



## PLANNING COMMISSION

KAAINA S. HULL, CLERK OF COMMISSION

GERALD AKO, CHAIR  
DONNA APISA, VICE CHAIR  
JERRY ORNELLAS, MEMBER

RECEIVED

'23 MAY -1 A8:13

- 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](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 [ASEGRETI@KAUAI.GOV](mailto: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.**

**SUBDIVISION COMMITTEE MEETING NOTICE AND AGENDA**

Tuesday, May 09, 2023  
8:30 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 Subdivision Committee**

1. April 11, 2023

**E. RECEIPT OF ITEMS FOR THE RECORD**

**F. UNFINISHED BUSINESS**

1. None for this meeting.

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

1. Final Subdivision Map Approval
  - a. Subdivision Application No. S-2005-41  
**Visionary LLC. DBA Līhu'e Land Company**  
Ahukini Makai Subdivision  
Proposed 49-lot Subdivision  
TMK: (4) 3-7-002: 001 (por.)  
Hanamā'ulu, Līhu'e, Kaua'i
- 1) Subdivision Report pertaining to this matter.

**H. 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:

- a. Subdivision Application No. S-2005-41  
**Visionary LLC. DBA Līhu'e Land Company**  
Ahukini Makai Subdivision  
Proposed 49-lot Subdivision  
TMK: (4) 3-7-002: 001 (por.)  
Hanamā'ulu, Līhu'e, Kaua'i

**I. ADJOURNMENT**

KAUA'I PLANNING COMMISSION  
SUBDIVISION COMMITTEE MEETING  
**April 11, 2023**  
**DRAFT**

The regular meeting of the Planning Commission of the County of Kaua'i was called to order by Subdivision Committee Chair Ako at 8:30 a.m. - Webcast Link: <https://www.kauai.gov/Webcast-Meetings>

The following Commissioners were present:

Mr. Gerald Ako  
Ms. Donna Apisa  
Mr. Jerry Ornellas

Excused or Absent

The following staff members were present: Planning Department – Director Ka'aina Hull, Deputy Director Jodi Higuchi Sayegusa, Staff Planner Dale Cua, Kenny Estes, and Planning Commission Secretary Shanlee Jimenez; Office of the County Attorney – County Deputy Attorney Laura Barzilai, Office of Boards and Commissions – Support Clerk Lisa Oyama.

Discussion of the meeting, in effect, ensued:

**CALL TO ORDER**

Subdivision Committee Chair Gerald Ako: Good morning. Today is Tuesday, April 11, 2023, and I'd like to call to order the Subdivision Committee Meeting of the Planning Commission. It is 8:30 a.m. Mr. Clerk, can we have a roll call?

**ROLL CALL**

Planning Director Ka'aina Hull: Roll call, Mr. Chair. Commissioner Apisa?

Commissioner Apisa: Here.

Mr. Hull: Commissioner Ornellas?

Commissioner Ornellas: Here.

Mr. Hull: Chair Ako?

Chair Ako: Here.

Mr. Hull: We have a quorum, Mr. Chair.

**APPROVAL OF AGENDA**

**D.1.**

**May 9, 2023**

Chair Ako: We have the agenda before us, is there any additions or corrections to the agenda? If not, can we have a motion for approval?

Ms. Apisa: Motion to approve agenda as circulated.

Mr. Ornellas: Second.

Chair Ako: All those in favor say aye. Aye (unanimous voice vote). All those oppose. The agenda is approved. Motion passes. 3:0.

### **MINUTES of the meeting(s) of the Subdivision Committee**

Chair Ako: You also have in front of you the minutes of the Subdivision Committee Meeting of February 14, 2023.

Ms. Apisa: Move to approve minutes of the February 14, 2023, Subdivision Committee.

Mr. Ornellas: Second.

Chair Ako: All those in favor say aye. Aye (unanimous voice vote). All those opposed. The minutes have been accepted. Motion passes. 3:0. With that, Mr. Clerk.

Mr. Hull: We have no additional Receipt of Items for the Record. We have no Unfinished Business. We'll move right into Agenda Item G, New Business G.1.

### **NEW BUSINESS (For Action)**

#### **Preliminary Subdivision Map Approval**

Subdivision Application No. S-2021-5  
**Kukui'ula Vistas, LLC. (formerly Kukui'ula Development Company, LLC.)**  
Kukui'ula Parcel H, Lot 19 Subdivision  
Proposed 8-lot Subdivision  
TMK: (4) 2-6-022: 055  
Koloa, Kaua'i

Mr. Hull: I'll turn it over to Kenny for the report pertaining to this matter.

Staff Planner Kenny Estes: Good morning, Commissioners. I'll read the report for the record.

Mr. Estes read the Subdivision Report for the record (on file with the Planning Department)

Mr. Estes: Chair, we have received revised preliminary agency comments from the Department of Public Works Engineering Division, the County Department of Water, the State Department of Health, and the State Historic Preservation Division. The Planning Department is recommending Preliminary Subdivision Map Approval.

Chair Ako: We have any questions for Mr. Estes? If not, do we have a representative for the applicant that wants to add or have some concerns?

Ms. Maren Arismendez: Good morning, Commission.

Chair Ako: Good morning.

Ms. Arismendez: My name is Maren Arismendez, and I'm here on behalf of the owner. We would like to respectfully request a tentative approval and I'm here to answer any questions that you may have.

Chair Ako: Any questions for the applicant?

Ms. Apisa: Just a comment. Thank you for revising your arrangement of lots.

Ms. Arismendez: Yes, this is the second time that we are going in for tentative for the subdivision. The first round we did receive some comments from Public Works regarding some change in access, we worked with County, the department to change the layout and reduce the density to allow a new roadway. So, that brings us too today for the new tentative.

Chair Ako: Thank you for doing that. We're good?

Mr. Hull: You may want to call for public testimony. Seeing the public, I don't think there will be, but just the matter of process, if you will.

Chair Ako: Is there anybody in the public that would like to testify on this agenda item? Nobody in the public. If not, we can entertain a motion for approval.

Ms. Apisa: I move that we approve Subdivision Application No. S-2021-5, Kukui'ula Vistas, LLC.

Chair Ako: Second? Can I have a second?

Mr. Ornellas: Second.

Chair Ako: There's a motion and second on the floor. Are there any other comments from the Commissioners? If not, Mr. Clerk, can we have a roll vote please?

Mr. Hull: Roll call, Mr. Chair. Commissioner Apisa?

Ms. Apisa: Aye

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Chair Ako?

Chair Ako: Aye.

Mr. Hull: Motion passes, Mr. Chair. 3:0.

Chair Ako: Thank you very much.

Ms. Arismendez: Thank you.

Mr. Hull: Next, we have agenda item G.1.b.

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

Mr. Hull: I'll turn it back over to Kenny for the report pertaining to this matter.

Mr. Estes: I'll read the report for the record.

Mr. Estes read the Subdivision Report for the record (on file with the Planning Department)

Mr. Estes: Chair, we have received agency comments from the Department of Public Works Engineering Division, the County Department of Water, and the State Department of Health, agency comments from the State Historic Preservation Division is still pending. The Planning Department is recommending Preliminary Subdivision Map Approval.

Chair Ako: Thank you, Mr. Estes. Any questions for the staff? Is there anything the applicant would like to comment or add?

