



PLANNING COMMISSION

KAAINA S. HULL, CLERK OF COMMISSION

HELEN COX, CHAIR
FRANCIS DEGRACIA, VICE CHAIR
GERALD AKO, MEMBER
DONNA APISA, MEMBER
MELVIN CHIBA, MEMBER
GLENDA NOGAMI-STREUFERT, MEMBER
LORI OTSUKA, MEMBER

On November 29, 2021, Governor David Y. Ige issued an Emergency Proclamation, which continued the suspension of Hawai'i Revised Statutes (HRS) Chapter 92, relating to Public Agency Meetings and Records (also known as the Sunshine Law) as it pertained to the COVID-19 Response. HRS Chapter 92 was suspended to the extent necessary to enable boards to conduct business in-person or through remote technology without any board members or members of the public physically present in the same location. In addition, on December 29, 2021 and on January 26, 2022, Governor Ige issued a proclamation suspending HRS 92-3.7 to suspend the requirement to have at least one meeting location that is open to the public.

The meetings of the Kaua'i Planning Commission will be conducted as follows until further notice:

- Meetings will be publicly noticed pursuant to HRS Chapter 92.
- In-person meetings will be closed to the public to be consistent with social distancing practices.
- Planning Commissioners, Planning Department Staff, parties to agenda items, and resource individuals will appear via the **Zoom** remote technology.
- The public may attend the meeting by phone using the “**join by phone**” telephone number provided on the agenda.
- The public may also attend the meeting through **Zoom**. If attending the meeting via **Zoom**, it shall be the responsibility of the attendee to join the meeting through the **Zoom** link provided via E-mail. In addition, it shall be the responsibility of the testifier to ensure that the **Zoom** software is downloaded and operational prior to the meeting. Once you sign-in for the meeting, you will receive the meeting link.
- You may use a unique identifier (i.e., an alias name and alias email address) instead of your real name to maintain anonymity. Please note that the unique Zoom meeting link will be sent by Zoom to the E-mail that was entered at sign-in.
- In addition, the meeting will be **live streamed** and available as an archived meeting after completion at www.kauai.gov/Webcast-Meetings. Please note that the livestream broadcast does not allow interaction between the viewer and Planning Commission. Also, video production services or enhancements of the recorded video will not be available.
- **Written testimony** may be submitted on any agenda item and submitted to planningdepartment@kauai.gov or mailed to the Kauai County Planning Department 4444 Rice Street., Ste A473, Lihue, Hawaii 96766. Written testimony received by the Planning Department at least **24 hours prior** to the meeting will be distributed to all Planning Commissioners prior to the meeting. Any testimony received after this time and up to the start of the meeting will be summarized by the Clerk of the Commission during the meeting and added to the record thereafter.
- **Oral testimony** will be taken during the public hearing portion of the meeting. Anyone interested in providing oral testimony must attend the meeting by “**joining by phone**” using the number listed on the agenda or joining by “**Zoom**”.
 - All testifier audio and video will be disabled until it is your turn to testify.
 - Per the Planning Commission's and Chairs practice, there is three-minute time limit per testifier, per agenda item.
 - If there are temporary technical glitches during your turn to testify, we may have to move on to the next person due to time constraints; we appreciate your understanding.
- If any major and insurmountable technical difficulties are encountered during the meetings, the Planning Commission will continue all matters and reconvene at the next scheduled Planning Commission Meeting.
- Minutes of meetings will be completed pursuant to HRS Chapter 92 and posted to the Planning Commission's website upon completion and approval.

PLANNING COMMISSION TELECONFERENCE MEETING NOTICE AND AGENDA

Tuesday, March 22, 2022

9:00 a.m. or shortly thereafter

To Join By Phone:

US: +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799 or

+1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799

Webinar ID: 941 0282 0366

Participant ID: #

To Join by ZOOM Link: https://zoom.us/webinar/register/WN_Z_px0WoyRu2cZj1zPpjFHg

Webcast Link: <https://www.kauai.gov/Webcast-Meetings>

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

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

1. October 26, 2021

E. RECEIPT OF ITEMS FOR THE RECORD

- F. HEARINGS AND PUBLIC COMMENT.** The Planning Commission will accept written testimony for any agenda item herein. Written testimony indicating your 1) name, 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 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 before 9:00 a.m. on Monday, March 21, 2022, will be distributed to all Planning Commissioners prior to the meeting. Written testimony received after 9:00 a.m. on Monday, March 21, 2022, will be summarized by the Clerk of the Commission during the meeting and added to the record thereafter.

Oral testimony will be during the public hearing portion of the meeting. Anyone interested in providing oral testimony must attend the meeting via Zoom or "join by phone" using the number listed on the agenda. After oral testimony has been taken, members of the public may continue watching the meeting via the live stream link found at www.kauai.gov/webcastmeetings.

