



PLANNING COMMISSION

KAAINA S. HULL, CLERK OF COMMISSION

GERALD AKO, CHAIR
HELEN COX, VICE CHAIR
DAN GIOVANNI, MEMBER
KUULEIALOHA SANTOS, MEMBER
GLENDA NOGAMI STREUFERT, MEMBER

RECEIVED

26 AUG -5 P3:30

- 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, August 11, 2026

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

RECEIVED

26 AUG -5 P3:30

2026 AUG 11 PM 3:30
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. None for this meeting.

E. RECEIPT OF ITEMS FOR THE RECORD

F. COMMITTEE REPORTS

1. Subdivision Committee Report

- a. Subdivision Application No. S-2026-13
Richard A. Littlestone, Jr. / Toni S. Uchima
Proposed 2-Lot Subdivision
TMK: (4) 2-4-001: 044
Kalāheo, Kaua'i
- b. Subdivision Application No. S-2026-15
Kiahuna Phase III-A & III-B / County of Kaua'i
Proposed 2-Lot Subdivision
TMK: (4) 2-8-014: 018
Kōloa, Kaua'i
- c. Subdivision Application No. S-2027-1
Grove Farm Company, Inc./
State of Hawai'i – Agribusiness Development Corporation
Proposed 2-Lot Consolidation and Re-Subdivision into 3-Lots
TMKs: (4) 3-8-018: 001 and 009
Hanamā'ulu, Līhu'e, Kaua'i
- d. Subdivision Application No. S-2025-4
Po'ipū Kai Association / County of Kaua'i
Proposed 2-Lot Subdivision
TMK: (4) 2-8-027: 022
Weliweli, Kōloa, Kaua'i

- e. Subdivision Application No. S-2025-5
State of Hawai'i – Department of Hawaiian Homelands
Proposed 2-Lot Subdivision
TMK: (4) 4-8-018: 009
Anahola, Kaua'i
- f. Subdivision Application No. S-2025-6
Niu Pia Land Company, Ltd.
Proposed 2-Lot Consolidation
TMKs: (4) 3-6-003: 017 and 061
Kalapakī, Līhu'e, Kaua'i
- g. Subdivision Application No. S-2025-7
Tink Tank, LLC.
Proposed 2-Lot Boundary Adjustment
TMKs: (4) 2-1-003: 016 and 031
Ele'ele, Kaua'i
- h. Subdivision Application No. S-2025-2
Kukui'ula Parcel Q Subdivision
Makai Kōloa, LLC. Et Al.
Proposed 3-Lot Consolidation and Re-Subdivision into 20 lots
TMKs: (4) 2-6-014: 041 and 046 / 2-6-015: 005
Kōloa, Kaua'i

G. HEARINGS AND PUBLIC COMMENT

1. Continued Agency Hearing

- a. None for this meeting.

2. New Agency Hearing

- a. **CLASS IV ZONING PERMIT (Z-IV-2026-17), PROJECT DEVELOPMENT USE PERMIT (PDU-2026-13)** to allow construction of an affordable housing project containing eight (8) single-family residences and associated site improvements, and **VARIANCE PERMIT (V-2026-4)** to deviate from Section 8-10.2 of the Comprehensive Zoning Ordinance (CZO) relating to lands that qualify for a Project Development, involving a parcel situated along the mauka side of the Koloa Road, approximately 450 feet east of the Koloa Road/Horita Road intersection in Lawai, further identified as 4049 Koloa Road, Tax Map Key: (4) 2-5-010:034 and containing a total area of 1.097 acres = **KAUAI HABITAT FOR HUMANITY. [Director's Report Received, 07/28/2026.]**
 - 1. Director's Report pertaining to this matter.
 - 2. Transmittal of public testimony to Planning Commission.

3. Continued Public Hearing

- a. **ZA-2026-3:** A bill (2973) for an ordinance amending Chapter 8, Article 1 of the Kaua'i County Code 1987, as amended, relating to the Comprehensive Zoning Ordinance (CZO). The purpose of this Ordinance is to further clarify the definition of "Family" and "Dwelling Unit" = **KAUAI COUNTY COUNCIL. [Director's Report Received, Deferred, 03/10/2026; Deferred, 05/26/2026].**

- 1. Supplement #2 to Director's Report pertaining to this matter.

- b. **ZA-2026-4:** A bill (2979) for an ordinance amending Chapter 8, Article 1 of the Kaua'i County Code 1987, as amended, relating to the Comprehensive Zoning Ordinance (CZO). The purpose of this Ordinance is to introduce new definitions for "Employee Dormitory" and "Group Housing Dormitory" = **KAUAI COUNTY COUNCIL. [Director's Report Received, Deferred, 03/10/2026; Deferred, 05/26/2026].**

- 1. Supplement #2 to Director's Report pertaining to this matter.

- c. **ZA-2026-5:** A bill 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 introduce a new article to the CZO to administer condominium property regime (CPR) proposals to require public accessways = **KAUAI COUNTY COUNCIL. [Director's Report Received, Deferred, 5/12/2026.]**

- 1. Supplement #1 to Director's Report Pertaining to this Matter.

4. New Public Hearing

- a. **ZA-2026-7:** Amendment to the West Kauai Community Plan (WKCP), Waimea Town Walkable Mixed Use District Map (SPA-L) from T4 Village Neighborhood Flex – West Kaua'i "T4VN/F-WK" to T4 Village Center Flex – West Kaua'i "T4VC/F-WK" designation, Located immediately west and adjacent to the Waimea Hawaiian Church, situated along the makai side of Kaumuali'i Highway in Waimea Town, approximately 80 feet east of the Moana Road/Kaumuali'i Highway intersection, further identified as 1-9814 Kaumuali'i Highway containing a total area of 6,799 square feet, TMK: (4) 1-6-007:029 Waimea, Kaua'i = **KAMASHITA INVESTMENTS, LLC. [Hearing Postponed, 7/14/2026.]**

- 1. Hearing postponed to September 8, 2026, to allow the Applicant's compliance with KCC §8-3.1(f)(4).

- b. **ZA-2026-8:** A bill 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 establish apiaries as a permitted use within the County Residential and other zoning districts, as well as introduce new definitions in Section 8-1.5 of the CZO to recognize this activity = **KAUAI COUNTY COUNCIL.**

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

H. 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.

I. GENERAL BUSINESS MATTERS

1. Planning Director Kaaina S. Hull's Petition to Revoke Applicant **Elizabeth Freeman** Non-Conforming Use Certificate TVNCU #4193 (Sea Song/Makana Pomaika'i) and Special Permit SP-2012-8, 4101 Pali Moana, Tax Map Key (4) 5-2-004:96-1, Kilauea, Kauai and Issue and Order to Show Cause and Set Hearing, as **Contested Case File CC-2027-1**.

- a. Appeal by Applicant's attorney Laurel Loo for Zoning Violation for Illegal Transient Vacation Rental, 4101 Pali Moana PI Unit 1, Kilauea, HI 96754, TMK No. (4) 5-2-004-096-0001.

J. COMMUNICATIONS

1. None for this meeting.

K. UNFINISHED BUSINESS (For Action)

1. None for this meeting.

L. NEW BUSINESS (For Action)

1. **CLASS IV ZONING PERMIT (Z-IV-2026-17), PROJECT DEVELOPMENT USE PERMIT (PDU-2026-13)** to allow construction of an affordable housing project containing eight (8) single-family residences and associated site improvements, and VARIANCE PERMIT (V-2026-4) to deviate from Section 8-10.2 of the Comprehensive Zoning Ordinance (CZO) relating to lands that qualify for a Project Development, involving a parcel situated along the mauka side of the Koloa Road, approximately 450 feet east of the Koloa Road/Horita Road intersection in Lawai, further identified as 4049 Koloa Road, Tax Map Key: (4) 2-5-010:034 and containing a total area of 1.097 acres = **KAUAI HABITAT FOR HUMANITY**. [Director's Report Received, 07/28/2026.]