Ms. Arismendez: Good morning. Maren Arismendez from Esaki Surveying here on behalf of the owner. We would just like to respectfully request tentative approval for this revised layout of the previous (inaudible), noted before had some issues with the length to width in doing the variance application. It was advised that we could create a non-density lot to address the issues, so we've added that lot and we designed the layout for the subdivision to comply with zoning ordinance.

Ms. Apisa: Again, thank you for your reconfiguration of the lots.

Chair Ako: Any other questions for the applicant or the staff? If not, I'll be glad to entertain a motion.

Mr. Hull: Sorry, (inaudible).

Ms. Barzilai: We need testimony, Chair.

Chair Ako: One day I'm going to get this. Is there anybody in the public that would like to testify on this agenda item? Seeing none.

Mr. Hull: Thank you, Chair. Just a reminder, this is an application that originally when the design was proposed, the department was recommending denial under the variance and we appreciate the applicant going back to the drawing board and refiguring out how to conform to the standards set in the subdivision ordinance then (inaudible) the proposed subdivision does conform to this, they established that and so we appreciate the changes that were made.

Chair Ako: With that, I'll entertain a motion.

Mr. Ornellas: Move to approve Subdivision Application No. S-2022-2, Preliminary Subdivision Map.

Ms. Apisa: Second.

Chair Ako: Any other questions or comments? If not, Mr. Clerk.

Mr. Hull: Roll call, Mr. Chair. Commissioner Apisa?

Ms. Apisa: Aye.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Chair Ako?

Chair Ako: Aye.

Mr. Hull: Motion passes, Mr. Chair. 3:0.

Chair Ako: Thank you very much.

Ms. Arismendez: Thank you.

Preliminary Subdivision Extension Request

Mr. Hull: Next, we have Preliminary Subdivision Extension Request for

Subdivision Application No. S-2019-8

**Stephanie Fernandes**

Fernandes ET AL. Subdivision

Proposed 5-lot Subdivision

TMK: (4) 4-2-005: 044

Wailua, Kawaihau, Kaua'i

Mr. Hull: We'll call for public testimony at this time. We have nobody signed up but is there anybody in the audience that would like to testify on this agenda item? Seeing none, I'll turn it over to Kenny for the report pertaining to this matter.

Mr. Estes: I'll read the report for the record.

Mr. Estes read the Subdivision Report for the record (on file with the Planning Department)

Chair Ako: Thank you, Mr. Estes. Any questions for the staff? If not, is there anybody that would like to testify on behalf of the applicant? I'm sorry, choice of words.

Mr. Jonathan Chun: Good morning, Jonathan Chun on behalf of the applicant. We thank the commission and the staff for at least considering the request for an addition, extension. We know it's been a long time; it's been a long progress. Be assured that as (inaudible), oh, sorry, Jonathan Chun, the Commissioner appointed by the court to oversee this subdivision, but as part of my job as a commissioner I've been in discussion a lot with some of the family members and they are also very, very, very anxious to get this through and to finish. We hope this is the last extension. One of the last things that we need to get done is to finalize our agreement with the Department of Water. The Department of Water has made another counter offer or proposal to us regarding the water meter situation, and we have replied to them and they're considering our request for changes to that, but that really is the last thing that seems to be holding us up, is the water agreement, and I don't want to go into details about those things, but we are making progress with that and we'd just like to thank the commission for giving us an opportunity to try to get this thing resolved, hopefully by January 2024.



Chair Ako: Thank you. Any questions? No questions. Thank you, Mr. Chun.

Mr. Chun: Thank you, Chair Ako.

Chair Ako: Do we have anybody else that would like to testify on behalf of the public? If not, I'm willing to entertain a motion.

Ms. Apisa: I move that we approve the extension to January 24, 2024, or as soon thereafter. Should that meeting be postponed?

Chair Ako: Is that January 22?

Ms. Apisa: January 22, 2024, yes, or the next following meeting, should meeting not occur. This is for Subdivision Application S-2019-8, Stephanie Fernandes.

Mr. Ornellas: Second.

Chair Ako: Motion has been seconded. Any other questions or concerns? If not, Mr. Clerk, can we have a roll call vote please?

Mr. Hull: Roll call, Mr. Chair. Commissioner Apisa?

Ms. Apisa: Aye.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Chair Ako?

Chair Ako: Aye.

Mr. Hull: Motion passes, Mr. Chair. 3:0. Next, we have agenda item G.3.

Final Subdivision Map Approval

Subdivision Application No. S-2022-4

**Tower Kaua'i Lagoons Sub 4, LLC.**

Hokuala Resort Subdivision 4

Proposed 25-lot Boundary Adjustment

TMKs: (4) 3-5-004: 400 to 424

Kalapaki, Lihu'e, Kaua'i

Mr. Hull: Is there any member of the public that would like to testify on this agenda item? If so, please approach the microphone. Seeing none, I'll turn it over to Kenny for the report pertaining to this matter.

Mr. Estes: I'll read the report for the record.

Mr. Estes read the Subdivision Report for the record (on file with the Planning Department)

Chair Ako: Thank you, Mr. Estes. Any questions for Mr. Estes? If not, do we have anybody on behalf of the applicant that would like to add comments?



Mr. Gary Siracusa: Good morning, Commissioners. Gary Siracusa on behalf of the applicant, I'm here to answer any questions that you may have on this final approval request.

Ms. Apisa: No questions.

Chair Ako: We have no questions. With that, we thank you, Mr. Siracusa, for coming.

Mr. Siracusa: We thank you as well, on behalf of TKL.

Chair Ako: Ok since there's no other questions. I'd be willing to entertain a motion.

Ms. Apisa: I move we provide final approval for Subdivision Application S-2022-4, Tower Kaua'i Lagoons Sub 4, LLC.

Mr. Ornellas: Second.

Chair Ako: Before we get to the vote, is this for the final approval?

Mr. Hull: It's for final approval.

Chair Ako: Okay. Any other comments? If not, Mr. Clerk.

Mr. Hull: Roll call, Mr. Chair. Commissioner Apisa?

Ms. Apisa: Aye.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Chair Ako?

Chair Ako: Aye.

Mr. Hull: Motion passes, Mr. Chair. 3:0. With that we have no further agenda items and at your discretion, we are ready for adjournment.

Mr. Ornellas: Are we going to go into executive session?

Mr. Hull: No, so the executive sessions are just listed in the event that the commissioner or commission, sorry, the committee wanted to go into executive session under any of those specific agenda items. So, we just have to list it. There was a complaint made that we need to list each of the respective agenda items in a possible executive session should the commission want to go into it.

Mr. Ornellas: Can we discuss part of the items in executive session?

Mr. Hull: Yes.

Mr. Ornellas: I would like to do that.

Mr. Hull: Yes, can.

County Deputy Attorney Laura Barzilai: The vote has already been taken, Commissioner, but we could enter to have a post discussion if you would like to discuss the impact.

Mr. Ornellas: Yes.

Ms. Barzilai: I need a motion on that please.

Mr. Hull: Which one, Commissioner Ornellas?

Mr. Ornellas: S-2019-8.

Ms. Barzilai: Chair Ako, I would ask you to please read the executive session notice on that item.

Chair Ako: Okay, I'm going to need a little help with that.

Ms. Barzilai: Sure. So, now we're referring to Item H. on page 3 of the agenda.