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. ZA-2022-2: A bill for an ordinance amending Chapter 8, Kaua'i County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZO). The proposal amends Section 8-1.4 of the CZO relating to Application of Regulations and more specifically, standards involving the placement, design and construction of outdoor hazard warning sirens = ***County of Kaua'i, Planning Department***.

- 1. Director's Report pertaining to this matter (see agenda packet).

- b. ZA-2022-3: A bill for an ordinance amending Chapter 8, Kaua'i County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZO). The proposal amends Section 8-2.4 of the CZO relating to the Table of Uses and more specifically, permitting requirements for warehouses within the General Commercial zoning district = ***County of Kaua'i, Planning Department***.

- 1. Director's Report pertaining to this matter (see agenda packet).

- c. ZA-2022-4: A bill for an ordinance amending Chapter 8, Kaua'i County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZO). The proposal amends Section 8-1.4 of the CZO relating to Application of Regulations and more specifically, density standards involving parcels that have been partitioned through the Condominium Property Regime (CPR) process, pursuant to Chapter 514B of the Hawaii Revised Statutes ***County of Kaua'i, Planning Department*** .

- 1. Director's Report pertaining to this matter (see agenda packet).

5. **All remaining public testimony pursuant to HRS 92 (Sunshine Law)**

G. **CONSENT CALENDAR**

1. **Status Reports**

- a. None for this Meeting

2. Director's Report for Project Scheduled for Agency Hearing

- a. AMENDMENT TO SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-83-4), CLASS IV ZONING PERMIT Z-IV-83-27, and USE PERMIT U-83-17 to allow expansion for an outdoor restaurant use and associated improvements on a parcel situated on the makai side of Lawa'i Road, commonly known as The Beach House Restaurant, further identified as 5022 Lawa'i Road, Tax Map Key: 2-6-005:011, containing a total area of 34,900 square feet = **IP2 LLC (dba The Beach House Restaurant)**.

1. Director's Report pertaining to this matter (see agenda packet).

- b. CLASS IV ZONING PERMIT (Z-IV-2022-6) and USE PERMIT (U-2022-6) to facilitate conversion of an existing building into a pre-school facility containing classrooms, offices, a meeting room, and reception are on the St. Catherine's Church/School campus, situated at the Kawaihau Road/Haua'ala Road intersection, and further identified as Tax Map Key: 4-6-015:058, containing a total area of approximately 1.09 acres = **Kamehameha Schools**.

1. Director's Report pertaining to this matter (see agenda packet).

- c. CLASS IV ZONING PERMIT (Z-IV-2022-7) and USE PERMIT (U-2022-7) to allow construction of a new single-family dwelling unit on a parcel situated at the southern terminus of Aalona Street in Kilauea, situated approximately 300 feet south of its intersection with Lokela Street, and further identified as 4433 Aalona Street, Tax Map Key: 5-2-006:014, containing a total area of approximately 16,187 square feet = **Keopele V. & Ashley H. McBride**.

1. Director's Report pertaining to this matter (see agenda packet).

H. GENERAL BUSINESS MATTERS

1. Request to amend Condition No. 2 of Class IV Zoning Permit Z-IV-2015-10, Use Permit U-2015-9, and Special Permit SP-2015-1 relating to commercial tour operations, involving a parcel situated at 5730 Olohena Road, further identified as Tax Map Key: (4) 4-4-003:045, CPR Unit 3, Wailua Homesteads = **Steelgrass Farm**.

- a. Director's Report pertaining to this matter (see agenda packet).
 - b. Memorandum Number 1 to Planning Commission (see agenda packet).

I. COMMUNICATION

1. None for this Meeting.

J. COMMITTEE REPORTS

1. Subdivision Committee

- a. Consideration and Action on all Subdivision matters listed on the Subdivision Committee Agenda.

K. UNFINISHED BUSINESS (For Action)

- 1. None for this Meeting.

L. NEW BUSINESS (For Action)

- 1. ZA-2022-2: A bill for an ordinance amending Chapter 8, Kaua'i County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZO). The proposal amends Section 8-1.4 of the CZO relating to Application of Regulations and more specifically, standards involving the placement, design and construction of outdoor hazard warning sirens = ***County of Kaua'i, Planning Department***.

- a. Director's Report pertaining to this matter (see agenda packet).

- 2. ZA-2022-3: A bill for an ordinance amending Chapter 8, Kaua'i County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZO). The proposal amends Section 8-2.4 of the CZO relating to the Table of Uses and more specifically, permitting requirements for warehouses within the General Commercial zoning district = ***County of Kaua'i, Planning Department***.

- a. Director's Report pertaining to this matter (see agenda packet).

