



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 MAY 29 12:44

CLERK OF
THE COUNTY CLERK
COUNTY OF KAUAI

- 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

- 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, June 4, 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

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'24 MAY 29 P12:44

CLERK OF
THE COUNTY CLERK
COUNTY OF KAUAI

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

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

1. March 3, 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. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2024-9), CLASS IV ZONING PERMIT (Z-IV-2024-4), and USE PERMIT (U-2024-4) to allow construction of a parking facility featuring four (4) canopy structures with rooftop photovoltaic (PV) system, new storage building, associated on-site improvements on a parcel situated on the west side of Ala Kalanikaumaka in Po'ipū, immediately adjacent to the Kukui'ula Shopping Center, situated approximately 350 feet west of the Ka'ulu Street/Ala Kalanikaumaka intersection, further identified as Tax Map Keys: (4) 2-6-015:010 & 011 (Por.), and affecting a total land area of approximately 13.35 acres = **KUKUI'ULA VILLAGE LLC**. [Director's report received 5/22/2024.]

1. Transmittal of Agency Comments to Planning Commission.
2. Director's Report pertaining to this matter.

- b. CLASS IV ZONING PERMIT (Z-IV-2024-5), VARIANCE PERMIT (V-2024-1), involving a 2-lot subdivision to allow deviations from the development standards within the Residential zoning district, and SPECIAL PERMIT (SP-2024-2) to allow a deviation from the minimum lot size requirement within the State Rural Land Use District, as prescribed by Hawaii Revised Statutes (HRS) Section 205-2(4)(c), on a parcel situated on the eastern side of Oma’o Road, approximately 1,700 feet south of the Oma’o Road/Naulu Place intersection, and further identified as 3756 Oma’o Road, Tax Map Key: (4) 2-7-004:007, and containing a total area of 1.126 acres = **DAVID A. & JODY K. STILLWELL, TRUSTEES.** [Director’s report received 5/22/2024.]

- 1. Transmittal of Agency Comments to Planning Commission.
- 2. Director’s Report pertaining to this matter.

3. **Continued Public Hearing**

- a. None for this Meeting.

4. **New Public Hearing**

- a. 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.**

- 1. Transmittal of Agency Comments to Planning Commission.
- 2. Director’s Report pertaining to this matter.

- b. 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.**

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

- c. ZA-2024-3: A bill (2919) for an ordinance amending Chapter 8, Kaua’i County Code 1987, as amended, relating to the Comprehensive Zoning Ordinance (CZO). The purpose of this Ordinance is to expand the permissiveness of guest houses in zoning districts Residential (R-1 to R-6 and R-10 to R-20), Neighborhood Commercial (C-N), General Commercial (C-G), Agriculture (A), Open (O), and University (UNV), and make other technical edits = **KAUAI COUNTY COUNCIL.**

- 1. Transmittal of Agency Comments to Planning Commission.
- 2. Transmittal of Public Testimony to Planning Commission.
- 3. Director’s Report pertaining to this matter.

G. CONSENT CALENDAR

1. Status Reports

- a. Project status update for Project Development Use Permit PDU-2009-9, Class IV Zoning Permit Z-IV-2009-6, Tax Map Key: (4)3-8-005:022 = **UAHI RIDGE HUI, LIMITED PARTNERSHIP.**

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. Clerk of the Commission's Recommendation to Re-number an Appeal of Forfeiture File for Failing to timely renew TVRNCU #1184, Charles Smith and Deani Higashi, approved by the Planning Commission on October 24, 2023, to CC-2024-6.

I. COMMUNICATION

- 1. None for this meeting.

J. COMMITTEE REPORTS

- 1. Subdivision Committee Report.
 - a. Subdivision Application No. S-2024-9
Inouye Family Trust, et al.
Proposed 2-Lot Boundary Adjustment
TMK: (4) 2-3-018: 015 and 036
Kalāheo, Kōloa, Kaua'i
 - b. Subdivision Application No. S-2017-6
Moloa'a Valley Homeowners, LLC.
Proposed 7-Lot Subdivision
TMK: (4) 4-9-011: 013
Kawaihau, Kaua'i

K. UNFINISHED BUSINESS (For Action)

- 1. None for this Meeting.