Ms. Apisa: H.C.

Ms. Barzilai: H.C. We can read the beginning of H. the first paragraph, and then you can refer to Item C.

Mr. Hull: (Inaudible).

Ms. Barzilai: Sure.

## **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:

Subdivision Application No. S-2019-8  
**Stephanie Fernandes**  
Fernandes ET AL. Subdivision  
Proposed 5-lot Subdivision  
TMK: (4) 4-2-005: 044  
Wailua, Kawaihau, Kaua'i

Chair Ako: So, with that, I know we had a motion. Did we have a second on this?

Ms. Apisa: Second.

Ms. Barzilai: It can be by voice vote, Chair.

Chair Ako: By voice vote. All those in favor to go into executive session. Aye (unanimous voice vote).

Ms. Barzilai: Then folks would have to leave the room, so that we could consult.

Chair Ako: Yeah.

Mr. Hull: So, for those members of the audience here, the Subdivision Committee is going into executive session, so you have to vacate the premise until executive session is done. Thank you.

Subdivision Committee went into Executive Session at 8:58 a.m.

Subdivision Committee reconvened from Executive Session at 9:06 a.m.

Chair Ako: If we can reconvene our Subdivision Committee meeting. So, at this point if we can entertain a motion.

Mr. Hull: Sorry, hold on one second, Chair. Okay, thank you, Chair.

Chair Ako: Okay if we can reconvene the Subdivision Committee meeting of the Planning Commission. So, at this time, having no further business, can I have a motion to adjourn.

Mr. Ornellas: Move to adjourn.

Ms. Apisa: Second.

Chair Ako: All those in favor say aye. Aye (unanimous vote). The Subdivision Committee meeting is adjourned.

Chair Ako adjourned the meeting at 9:11 a.m.

Respectfully submitted by:

---

Lisa Oyama,  
Commission Support Clerk

( ) Approved as circulated (add date of meeting approval)

( ) Approved as amended. See minutes of \_\_\_\_\_ meeting.

COUNTY OF KAUAI  
PLANNING DEPARTMENT

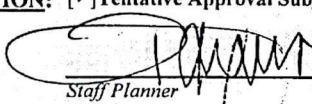
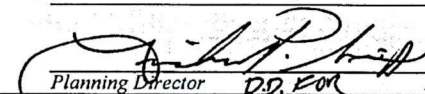
S U B D I V I S I O N   R E P O R T  
(REVISED)



S - 2 0 0 5 - 4 1

Applicant: VISIONARY LLC. Date Accepted: January 15, 2009  
Surveyor/Authorized Agent Clyde T. Kodani/Kodani & Associates, Inc. Prelim Approval Not Applicable

Map Title SUBDIVISION OF PORTION OF PARCEL 1 (TMK: 3-7-02), BEING PORTIONS OF R.P. 4481, L.C. AW. 7713, APANA 2, PART 7 TO V. KAMAMALU INTO LOTS 1 THROUGH 45, AT KALAPAKI AND HANAMA'ULU, LIHU'E, KAUAI, HAWAII

G E N E R A L   I N F O R M A T I O N						
Tax Map Key (4)	Property Size	Zoning	General Plan	State Land Use Designation		
3-7-02:01 (Portion)	137 acres	Industrial (I-G)	Urban Center	Urban		
Amount of Lots	Land Classification (for Ag Parcels)	Permits Required	Maximum Density Utilized			
45	Not Applicable	None	No			
CZO Requirements Met: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, Explain: The subject parcel obtained a zoning amendment (ZA-96-2) which was approved by the Planning Commission on 2/08/96. The amendment reclassified portions of the property from Agriculture District (A) to Industrial District (I-G).						
* A G E N C Y   C O M M E N T S *						
<input checked="" type="checkbox"/> Public Works:	March 21, 2009	<input checked="" type="checkbox"/> Water:	April 13, 2009	<input checked="" type="checkbox"/> Health:	March 31, 2009	
<input checked="" type="checkbox"/> DOT-Highways:	January 03, 2006	<input checked="" type="checkbox"/> SHPD:	April 18, 2005	Other:		
* E X I S T I N G   R O A D   R I G H T - O F - W A Y ( S ) *						
Road Name	Existing Width	Required Width	Paved YES	NO	Reserve	Dedication
Kāpule Highway	Varies	80 feet	✓			
Ahukini Road	Varies	80 feet	✓			
* A P P L I C A B L E   F E E S *						
Environmental Impact Assessment (EIA)		Park Dedication		Determined by Appraisal Report		

T E N T A T I V E   A P P R O V A L	
<b>EVALUATION:</b> The proposed subdivision establishes a total of 39 lots, 4 "bulk" lots that can be further developed, and 2 roadway lots within lands makai of Kāpule Highway. The development area is referenced as "Ahukini Makai" shall be subject to the applicable requirements of Ordinance No. PM-326-96, which was a part of the Līhu'e-Hanamā'ulu Master Planned Area. As such, the EIA & Park Fees shall be determined upon further development of the lots and resolution of the conditions of the ordinance.	
<b>RECOMMENDATION:</b> <input checked="" type="checkbox"/> Tentative Approval Subject to Conditions <Next Page>	
 Staff Planner	21 April 2009 Date
<input type="checkbox"/> Approved as Recommended Comments: _____	
 Planning Director	4/23/09 Date

F I N A L   A P P R O V A L	
Acceptance Date: _____	<input type="checkbox"/> All Conditions Complied With
Comments: _____	
Approved and Recommended to the Commission:	
 Staff Planner	_____ Date
 Planning Director	_____ Date

G.I.A.I.  
MAY 09 2023

**CONDITIONS OF TENTATIVE APPROVAL: S-2005-41**

**1. Requirements of the Planning Department:**

- a. An updated preliminary title report shall be submitted to the Planning Department for review.
- b. The Applicant shall resolve with the State Highways Division the establishment of a future road widening reserve along the frontage of Kāpule Highway and Ahukini Road. Should a reserve be required, it shall be subject to the specifications of the State Highways Division. There shall be no new structures permitted within the reserve, and any new structures should be setback from the reserve. The reserve along with its restrictions shall be incorporated into the deed descriptions of the affected lots, draft copies of which shall be submitted to the Planning Department for review and approval.
- c. All existing and proposed easements shall be identified in the deed descriptions of affected lots and shown on the final subdivision map. Draft copies of the deed descriptions shall be submitted to the Planning Department for review and approval.
- d. The Applicant is made aware that the streets designated within the subdivision must be officially named before the Department approves the construction plans. Street names should be in Hawaiian and be submitted to our Department for review and approval, along with a request letter and 12 maps (on 8½" x 14" paper). The maps should be detailed such that emergency vehicles, police services, postal deliveries, etc., are able to locate the street. References to roadway, such as the highway and other surrounding roads, should be shown on the street-naming map.
- e. The Applicant shall prepare and obtain construction plan approvals for necessary road, water, drainage, electrical and telephone utilities and facilities, and either construct the same or post a surety bond for completion.
- f. There shall be no direct access permitted onto Kāpule Highway and Ahukini Road from any of the lots within the proposed subdivision. Semi-circles denoting no direct access permitted shall be shown on the final subdivision map. This provision shall be incorporated as a restrictive covenant for the subject lots, draft copies of which shall be submitted to the Planning Department for review and approval.
- g. The Applicant shall be subject to the applicable requirements of Ordinance No. PM-326-96. Specifically, the following conditions shall apply to this subdivision:

**Conditions of Ordinance No. PM-326-96:**

- 4. (EIA credit)
  - 6. (design criteria outlined in "Draft Urban Design Plan")
  - 7. (park master plan)
  - 8. (roadway system)
  - 10. (construction material disposal site)
  - 11. (solid waste landfill site)
  - 12. (intersection improvements)
  - 13. (civil defense infrastructure)
  - 14. (affordable housing requirements)
  - 15. (infrastructure master plan)
  - 17. (density)
  - 19. (no development zone)
  - 21. (status report)
- h. Relative to the requirements/standards set forth in Ordinance No. 777, the subdivider shall resolve with the Planning Department the provision of public access.