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. Subdivision Application No. S-2026-13
Richard A. Littlestone, Jr. / Toni S. Uchima
Proposed 2-Lot Subdivision
TMK: (4) 2-4-001: 044
Kalāheo, Kauaʻi
2. Subdivision Application No. S-2026-15
Kiahuna Phase III-A & III-B / County of Kauaʻi
Proposed 2-Lot Subdivision
TMK: (4) 2-8-014: 018
Kōloa, Kauaʻi
3. Subdivision Application No. S-2027-1
Grove Farm Company, Inc. / State of Hawaiʻi – Agribusiness Development Corporation
Proposed 2-Lot Consolidation and Re-Subdivision into 3-Lots
TMKs: (4) 3-8-018: 001 and 009
Hanamāʻulu, Līhuʻe, Kauaʻi
4. Subdivision Application No. S-2025-4
Poʻipū Kai Association / County of Kauaʻi
Proposed 2-Lot Subdivision
TMK: (4) 2-8-027: 022
Weliweli, Kōloa, Kauaʻi
5. Subdivision Application No. S-2025-5
State of Hawaiʻi – Department of Hawaiian Homelands
Proposed 2-Lot Subdivision
TMK: (4) 4-8-018: 009
Anahola, Kauaʻi
6. Subdivision Application No. S-2025-6
Niu Pia Land Company, Ltd.
Proposed 2-Lot Consolidation
TMKs: (4) 3-6-003: 017 and 061
Kalapakī, Līhuʻe, Kauaʻi
7. Subdivision Application No. S-2025-7
Tink Tank, LLC.
Proposed 2-Lot Boundary Adjustment
TMKs: (4) 2-1-003: 016 and 031
Eleʻele, Kauaʻi

8. Subdivision Application No. S-2025-2
Kukui'ula Parcel Q Subdivision
Makai Kōloa, LLC. Et Al.
Proposed 3-Lot Consolidation and Re-Subdivision into 20 lots
TMKs: (4) 2-6-014: 041 and 046 / 2-6-015: 005
Kōloa, Kaua'i
9. **CLASS IV ZONING PERMIT (Z-IV-2026-17), PROJECT DEVELOPMENT USE PERMIT (PDU-2026-13)** to allow construction of an affordable housing project containing eight (8) single-family residences and associated site improvements, and VARIANCE PERMIT (V-2026-4) to deviate from Section 8-10.2 of the Comprehensive Zoning Ordinance (CZO) relating to lands that qualify for a Project Development, involving a parcel situated along the mauka side of the Koloa Road, approximately 450 feet east of the Koloa Road/Horita Road intersection in Lawai, further identified as 4049 Koloa Road, Tax Map Key: (4) 2-5-010:034 and containing a total area of 1.097 acres = **KAUAI HABITAT FOR HUMANITY. [Director's Report Received, 07/28/2026.]**
10. **ZA-2026-3:** A bill (2973) for an ordinance amending Chapter 8, Article 1 of the Kaua'i County Code 1987, as amended, relating to the Comprehensive Zoning Ordinance (CZO). The purpose of this Ordinance is to further clarify the definition of "Family" and "Dwelling Unit" = **KAUAI COUNTY COUNCIL. [Director's Report Received, Deferred, 03/10/2026; Deferred, 05/26/2026].**
11. **ZA-2026-4:** A bill (2979) for an ordinance amending Chapter 8, Article 1 of the Kaua'i County Code 1987, as amended, relating to the Comprehensive Zoning Ordinance (CZO). The purpose of this Ordinance is to introduce new definitions for "Employee Dormitory" and "Group Housing Dormitory" = **KAUAI COUNTY COUNCIL. [Director's Report Received, Deferred, 03/10/2026; Deferred, 05/26/2026].**
12. **ZA-2026-5:** A bill 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 introduce a new article to the CZO to administer condominium property regime (CPR) proposals to require public accessways = **KAUAI COUNTY COUNCIL. [Director's Report Received, Deferred, 5/12/2026.]**
13. **ZA-2026-7:** Amendment to the West Kauai Community Plan (WKCP), Waimea Town Walkable Mixed Use District Map (SPA-L) from T4 Village Neighborhood Flex – West Kaua'i "T4VN/F-WK" to T4 Village Center Flex – West Kaua'i "T4VC/F-WK" designation, Located immediately west and adjacent to the Waimea Hawaiian Church, situated along the makai side of Kaumuali'i Highway in Waimea Town, approximately 80 feet east of the Moana Road/Kaumuali'i Highway intersection, further identified as 1-9814 Kaumuali'i Highway containing a total area of 6,799 square feet, TMK: (4) 1-6-007:029 Waimea, Kaua'i = **KAMASHITA INVESTMENTS, LLC. [Hearing Postponed, 7/14/2026.]**
14. **ZA-2026-8:** A bill 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 establish apiaries as a permitted use within the County Residential and other zoning districts, as well as introduce new definitions in Section 8-1.5 of the CZO to recognize this activity = **KAUAI COUNTY COUNCIL.**

15. Planning Director Kaaina S. Hull's Petition to Revoke Applicant **Elizabeth Freeman** Non-Conforming Use Certificate TVNCU #4193 (Sea Song/Makana Pomaika'i) and Special Permit SP-2012-8, 4101 Pali Moana, Tax Map Key (4) 5-2-004:96-1, Kilauea, Kauai and Issue and Order to Show Cause and Set Hearing, as **Contested Case File CC-2027-1**.

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 **September 8, 2026**. 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

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.

August 11, 2026

SHORELINE SETBACK DETERMINATIONS

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Development/Reasons
SSD-2027-2	William Wong Jr.	4-9-014:009	Moloaa	Establishment of a family burial plot for interment of a family member./ The proposed site is located an additional 227 feet from the 110-foot required shoreline setback.
SSD-2027-3	Theron & Geneil Vines	5-8-011:011	Wainiha	Repairs to existing home./ Work deemed unsubstantial (25.6%) per DPW letter dated May 15, 2026.
SSD-2027-4	Matthew Schaller	5-4-013:029	Princeville	Construction of new deck area./ Proposed project is located an additional 132 feet from the required setback area of 71 feet. In addition, the site is located on a high coastal bluff with an elevation of around 150 feet.
SSD-2027-5	Hale Ipukukui, LLC	5-2-004-69	Kilauea	Construction./ Proposed backup power generator to be placed 219 ft from the required 120 ft shoreline setback.
SSD-2027-6	Debra Schoenberg c/o Erik Speir	5-8-012:032	Wainiha	Construction of concrete slab and generator./ Proposed project is located an additional 185 feet from the required setback area of 69 feet.

COUNTY OF KAUAI

APPLICATION; EXHIBITS "A" - "G"

G.2.a.
AUG 11, 2026

APPLICATION

TABLE OF CONTENTS

	<u>Page</u>
SECTION 1. APPLICANT/SUBJECT PROPERTY/OWNERS	5
1.1 Applicant.....	5
1.2 Subject Property.....	5
1.3 Ownership	5
SECTION 2. LOCATION LAND USE DESIGNATIONS OF PROPERTY.....	5
2.1 Location	5
2.2 Land Use Designations	5
a. SLUC	6
b. Kaua'i General Plan	6
c. CZO.....	6
d. Development Plan Area	6
e. Special Management Area	6
f. Shoreline/Shoreline Setback Area	6
g. Heritage Resources	7
h. Violations.....	7
2.3 Prior Land Use Permits.....	7
a. Residence	7
b. Demolition of Residence.....	7
SECTION 3. PAST, EXISTING AND PROPOSED USES OF SUBJECT PROPERTY	8
3.1 Past Uses	8
3.2 Existing Structures	9
3.3 Proposed Structures	9
3.4 Land Coverage.....	9
SECTION 4. DESCRIPTION OF SUBJECT PROPERTY AND IDENTIFICATION OF SURROUNDING LANDS	10
4.1 Location	10
4.2 Surrounding Uses.....	10
SECTION 5. PERMITS REQUESTED AND REQUIRED	10
5.1 Project Development Use Permit.....	10
5.2 Class IV Zoning Permit	10
5.2 Variance Permit	10
SECTION 6. IMPACTS OF DEVELOPMENT.....	11
6.1 Botanical Resources and Wildlife.....	11
6.2 Historical Resources	11
6.3 Air Quality/Noise.....	12

6.4	Flooding and Drainage.....	12
6.5	Utilities	13
	a. Potable Water.....	13
	b. Electric/Communications.....	13
6.6	Wastewater Treatment and Disposal	13
6.7	Solid Waste Disposal	13
6.8	Governmental Services	13
	a. Fire and Police Services	13
	b. Schools	13
6.9	Economics.....	14
	a. Jobs	14
	b. Housing.....	14
	c. Property Values.....	14
6.10	Population	14
6.11	Traffic Circulation	14
6.12	Heritage Resources	14
SECTION 7.	SLUC CONSIDERATIONS.....	14
7.1	SLUC Urban District	14
SECTION 8.	GENERAL PLAN CONSIDERATIONS.....	15
8.1	Kaua'i General Plan Residential Community Land Use Designation...16	
8.2	Development's Compliance with Kaua'i General Plan Standards	17
SECTION 9.	CZO R-4 DISTRICT CONSIDERATIONS	18
9.1	CZO R-4 District.....	18
9.2	Development's Compliance with CZO R-4 District Standards	19
SECTION 10.	PDU AND CLASS IV ZONING PERMIT CONSIDERATION.....	19
10.1	Project Development Use Permit Standards	19
10.2	Class IV Zoning Permit Standards.....	20
10.3	Variance Permit Standards.....	20
SECTION 11.	SOUTH KAUAI COMMUNITY PLAN CONSIDERATIONS	21
11.1	Community Plan Goals and Objectives	21
11.2	Development's Compliance with Development Plan Standards	21
SECTION 12.	HRS CHAPTER 343 (ENVIRONMENTAL IMPACT STATEMENTS) CONSIDERATIONS.....	22
12.1	HRS Chapter 343	22
SECTION 13.	NATIVE HAWAIIAN ISSUES	22
13.1	Development's Impacts on Traditional or Cultural Practices	22
SECTION 14.	CONCLUSION.....	24

APPLICATION

Comes now, KAUAI HABITAT FOR HUMANITY, INC., a Hawaii nonprofit corporation, Applicant in the above-captioned proceedings, by and through its undersigned attorney, and hereby submits the following Application for eight (8) affordable single-family residences:

SECTION 1. APPLICANT/SUBJECT PROPERTY/OWNERS.

