



PLANNING COMMISSION

KAAINA S. HULL, CLERK OF COMMISSION

HELEN COX, CHAIR
FRANCIS DEGRACIA, VICE CHAIR
GERALD AKO, MEMBER
DONNA APISA, MEMBER
LORI OTSUKA, MEMBER

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Pursuant to Hawai'i Revised Statutes Section 92-3.7, which codified Act 220, SLH 2021, the meetings of the County of Kaua'i Planning Commission will be conducted as follows:

- **The meeting location that will be open to the public with audiovisual connection is:**
 - Līhu'e Civic Center, Moikeha Building
 - Meeting Room 2A-2B
 - 4444 Rice Street, Līhu'e, Kaua'i, Hawai'i
- In addition to attendance in-person, the public may also attend the meeting through Zoom using link provided on the agenda.
- Also, 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 comment portions of the meeting **in-person at the public meeting location or via Zoom link as an additional accommodation** listed on the agenda.
 - 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 the Zoom connection or audio/visual connection is lost at the public location identified in the Commission's public notice and cannot be restored within 30 minutes during the meetings, the Planning Commission will postpone all matters and reconvene at the next scheduled Planning Commission Meeting.

PLANNING COMMISSION MEETING NOTICE AND AGENDA

Tuesday, June 28, 2022

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

To Join by ZOOM Link:

<https://us06web.zoom.us/j/82072880549>

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. November 9, 2021
2. December 14, 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 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 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, June 27, 2022, will be distributed to all Planning Commissioners prior to the meeting. Written testimony received after 9:00 a.m. on Monday, June 27, 2022, 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 comment portion of the meeting in-person at the public meeting location or via Zoom link as an additional accommodation listed on the agenda. After oral testimony has been taken, members of the public may watch 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-2022-8: A bill for an ordinance amending Chapter 8, Kaua'i County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZO). The proposal amends Sections 8-30.1 of the CZO relating to Additional Rental Units (ARU) and more specifically, qualification requirements involving ARUs = **COUNTY OF KAUAI, PLANNING DEPARTMENT.**

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. None for this Meeting.

H. GENERAL BUSINESS MATTERS

1. Clerk of the Commission's Recommendation to Refer an Appeal of the Planning Director's Decision related to the Denial of a 2022 renewal packet BY **HEBGEN INVESTMENTS LLC** for TVRNCU #4275 due to a failure to timely renew in 2022, Tax Map Key (4)45003001, Kapa'a, Kaua'i, received on May 23, 2022 via email for referral to Board and Commission as Contested case File No. CC-2022-4.
2. Amendment to Class IV Zoning Permit Z-IV-2000-27 and Use Permit U-2000-22 relating to an addition to the Kauai Police Department facility, involving a parcel identified as 3990 Kaana Street in Lihue, Tax Map Key: (4) 3-6-002:018 = **COUNTY OF KAUAI**.
 - a. Director's Report pertaining to this matter (see agenda packet).

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. ZA-2022-8: A bill for an ordinance amending Chapter 8, Kaua'i County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZO). The proposal amends Sections 8-30.1 of the CZO relating to Additional Rental Units (ARU) and more specifically, qualification requirements involving ARUs = **COUNTY OF KAUAI, 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-2022-8: A bill for an ordinance amending Chapter 8, Kaua'i County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZO). The proposal amends Sections 8-30.1 of the CZO relating to Additional Rental Units (ARU) and more specifically, qualification requirements involving ARUs = **COUNTY OF KAUAI, PLANNING DEPARTMENT**.
2. Clerk of the Commission's Recommendation to Refer an Appeal of the Planning Director's Decision related to the Denial of a 2022 renewal packet by **HEBGEN INVESTMENTS LLC** for TVRNCU #4275 due to a failure to timely renew in 2022, Tax Map Key (4)45003001, Kapa'a, Kaua'i, received on May 23, 2022 via email for referral to Board and Commission as Contested case File No. CC-2022-4.
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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 July 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.

June 28, 2022

SHORELINE SETBACK DETERMINATIONS

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Development/Reasons
SSD-2022-45	Christyl Nagao	2-8-015:014	Kōloa	After the fact shed placement/ Rocky shoreline, required setback 90 feet, shed placement approximately 300 feet or more.
SSD-2022-46	Basilio B. Fuertes	1-3-005:078	Kekaha	New single-family dwelling and guest house/ Required setback 200 feet, Development proposed setback 400 feet.
SSD-2022-47	Robert and Alison Leupold	2-6-022:017	Koloa	New single-family dwelling/ Rocky shoreline, 100 feet high cliff bluff, required setback 100 feet from shoreline, proposed setback 470 feet from shoreline.
SSD-2022-48	Greg Holder	5-3-004:004	‘Anini	Single-family dwelling / Stable shoreline, required setback from shoreline 60 feet, proposed setback from shoreline 267 feet.