



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 APR -3 AM 11:58

- 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 KAUI

- 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, April 9, 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

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. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2024-8), CLASS IV ZONING PERMIT (Z-IV-2024-3), USE PERMIT (U-2024-3) to allow operation of a commercial boating facility that involves staging/shuttling of patrons to the harbor, construction of two (2) boat storage facilities, two (2) dwelling units, and associated improvements, and SHORELINE SETBACK VARIANCE (SSV-2024-1) to allow deviate from the shoreline setback requirement pursuant to Section 8-27.3 of the Kauai County Code (1987), affecting two lots located on the makai side of Kaumualii Highway in Kīkīaola, Waimea, situated approximately 1,000 feet west of the Kīkīaola Harbor, further identified as Tax Map Keys: (4) 1-2-013:039 & 040, and containing a total land area of approximately 2.3 acres = **Nathaniel Fisher**. [Director's Report Received 3/19/2024].

1. Transmittal of First Supplement to Application.
2. Transmittal of Agency Comments to Planning Commission.
3. 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. 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 Petition to Appeal Planning Director's Decision Related to the Planning Director's Cease and Desist and Forfeiture of TVRNCU #4287 (Mau Loa Ohana) for the Failure to Renew by April 18, 2023, related to the property located at 4650 Amio Road, Koloa, Kauai, Hawaii, TMK 26011019, **Edmund Gregoire, Linda Gregoire, and Mauloa LLC.**

a. Stipulation and Order for Dismissal with Prejudice re: CC-2024-3.

I. COMMUNICATION

1. None for this meeting.

J. COMMITTEE REPORTS

1. Subdivision Committee Report.

a. Subdivision Application No. S-2024-7

Hōkūala Resort Subdivision 1

Tower Kauai Lagoons Sub 1, LLC.

Proposed 10-Lot Consolidation and Re-subdivision into 16-Lots

TMK: (4) 3-5-004: 100 to 109

Kalapakī, Līhu'e, Kaua'i

b. Subdivision Application No. S-2024-8

Hōkūala Resort Subdivision 1A

2014 Tower Kauai Lagoons Golf, LLC. /

Tower Kauai Lagoons Land, LLC. /

Tower Kauai Lagoons Sub 7, LLC.

Proposed 2-Lot Consolidation and Re-subdivision into 15-Lots

TMK: (4) 3-5-001: 027 and 168

Kalapakī, Līhu'e, Kaua'i

- c. Subdivision Application No. S-2021-5
Lot 19 of Kukui'ula Parcel H Subdivision
Kukui'ula Vistas, LLC.
Proposed 8-lot Subdivision
TMK: (4) 2-6-022: 055
Kōloa, Kaua'i
- d. Subdivision Application No. S-2022-2
Lot 18 of Kukui'ula Parcel H Subdivision
Kukui'ula Vistas, LLC.
Proposed 7-lot Subdivision
TMK: (4) 2-6-022: 054
Kōloa, Kaua'i
- e. Subdivision Application No. S-2022-8
Kukui'ula Parcel X Subdivision, Phase II
BBCP Kukui'ula Parcel X, LLC. Et. Al.
Proposed 2-lot Consolidation and Re-subdivision into 4-lots
TMK: (4) 2-6-015: 010 and 011
Kōloa (Makai), Kōloa, 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

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)-2024-8), CLASS IV ZONING PERMIT (Z-IV-2024-3), USE PERMIT (U-2024-3) to allow operation of a commercial boating facility that involves staging/shuttling of patrons to the harbor, construction of two (2) boat storage facilities, two (2) dwelling units, and associated improvements, and SHORELINE SETBACK VARIANCE (SSV-2024-1) to allow deviate from the shoreline setback requirement pursuant to Section 8-27.3 of the Kauai County Code (1987), affecting two lots located on the makai side of Kaunualii Highway in Kikīaola, Waimea, situated approximately 1,000 feet west of the Kikīaola Harbor, further identified as Tax Map Keys: (4) 1-2-013:039 & 040, and containing a total land area of approximately 2.3 acres = **Nathaniel Fisher**. [Director's Report Received 3/19/2024].
- 2. In the Matter of Petition to Appeal Planning Director's Decision Related to the Planning Director's Cease and Desist and Forfeiture of TVRNCU #4287 (Mau Loa Ohana) for the Failure to Renew by April 18, 2023, related to the property located at 4650 Amio Road, Koloa, Kauai, Hawaii, TMK 26011019, **Edmund Gregoire, Linda Gregoire, and Mauloa LLC**.

