning Commission Rules for Intervention as Applied to Community Members Without Actual Notice of Applications Pending Before the Commission.

I. COMMUNICATION

1. None for this meeting.

J. COMMITTEE REPORTS

1. Subdivision Committee Report.
 - a. Subdivision Application No. S-2024-5
Thomas N. and Lisa D. Thompson
Proposed 2-lot Subdivision
TMK: (4) 1-3-004: 023
Kekaha, Waimea, Kaua'i
 - b. Subdivision Application No. S-2019-8
Stephanie Fernandes
Proposed 5-lot Subdivision
TMK: (4) 4-2-005: 044
Wailua, Kawaihau, Kaua'i
 - c. Subdivision Application No. S-2024-3
Visionary, LLC.
Proposed 12-lot Subdivision
TMK: (4) 3-6-002: 001 (por.)
Kalapakī, Līhu'e, Kaua'i

K. UNFINISHED BUSINESS (For Action)

1. None for this Meeting.

L. NEW BUSINESS (For Action)

1. None for this meeting.

M. EXECUTIVE SESSION

1. In the Matter of Petitions to Appeal Planning Director's Determination in Regard To The Applications of Try Slow, LLC Shoreline Setback Applications and Determinations, SSD-2023-45, SSD-2023-46, SSD-2023-47, and SSD-2023-48, Received on July 24, 2023, The Hale Makai Cottages, located at 4400 Oneone Road, Hanalei, Kaua'i, Hawai'i, identified by Kaua'i TMK No. (4) 5-8-008:034, containing 39,000.00 square feet.
2. In the Matter of the Petition of Friends of Māhā'ulepu To revoke 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 issued to Coco Palms Hui, LLC for use at Wailua, Kaua'i, Tax Map Keys 4-1-003: 004 (por.), 005, 007, 011, and 017 and 4-1-005: 014 and 017.
3. In the Matter of the Petition of Friends of Māhā'ulepu and Save Koloa for declaratory orders interpreting Kaua'i Planning Commission rules for intervention as applied to community members without actual notice of applications pending before the Commission.

4. Subdivision Application No. S-2024-5
Thomas N. and Lisa D. Thompson
Proposed 2-lot Subdivision
TMK: (4) 1-3-004: 023
Kekaha, Waimea, Kaua'i

5. Subdivision Application No. S-2019-8
Stephanie Fernandes
Proposed 5-lot Subdivision
TMK: (4) 4-2-005: 044
Wailua, Kawaihau, Kaua'i

6. Subdivision Application No. S-2024-3
Visionary, LLC.
Proposed 12-lot Subdivision
TMK: (4) 3-6-002: 001 (por.)
Kalapakī, Līhu'e, Kaua'i

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 April 9, 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



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

SPECIAL MANAGEMENT AREA (SMA) Minor Determinations

Date (Action)	SMA Minor Permit number	Location (TMK)	Activity/ structure
Withdrawn by applicant (12.21.2023)	SMA(M)-2024-7	Hanalei (5-8-008:006)	Construction/ New fence and to remove ten (10) false Kamani trees.
Approved (12.29.2023)	SMA(M)-2024-8	Līhu'e (3-5-002:002)	Placement/ Three (3) temporary tents for a one-night special event.
Approved (1.24.2024)	SMA(M)-2024-9	Hanalei (5-5-002:040)	Construction/ Electric Vehicle Charging Station and an Electric vehicle ready space.
Approved (2.15.2024)	SMA(M)-2024-10	Kapa'a (4-6-014:026)	Placement/ Boulder and Concrete barriers placement along Kūhiō Highway to prohibit illegal access to property.

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.

March 12, 2024

SHORELINE SETBACK DETERMINATIONS

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Development/Reasons
SSD-2024-21	County of Kaua'i, Department of Public Works	(4) 4-6-014:026	Kealia	Placement/ Boulder and concrete barrier placement to prohibit unlawful access to property along Kūhiō Highway.
SSD-2024-22	Nathaniel Fisher	(4) 1-2-013:039	Kekaha	Construction/ Single-family residence and commercial boating facility.
SSD-2024-23	Nathaniel Fisher	(4) 1-2-013:040	Kekaha	Construction/ Single-family residence and commercial boating facility.