- 3. ZA-2022-4: A bill for an ordinance amending Chapter 8, Kaua'i County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZO). The proposal amends Section 8-1.4 of the CZO relating to Application of Regulations and more specifically, density standards involving parcels that have been partitioned through the Condominium Property Regime (CPR) process, pursuant to Chapter 514B of the Hawaii Revised Statutes ***County of Kaua'i, Planning Department***.

- a. Director's Report pertaining to this matter (see agenda packet).

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. ZA-2022-2: A bill for an ordinance amending Chapter 8, Kaua'i County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZO). The proposal amends Section 8-1.4 of the CZO relating to Application of Regulations and more specifically, standards involving the placement, design and construction of outdoor hazard warning sirens = **County of Kaua'i, Planning Department**.
2. ZA-2022-3: A bill for an ordinance amending Chapter 8, Kaua'i County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZO). The proposal amends Section 8-2.4 of the CZO relating to the Table of Uses and more specifically, permitting requirements for warehouses within the General Commercial zoning district = **County of Kaua'i, Planning Department**.
3. ZA-2022-4: A bill for an ordinance amending Chapter 8, Kaua'i County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZO). The proposal amends Section 8-1.4 of the CZO relating to Application of Regulations and more specifically, density standards involving parcels that have been partitioned through the Condominium Property Regime (CPR) process, pursuant to Chapter 514B of the Hawaii Revised Statutes **County of Kaua'i, Planning Department**.
4. Request to amend Condition No. 2 of Class IV Zoning Permit Z-IV-2015-10, Use Permit U-2015-9, and Special Permit SP-2015-1 relating to commercial tour operations, involving a parcel situated at 5730 Olohena Road, further identified as Tax Map Key: (4) 4-4-003:045, CPR Unit 3, Wailua Homesteads = **Steelgrass Farm**.
5. **Preliminary Subdivision Map Approval Pursuant to Kaua'i County Code Chapter 9, Article 3**
 - a. Subdivision Application No. S-2022-8
(BBCP Kukui`ula Parcel X, LLC. ET. AL.)
Kukui`ula Parcel X, Phase 2 Subdivision
Proposed 2-lot consolidation and resubdivision into 4-lots
TMK: (4) 2-6-015: 010 & 011
Kōloa (Makai), Kōloa, Kona , Kaua'i
6. **Final Subdivision Map Approval Pursuant to Kaua'i County Code Chapter 9, Article 3**
 - a. Subdivision Application No. S-2020-7
(State of Hawai'i DLNR / Land Division & Division of Forestry and Wildlife)
DLNR Baseyard Facility
Proposed 2-lot Subdivision
TMK: (4) 1-8-008:020
Hanapēpē, Waimea, Kaua'i

N. ANNOUNCEMENTS

1. Topics for Future Meetings.

2. The following regularly scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter, on April 12, 2022. 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, Hawaii 96766. The Commission also anticipates providing telephone and a virtual platform capability for members of the public to testify remotely. The Commission will announce its intended meeting method via an agenda electronically posted at least six days prior to the meeting date.

O. ADJOURNMENT

NOTE: 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 ASEGRETI@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.

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 22, 2022

SHORELINE SETBACK DETERMINATIONS

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Development/Reasons
SSD-2022-28	Michael Sheidler	5-8-012:027	Wainiha	New single-family residence/ Stable shoreline 77 feet required setback, Certified Shoreline map KA-461, proposed residence at 81 feet.
SSD-2022-29	AOAO Nihi Kai	2-6-019:022	Kōloa	Renovation of existing sewage treatment plant/ Rocky shoreline, average lot depth=411.82 feet required setback 100 feet, proposed setback 220 feet plus.
SSD-2022-30	Letters as Numbers, LLC	5-2-004:065 unit 2 and unit 3	'Aliomanu	Rock wall and entry gate/ Rock wall extends makai about 420 feet, required setback 109 feet, proposed setback back 585 feet.
SSD-2022-31	Russell and Bonnie Calderone	4-9-014:026	Moloa'a	New single family residence/ Average lot depth of 82.5 and an erosion rate of .3 tenths of a foot per annum , required setback is 81 feet. Proposed setback is 87 to 91 feet.
SSD-2022-32	Pīla'a Ranch Hawai'i LLC c/o Agor Jehn Architects	5-2-004:069	Kīlauea	Reconstruction of Dwelling-garage and new pavilion/ Development on high cliff bluff, proposed setback 298 feet to 330 feet required setback 109 feet.
SSD-2022-33	Diep Nguyen-Mcgee c/o Lance Yamada	4-3-009:053	Kapa'a	Deck Repair/ Unsubstantial improvement.
SSD-2022-34	Gabriel Prieto c/o KimaniKoa Drafting and Design	2-8-020:010	Kīlauea	Storage to bedroom conversion/ Rocky shoreline minimum setback required 60 feet, proposed setback is 183 feet.