1.1 Applicant. The Applicant is KAUAI HABITAT FOR HUMANITY, INC., a Hawaii nonprofit corporation, (hereinafter referred to as "Applicant"). The Applicant has authorized its Executive Director, Milani Pimental to file this Application pursuant to the Applicant's Authorization attached hereto as Exhibit "A".

1.2 Subject Property. The property which is the subject matter of this Application is Lot 30-C of the Lawai Homesteads Lots, and is identified by Kauai Tax Map Key No. (4) 2-5-010:034 ("Subject Property"). A legal description of the Subject Property is contained in the Deed attached hereto as Exhibit "B".

1.3 Ownership. The Applicant is the owner of the Subject Properties, as shown in the Deed attached as Exhibit "B".

SECTION 2. LOCATION LAND USE DESIGNATIONS OF PROPERTY.

2.1 Location. The Subject Property is located in Koloa, Kauai, Hawaii, and is shown on the Location Map attached hereto as Exhibit "C-1" and on the Tax Card attached as Exhibit "C-2".

2.2 Land Use Designations. The respective State Land Use Commission ("SLUC"), Kauai General Plan, County of Kauai Comprehensive Zoning Ordinance ("CZO"), and other relevant land use designations for the Subject Property are described as follows:

a. SLUC. As shown on the Land Use District Boundary Map attached as Exhibit "C-3", the Subject Property is located in the SLUC Urban District. The Subject Properties have been located in the SLUC Urban District since the inception of the SLUC Districts.

b. Kauai General Plan. As shown on the General Plan Map attached as Exhibit "C-4", the Subject Property is located in the Kauai General Plan Residential Community Designation. The Subject Property remains in residential designations pursuant to the Update to the Kauai General Plan (2018).

c. CZO. As shown on the CZO Map attached as Exhibit "C-5", the Subject Property is located in the CZO Residential (R-4) District. The Subject Property has been located in the CZO R-4 District since the adoption of the CZO.

d. Development Plan Area. The Subject Property is located within the South Kauai Community Plan Area (Ord. No. 990). As shown on Figure 2.1-2, 2-1.3 and 2-1.4 the Subject Property is not designated as any transect zones of the South Kauai Community Plan attached as Exhibit "C-6".

e. Special Management Area. The Subject Property is not located in the Special Management Area.

f. Shoreline/Shoreline Setback Area. The Subject Property is not a shoreline property and is outside the required shoreline setback area.

g. Heritage Resources. As shown on the Heritage Resources Map attached as Exhibit "C-6", the Subject Properties are located within the Preserve Heritage Resources Designations (Updated to the Kauai General Plan, 2018).

h. Violations. There are no known violations on the Subject Property; however, an encroachment of a structure on the adjacent property is present and the Applicant will work with the neighbor to address the encroachment.

2.3 Prior Land Use Permits. The Subject Property is subject to the following land use permits and conditions:

a. Residence – Single-family dwelling unit with four (4) bedrooms and one (1) bathroom, established 1943 as noted in the attached Exhibit "C-2".

b. Demolition of Residence – Pursuant to Building Permit No. 23-1112, the residence was demolished to establish space required for the proposed eight (8) affordable single-family residences. (See, Exhibit "C-2").

SECTION 3. PAST, EXISTING AND PROPOSED USES OF SUBJECT PROPERTY.

3.1 Past Uses. The Subject Property was used previously for residential purposes with one (1) single-family dwelling unit, which is now demolished.

3.2 Existing Structures. The Subject Property is now vacant and unimproved, except for the minor encroachment noted above.

3.3 Proposed Structures. The Applicant's affordable residential development, will be comprised of eight (8) single-family dwelling units for low income families to purchase within the proposed range of \$250,000 - \$270,000 ("Project"). The Project will be a mixture of two (2) and three (3) bedroom residences with shared septic tank systems. Each dwelling unit will have a lanai, full kitchen, living room, laundry room, and one (1) and a half (½), or two (2)

bathroom(s) respective to number of bedrooms. The dwelling units are built simply to keep the price affordable, with a specific focus on purchasing quality materials that will last for roofing, siding, kitchen cabinets, and finishes. The Applicant is continuously modifying interior layouts and floor plans based on feedback from past families, making the dwelling units vary in size from 900 sq. ft. to 1,300 sq. ft. as comfortable and livable as possible. The dwelling units are energy efficient and include solar hot water and photovoltaic systems when budget/funding allows.

The Project include: grading, paved driveways, water, drainage, and septic systems, as well as landscaping. The construction will meet the Hawaii State Energy Code requirements. Parking will be provided following County of Kauai Department of Planning requirements with two (2) stalls per dwelling unit. The proposed development plan is shown on the Site Plan (Exhibit "E-1"), which includes: (1) Eight (8) single-family dwelling units; (2) Driveway Improvements; (3) Drainage Improvements; and, (4) related site utilities as shown on the enclosed Site Plan (collectively referred to as "Project"). (See, Exhibit "E-1"). The grading plan is shown on Exhibit "E-2" and is primarily for road and driveway improvements.

3.4 Land Coverage. The Subject Property is 48,997 square feet. The CZO R-4 District has a 60% land coverage allocation. The total allowable land coverage on the Subject Property is 29,398 square feet in the CZO R-4 District. After completion of the Project, the total land coverage on the Subject Property will be approximately 14,711 square feet, inclusive of the eight (8) single-family dwelling units and driveway improvements, of the allowable 48,997 square feet in the CZO R-4 District, which is 30% of the allowable 60% land coverage.

SECTION 4. DESCRIPTION OF SUBJECT PROPERTY AND IDENTIFICATION OF SURROUNDING LANDS.

4.1 Location. The Subject Property is located along the mid-section of Koloa Road between Lawai and Koloa. The northern portion of the Subject Property is bounded by residential properties. The eastern and western portions of the Subject Property are also bounded by residential properties. The southern portion of the Subject Property is adjacent to Koloa Road.

4.2 Surrounding Uses. The adjacent properties are in residential use. There are no Natural Area Reserves or Wildlife Refuges or Sanctuaries within or abutting the Subject Property.

SECTION 5. PERMITS REQUESTED AND REQUIRED.

5.1 Project Development Use Permit. The Project requires a Project Development Use Permit for the additional requested density beyond what is typically allocated to a 48,997 square foot lot. Pursuant to CZO Section 8-10.4(d), the Planning Commission may allow for additional density to a residential lot provided the higher density are leased or sold at prices that make them available to persons of lower income.

The Applicant is a 501(c) 3 non-profit corporation and acts as an affordable housing developer. The Applicant functions as a land developer, a self-help home builder and management company using volunteers and homebuyer families to construct homes, a loan qualifying service for low income families, a social services agency helping as needed related to credit and ability to qualify for loans to purchase affordable homes, manages a "Restore" retail sales outlet to reuse and resale donated items to support the home building activities, has a Fund Development Department of three to solicit grants, donations, and volunteers to support programs and overhead cost.

5.2 Class IV Zoning Permit. The Applicant is requesting a Class IV Zoning Permit, which is a procedural requirement for an application for a Project Development Use Permit.

5.3 Variance Permit. The Applicant is requesting a Variance Permit to deviate from the Project Development Use Permit applicability section whereby projects that exceed ten (10) units is a trigger. This Application seeks to allow for a Project Development Use Permit for eight (8) affordable single family dwelling units, which as described herein, is minimum departure from the standard and for a worthy cause of affordable housing units.

SECTION 6. IMPACTS OF PROJECT.

6.1 Botanical Resources and Wildlife. There are no known endangered botanical resources or wildlife that will be affected by the Project. The Project will have no significant impact on any endangered or protected wildlife or vegetation in the area of the Subject Property. Photographs of the Project site are provided for in Exhibit “G”.

6.2 Historic Resources. The Applicant caused an Archeological Field Inspection and Literature Review (“Report”), dated February 2024, for the Subject Property, as prepared by Nancy McMahon, M.A., M.Ed., M.S. of Exploration Associates, Ltd. (See, Exhibit “F”). The Report found that none of the background research or field inspections indicates any traditional historic properties affecting the Project area. The Report also recommended that no further archaeological works be conducted on the Subject Property. Should the Applicant encounter any historic sites on the Subject Property, it will comply with the State of Historic Preservation regulations.

6.3 Air Quality/Noise. The Project will have little or no impact on the air quality and ambient noise levels in the area. Air quality and ambient noise levels may be affected

at a very minimal level during future activities associated with the construction of the Project. The construction activities will be in the form of interior remodeling and noise levels from the construction will be minimal. All vehicles or equipment used by the Applicant during construction will be properly muffled, housed and maintained to reduce any noise impacts or emission impacts. The Environmental Protection Agency (EPA) and State of Hawaii air quality standards will not be exceeded.