If public access is required, the applicant shall propose an access plan identifying the access location(s) for the review and approval of the Planning and Public Works

## CONDITIONS OF TENTATIVE APPROVAL: S-2005-41

Departments. Furthermore, proper documents shall be prepared and ready for execution prior to final subdivision approval. The Planning Department reserves the right to impose additional conditions relating to this matter while in the process of resolving this condition

- i. As noted on the subdivision application, the zoning designation for the project area is General Industrial District (I-G). In reviewing the subdivision layout as represented on the preliminary subdivision map, it is the department's position that Lots 21 and 23 is undersized to accommodate industrial-type uses based on its present configuration. Prior to final subdivision approval, the Applicant shall work with the Planning Department to seek feasible alternatives to resolve this matter.
- j. The department strongly encourages the Applicant to consider establishing common driveway access locations for lots that are adjacent to one another, affecting Lots 7 through 45, in order to minimize access points along Roadway Lot 6, facilitate industrial vehicular traffic, and to assure public health, safety, and welfare is not compromised.

It would be the department's preference that common driveways serve as the primary access for adjacent lots and that it would be wide enough to accommodate two-way vehicular traffic.
- k. The proposed subdivision is situated in close proximity to the Lihu'e Airport and will be impacted by the aircraft noise nuisances from this facility. As such, the subdivider shall establish covenants or disclosure documents to inform potential buyers within the project area that the proposed lots are subject to aircraft noise nuisances. Draft copies of the documents shall be submitted to the Planning Department for review and approval.
- l. Pursuant to Section 9-3.8(b) of the Subdivision Ordinance, Kaua'i County Code (1987), the Applicant shall submit to the Planning Department an electronic record (digitized format) of the final subdivision map(s) on disk for record keeping purposes prior to final subdivision approval.

### 2. Requirements of the Department of Public Works (DPW):

#### DRAINAGE

- a. There are natural drainage ways and swales that flow through and along the property. These natural water courses will collect and concentrate storm flows through the site. A Drainage Study and provisions need to be established to prevent structures from being built in flood prone areas and to preserve the function and capacity of the watercourses.
- b. The natural pond in Lot 4 should be maintained.
- c. The subdivision and subsequent development of residences and other impermeable surfacing will increase storm water flowage. A Drainage Study needs to be made to evaluate the impact of the increased storm runoffs. Measures to keep flow rates and drainage patterns to predevelopment levels are required. There shall be no increase in storm flowage to the County Lihu'e Refuse Transfer Station.
- d. A Grading Permit will be required for this project. The property size is more than 10 acres. The maximum area that may be opened for grading or grubbing at any one time is ten (10) acres. The area of land that may be opened shall not exceed ten (10) acres. Grading/grubbing shall be accomplished in increments not more than 10 acres. Best Management Practices (BMP's) shall be provided to the maximum extent practicable to prevent damage by erosion, sedimentation and dust to streams, water courses, natural drainage areas, and the property of others.



**CONDITIONS OF TENTATIVE APPROVAL: S-2005-41**

- e. If required, curbs, gutters, and sidewalks shall be provided. Sidewalks shall comply with the American Disability Act and shall comply with the American Disability Act. A copy of the final document review by DCAB shall be submitted to the County's ADA Coordinator and to the Department of Public Works.
  - f. The Applicant shall obtain construction plan approvals for the necessary roadways, water, drainage, electrical, telephone and derby cable utilities.
3. Requirements of the Department of Water (DOW):
- a. The subdivider shall prepare and receive Department of Water's approval of a Water Master Plan for full development of the Līhu'e-Hanamā'ulu Master Plan by the Applicant. The Water Master Plan shall also address all source, storage and transmission requirements for the planned development area.
  - b. The subdivider shall pay the Department of Water, a Facilities Reserve Charge of \$202,400\* (44 lots at \$4,600 per lot). The subdivider shall pay any rate increase and/or applicable charges in effect at the time of receipt.  
  
\* The subdivider is made aware that FRC offsets may apply if source, storage or qualifying transmission facilities are provided by the subdivider.
  - c. The subdivider shall prepare and get Department of Water's approval on construction drawings for necessary water system facilities and either construct said facilities or post a performance bond for construction. These facilities shall also include:
    - (1) All water system facilities as required for the subdivision in the approved Water Master Plan.
  - d. If a bond is filed to secure final subdivision approval, the subdivider shall clearly letter the following on the approved construction plans, final subdivision map and deeds:  
  

*"Domestic water service will not be available until the required construction improvements for this subdivision are completed and accepted by the Department of Water, County of Kaua'i."*

The subdivider shall record this deed restriction with the Bureau of Conveyances within ninety (90) days of final subdivision approval by the Planning Department.
4. Requirements of the State Department of Health (DOH):
- a. The subject project is located in close proximity to the County sewer system serving the Līhu'e area. All new wastewater generated shall be disposed in the County sewer system serving the Līhu'e area.
  - b. The property could be harboring rodents that will be dispersed to the surrounding areas when the site is cleared. In accordance with Chapter 11-26, entitled "Vector Control", Title 11, HAR, the Applicant shall ascertain the presence or absence of rodents on the property. Should the presence of rodents be determined, the applicant shall eradicate the rodents prior to clearing the site.
  - c. Noise will be generated during the site preparation and construction phase of this project. The applicable maximum permissible sound levels as stated in Chapter 11-46, entitled "Community Noise Control", Title 11, HAR, shall not be exceeded unless a noise permit is obtained from the Department of Health.
  - d. Temporary fugitive dust emissions could be emitted when the subdivided lots are developed. In accordance with Chapter 11-60.1, entitled "Air Pollution Control", Title 11, HAR, effective air pollution control measures shall be provided to

**CONDITIONS OF TENTATIVE APPROVAL: S-2005-41**

minimize or prevent any fugitive dust emissions caused by the construction work from impacting the surrounding areas. This includes the off-site roadways used to enter/exit the project. The control measures include but are not limited to the use of water wagons, sprinkler systems, dust fences, etc.

