



## 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 SEP -4 P1:15

- 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](mailto: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](mailto: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.**

RECEIVED

'24 SEP -4 P1:16

**PLANNING COMMISSION MEETING NOTICE AND AGENDA**

**Tuesday, September 10, 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**

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. APPROVAL OF AGENDA**

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

1. August 13, 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. 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**. [Director's Report received and Public Hearing Deferred, July 9, 2024.]

1. Supplemental #1 to Director's Report pertaining to this matter.

- b. ZA-2024-1: A bill for an ordinance amending Chapter 8, Kaua'i County Code 1987, as amended, relating to Zoning Designations in Wailua, Kauai that would amend Zoning Map ZM-WA 500 (Wailua). The purpose of the bill is to eliminate the Special Treatment – Public Facilities (ST-P) zoning district designation for affected residential lots within Wailua = **COUNTY OF KAUAI, PLANNING DEPARTMENT**. [Director's Report received and Public Hearing Deferred, June 4, 2024.]

1. Supplemental #1 to Director's Report pertaining to this matter.

- c. ZA-2024-2: A bill for an ordinance amending Chapter 8, Kaua'i County Code 1987, as amended, relating to Zoning Designations in Hanapēpē, Kauai that would amend Zoning Map ZM-H 200 (Hanapēpē). The purpose of the bill is to eliminate the Special Treatment – Public Facilities (ST-P) zoning district designation for affected residential lots within Hanapēpē = **COUNTY OF KAUAI, PLANNING DEPARTMENT**. [Director's Report received and Public Hearing Deferred, June 4, 2024.]

1. Supplemental #1 to Director's Report pertaining to this matter.

#### 4. New Public Hearing

- a. None for this meeting.

### G. CONSENT CALENDAR

#### 1. Status Reports

- a. 2024 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 of Special Management Area Use Permit SMA(U)-2005-8, Class IV Zoning Permit Z-IV-2005-30, Project Development Use Permit PDU-2005-26, and Use Permit U-2005-25, Tax Map Keys: (4) 3-5001: 027 (Por.), 168, 169, 171 (Por.), 172, 175 & 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. In the matter of a Notice of Violation and Order to Pay Fines, for illegal development within the Shoreline Management Area (SMA) and failure to secure required SMA permit determination, related to the property located at 5-7534 B Kuhio Highway, Haena, Hanalei, Tax Map Key: (4)5-9-002:021 = **HAPPY HOUSE TRUST**.
  - a. Petition to Appeal Notice of Violation & Order to Pay Fines, dated June 27, 2024; Exhibits “A” through “F”; Certificate of Service.
  
- 2. Amendment to Class IV Zoning Permit Z-IV-99-46, Use Permit U-99-40, Variance Permit V-99-13, and Special Permit SP-99-15 to allow construction & operation of a thrift store on a parcel situated on the northern side of Kaumuali'i Highway in Kipu, situated approximately ½-mile west of its intersection with Kipu Road, and further identified as 3-1850 Kaumualii Highway, Tax Map Key: 3-4-005:017 and containing a total area of 10 acres = **KAUAI HUMANE SOCIETY**.
  - a. Director’s Report pertaining to this matter.

**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. 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**. [Director’s Report received and Public Hearing Deferred, July 9, 2024.]
  
- 2. ZA-2024-1: A bill for an ordinance amending Chapter 8, Kaua'i County Code 1987, as amended, relating to Zoning Designations in Wailua, Kauai that would amend Zoning Map ZM-WA 500 (Wailua). The purpose of the bill is to eliminate the Special Treatment – Public Facilities (ST-P) zoning district designation for affected residential lots within Wailua = **COUNTY OF KAUAI, PLANNING DEPARTMENT**. [Director’s Report received and Public Hearing Deferred, June 4, 2024.]

3. ZA-2024-2: A bill for an ordinance amending Chapter 8, Kaua'i County Code 1987, as amended, relating to Zoning Designations in Hanapēpē, Kauai that would amend Zoning Map ZM-H 200 (Hanapēpē). The purpose of the bill is to eliminate the Special Treatment – Public Facilities (ST-P) zoning district designation for affected residential lots within Hanapēpē = **COUNTY OF KAUAI, PLANNING DEPARTMENT**. [Director's Report received and Public Hearing Deferred, June 4, 2024.]
  
4. Special Management Area Use Permit SMA(U)-2022-1, Class IV Zoning Permit Z-IV-2022-1, and Use Permit U-2022-1 for the Construction of a Farm Dwelling Unit, Guest House, Garage and Associated Site Improvements, within Lot 11-A of the Seacliff Plantation Subdivision in Kīlauea, involving a parcel situated approximately 1,000 feet West of the Pali Moana Place/Makana`ano Place Intersection, further identified as Tax Map Key: (4) 5-2-004: 084 (Unit 1) affecting a Larger Parcel approximately 12.305 acres in size, NĀ KIA'I O NIHOKŪ, Petitioner-Intervenor, vs. PLANNING DEPARTMENT OF THE COUNTY OF KAUA'I, Respondent, and **PHILIP J. GREEN and LINDA M. GREEN**, Trustees of the Philip J. Green, Jr., Trust, dated December 4, 2018, and the Linda M. Green Trust, dated December 4, 2018, Applicants.
  - a. Hearing Officer's Report and Recommendation of Contested Case; Certificate of Service. Hearing (Held): Dates: November 14, 15, and 17, 2022, December 12, 13, and 15, 2023, and January 9, 10, and 12, 2023.
  - b. Intervenor's Exception to Hearing Officer's Report and Recommendation of Contested Case; Memorandum in Support of Exception; Certificate of Service.
  - c. Applicants Philip J. Green and Linda M. Green's Answer to Intervenor's Exception to Hearing Officer's Report and Recommendation of Contested Case, Dated July 24, 2024; Certificate of Service.
  - d. Respondent Planning Department of The County of Kaua'i's Support of Hearing Officer's Report and Recommendation of Contested Case; Certificate of Service.

**L. NEW BUSINESS (For Action)**

1. None for this meeting.

**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. 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**. [Director's Report received and Public Hearing Deferred, July 9, 2024.]

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**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 October 8, 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
Approved (8/12/2024)	SMA(M)-2025-1	Hanalei (5-5-010:073)	Construction and Placement/ Six food trucks with associated site improvements (deck and pavilion.)
Approved (8/14/2024)	SMA(M)-2025-2	Hanalei (5-5-009:022)	Construction/ Two (2) EV Charging Stations and metal bollards.



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.

September 10, 2024

SHORELINE SETBACK DETERMINATIONS

<b>Application No.</b>	<b>Name of Applicant(s)</b>	<b>Property I.D. (Tax Map Key)</b>	<b>Location</b>	<b>Development/Reasons</b>
SSD-2025-9	Lelan C. Nichek	2-8-019:004 CPR Unit 32	Kōloa	Interior kitchen renovation. / Work deemed unsubstantial per Department of Public Works letter dated May 28, 2024.
SSD-2025-10	Robert Maccallum	4-3-002:013 CPR Unit 131	Kapa'a	Repair-Replace Glass Sliding Door. / Work deemed unsubstantial per Department of Public Works letter dated July 26, 2024.
SSD-2025-11	Robert Maccalum & Beverly Bulger	4-3-002:013 0066	Kapa'a	Repair-Replace Glass Sliding Door. / Work deemed unsubstantial per Department of Public Works letter dated July 26, 2024.