



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 ORNELIAS, MEMBER
LORI OTSUKA, MEMBER

23 AUG 2 11 56

THE COUNTY OF KAUAI
850 N. KALANANĀHUNE AVE
LIHU'E, HI 96766

- 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, 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, August 8, 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**

RECEIVED

*23 AUG -2 17:56

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

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

1. May 9, 2023.

E. RECEIPT OF ITEMS FOR THE RECORD

1. None for this Meeting.

F. HEARINGS AND PUBLIC COMMENT

1. Continued Agency Hearing

- a. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2023-9) to allow construction of a 5 feet high entry gate, water feature, and associated improvements within the private road right-of-way serving the Makahuena Estates Subdivision in Po'ipū, situated along the makai side of Pe'e Road and approximately 60 feet south of its intersection with Pe'e Road, further identified as Tax Map Key: (4) 2-8-021:078, containing a total area of approximately 0.946 acres = **Makahuena-Preferred A LLC et al.** [Director's Report Received and hearing deferred on 4/11/2023].

1. Stipulation Regarding SMA Use Permit SMA(U)-2023-9 and Construction of a 5 Feet High Entry Gate and to Vacate Contested Case Hearing.

2. New Agency Hearing

- a. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2023-12) to allow construction of a new single family residential structure on a parcel situated along the makai side of Kuhio Highway in Kapa'a Town, situated directly across the formerly Kojima Store, approximately 200 feet south of the Kapa'a Neighborhood Center and further identified as 4-1542 Kuhio Highway, Tax Map Key: (4) 4-5-012:048, containing a total area of approximately 2,520 square feet = **BENSON C. & ARCELIE A. PERALTA.**

1. Director's Report Pertaining to this Matter.

- b. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2023-13), CLASS IV ZONING PERMIT (Z-IV-2023-11) and USE PERMIT (U-2023-8) to allow construction of a viewing platform and associated site improvements within the Pā'ūla'ūla State Historical Park in Waimea, along the makai side of Kaumuali'i Highway, approximately 800 feet east of Waimea Town, further identified as Tax Map Key: (4) 1-7-005:003 and containing a total area of 17.26 acres = **STATE OF HAWAII, DEPARTMENT OF LAND AND NATURAL RESOURCES (DLNR)** . [Director's Report Received July 25, 2023.]

- 1. Director's Report Pertaining to this Matter.

- c. CLASS IV ZONING PERMIT (Z-IV-2023-12) and USE PERMIT (U-2023-9) to construct a new gymnasium on the Waimea High School campus in Waimea Town, and VARIANCE PERMIT (V-2023-3) to deviate from the height requirement within the Residential zoning district, situated approximately 550 feet mauka of the Ola Road/Kaumuali'i Highway intersection, further identified as 9707 Tsuchiya Road, Tax Map Keys: 1-6-010:004 and 1-6-009:023, and containing a total area of 11.11 acres = **STATE OF HAWAII, DEPARTMENT OF EDUCATION**. [Director's Report Received July 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. 2023 Annual Report on the progress and status of compliance and conditions of the subject permits for Hokuala Resort (formerly Kauai Lagoons LLC & MORI Golf (Kauai) LLC) in accordance with Condition No. 28 Special Management Area Use Permit SMA(U)-2006-5, Project Development Use Permit PDU-2005-26, Use Permit U-2005-25, and Class IV Zoning Permit Z-IV-2005-30, Tax Map Key: (4)3-5-001:027 (Por.), 168, 169, 171 (Por.), 172 (Por.), 175, and 176.

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

- 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. Pursuant to Chapter 9, Rules of Practice and Procedure of the Kauai County Planning Commission and Chapter 8, Article 27.13 Appeal of the Director's Determination, Kauai County Code, 1987 as amended; Appellants Malama Kua aina and Caren Diamond, Executive Director, and in my individual capacity file this Petition for Appeal regarding Try Slow, LLC Shoreline Setback Determination Exemptions, File No. SSD 2023-45, SSD 2023-46, SSD 2023-47 and SSD-2023- 48 dated 5/23/2023, TMK 5-8-8:034 noticed on the Planning Commission Agenda June 27, 2023.