- e. In accordance with Chapter 11-58.1, entitled "Solid Waste Management Control", Title 11, HAR, the construction waste that will be generated by the project shall be disposed of at a solid waste disposal facility that is in compliance with the State Department of Health. The open burning of any of these wastes on or off site is prohibited.
- f. The Department of Health, Clean Water Branch (CWB) has reviewed the subject document and offers these comments. Please note that the review is based solely on the information provided in the subject document and its compliance with Hawai'i Administrative Rules (HAR), Chapters 11-54 and 11-55. The Applicant may be responsible for fulfilling additional requirements related to the department's program. The department recommends that the Applicant reads the standard comments found on our website at:  
<http://www.hawaii.gov/health/environmental/env-planning/landuse/CWB-standardcomment.pdf>.
  - (1) Any project and its potential impacts to State waters must meet the following criteria:
    - (A) Antidegradation policy (HAR Section 11-54-1.1), which requires that the existing uses and the level of water quality necessary to protect the existing uses of the receiving State water be maintained and protected;
    - (B) Designated uses (HAR Section 11-54-3), as determined by the classification of the receiving State waters; and
    - (C) Water quality criteria (HAR Sections 11-54-4 through 11-54-8).
- g. The Army Corps of Engineers should be contacted at (808) 438-9258 to identify whether a Federal Permit (including a Department of Army Permit) is required for this project. Pursuant to Section 401(a)(1) of the Federal Water Pollution Act (commonly known as the "Clean Water Act"), a Section 401 Water Quality Certification is required for "[a]ny applicant for Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters..."
- h. A National Pollutant Discharge Elimination System (NPDES) general permit coverage is required for discharges of wastewater, including storm water runoff, into State surface waters (HAR Chapter 11-55). For the following types of discharges into Class A or Class 2 State waters, the Applicant may apply for NPDES general permit coverage by submitting a Notice of Intent (NOI) form:
  - (1) Storm water associated with industrial activities, as defined in Title 40, Code of Federal Regulations, Section 122.26(b)(14)(i) through 122.26(b)(14)(ix) and 122.26(b)(14)(xi);
  - (2) Construction activities including clearing, grading, and excavation that result in the disturbance of equal to or greater than one (1) acre of total land area. The total land area includes a contiguous area where multiple separate and different schedules under a larger common plan of development or sale. **An NPDES Permit is required before the commencement of the construction activities.**
  - (3) Discharge of treated effluent from leaking underground storage tank remedial activities;
  - (4) Discharge of once through cooling water less than one (1) million gallons per day;
  - (5) Discharge of hydrotesting water;
  - (6) Discharge of construction dewatering effluent;
  - (7) Discharge of treated effluent from petroleum bulk stations and terminals;

**CONDITIONS OF TENTATIVE APPROVAL: S-2005-41**

- (8) Discharge of treated effluent from well drilling activities;
- (9) Discharges of treated effluent from recycled water distribution systems;
- (10) Discharges of storm water from a small municipal separate storm sewer system; and
- (11) Discharge of storm water from decorative ponds and tanks.

- i. The Clean Water Branch (CWB) requires that a Notice of Intent (NOI) to be covered by a NPDES general permit for any of the above activities be submitted at least 30 days before the commencement of the respective activities. The NOI forms may be picked up at our office or downloaded from our website at <http://www.hawaii.gov/health/environmental/water/cleanwater/forms/genl-index.html>.
- j. The Applicant may be required to apply for an individual NPDES Permit if there is any type of activity in which wastewater is discharged from the project into State waters, and/or coverage of the discharge(s) under the NPDES general permit(s) is not permissible. An application for the NPDES Permit is to be submitted at least 180 days before the commencement of the activities. The NPDES application forms may be picked up at our office or downloaded from our website at <http://www.hawaii.gov/health/environmental/water/cleanwater/forms/indiv-index.html>.
- k. Hawai'i Administrative Rules, Section 11-55-38, also requires the owner to either submit a copy of the NOI or NPDES Permit application to the State Department of Land and Natural Resources, State Historic Preservation Division (SHPD) or demonstrate to the satisfaction of the DOH that the project, activity, or site covered by the NOI or application has been or is being reviewed by SHPD. The Applicant shall provide a copy of the request for review by SHPD or SHPD's determination letter for the project along with the NOI or NPDES permit application, as applicable.
- l. Please note that in general, anyone causing or contributing to a violation of the State water quality standards must apply for an NPDES permit coverage. Discharges which are not an integral and normal part of the operation, but are caused by heavy rains, floods, or other events outside the reasonable control of the owner or operation must also be permitted. Point sources include vehicle wash discharges or a discharge or processed wastewater from your construction activity. If there is a discharge of any pollutant to State waters, Hawai'i Revised Statutes (HRS), Section 342D-30, provides for penalties of up to \$25,000 per day for each violation.

The owner/applicant is advised to contact the CWB at 808.596.4309 to resolve any NOI or NPDES concerns.

**5. Requirements of the Highways Division of the State Department of Transportation (DOT):**

**Highway Issues**

- a. The proposed location of accesses to our State road/highway will need to be reviewed and approved by our Highways Division. The Applicant should submit a written request for any new accesses or change of existing accesses to our Right-of-Way Branch, Highways Division. The Highways Division will likely impose a number of conditions and requirements on the grant of new accesses or the revision of existing ones. The DOT may require changes to the proposed accesses based on an evaluation of the access openings, including, without limitation, the location and number of accesses.
- b. A Traffic Impact Analysis Report (TIAR), including intersection signal studies, reflecting the development timetable and impact of all the subdivisions through to

#### CONDITIONS OF TENTATIVE APPROVAL: S-2005-41

full build out (including the potential for further subdivisions of the subject properties) should be prepared by Visionary LLC (Visionary) and submitted to the DOT for review and approval. This should be done before Visionary is permitted to proceed with the development.

For any changes or revisions to the development plans or timetable, Visionary must submit a supplement and update to the TIAR, addressing the changes or revisions, for the DOT's review and prior written approval. This should be done before Visionary is permitted to continue the development.

Any TIAR submitted to the DOT must contain recommendations regarding traffic mitigation measures and improvements. The TIARs should also contain Visionary's commitment to pay for and fund the design, construction and implementation of the traffic mitigation and improvements measures. Without the proper mitigation and roadway improvements, the development of the proposed subdivisions will likely create significant adverse traffic impacts to our facilities. If the Applicant has development plans for the subdivisions, the plans, drawings, maps and other supporting documentation should be submitted with the TIARs and any supplements thereto.

- c. No additional storm water runoff will be allowed onto our road/highway right-of-ways.
- d. Construction plans for any work within or adjoining our road/highway right-of-way must meet our highway standards and be submitted to our Highways Division for prior review and approval. The Applicant (and/or its contractors) will need to obtain and have applicable building and environmental permits, including a permit to work in our road/highway right-of-ways from our Highways Division.
- e. The Applicant will be required to enter into and comply with use and occupancy agreement(s) with our Highways Division for all utilities and services to the subdivisions that are within our road/highway right-of-way.

#### Airport Issues

- f. No access connection to Ahukini Road from the proposed Road "B" and "C" will be considered at this time. Such access would require resolution of a number of issues. Access to and use of airport roads require terminal road circulation study, security controls and arrangements for the use, management and maintenance of the roads meeting FAA guidelines, and detailed reviews by our Airports Division for consistency and compatibility with Līhu'e Airport (LIH) development and expansion plans.
- g. The development of the subdivision will affect our LIH helicopter operations and any developed lots in this Ahukini Makai area will be impacted by aircraft noise and flight patterns and any future expansion of LIH. Development of the subdivision lands with structures and other improvements will alter the conditions under which aircraft and pilots now operate. At a minimum, safety perimeter or other clear or safety zones may have to be established within the Ahukini Makai area. Consequently, to address these and other issues relating the development impact on airport and aircraft operations, we strongly recommend consulting with our Airports Division before the subdivision/development plans progress any further.
- h. Also, the Airports Division has had previous discussions with Visionary or its predecessor about possible acquisition of land in the Ahukini Makai area based on the land's agricultural zoning and designation. The land area would be used for the expansion of LIH and to accommodate existing and/or additional airport activities at LIH. Our Airports Division has been in the process of seeking

**CONDITIONS OF TENTATIVE APPROVAL: S-2005-41**

funding approval for the acquisition. We plan to continue these discussions with Visionary.