6.4 Flooding and Drainage. The Project area is situated within Flood Zone X as shown on the State Flood Hazard Assessment map (which incorporates the data shown on Federal Insurance Rate Map 150020311E). The Project will meet all of the requirements of the Flood Plain Management Ordinance of the County of Kauai, as contained in Chapter 15, Article 1, of the Kauai County Code, 1987. The Project will have no negative impact on flooding on or around the Subject Property. All drainage resulting from construction activities, and from the increase in land coverage will be retained on site. No additional drainage will be allowed to significantly or negatively impact surrounding properties.

6.5 Utilities.

a. Potable Water. The Project will obtain potable water from the existing Department of Water ("DOW") water meters that serve the Subject Property. Existing DOW facilities in the Lawai area are sufficient to provide the potable water and fire flow requirements for the Project.

b. Electric/Communications. The Project will obtain electric service from Kauai Island Utility Cooperative, and communication services from Oceanic Time Warner Cable, LLC (dba Spectrum) and/or Hawaiian Telcom, Inc. from existing electric and communications facilities presently serving the Subject Property. These facilities are presently

adequate to provide the demand for such services that will be generated by the proposed Project.

6.6 Wastewater Treatment and Disposal. Wastewater generated by the Project is collected and routed to the four (4) shared septic systems per State of Hawaii, Department of Health requirements.

6.7 Solid Waste Disposal. Normal solid waste collection and disposal will be provided the County of Kauai for residential properties. Additional solid waste and/or green waste will be taken to the County's Transfer Stations for disposal in the County Landfill.

6.8 Governmental Services. The Project will have the following impacts on governmental services:

a. Fire and Police Services. Fire services are available from the Kalaheo Fire Station, which is located approximately two (2) miles from the Subject Property. Police services are available from the Lihue Police Station, which is located approximately 7 miles from the Subject Property. The Project will not significantly increase the need for existing fire and police services.

b. Schools. The closest schools are Kalaheo Elementary School located in Kalaheo, Chiefess Kamakahele Middle School located in Lihue, and Kauai High School located in Lihue. The Project will not generate any significant increase in enrollment.

6.9 Economics. The Project will have the following economic impacts:

a. Jobs. The Project will create: 10 jobs on a temporary basis during the period of construction; ten (10) permanent jobs (5 full time/5 part time) associated with the Project.

b. Housing. The Project will result in affordable residences for the County of Kauai population. Providing work force housing for the residents of Koloa is a primary

objective of this Project. The Applicant typically serves families and individuals at the very difficult to serve 80% AMI level. Constructing these affordable units will provide much needed integration of income levels in the immediate community.

6.10 Population. The Project will not result in any significant increase in population.

6.11 Traffic Circulation. The major road which services the Subject Property is Koloa Road. Access to the Project will come off Koloa Road. The Project will not significantly increase traffic on Koloa Road given limited density established in the Project.

6.12 Heritage Resources. As shown on the South Shore Heritage Resource Map (Figure 5.11 of the Kauai General Plan), the Project is located along Koloa Road, which showcases numerous other buildings and structures in the area are visible from the vantage point. The proposed Project will be no more intrusive than any of these other visible structures. As discussed in Section 6.2, the Project will have no significant effects on any historic sites located on the Subject Property.

SECTION 7. SLUC CONSIDERATIONS/STATE PLAN.

7.1 SLUC Urban District. The Subject Property is located within the SLUC Urban District. Permitted uses in the SLUC Urban District are set forth in HRS Section 205-2(b), which provides as follows:

"(b) Urban districts shall include activities or uses as provided by ordinances or regulations of the county within which the urban district is situated."

7.2 Project's Compliance with SLUC Urban District Standards. The use of the Subject Property for affordable residential purposes is recognized as a permissible use under HRS Section 205-2(b).

7.3 State Planning Act. The State Planning Act contains Objectives and Policies to assist the State in attaining its long-range planning Goals. Chapter 226, HRS, also known as the Hawaii State Plan, is a long-range comprehensive plan that serves as a guide for the future long-range development of the State by identifying goals, objectives, policies, and priorities, as well as implementation mechanisms. The Project is in accordance with the following goals of the Hawaii State Plan:

§226-19 Objectives and policies for socio-cultural advancement--housing. *(a) Planning for the State's socio-cultural advancement with regard to housing shall be directed toward the achievement of the following objectives:*

(1) Greater opportunities for Hawaii's people to secure reasonably priced, safe, sanitary, and livable homes, located in suitable environments that satisfactorily accommodate the needs and desires of families and individuals, through collaboration and cooperation between government and nonprofit and for-profit developers to ensure that more rental and for sale affordable housing is made available to extremely low-, very low-, lower-, moderate-, and above moderate-income segments of Hawaii's population.

(2) The orderly development residential areas sensitive to community needs and other land uses.

(3) The development and provision of affordable rental housing by the State to meet the housing needs of Hawaii's people.

(b) To achieve the housing objectives, it shall be the policy of this State to:

(1) Effectively accommodate the housing needs of Hawaii's people.

(2) Stimulate and promote feasible approaches that increase affordable rental and for sale housing choices for extremely low-, very low-, lower-, moderate-, and above moderate-income households.

(3) Increase homeownership and rental opportunities and choices in terms of quality, location, cost, densities, style, and size of housing.

(4) Promote appropriate improvement, rehabilitation, and maintenance of existing rental and for sale housing units and residential areas.

(5) Promote design and location of housing developments taking into account the physical setting, accessibility to

public facilities and services, and other concerns of existing communities and surrounding areas.

(6) Facilitate the use of available vacant, developable, and underutilized urban lands for housing.

(7) Foster a variety of lifestyles traditional to Hawaii through the design and maintenance of neighborhoods that reflect the culture and values of community.

(8) Promote research and development of methods to reduce the cost of housing construction in Hawaii."

7.4 Compliance with State Plan. The proposed Project will comply with the State Planning Act as follows:

- A strong, viable economy, characterized by stability, diversity, and growth, that enables the fulfillment of the needs and expectations of Hawaii's present and future generations.
- A desired physical environment, characterized by beauty, cleanliness, quiet, stable natural systems, and uniqueness, that enhances the mental and physical well-being of the people.
- Physical, social, and economic well-being, for individuals and families in Hawaii, that nourishes a sense of community responsibility, of caring, and of participation in community life.

The Project is in conformance with the objectives and policies of the Hawaii State Plan and State Housing Functional Plan.

SECTION 8. GENERAL PLAN CONSIDERATIONS.

8.1 Kaua'i General Plan Land Use Designation. The South Shore Land Use Map (Figure 5-4) of the Kaua'i General Plan appears to include the following:

- a. Small Town Designation. Land uses in the Small Town Designation are described in Section 2.4 of the General Plan. Small Towns are located in more urbanized areas, small towns are essentially large villages that are made up clusters of 2-3 neighborhoods that can support a mixed-use environment. The mixed-use environment can be located at the intersection of multiple neighborhoods or along a corridor between multiple neighborhoods.

8.2 Goals. The overall Goals contained in Section 1.3 of the Kaua'i General Plan, and the Project's compliance therewith, are as follows:

a. Goal 1 – A Sustainable Island. The Project is an example of responsible growth in an area designated for residential use.

b. Goal 2 – A Unique and Beautiful Place. The Project will compliment the natural, cultural, social and built environmental assets of the Lawai Small Town area and Community. It will provide affordable residential uses that are compatible with similar uses in the area.

c. Goal 3 – A Healthy and Resilient People. The Project will have minimal visual impacts and will have no significant negative impacts on the Historic Sites or Hawaiian cultural practices.

d. Goal 4 – An Equitable Place, with Opportunity for All. The Project will support and enhance economic and business opportunities, jobs, and housing opportunities on Kaua'i.

8.3 Policies. The Project will comply with the Policies contained in Section 1.4 of the Kaua'i General Plan as follows:

a. Manage Growth to Preserve Rural Character. The Project will not detract from the rural characteristics of Kaua'i. It will provide affordable housing within the designated growth boundaries of the Lawai Small Town area.

b. Provide Local Housing. The Project is intended to provide affordable housing opportunities for local residents.

- c. Recognize the Identity of Kaua'i's Individual Towns and Districts.

The Project will provide residential opportunities that are consistent with the planning goals for the Lawai Small Town area.

- d. Design Healthy and Complete Neighborhoods. The Project will be a compliment to healthy and complete neighborhoods by providing additional housing in the Lawai Small Town area.

- e. Make Strategic Infrastructure Investments. No major infrastructure is trigger by this Project.

- f. Reduce the Cost of Living. The Project will help provide affordable housing to the Lawai Small Town community.

- g. Build a Balanced Transportation System. The Project will not substantially increase traffic or congestion problems.

- h. Protect Kaua'i's Scenic Beauty. The Project incorporates small residential single-story structures. Therefore, no additional visual impacts are anticipated.

- i. Uphold Kaua'i as a Unique Visitor Destination. The Project will not impact the visitor destination area.

- j. Help Business Thrive. The Project will provide affordable housing within a five (5) mile radius to larger businesses and provide the workforce with additional housing opportunities near employers.

- k. Help Agricultural Lands Be Productive. The Project will have no negative impact on surrounding agricultural uses.