L. NEW BUSINESS (For Action)

1. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2024-9), CLASS IV ZONING PERMIT (Z-IV-2024-4), and USE PERMIT (U-2024-4) to allow construction of a parking facility featuring four (4) canopy structures with rooftop photovoltaic (PV) system, new storage building, associated on-site improvements on a parcel situated on the west side of Ala Kalanikaumaka in Po'ipū, immediately adjacent to the Kukui'ula Shopping Center, situated approximately 350 feet west of the Ka'ulu Street/Ala Kalanikaumaka intersection, further identified as Tax Map Keys: (4) 2-6-015:010 & 011 (Por.), and affecting a total land area of approximately 13.35 acres = **KUKUI'ULA VILLAGE LLC.** [Director's report received 5/22/2024.]
2. CLASS IV ZONING PERMIT (Z-IV-2024-5), VARIANCE PERMIT (V-2024-1), involving a 2-lot subdivision to allow deviations from the development standards within the Residential zoning district, and SPECIAL PERMIT (SP-2024-2) to allow a deviation from the minimum lot size requirement within the State Rural Land Use District, as prescribed by Hawaii Revised Statutes (HRS) Section 205-2(4)(c), on a parcel situated on the eastern side of Oma'o Road, approximately 1,700 feet south of the Oma'o Road/Naulu Place intersection, and further identified as 3756 Oma'o Road, Tax Map Key: (4) 2-7-004:007, and containing a total area of 1.126 acres = **DAVID A. & JODY K. STILLWELL, TRUSTEES.** [Director's report received 5/22/2024.]
3. 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.**
4. 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.**
5. ZA-2024-3: A bill (2919) for an ordinance amending Chapter 8, Kaua'i County Code 1987, as amended, relating to the Comprehensive Zoning Ordinance (CZO). The purpose of this Ordinance is to expand the permissiveness of guest houses in zoning districts Residential (R-1 to R-6 and R-10 to R-20), Neighborhood Commercial (C-N), General Commercial (C-G), Agriculture (A), Open (O), and University (UNV), and make other technical edits = **KAUAI COUNTY COUNCIL.**

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)-2024-9), CLASS IV ZONING PERMIT (Z-IV-2024-4), and USE PERMIT (U-2024-4) to allow construction of a parking facility featuring four (4) canopy structures with rooftop photovoltaic (PV) system, new storage building, associated on-site improvements on a parcel situated on the west side of Ala Kalanikaumaka in Po'ipū, immediately adjacent to the Kukui'ula Shopping Center, situated approximately 350 feet west of the Ka'ulu Street/Ala Kalanikaumaka intersection, further identified as Tax Map Keys: (4) 2-6-015:010 & 011 (Por.), and affecting a total land area of approximately 13.35 acres = **KUKUI'ULA VILLAGE LLC.**
2. CLASS IV ZONING PERMIT (Z-IV-2024-5), VARIANCE PERMIT (V-2024-1), involving a 2-lot subdivision to allow deviations from the development standards within the Residential zoning district, and SPECIAL PERMIT (SP-2024-2) to allow a deviation from the minimum lot size requirement within the State Rural Land Use District, as prescribed by Hawaii Revised Statutes (HRS) Section 205-2(4)(c), on a parcel situated on the eastern side of Oma'ō Road, approximately 1,700 feet south of the Oma'ō Road/Naulu Place intersection, and further identified as 3756 Oma'ō Road, Tax Map Key: (4) 2-7-004:007, and containing a total area of 1.126 acres = **DAVID A. & JODY K. STILLWELL, TRUSTEES.**
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4. 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.**
5. ZA-2024-3: A bill (2919) for an ordinance amending Chapter 8, Kaua'i County Code 1987, as amended, relating to the Comprehensive Zoning Ordinance (CZO). The purpose of this Ordinance is to expand the permissiveness of guest houses in zoning districts Residential (R-1 to R-6 and R-10 to R-20), Neighborhood Commercial (C-N), General Commercial (C-G), Agriculture (A), Open (O), and University (UNV), and make other technical edits = **KAUAI COUNTY COUNCIL.**
6. Project status update for Project Development Use Permit PDU-2009-9, Class IV Zoning Permit Z-IV-2009-6, Tax Map Key: (4)3-8-005:022 = **UAHI RIDGE HUI, LIMITED PARTNERSHIP.**

7. Clerk of the Commission's Recommendation to Re-number an Appeal of Forfeiture File for Failing to timely renew TVRNCU #1184, Charles Smith and Deani Higashi, approved by the Planning Commission on October 24, 2023, to CC-2024-6.