- i. The topography of the Ahukini Makai area has surface and storm water drainage and runoff sloping toward our LIH roads and property. No such additional flow from the proposed subdivision development will be allowed onto our airport roads, drainage systems and land areas.
  - j. Similar to Condition 5.d. above, for our highways, the same requirements for construction plans are applicable to work affecting or next to LIH and Ahukini Road and with submittals going to our Airports Division.
  - k. The Applicant is made aware that the Department's concerns should be first addressed and resolved to our satisfaction because of the impacts to our facilities. The Department is willing to discuss our transportation concerns and our interest in the Ahukini Makai lands with Visionary.
6. As recommended by the State Historic Preservation Division of the Department of Land and Natural Resources, in the event that historic resources including human skeletal remains are identified during routine construction activities, all work needs to cease in the immediate vicinity of the find, the find needs to be protected from additional disturbance, and the State Historic Preservation Division, Kaua'i Section, needs to be contacted immediately at (808) 742-7033.
7. The applicant is advised that prior to and/or during construction and use additional conditions may be imposed by government agencies. Should this occur, the applicant shall resolve these conditions with the respective agency(ies).



COUNTY OF KAUAI  
PLANNING DEPARTMENT  
4444 RICE STREET, SUITE A473 LIHU'E, HAWAII 96766  
(808) 241-4050

**SUBDIVISION APPLICATION ROUTING FORM**

**DATE: January 30, 2023**

Subdivision Map Review and Approval			
REQUEST:	<input type="checkbox"/> Preliminary	<input type="checkbox"/> Final	
	<input checked="" type="checkbox"/> Pre-Final	<input type="checkbox"/> Extension	
SUDIVISION APPLICATION NO:		Pre-Final Subdivision No. 2005-41	
Owner(s)/Applicant(s):		Ahukini Makai Subdivision	
		Applicant: Visionary LLC. DBA Lihu'e Land Company	
Name of Surveyor/Engineer/Authorized Agent:			
Tax Map Key:	Tax Map Key (4) 3-7-002:001	Assigned to:	Kenny
Improvements:			

**Route To:**

<input checked="" type="checkbox"/> DPW-Engineering	<input type="checkbox"/> Department of Transportation - STP
<input type="checkbox"/> DPW-SolidWaste	<input type="checkbox"/> DOT-Highway, Kauai
<input checked="" type="checkbox"/> DPW-Wastewater	<input checked="" type="checkbox"/> State Department of Health
<input type="checkbox"/> Fire-Department	<input checked="" type="checkbox"/> State Historic Preservation Division
<input type="checkbox"/> Department of Parks & Recreation	<input type="checkbox"/> UH Sea Grant
<input checked="" type="checkbox"/> County Housing-Agency	<input checked="" type="checkbox"/> U.S. Postal Department
<input type="checkbox"/> KHPRC	<input type="checkbox"/> Other:
<input checked="" type="checkbox"/> County Water Department	
<input checked="" type="checkbox"/> County Transportation Agency	

COMMENTS from DPW Engineering:

We have no further comments and recommend proceeding to Final Map.

Sincerely,

Digitally signed by Michael  
Moule  
Date: 2023.01.30 15:24:24  
-10'00'

Michael Moule, P.E.  
Chief, Engineering Division



4398 PUA LOKE STREET  
LIHU'E, KAUAI, HAWAII 96766  
PHONE: (808) 245-5400 / FAX: (808) 245-5813

Water has no substitute.....Conserve it!

## SUBDIVISION REPORT

TO: PLANNING DEPARTMENT  
FROM: DEPARTMENT OF WATER

TMK: 3-7-02:001 NAME: Grove Farm, Inc.  
(Ahukini Makai) SURVEYOR: Kodani REPORT NO: S-2005-41

1. Domestic water is adequate. Tentative approval is recommended. ☐  
Water Requirements are not affected. Tentative approval is recommended. ☐
2. All requirements have been fully met and; therefore, Final approval is recommended. ☒
3. Before final approval can be recommended, the subdivider must: ☐
  - A. Pay the Department of Water the following charges in effect at the time of receipt. At the present time, these charges include: ☐
    - 1) The Facilities Reserve Charge (FRC):  
\_\_\_\_\_ Lot @ \$14,115 per lot = \$ \_\_\_\_\_ ☐  
Payment to install \_\_\_\_\_, or relocate \_\_\_\_\_, service connections(s) at the fixed cost of \$ \_\_\_\_\_. If ☐
    - 2) the subdivider causes a delay in the service connection installation after one year since final map approval, the subdivider shall be charged the increase in the fixed cost, if any. ☐
    - 3) Deposit (the subdivider will either be billed or returned the difference between this deposit and the actual cost of construction of \$ \_\_\_\_\_ for construction by the Department of Water. ☐
  - B. Submit to the Department of Water a copy of the subdivider's permit to perform work upon a State highway from the State Highways Division ☐
  - C. Prepare and receive Department of Water's approval of construction drawings for the necessary water system facilities and either construct said facilities or post a performance bond for construction. These facilities shall also include: ☐
  - D. Prepare and convey to the Department of Water a Right-of-Entry and Temporary Grant of Easement for the purpose of construction, repair, maintenance, and operation of the subdivision water system improvements installed in other than County-owned property. ☐
  - E. If a bond is filed, to secure final subdivision approval, the subdivider shall clearly letter the following on the approved construction plans, final subdivision map, and deeds: ☐

"Domestic water service will not be available until the required construction improvements for this subdivision are completed and accepted by the Department of Water, County of Kauai."

This deed restriction shall be recorded with the Bureau of Conveyances within ninety (90) days of final subdivision approval by the Planning Department.
4. Installation of service connections will not be required until request for water service is made. The applicant for service will be charged the applicable service connection charges at that time. ☐
5. Other (or remarks): ☐

Steven Kyono  
Steven Kyono (Apr 25, 2020)

Steve Kyono, P.E., Board Advisor  
Department of Water, County of Kauai

04/24/2020

Date

SUBDIVISION REPORT NO. S-2005-41



DAVID Y. IGE  
GOVERNOR OF HAWAII



County of Kauai  
PLANNING DEPT.

BRUCE S. ANDERSON, Ph.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
KAUAI DISTRICT HEALTH OFFICE  
3040 UMI STREET  
LIHUE, HAWAII 96766

20 JAN 31 P2:10

JANET M. BERREMAN, M.D., M.P.H., F.A.A.P.  
DISTRICT HEALTH OFFICER

January 22, 2020

RECEIVED

Mr. Ka'aina Hull, Director  
County of Kauai  
Planning Department  
4444 Rice Street, Suite A473  
Lihue, Hawaii 96766

Dear Mr. Hull:

SUBJECT: **PRE-FINAL** Subdivision Map Review and Approval  
Subdivision No.: **S-2005-14**  
Applicant: **Visionary, LLC**

We have no additional environmental health concerns to add to those previously submitted on March 31, 2009.