- l. Protect Our Watersheds. The Project will have no negative impacts on the watershed areas.

m. Complete Kaua'i's Shift to Clean Energy. The Project will have no negative impact on Kaua'i's shift to clean sources of energy.

n. Prepare for Climate Change. The Project is not located on or along the shoreline and will not be subject to sea level rise.

o. Respect Native Hawaiian Rights and Wahi Pana. As discussed in Section 6.2, the Project will have no impacts historic sites, Hawaiian traditional and cultural practices, or access to streams, shorelines, or areas associated with Hawaiian religious, traditional or cultural practices.

p. Protect Access to Kaua'i's Treasured Places. The Project will have no impact on the public's access to streams, the shoreline, trails, recreational areas, or places associated with Hawaiian religious, cultural, or traditional practices.

q. Nurture Our Keiki. The Project will help provide housing opportunities that will allow Kaua'i's young people to grow and flourish.

r. Honor Our Kūpuna. The Project will provide housing opportunities for the Kapuna.

s. Communicate with Aloha. The scheduling of this Application before the Planning Commission will allow the public to participate in the planning and decision-making process for the Project.

8.4 Objectives & Actions by Sectors. The ten (10) Sectors contained in Section 3.0 of the Kaua'i General Plan (which represent the areas that must be considered in policy implementation), and the Project's compliance therewith, are as follows:

a. The Watershed. Other than the Lawai Stream, the Project is not located in or near any watershed, on the shoreline, or near any streams. The Project will have no

significant negative impact on the flow of water through the Lawai Stream. As such, it will have no significant negative impacts on the natural, historic, cultural, or environmental qualities of, or resources within, the Watershed areas, or access thereto.

b. Housing. The Project will supports the County's need for affordable housing.

c. Transportation. The Project will not result in a substantial increase in traffic and will have no significant negative impact on Kaua'i's transportation infrastructure.

d. Infrastructure & Services. The Project will be served by existing public (water/electric/cable) systems.

e. Shared Spaces. The Project will not overburden the use and enjoyment of public resources and Shared Spaces in the Lawai Small Town area.

f. Economy. The Project will provide affordable housing in the Lawai Small Town area in support of Kaua'i's economy.

g. Heritage Resources. As discussed in Section 6.2 , the Project will have no substantial visual impacts on surrounding lands, and no impacts on the historic sites, on Hawaiian cultural or traditional practices, or on access to streams, shorelines, areas associated with Hawaiian cultural or traditional practices, recreational areas or other special places. The Project will not negatively impact any special features or resources that are shown on the South Shore Heritage Resource Map (Kaua'i General Plan Figure 5-11).

h. Energy Sustainability. The Project will have no negative impacts on Kaua'i's energy sustainability goals. It will incorporate energy efficient features in its development where possible.

i. Public Safety & Hazards Resiliency. The Project is not located near the shoreline and will not be subject to sea level rise.

j. Opportunity & Health For All. The Project will promote knowledge of and access to Historic Sites, Hawaiian cultural or traditional practices, and public resources.

SECTION 9. CZO OPEN DISTRICT CONSIDERATIONS.

9.1 CZO R-4 Open District. The Subject Property in which the Development will occur is located within the CZO R-4 District. Uses in the CZO R-4 District are set forth in CZO Article 8, which provides residential uses.

9.2 Development's Compliance with CZO R-4 District Standards. Single-family detached dwelling units and accessory structures are Permitted Uses which are allowed pursuant to CZO Section 8-2.4. The Development itself will have no significant impact on the surrounding environment. The Development will include residential uses that are compatible with other uses in the area, as well as with the surrounding environment. As such, the Development complies with CZO R-4 District.

SECTION 10. PROJECT DEVELOPMENT USE PERMIT, CLASS IV ZONING PERMIT, AND VARIANCE CONSIDERATIONS.

10.1 Uses. Pursuant to CZO Sections 8-10.4, the Applicant requests a Project Development Use Permit for the proposed eight (8) single-family dwelling units given the required deviation from the standard R-4 District zoning requirements.

10.2 Compatibility With Surrounding Uses. To the north, east, and west of the Subject Property are residential properties located within the SLUC Urban District and the CZO R-4 District. These surrounding lands include residential uses and are compatible with existing uses.

The Subject Property is similar in topography, character and nature with adjacent and surrounding properties.

10.3 Project's Compliance with CZO Use Permit Standards. The additional density proposal in increase from four (4) single-family dwelling units to eight (8) single-family dwelling units is a minimal deviation from the standard density allocations given if a subdivision were to be instituted on the Subject Property four (4) lots would establish a dwelling plus additional dwelling on each lot, thereby creating the possibility of eight (8) dwelling units should a subdivision have happened. Further, the Subject Property is in compliance with the standards for a Use Permits contained in CZO in that the Development will be:

- a. a compatible use;
- b. not detrimental to health of persons residing or working in the neighborhood;
- c. not detrimental to safety of persons residing or working in the neighborhood;
- d. not detrimental to peace of persons residing or working in the neighborhood;
- e. not detrimental to morals of persons residing or working in the neighborhood;
- f. not detrimental to comfort and general welfare of persons residing or working in the neighborhood;
- g. not detrimental or injurious to property or improvements in the neighborhood;
- h. not detrimental to the general welfare of the community;

i. not a cause of substantial harmful environmental consequences to the Subject Property, or to other lands or waters;

j. not inconsistent with the intent of Chapter 8, KCC; and

k. not inconsistent with the General Plan.

10.4 Compliance with Project Development Use Permit Standards. The Applicants have complied with the procedural provisions contained in CZO Section 8-10.4 as follows:

a. The Project is in conformance with County standard requirements for projects associated with eight (8) dwelling units related to design, siting, road standards and access.

b. The Project meets the standards applicable to Use Permits and will be start construction within one (1) year of approval.

c. The Project complies with the General Plan and provides opportunities for residential affordable housing.

d. The Project is an affordable housing project and will be available to persons of lower income.

e. The Project is consistent with adjacent residential uses and is a compatible project to surrounding residential structures.

10.5 Compliance with Variance Permit Standards. The Applicant requests a minor deviation from the Project Development Use Permit standards to allow for an eight (8) dwelling unit Project rather than the ten (10) dwelling unit requirement. The variance standard is as follows:

“Special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the regulations deprives the property of privileges enjoyed by other properties in the vicinity and within the same District, and the applicant shows that he or she cannot make a reasonable use of the property if the regulations are applied. Where these conditions are found, the Variance permitted shall be the minimum departure from existing regulations necessary to avoid the deprivation of privileges enjoyed by other

property and to facilitate a reasonable use, and which will not create significant probabilities of harm to property and improvements in the neighborhood or of substantial harmful environmental consequences”.

The Special circumstances that are applicable to this project include:

1. Location. The Project is a typical Kauai Habitat for Humanity in terms of layout and design; however, the size of the Subject Property is smaller than the Applicant’s usual project areas. Increasing the density as allowed for in the Project Development Use Permit standards would allow for additional housing units to be available at affordable rates. Deviating from the applicability section for Project Development Use Permits from ten (10) to eight (8) is minimum departure from the standard and warranted for affordable housing units.
2. Surroundings. The Subject Property is surrounded by residential dwelling units and will be consistent with the neighborhood. Further, allowing for an increase in density allows for more affordable housing units to be available to residents.

The Applicant’s minimum deviation from the Project Development Use Permit applicable to projects of ten (10) units or more is a minimum departure from existing regulations to facilitate additional affordable housing units, and which will not create significant probabilities of harm to property and improvements in the neighborhood or of substantial harmful environmental consequences.

SECTION 11. DEVELOPMENT PLAN CONSIDERATIONS.

11.1 Community Plan Area. The Subject Property is located in the South Shore geographic area and is subject to the provisions of the South Kauai Community Plan (Ordinance No. 990) as set forth in Title IV, Chapter 10, Article 6 of the Kauai County Code, 1987 ("KCC").

11.2 Land Use. The desired long-range land use pattern for the residential areas along the Lawai Small Town is to allow for a mix of uses such as commercial, retail, office and light industrial in addition to residential uses on the outskirts of the Lawai Small Town area.

11.3 Development Plan Goals and Objectives. The goals and objectives of the South Kauai Community Plan, as adopted by Ordinance No. 990, include design and develop standards in order to implement detailed planning goals and objectives for the South Kauai area.

11.4 Compliance with Development Plan Standards. The proposed use of the Subject Property will not conflict with any of the Goals contained in the South Kauai Community Plan. The design, layout and outside appearance of the Project is and will be compatible with the natural beauty of the area. The proposed use will provide affordable housing opportunities for Kauai residents. The proposed use will have no negative impact on the public safety or welfare, on any endangered species of plants or animals, on archaeologic or historic sites, or on recreational opportunities on or around the Subject Property. .

SECTION 12. HRS CHAPTER 343 (ENVIRONMENTAL IMPACT STATEMENTS) CONSIDERATIONS.