8. Subdivision Application No. S-2024-9
Inouye Family Trust, et al.
Proposed 2-Lot Boundary Adjustment
TMK: (4) 2-3-018: 015 and 036
Kalāheo, Kōloa, Kaua'i

9. Subdivision Application No. S-2017-6
Moloa'a Valley Homeowners, LLC.
Proposed 7-Lot Subdivision
TMK: (4) 4-9-011: 013
Kawaihau, 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 July 9, 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 (4.14.2024)	SMA(M)-2024-15	Hanalei (5-5-001:042 Unit 1)	Construction/ After the Fact (ATF) shed
Approved (5.09.2024)	SMA(M)-2024-16	Hanalei (5-8-010:017)	Placement / Temporary tent.
Approved (5.06.2024)	SMA(M)-2024-17	Hanalei (5-5-004:005)	Construction/ New Lava Rock Piers, fence, wood access gate, hot tub, pavers, and associated site improvements.
Approved (5.06.2024)	SMA(M)-2024-18	Hanalei (5-5-004:004)	Construction / New outdoor shower area (2), fence, wood access gate, hot tub, sauna, cold plunge, and (ATF) pagoda, fire pit, and pavers.

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 4, 2024

SHORELINE SETBACK DETERMINATIONS

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Development/Reasons
SSD-2024-30	Concorra Cliffs LLC	5-5-004:013	Hanalei	Interior alteration, demolition and removal, and structural and nonstructural improvements to existing single-family residence and garage and a guest house above. / Shoreline is accreting at 1.7 tenths of a ft per year required setback is 60 feet, proposed development is 340 feet from shoreline.
SSD-2024-31	Royal Sonesta Kauai Resort	3-5-002:002	Līhu'e	Temporary tent 20'X40' not to exceed 6 months. / Required setback 100 feet from shore, tent is placed an additional 100 feet away from setback.
SSD-2024-32	Poipu 808 LLC	2-8-020:004 Unit 11	Kōloa	Repair and Renovations Replacement of window, water heater, kitchen cabinets, and bathroom vanities. Unit A3./ Property on 50 foot high cliff bluff with a required setback of 65 feet. Work is an additional 27 feet (92 feet) outside of shoreline setback area.
SSD-2024-33	Scott Sloan	5-5-005:006	Hanalei	Addition and renovations of existing single-family residence. / Accreting shoreline. Required setback 60 feet from shoreline. The development is approximately 416 feet away from the shoreline.

SSD-2024-34	Kiahuna Phase III-A and IV-A Mori Family Limited Partnership Bldg. 33	2-8-016:007 Unit 5, 6, 7, 8, and 9	Kōloa	Repair of spalling, foundations, and deck repairs. / Required setback is 100 feet from the shoreline. Development is an additional 200 feet from required setback.
SSD-2024-35	Juan P Garcia Neveu	1-3-005:045 Unit 4	Kekaha	Bedroom and entertainment area addition to existing residence. / Required setback 151 feet. Development approximately an additional 150 feet away from required setback. Work deemed unsubstantial per DPW letter.
SSD-2024-36	Sealodge Phase I	5-4-005:007	Princeville	In-kind replacement of exterior posts supporting stairs and landings; in-kind replacement of interior waste and vent piping; interior finishes repairs associated with plumbing work. / Structures located on a 150-foot-high cliff bluff. The required setback is 100 feet from shoreline. All work is located an addition 120 to 140 feet away from required setback.
SSD-2024-37	Christopher L Basler	2-6-022:013	Kōloa	New pool and associated site improvements. / Property on a high rocky cliff bluff, required setback 75.5 feet. Pool is setback at 265 feet from shoreline.
SSD-2024-38	Kuhio Shores	2-6-005:014	Kōloa	Relocate electrical room to third floor above BFE. All work is electrical, no new walls renovated. / Work deemed unsubstantial per Department of Public Works letter.

SSD-2024-39	Makahuena at Poipu	2-8-020:003 Unit 58	Kōloa	Replacement of kitchen cabinets and countertops. / Unit is located on a high rocky cliff bluff. The required setback is 100 feet from shoreline. Work is approximately an additional 72 feet away from required setback.
SSD-2024-40	Holoholo Nui, LLC	2-6-006:030	Kōloa	New 2 story single family dwelling. / Rocky shoreline. Development is 200 feet away from shoreline. Required setback is 60 feet.
SSD-2024-41	Carolyn Zemeckis	4-3-009:036	Kapa'a	Renovation of existing garage. / Required setback from shoreline is 95 feet. Development is located approximately 300 feet from shoreline.
SSD-2024-42	Craig Schwed	4-5-001:012	Kapa'a	New single-family residence (2nd on parcel). / Required setback 107 feet from shoreline. Proposed residence is an additional 178 feet from required shoreline setback.