Should you have any questions, please call me at 241-3323.

Sincerely,

Patrick Peck, Chief  
District Environmental Health Program Kauai

Enc.  
PP:DT/ckn

LINDA LINGLE  
GOVERNOR



**STATE OF HAWAII**  
**DEPARTMENT OF HEALTH**  
KAUAI DISTRICT HEALTH OFFICE  
3040 UMI STREET  
LIHUE, HAWAII 96766

CHIYOME LEINAALA FUKUNO, M.D.  
DIRECTOR OF HEALTH

DILEEP G. BAL, M.D., M.S., M.P.H.  
KAUAI DISTRICT HEALTH OFFICER

March 31, 2009

Mr. Ian Costa, Director  
County of Kauai  
Planning Department  
4444 Rice Street, Suite 473  
Lihue, HI 96766

Dear Mr. Costa:

SUBJECT: **REVISED** Preliminary Subdivision Map Review and  
Approval  
Subdivision No.: **S-2005-41**  
Applicant: **Visionary LLC.**

We have reviewed the subject application and the comments that we previously submitted on May 26, 2005. We offer the following updated environmental health concerns for your consideration.

1. The subject project is located in close proximity to the County sewer system serving the Lihue area. All new wastewater generated shall be disposed in the County sewer system serving the Lihue area.
2. The property may harbor rodents which will be dispersed to the surrounding areas when the site is cleared. In accordance with Chapter 11-26, entitled Vector Control of Title 11, Hawaii Administrative Rules (HAR), the applicant shall ascertain the presence or absence of rodents on the property. Should the presence of rodents be determined, the applicant shall eradicate the rodents prior to clearing the site.
3. Noise will be generated during the site preparation and construction phase of this project. The applicable maximum permissible sound levels as stated in Title 11, HAR, Chapter 11-46, entitled

Community Noise Control shall not be exceeded unless a noise permit is obtained from the Department of Health.

4. Temporary fugitive dust emissions could be emitted when the project site is prepared for construction and when construction activities occur. At the time in accordance with Title 11, HAR, Chapter 11-60.1 entitled Air Pollution Control effective air pollution control measures shall be provided to prevent or minimize any fugitive dust emissions caused by construction work from impacting the surrounding areas. This includes the off-site roadways used to enter/exit the project.
5. The construction waste that will be generated by the project shall be disposed of at a solid waste disposal facility that is in compliance with the applicable provisions of Title 11, HAR, Chapter 11-58.1 entitled Solid Waste Management Control. The open burning of any of these wastes on or off site prohibited.
6. The Department of Health, Clean Water Branch (CWB) has reviewed the subject document and offers these comments on your project. Please note that our review is based solely on the information provided in the subject document and its compliance with Hawaii Administrative Rules (HAR), Chapters 11-54 and 11-55. You may be responsible for fulfilling additional requirements related to our program. We recommend that you also read our standard comments on our website at <http://www.hawaii.gov/health/environmental/env-planning/landuse/CWB-standardcomment.pdf>.
  - I. Any project and its potential impacts to State waters must meet the following criteria:
    - a. Antidegradation policy (HAR, Section 11-54-1.1), which requires that the existing uses and the level of water quality necessary to protect the existing uses of the receiving State water be maintained and protected.
    - b. Designated uses (HAR, Section 11-54-3), as determined by the classification of the receiving State waters.
    - c. Water quality criteria (HAR, Sections 11-54-4 through 11-54-8).
  - II. Please call the Army Corps of Engineers at (808) 438-9258 to see if this project requires a Department of the Army (DA) permit. Permits may be required for work performed in, over, and under navigable waters of the United States.

Projects requiring a DA permit also require a Section 401 Water Quality Certification (WQC) from our office.

- III. You are required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for discharges of wastewater, including storm water runoff, into State surface waters (HAR, Chapter 11-55). For the following types of discharges into Class A or Class 2 State waters, you may apply for NPDES general permit coverage by submitting a Notice of Intent (NOI) form:
- a. Storm water associated with industrial activities, as defined in Title 40, Code of Federal Regulations, Sections 122.26(b)(14)(i) through 122.26(b)(14)(ix) and 122.26(b)(14)(xi).
  - b. Storm water associated with construction activities, including clearing, grading, and excavation, that result in the disturbance of equal to or greater than one (1) acre of total land area. The total land area includes a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under a larger common plan of development or sale. **An NPDES permit is required before the start of the construction activities.**
  - c. Treated effluent from leaking underground storage tank remedial activities.
  - d. Once through cooling water less than one (1) million gallons per day.
  - e. Hydrotesting water.
  - f. Construction dewatering effluent.
  - g. Treated effluent from petroleum bulk stations and terminals.
  - h. Treated effluent from well drilling activities.
  - i. Treated effluent from recycled water distribution systems.
  - j. Storm water from a small municipal separate storm sewer system.

k. Circulation water from decorative ponds or tanks.

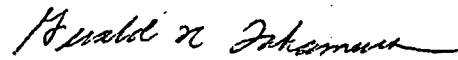
7. You must submit a separate NOI form for each type of discharge at least 30 days prior to the start of the discharge activity, except when applying for coverage for discharges of storm water associated with construction activity. For this type of discharge, the NOI must be submitted 30 before to the start of construction activities. The NOI forms may be picked up at our office or downloaded from our website at:  
<http://www.hawaii.gov/health/environmental/water/cleanwater/forms/genl-index.html>.
8. For types of wastewater not listed in Item 3 above or wastewater discharging into Class 1 or Class AA waters, you must obtain an NPDES individual permit. An application for an NPDES individual permit must be submitted at least 180 days before the commencement of the discharge. The NPDES application forms may be picked up at our office or downloaded from our website at  
<http://www.hawaii.gov/health/environmental/water/cleanwater/forms/indiv-index.html>.
9. You must also submit a copy of the NOI or NPDES permit application to the State Department of Land and Natural Resources, State Historic Preservation Division (SHPD), or demonstrate to the satisfaction of the CWB that SHPD has or is in the process of evaluating your project. Please submit a copy of your request for review by SHPD or SHPD's determination letter for the project along with your NOI or NPDES permit application, as applicable.
10. Please note that all discharges related to the project construction or operation activities, whether or not NPDES permit coverage and/or Section 401 WQC are required, must comply with the State's Water Quality Standards. Noncompliance with water quality requirements contained in HAR, Chapter 11-54 and/or permitting requirements, specified in HAR, Chapter 11-55 may be subject to penalties of \$25,000 per day per violation.

If you have any questions, please visit our website at  
<http://www.hawaii.gov/health/environmental/water/cleanwater/index.html>, or contact the Engineering Section, CWB, at (808) 586-4309.

Due to the general nature of the application submitted, we reserve the right to implement future environmental health restrictions when more detailed information is submitted.

Should you have any questions, please call me at 241-3323.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gerald N. Takamura".