12.1 HRS Chapter 343. The Project is not subject to the provisions of Hawaii Revised Statutes Chapter 343. HRS Chapter 343 requires the preparation of an Environmental Assessment and/or an Environmental Impact Statement for certain activities as

specified in HRS Section 343-5. The proposed Project does not trigger the preparation of an Environmental Assessment and/or Environmental Impact Statement.

SECTION 13. NATIVE HAWAIIAN ISSUES.

13.1 Development's Impacts on Traditional or Cultural Practices. Under Article XII, Section 7 of the Hawaii State Constitution, "The State reaffirms and shall protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupua'a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778, subject to the right of the State to regulate such rights." Practitioners may gather anywhere that native Hawaiian traditional and customary rights have been traditionally and customarily exercised in that manner on land that is less than "fully developed." David M. Forman & Susan K. Serrano, Ho'ohana Aku, a Ho'ōla Aku: A Legal Primer for Traditional and Customary Rights in Hawai'i, a publication of Ka Huli Ao Center for Excellence in Native Hawaiian Law, December 2012, citing Public Access Shoreline Hawaii ("PASH") v. Hawai'i County Planning Commission, 79 Hawai'i 425, 903 P.2d 1246 (1995). If property is deemed "fully developed," i.e., lands zoned and used for residential purposes with existing dwellings, improvements, and infrastructure, it is always "inconsistent" to permit the practice of traditional and customary native Hawaiian rights on such property. State v. Hanapi, 89 Hawai'i 177, 970 P.2d 485 (1998).

The Subject Property was and continues to be a lot with a former residence used by a prior owner to the Applicant. Given the tenets of the law regarding practice of native Hawaiian customary and traditional rights on "fully developed" lands, it is clear that the proposed use in the existing structure will not affect any native Hawaiian customary and traditional rights protected under Article XII, Section 7 of the Hawai'i State Constitution.

As such, the Applicants have not experienced any special gathering practices taking place on or upon the Subject Property. The proposed Project will not detrimentally affect access to any streams, the shoreline or other adjacent areas, or gathering along any streams, the shoreline or in the ocean. There are no known religious practices taking place within the Subject Property. The proposed Project will have no negative impact on any cultural or historic sites or resources located within the Subject Property.

a. The Applicants are not aware of any traditional or customary practices of native Hawaiians that are presently occurring within the Subject Property. Additionally, the Applicants are not aware of any cultural practices on the location of the Subject Property.

b. The Applicants have not observed any special gathering practices taking place within any portion of the Subject Property.

c. The Project will not detrimentally affect: access to streams; access to the shoreline or shoreline areas; or fishing and gathering given the location of the Subject Property is about three (3) miles from near shore areas.

d. The Applicant is not aware of any known religious practices taking place within the Subject Property.

e. The Applicant is not aware of any identified historic sites located within the Subject Property, as further noted in the Archaeological Report.

f. There are no known burials within the Subject Property.

Moreover, and as discussed above, the Archeological Report by Nancy McMahon of Exploration Associates, Ltd. found no evidence of subsurface cultural deposits on the Subject

Property. Therefore, no impacts any traditional or customary practices of native Hawaiians are anticipated.

SECTION 14. CONCLUSION.

The Applicant respectfully requests that the Planning Commission:

1. Find that the Project will not have any substantial environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest.
2. Find that the Project is consistent with the objectives, policies, and guidelines set forth in the State Plan.
3. Find that the Project is consistent with permitted uses in the SLUC Urban District, the Kauai General Plan, the South Kauai Community Plan, and the CZO.
4. Approve the issuance of a Project Development Use Permit, Variance Permit, and Class IV Zoning Permit on the Subject Property as described herein, subject to such reasonable conditions as the Planning Commission shall impose.

DATED: Lihue, Kauai, Hawaii, 5/13/2026.

KAUAI HABITAT FOR HUMANITY, INC.,
a Hawaii nonprofit corporation,

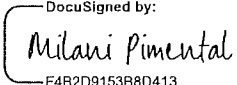
By  F4B2D9153B8D413...
MILANI PIMENTAL
Its Executive Director

EXHIBIT LIST

EXHIBIT

A.	<u>AUTHORIZATION</u>	
	Applicant's Authorization	A
B.	<u>TITLE</u>	
	Warranty Deed	B
C.	<u>MAPS</u>	
	Location Map	C-1
	Tax Card.....	C-2
	Land Use District Boundary Map	C-3
	General Plan Map	C-4
	CZO Map	C-5
	South Kauai Community Plan Map	C-6
	Heritage Resources Map	C-7
	Flood Insurance Rate Map	C-8
D.	<u>APPROVALS</u>	
	County Housing Agreement	D
E.	<u>PLANS</u>	
	Plan Set	E-1
	Grading Plan Set	E-2
F.	<u>STUDY</u>	
	Archeological Report	F
G.	<u>PHOTOGRAPHS</u>	
	Photographs of Site	G

EXHIBIT "A"



Through shelter, we empower.

Resolution 2024-003

Resolution Approving Signatory Authority on Behalf of the Corporation and Specific Signatory Authority at Certain Banking Institutions

Date: November 20, 2024

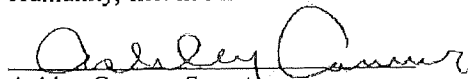
WHEREAS, the Board of Directors (the "Board") desires of Kauai Habitat for Humanity, Inc. (the "Corporation") to delegate signatory authority on behalf of the Corporation to certain individuals; and

WHEREAS, at its regular meeting held on November 20, 2024, the Board has determined that it is in the best interests of the Corporation to delegate signatory authority to the individuals identified below;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Kauai Habitat for Humanity, Inc. as follows:

1. The following individuals are hereby granted signatory authority on behalf of the Corporation:
 - Milani Pimental
 - Kimberly Norton
 - Donna Rice
 - Keith Yap
2. Each individual identified in Section 1 above is authorized to sign any and all instruments, agreements, documents, and other writings on behalf of Kauai Habitat for Humanity, Inc. as it pertains to the ordinary course of business, including but not limited to contracts, checks, promissory notes, and other financial instruments.
3. The following individuals are hereby granted specific signing authority as well as wire transfer authority at the following banking institutions: Bank of Hawaii, First Hawaiian Bank, Everbank (formerly TIAA), PayPal, Charles Schwab & Co., Inc. (formerly TD Ameritrade).
 - Milani Pimental
 - Kimberly Norton
 - Donna Rice
 - Keith Yap
4. The signatory authority granted in this Resolution shall be effective immediately and shall remain in effect until revoked by the Board.

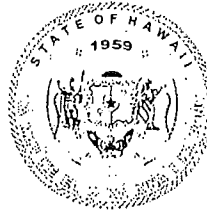
IN WITNESS WHEREOF, the undersigned, Secretary of the Board of Directors of Kauai Habitat for Humanity, Inc. has hereunto set his/her hand and seal this 20th day of November, 2024.


 Ashley Conner, Secretary
 Board of Directors of Kauai Habitat for Humanity, Inc.

This is institution is an equal opportunity provider and employer. We are pledged to the letter and spirit of U.S. policy for the achievement of equal housing opportunity throughout the Nation. We encourage and support an affirmative advertising and marketing program in which there are no barriers to obtaining housing because of race, color, religion, sex, handicap, familial status, or national origin.



EXHIBIT "B"



STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED

April 20, 2023 8:01 AM
Doc No(s) A - 85100155

Doc 2 of 2
Pkg 12189380 KEO

/s/ LESLIE T KOBATA
REGISTRAR

Conveyance Tax: \$2,125.00

LAND COURT SYSTEM	REGULAR SYSTEM
AFTER RECORDATION, RETURN BY: MAIL () PICKUP ()	

KAUAI HABITAT FOR HUMANITY, INC.
PO BOX 28
ELEELE HI 96705

TG: 7311397432 **A RS2**
TGE: 2417322362351
JERI MIYAJI-VENTURA

TITLE OF DOCUMENT:

WARRANTY DEED

PARTIES TO DOCUMENT:

Grantor: JOSE COSTALES, JR. and JONATHAN ERIC COSTALES

Grantee: KAUAI HABITAT FOR HUMANITY, INC.
P.O. Box 28, Eleele, Hawaii 96705

PROPERTY DESCRIPTION:

TMK: (4) 2-5-010-034

LIBER/PAGE:

DOCUMENT NO.:
TRANSFER CERTIFICATE OF
TITLE NO.:

SS/vc 709-2834

\\S1\shared\Doc Orders\TG 0709\Costales - KHH WD.wpd

EXHIBIT "B"

TMK: (4) 2-5-010-034

WARRANTY DEED

THIS DEED, made this 14th day of April, 2023, by JOSE COSTALES, JR., unmarried, and JONATHAN ERIC COSTALES, unmarried, both of whose mailing address is P.O. Box 238, Lawai, Hawaii 96765, hereinafter called the "Grantor," and KAUAI HABITAT FOR HUMANITY, INC., a Hawaii corporation, whose mailing address is P.O. Box 28, Eleele, Hawaii 96705, hereinafter called the "Grantee";

W I T N E S S E T H :

That in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, the Grantor does hereby grant, bargain, sell and convey unto the Grantee, as Tenant in Severalty, its successors and assigns, in fee simple:

All of that certain parcel of land described in Exhibit "A", attached hereto and made a part hereof, subject to the encumbrances and other matters noted in Exhibit "A" and in this Warranty Deed (if any).