3. Subdivision Application No. S-2024-7
Hökūala Resort Subdivision 1
Tower Kauai Lagoons Sub 1, LLC.
Proposed 10-Lot Consolidation and Re-subdivision into 16-Lots
TMK: (4) 3-5-004: 100 to 109
Kalapakī, Līhu‘e, Kaua‘i

4. Subdivision Application No. S-2024-8
Hökūala Resort Subdivision 1A
**2014 Tower Kauai Lagoons Golf, LLC. /
Tower Kauai Lagoons Land, LLC. /
Tower Kauai Lagoons Sub 7, LLC.**
Proposed 2-Lot Consolidation and Re-subdivision into 15-Lots
TMK: (4) 3-5-001: 027 and 168
Kalapakī, Līhu‘e, Kaua‘i

5. Subdivision Application No. S-2021-5
Lot 19 of Kukui‘ula Parcel H Subdivision
Kukui‘ula Vistas, LLC.
Proposed 8-lot Subdivision
TMK: (4) 2-6-022: 055
Kōloa, Kaua‘i

6. Subdivision Application No. S-2022-2
Lot 18 of Kukui‘ula Parcel H Subdivision
Kukui‘ula Vistas, LLC.
Proposed 7-lot Subdivision
TMK: (4) 2-6-022: 054
Kōloa, Kaua‘i

7. Subdivision Application No. S-2022-8
Kukui‘ula Parcel X Subdivision, Phase II
BBCP Kukui‘ula Parcel X, LLC. Et. Al.
Proposed 2-lot Consolidation and Re-subdivision into 4-lots
TMK: (4) 2-6-015: 010 and 011
Kōloa (Makai), Kōloa, 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 May 14, 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 (3.14.2024)	SMA(M)-2024-11	Hanalei (5-5-002:033)	Construction/ New fence, outdoor shower and After the Fact (ATF) shed
Approved (3.25.2024)	SMA(M)-2024-12	Hanalei (5-2-004:091 Unit 1)	Construction/ New 500 linear foot six foot high fence.
Approved (3.27.2024)	SMA(M)-2024-13	Līhu'e (3-5-002:002)	Placement/ Temporary dining tent.
Approved (3.27.2024)	SMA(M)-2024-14	Princeville (5-4-012:006 and 5-4-005:022)	Grading/ Golf course bunker modifications.

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.

April 9, 2024

SHORELINE SETBACK DETERMINATIONS

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Development/Reasons
SSD-2024-24	Steven and Robin Drapkin	5-8-008:022	Wainiha	Construction/ New elevator, Required setback 74 feet, proposed development approximately 300 feet from evidenced shoreline.
SSD-2024-25	Hale Kaua'i Trust	5-5-002:007	Hanalei	Construction/ New single family dwelling, Required setback 100 feet from certified shore. Development placed 208 feet away from certified shoreline.
SSD-2024-26	YMCA-Kaua'i	5-8-010:017	Wainiha	Temporary placement/ Required setback is 100 feet from evidenced shoreline, development placed approximately 343 feet away from evidenced shoreline.
SSD-2024-27	Anthony and Carey Sutton	5-5-001042 Unit 1	Hanalei	ATF placement/ Required setback is 60 feet/ Shed 395 feet away from evidenced shoreline.
SSD-2024-28	Anthony and Carey Sutton	5-5-001042 Unit 1	Hanalei	Construction/ Addition to existing residence, required setback is 60 feet/ addition is 292 feet away from evidenced shoreline.
SSD-2024-29	5480 Weke Road	5-5-004:005	Hanalei	Construction/ Deck, fence, and rock wall improvements. New Hot tub, fire pit, and outdoor shower.