I. COMMUNICATION

1. None for this meeting.

J. COMMITTEE REPORTS

1. **Subdivision Committee**
 - 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)-2023-9) to allow construction of a 5 feet high entry gate, water feature, and associated improvements within the private road right-of-way serving the Makahuena Estates Subdivision in Po'ipū, situated along the makai side of Pe'e Road and approximately 60 feet south of its intersection with Pe'e Road, further identified as Tax Map Key: (4) 2-8-021:078, containing a total area of approximately 0.946 acres = **Makahuena-Preferred A LLC et al.** [Director's Report Received and hearing deferred on 4/11/2023].
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3. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2023-13), CLASS IV ZONING PERMIT (Z-IV-2023-11) and USE PERMIT (U-2023-8) to allow construction of a viewing platform and associated site improvements within the Pā'ula'ula State Historical Park in Waimea, along the makai side of Kaumuali'i Highway, approximately 800 feet east of Waimea Town, further identified as Tax Map Key: (4) 1-7-005:003 and containing a total area of 17.26 acres = **STATE OF HAWAII, DEPARTMENT OF LAND AND NATURAL RESOURCES (DLNR).** [Director's Report Received July 25, 2023].

4. CLASS IV ZONING PERMIT (Z-IV-2023-12) and USE PERMIT (U-2023-9) to construct a new gymnasium on the Waimea High School campus in Waimea Town, and VARIANCE PERMIT (V-2023-3) to deviate from the height requirement within the Residential zoning district, situated approximately 550 feet mauka of the Ola Road/Kaumuali'i Highway intersection, further identified as 9707 Tsuchiya Road, Tax Map Keys: 1-6-010:004 and 1-6-009:023, and containing a total area of 11.11 acres = **STATE OF HAWAII, DEPARTMENT OF EDUCATION**. [Director's Report Received July 25, 2023].

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)-2023-9) to allow construction of a 5 feet high entry gate, water feature, and associated improvements within the private road right-of-way serving the Makahuena Estates Subdivision in Po'ipū, situated along the makai side of Pe'e Road and approximately 60 feet south of its intersection with Pe'e Road, further identified as Tax Map Key: (4) 2-8-021:078, containing a total area of approximately 0.946 acres = **Makahuena-Preferred A LLC et al.** [Director's Report Received and hearing deferred on 4/11/2023].
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6. Pursuant to Chapter 9, Rules of Practice and Procedure of the Kauai County Planning Commission and Chapter 8, Article 27.13 Appeal of the Director's Determination, Kauai County Code, 1987 as amended; Appellants Malama Kua aina and Caren Diamond, Executive Director, and in my individual capacity file this Petition for Appeal regarding Try Slow, LLC Shoreline Setback Determination Exemptions, File No. SSD 2023-45, SSD 2023-46, SSD 2023-47 and SSD-2023- 48 dated 5/23/2023, TMK 5-8-8:034 noticed on the Planning Commission Agenda June 27, 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 August 22, 2023. The Planning Commission anticipates this meeting to be held in-person at the Līhu'e Civic Center, Office of Boards and Commissions, 4444 Rice Street, Suite 300, 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 (06.29.2023)	SMA(M)-2023-20	Waimea (1-6-006:001)	To comply with levee requirements as outlined by the U.S. Army Corp of Engineers/ Designated tree removal.
Approved (07.03.2023)	SMA(M)-2023-21	Līhu'e (3-5-002:002)	Construction and placement/ Three (3) 12X12 feet (144 s.f.) beach cabanas.
Approved (7.10.23)	SMA(M)-2023-22	Kōloa (2-6-012:004 Unit 2)	Construction/ Second story addition on existing detached garage.
Approved (7.14.23)	SMA(M)-2022-5	Hanalei (5-5-010:055)	Construction/ Six (6) foot high redwood 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.

August 8, 2023
SHORELINE SETBACK DETERMINATIONS

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Development/Reasons
SSD-2024-1	Kauai Federal Credit Union	(4) 4-5-012;021 and (4) 4-5-012:043	Kapa'a	Renovations of Existing Structure. / Stable-accreting shoreline. Required setback 60 feet from shoreline. Development approximately 90 to 180 feet from vegetation/ evidenced shoreline.
SSD-2024-2	Steven Pappas	(4) 1-8-019:016	Hanapēpē	New sitting room, study room, and bathroom addition to existing residence. / Rocky shoreline required setback 60 feet. Development approximately 181 feet away from evidenced shoreline.
SSD-2024-3	Stewart Neil Husband	(4) 1-6-006:011 Unit 1	Waimea	New single-family dwelling. / Accreting shoreline required 100-foot setback. Development approximately 226 feet from evidenced shoreline.
SSD-2024-4	Stanley and Donna Alongi Family TR	(4) 2-8-015:007 Unit 7	Kōloa	Repair and Renovations/ Kitchen work and repairs deemed unsubstantial.
SSD-2024-5	Try Slow LLC	(4) 5-8-008:039	Hanalei	Repair to existing cottage #5./Repair work deemed unsubstantial.