And the reversions, remainders, rents, issues and profits thereof and all of the estate, right, title and interest of the Grantor, both at law and in equity, therein and thereto.

TO HAVE AND TO HOLD the same, together with all buildings, improvements, rights, easements, privileges and appurtenances thereon and thereto belonging or appertaining or held and enjoyed therewith, unto the Grantee according to the tenancy herein set forth, forever.

AND, in consideration of the premises, the Grantor does hereby covenant with the Grantee that the Grantor is seized of the property herein described in fee simple; that said property is free and clear of and from all liens and encumbrances, except for the lien of real property taxes not yet by law required to be paid, and except as may herein specifically be set forth; that the Grantor has good right to sell and convey said property, as aforesaid; and, that the Grantor will WARRANT AND DEFEND the same unto the Grantee against the lawful claims and demands of all persons, except as aforesaid.

The rights and obligations of the Grantor and the Grantee shall be binding upon and inure to the benefit of their respective estates, heirs, personal representatives, successors, successors in trust and assigns. All obligations undertaken by two or more persons shall be deemed to be joint and several unless a contrary intention shall be clearly expressed elsewhere herein.

The conveyance herein set forth and the warranties of the Grantor concerning the same are expressly declared to be in favor of the Grantee, its successors and assigns.

Without in any way limiting the terms, disclosures, and conditions of the Existing "AS IS" Condition Addendum by and between the parties, which terms, disclosures, and conditions are incorporated herein by reference, it is mutually agreed that THE AFORESAID LAND AND IMPROVEMENTS (INCLUDING, BUT NOT LIMITED TO THE ROOF, WALLS, FOUNDATIONS, SOILS, PLUMBING, ELECTRICAL AND MECHANICAL SYSTEMS, ETC.), REAL PROPERTY, AND PERSONAL PROPERTY (IF ANY) are conveyed by the Grantor to the Grantee "AS IS", without warranty or representation, express or implied, as to condition or fitness for any purpose whatsoever, the Grantee by accepting this instrument hereby affirming to the Grantor that the Grantee has had opportunity to inspect, and accepts said land and improvements (including, but not limited to the roof, walls, foundations, soils, plumbing, electrical and mechanical systems, etc.), real property, and personal property (if any) "AS IS".

The parties hereto agree that this instrument may be executed in counterparts, each of which shall be deemed an original, and said counterparts shall together constitute one and the same agreement, binding all of the parties hereto, notwithstanding all of the parties are not signatory to the original or the same counterparts. For all purposes, including, without limitation, recordation, filing and delivery of this instrument, duplicate unexecuted and unacknowledged pages of the counterparts may be discarded and the remaining pages assembled as one document.

The terms "Grantor" and "Grantee," as and when used herein, or any pronouns used in place thereof, shall mean and include the masculine, feminine, or neuter, the singular or plural number, individuals, partnerships, trustees, or corporation, and their and each of their respective successors, heirs, personal representatives and assigns, according to the context thereof. If these presents shall be signed by two or more Grantors or by two or more Grantees, all covenants of such parties shall for all purposes be joint and several.

IN WITNESS WHEREOF, the Grantor and Grantee have executed these presents on the day and year first above written.

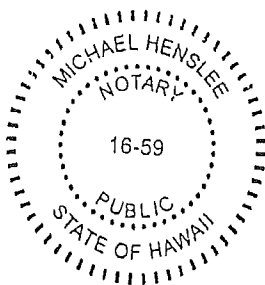
[END OF TEXT; SIGNATURE PAGE(S) TO FOLLOW]

Jose Costales Jr
JOSE COSTALES, JR.

"Grantor"

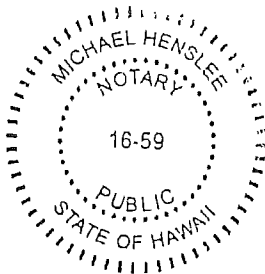
STATE OF HAWAII)
 : SS.
COUNTY OF KAUAI)

On this 14th day of April, 2023, in the Fifth Circuit, State of Hawaii, before me personally appeared JOSE COSTALES, JR., who is personally known to me (or whose identity I proved on the basis of satisfactory evidence) who being by me duly sworn or affirmed, did say that such person executed the Warranty Deed dated undated, consisting of 9 pages at the time of notarization, as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.

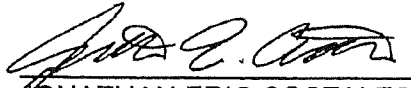


Michael Henslee
Name: Michael Henslee
Notary Public, State of Hawaii

My Commission expires: 2-14-2024



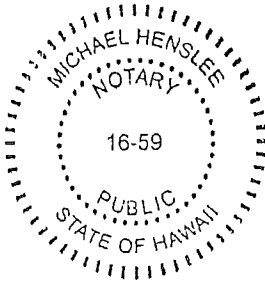
NOTARY CERTIFICATE		FIFTH CIRCUIT
MICHAEL HENSLEE		
DOC DATE:	<u>4-14-23</u>	PAGES: <u>9</u>
DOC DESC:	<u>Warranty Deed</u>	
<u>Michael Henslee</u>	<u>4-14-23</u>	<u>2/14/2024</u>
SIGNATURE	DATE	COMM EXP


JONATHAN ERIC COSTALES

"Grantor"

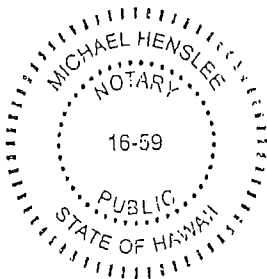
STATE OF HAWAII)
 : ss.
COUNTY OF KAUAI)

On this 14th day of April, 2023, in the Fifth Circuit, State of Hawaii, before me personally appeared JONATHAN ERIC COSTALES, who is personally known to me (or whose identity I proved on the basis of satisfactory evidence) who being by me duly sworn or affirmed, did say that such person executed the Warranty Deed dated undated, consisting of 9 pages at the time of notarization, as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.




Name: Michael Henslee
Notary Public, State of Hawaii

My Commission expires: 2-14-2024



NOTARY CERTIFICATE		FIFTH CIRCUIT
MICHAEL HENSLEE	UOC DATE: <u>4-14-23</u>	PAGES: <u>9</u>
	DOC DESC: <u>Warranty Deed</u>	
	<u>4-14-23</u>	<u>2/14/2024</u>
SIGNATURE	DATE	COMM EXP

KAUAI HABITAT FOR HUMANITY, INC.

By 

MILANI PIMENTAL
Its Executive Director

"Grantee"

STATE OF HAWAII)
 : ss.
COUNTY OF KAUAI)

On this 13th day of April, 2023, in the Fifth Circuit, State of Hawaii, before me personally appeared MILANI PIMENTAL, who is personally known to me (or whose identity I proved on the basis of satisfactory evidence) who being by me duly sworn or affirmed, did say that such person executed the Warranty Deed dated undated, consisting of 9 pages at the time of notarization, as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.

NOTARY CERTIFICATE
MICHAEL HENSLEE FIFTH CIRCUIT
DOC DATE: undated PAGES: 9
DOC DESC: Warranty Deed
 4-13-23 2/14/2024
SIGNATURE DATE COMM EXP


Name: Michael Henslee
Notary Public, State of Hawaii

My Commission expires: 2-14-2024

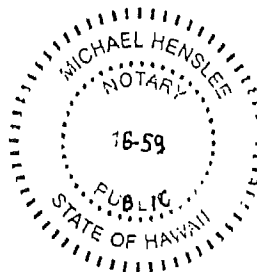
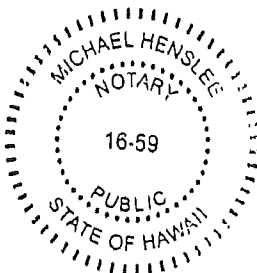


EXHIBIT "A"

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Land Patent Grant Number 6414 to Manuel Nunes) situate, lying and being at Lawai, Island and County of Kauai, State of Hawaii, being LOT 30-C, being a portion of Lot 30, and thus bounded and described:

Beginning at a pipe on the southeast corner of this lot and on the south boundary of Lot 30, Lawai Homesteads, the coordinates of said point of beginning referred to Government Survey Trig. Station "KALUAMOA" area 6,485.11 feet south and 429.70 feet east, and running by true azimuths and distances as follows:

- | | | | |
|----|----------|--------|---|
| 1. | 99° 40' | 138.40 | feet along the south boundary of Lot 30, Lawai Homesteads, to a pipe; |
| 2. | 174° 23' | 323.00 | feet through a portion of said Lot 30, to a pipe; |
| 3. | 279° 40' | 138.09 | feet through a portion of said Lot 30, to a pipe; |
| 4. | 354° 23' | 197.08 | feet through a portion of said Lot 30, to a pipe; |
| 5. | 354° 15' | 126.00 | feet to the point of beginning and containing an area of 0.99 acre, more or less. |

Excepting and reserving therefrom a 15-foot right-of-way for a ditch, as shown on the map, said right-of-way containing an area of 0.03 acre, leaving a net area of 0.96 acre, more or less.