Gerald N. Takamura, Chief  
District Environmental Health Program

GNT

JOSH GREEN, M.D.  
GOVERNOR



**STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
HIGHWAYS DIVISION  
KAUAI DISTRICT  
1720 HALEUKANA STREET  
LIHUE, HAWAII 96766**

EDWIN H. SNIFFEN  
DIRECTOR

Deputy Directors  
DREANALEE K. KALILI  
TAMMY L. LEE  
ROBIN K. SHISHIDO  
JAMES KUNANE TOKIOKA

IN REPLY REFER TO:

**DIR 0854  
HWY-K 4.230038**

February 23, 2023

Mr. Kaaina Hull, Director  
County of Kauai Department of Planning  
4444 Rice Street, Ste. A473  
Lihue, Hawaii 96766  
Attention: Mr. Kenneth A. Estes, Planner

Dear Mr. Hull:

Subject: Pre-Final Subdivision Map Review and Approval  
Subdivision No. S-2005-41 (Ahukini Makai Subdivision)  
Applicant: Visionary LLC dba Lihue Land Company

The subject map was received at our Director's office in Honolulu on September 6, 2022. The Kauai District Office completed the initial review and forwarded comments to Visionary on September 20, 2022. Visionary responded with the requested information on January 18, 2023.

We have completed our review and find the Pre-Final Subdivision Map received on September 6, 2022, to be acceptable.

Should you have any questions, please contact me at (808) 241-3006 or via email at [lawrence.j.dill@hawaii.gov](mailto:lawrence.j.dill@hawaii.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Lawrence J. Dill".

Lawrence J. Dill, P.E.  
Kauai District Engineer

c: David Hinazumi, Visionary LLC



JOSH GREEN, M.D.  
GOVERNOR



County of Kaua'i  
PLANNING DEPT.

STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

'23 ABR 24 A8 50

April 21, 2023

RECEIVED

EDWIN H. SNIFFEN  
DIRECTOR

Deputy Directors  
DREANALEE K. KALILI  
TAMMY L. LEE  
ROBIN K. SHISHIDO  
JAMES KUNANE TOKIOKA

IN REPLY REFER TO:

AIR-PM 23.0353

Mr. Kaaina Hull, Director  
County of Kauai  
Department of Planning  
4444 Rice Street, Suite A473  
Lihue, Hawaii 96766

Attention: Mr. Kenneth A. Estes, Planner

Dear Mr. Hull:

Subject: Pre-Final Subdivision Map Review and Approval  
Ahukini Makai – Subdivision No. S-2005-41  
Lihue, Kauai, Hawaii  
Tax Map Key: (4) 3-7-002:001

The State of Hawaii, Department of Transportation, Airports (DOTA) is in receipt of your April 12, 2023, memorandum requesting review and approval to the Pre-Final Subdivision Map dated July 1, 2022, Subdivision No. S-2005-41.

Based on DOTA's review of the Pre-Final Subdivision Map and discussions with the landowner, DOTA approves the Pre-Final Subdivision Map dated July 1, 2022.

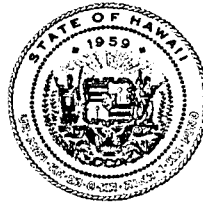
If there are any questions, please contact Mr. Mike Auerbach, Land Agent of our Airports Property and Business Development Staff at (808) 838-8684, or by email at [mike.auerbach@hawaii.gov](mailto:mike.auerbach@hawaii.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Ed Sniffen".

EDWIN H. SNIFFEN  
Director of Transportation

DAVID Y. IGE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION  
KAKUHIHEWA BUILDING  
601 KAMOKILA BLVD, STE 555  
KAPOLEI, HAWAII 96707

SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA  
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAIKOO LAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

September 28, 2018

Paul Togioka  
County of Kauai  
Public Works, Engineering Division  
4444 Rice Street, Suite 275  
Lihue, HI 96766  
[ptogioka@kauai.gov](mailto:ptogioka@kauai.gov)

IN REPLY REFER TO:  
Log No. 2017.02067  
Doc No. 1809GC15  
Archaeology

Dear Mr. Togioka:

SUBJECT: Chapter 6E-42 Historic Preservation Review – REVISED COMMENTS  
Clearinghouse Application No. CL-2017-031  
Ahukini Makai Subdivision (S-2005-41), PW 08.17.087  
Hanamā‘ulu Ahupua‘a, Puna District, Island of Kaua‘i  
TMK: (4) 3-7-002:001

This letter provides the State Historic Preservation Division's (SHPD's) revised comments regarding the subject application. SHPD received the original application submittal on September 15, 2017 from the County of Kauai Department of Public Works. The submittal indicated that the owners, Visionary LLC, proposed to grade a 127.68-acre portion of the 171.9-acre parcel, including excavation of 239,626 cubic yards and an embankment of 122,419 cubic yards.

On March 28, 2018, SHPD requested an archaeological inventory survey (AIS) be conducted as SHPD had insufficient information to assess the potential for the proposed project to impact significant historic properties (Log No. 2017.02067, Doc No. 1803GC32).

On April 17, 2018, SHPD received supplemental information from Kodani & Associates Engineers, LLC, requesting reconsideration of SHPD's request for an AIS to be conducted. The supplemental information included a copy of a previous SHPD determination letter and an AIS titled *Additional Archaeological Inventory Survey Molokoa Lands Project Area, Lands of Hanamā‘ulu and Kalapaki, Līhu‘e District, Island of Kaua‘i* (Franklin and Walker, 1994). The AIS covered 552.3 acres within Hanamā‘ulu and Kalapaki, including the current project area. The Ahukini Makai parcel comprises 143.8 acres. Franklin and Walker (1994) indicated that due to extensive agricultural pursuits and land alterations it is unlikely that surface or subsurface historic properties will be encountered. No historic properties were documented during a pedestrian survey for this specific parcel. In a letter dated October 25, 1994, SHPD commented on the *Lihue Hanamaulu Master Plan, The Lihue Plantation Co Ltd. (AMFAC/JMB)* and indicated that that the project areas were adequately covered by the Walker and Franklin (1994) archaeological study. The SHPD determined that no significant sites occur in the project area and that the project will have no effect on significant historic properties (Log No. 12985, Doc. No. 9410NM17).

Based on the information provided, SHPD's determination is no historic properties affected for the subject application pursuant to HRS 6E; no significant historic properties have been identified within the current project area. Pursuant to HAR §13-284-7(e), "When the SHPD agrees that the action will not affect any significant historic properties, this is the SHPD's written concurrence and historic preservation review ends". The historic preservation review process is ended. The permit issuance may proceed.

Mr. Togioka  
September 28, 2018  
Page 2

Please contact Ka'āhiki Solis, SHPD Cultural Historian, at [Sheleigh.Solis@hawaii.gov](mailto:Sheleigh.Solis@hawaii.gov) for any cultural resources concerns and Dr. Susan A. Lebo, Archaeology Branch Chief, at [Susan.A.Lebo@hawaii.gov](mailto:Susan.A.Lebo@hawaii.gov) or at (808) 692-8019 for any questions regarding archaeological resources or this letter.

Aloha,

*Alan Downer*

Alan S. Downer, PhD  
Administrator, State Historic Preservation Division  
Deputy, State Historic Preservation Officer

cc: Chance Bukoski, [cbukoski@kauai.gov](mailto:cbukoski@kauai.gov)  
Kaina Hull, [khull@kauai.gov](mailto:khull@kauai.gov)  
Andy Miles, Kodani & Associates Engineers, LLC, [andy@kodani.com](mailto:andy@kodani.com)