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Land Patent Grant Number 6414 to Manuel Nunes) situate, lying and being at Lawai, Island and County of Kauai, State of Hawaii, being a PORTION OF LOT 30-A and LOT 30-B, being a portion of Lot 30, and thus bounded and described:

Beginning at a pipe on the southwest corner of Lot 30-B, the southeast corner of Lot 30-C of Nunes Tract, and on the north side of Government Main Road, the coordinates of said point of beginning referred to Government Survey Trig. Station "KALUAMOA" being 6,485.10 feet south and 429.68 feet east, thence running by true azimuths measured clockwise from true South as follows:

EXHIBIT "A"

1. 174° 15' 126.00 feet along Lot 30-C of Nunes Tract to a pipe;
2. 174° 23' 35.43 feet along same to a pipe;
3. 278° 50' 46.67 feet along the remainder Lot 30-A to a pipe;
4. 1° 30' 174.01 feet along the remainder Lot 30-A and Lot 30-B to a pipe;
5. 99° 40' 25.50 feet along the north side of the Government Main Road to the point of beginning and containing an area of 5,951 square feet or 0.1366 acre, more or less.

BEING THE PREMISES ACQUIRED BY QUITCLAIM DEED

GRANTOR : ROSE MARIE COSTALES, wife of Jose Costales, Jr.

GRANTEE : ROSE MARIE COSTALES and JOSE COSTALES, JR., wife and husband, and JONATHAN ERIC COSTALES, unmarried, as Joint Tenants

DATED : June 17, 2022

RECORDED : Document No. A-82100792

NOTE:

The death of ROSE MARIE CARVALHO COSTALES on July 9, 2022 in Lihue, Hawaii.

SUBJECT, HOWEVER, to the following:

1. Mineral and water rights of any nature.

EXHIBIT "A"

2. NOTICE OF DEDICATION TO PERMANENT HOME USE

DATED : March 18, 2002
RECORDED : Document No. 2002-055370
RE : dedication of the land described herein to permanent home
use for a period of ten (10) years, effective July 1, 2002

EXHIBIT "C-1"



Overview



Legend

-  Parcels
-  CPR Units
-  Roads

Parcel ID	250100340000	Situs/Physical Address	4049 A KOLOA RD	Total Market Value	\$921,800	Last 2 Sales Date		Price		Reason	
Acreage	1.097	Mailing Address	KAUAI HABITAT FOR HUMANITY INC	Total Assessed Value	\$921,800	4/14/2023		\$850000		CHANGED AFTER SALE	
Class	NON-OWNER-OCCUPIED RESIDENTIAL		PO BOX 28	Total	\$921,800						
			ELEELE HI 96705	Exemptions		n/a		0		n/a	
				Total Net Taxable Value	\$0						

Brief Tax Description LOT 30-C GR 6414 LAWA HMSTD 0.99 AC DES EXCEPTING/RESERVING A 15-FT R/O/W FOR A DITCH.03 AC POR LOT 30-A & 30-B POR LOT 30 LAWA HMSTD 0.1366 AC

(Note: Not to be used on legal documents)

The Geographic Information Systems (GIS) maps and data are made available solely for informational purposes. The GIS data is not the official representation of any of the information included, and do not replace a site survey or legal document descriptions. The County of Kauai (County) makes or extends no claims, representations or warranties of any kind, either express or implied, including, without limitation, the implied warranties of merchantability and fitness for a particular purpose, as to the quality, content, accuracy, currency, or completeness of the information, text, maps, graphics, links and other items contained in any of the GIS data. In no event shall the County become liable for any errors or omissions in the GIS, and will not under any circumstances be liable for any direct, indirect, special, incidental, consequential, or other loss, injury or damage caused by its use or otherwise arising in connection with its use, even if specifically advised of the possibility of such loss, injury or damage. The data and or functionality on this site may change periodically and without notice. In using the GIS data, users agree to indemnify, defend, and hold harmless the County for any and all liability of any nature arising out of or resulting from the lack of accuracy or correctness of the data, or the use of the data.

Date created: 4/21/2026
Last Data Uploaded: 4/21/2026 4:12:43 AM

Developed by  **SCHNEIDER**
GEOSPATIAL

EXHIBIT "C-1"

EXHIBIT "C-2"

Parcel Information

Parcel Number (TAX MAP KEY) 250100340000
 Location Address 4049 A KOLOA RD
 KOLOA HI 96756

Project Name
 Tax Classification NON-OWNER-OCCUPIED RESIDENTIAL
 (Note: This is for tax purposes only. Not to be used for zoning.)

Neighborhood Code 2561-1
 Legal Information LOT 30-C GR 6414 LAWAI HMSTD5 0.99 AC DES
 Zoning R4
 Non Taxable Status
 Land Area (acres) 1.0970
 Land Area (approximate sq ft) 47,785
 Living Units 0

[View Map](#)

Owner Information

Owner Names
 KAUAI HABITAT FOR HUMANITY INC Fee Owner

Mailing Address
[KAUAI HABITAT FOR HUMANITY INC](#)
 PO BOX 28
 ELEELE HI 96705

Assessment Information

[Show Historical Tax Years](#)

Year	Property Class	Total Market Value	Total Property Assessed Value	Total Property Exemption	Total Net Taxable Value
2026	NON-OWNER-OCCUPIED RESIDENTIAL	\$921,800	\$921,800	\$921,800	\$0

Assessment Notices

2026 (PDF)	2025 (PDF)	2024 (PDF)	2023 (PDF)	2022 (PDF)	2021 (PDF)	2020-1 (PDF)
2019-1 (PDF)						

Online Assessment Notices will include one PDF per parcel for each class. For multi-owner copies please contact rpassessment@kauai.gov.

Permit Information

Date	Permit Number	Reason	Permit Amount
6/5/2023	2300001112	DEMOLITION	\$33,511
6/24/1993	9300001838	CARPORT	\$5,800
9/10/1990	32413	REROOF	\$14,500

Conveyance Information

Sale Date	Price	Instrument #	Instrument Type	Date Recorded	Document Number	Cert #	Book/Page	Conveyance Tax	Document Type
08/29/2024	\$0	24-A-9057000576	OTHER	10/18/2024					Cancellation of Easement
08/23/2024	\$0	24-A-9057000575	FEE CONVEYANCE	10/18/2024				1	Quitclaim Deed
04/20/2023	\$0	23-A-85160049	OTHER	04/26/2023					Grant of Easement
04/14/2023	\$850,000	23-A-85100155	FEE CONVEYANCE	04/20/2023				2125	Warranty Deed
06/17/2022	\$0	22-A-82100792	FEE CONVEYANCE	06/24/2022					Quitclaim Deed
03/18/2002	\$0	02-055370	OTHER	03/28/2002					Dedication (AG, HU, Res.)
10/28/1997	\$0	0000000000						0	
10/25/1988	\$0	8800157662	FEE CONVEYANCE	10/31/1988			22511/604	0	

Historical Payment Information

Year	Tax	Payments and Credits	Penalty	Interest	Other
2025	\$4,585.73	(\$4,585.73)	\$0.00	\$0.00	\$0.00
2024	\$270.00	(\$270.00)	\$0.00	\$0.00	\$0.00

Year	Tax	Payments and Credits	Penalty	Interest	Other
2023	\$3,832.54	(\$3,832.54)	\$0.00	\$0.00	\$0.00
2022	\$2,377.26	(\$2,377.26)	\$0.00	\$0.00	\$0.00
2021	\$2,371.82	(\$2,371.82)	\$0.00	\$0.00	\$0.00
2020	\$2,210.28	(\$2,210.28)	\$0.00	\$0.00	\$0.00
2019	\$2,211.49	(\$2,211.49)	\$0.00	\$0.00	\$0.00
2018	\$2,209.07	(\$2,209.07)	\$0.00	\$0.00	\$0.00
2017	\$2,051.17	(\$2,051.17)	\$0.00	\$0.00	\$0.00
2016	\$2,155.43	(\$2,155.43)	\$0.00	\$0.00	\$0.00
2015	\$2,801.16	(\$2,801.16)	\$0.00	\$0.00	\$0.00
2014	\$2,680.77	(\$2,680.77)	\$0.00	\$0.00	\$0.00
2013	\$2,483.56	(\$2,483.56)	\$0.00	\$0.00	\$0.00
2012	\$2,019.29	(\$2,019.29)	\$0.00	\$0.00	\$0.00
2011	\$1,124.00	(\$1,124.00)	\$0.00	\$0.00	\$0.00
2010	\$966.38	(\$966.38)	\$0.00	\$0.00	\$0.00
2009	\$991.20	(\$991.20)	\$0.00	\$0.00	\$0.00
2008	\$1,066.00	(\$1,066.00)	\$0.00	\$0.00	\$0.00
2007	\$1,065.60	(\$1,065.60)	\$0.00	\$0.00	\$0.00
2006	\$860.80	(\$860.80)	\$0.00	\$0.00	\$0.00
2005	\$729.20	(\$729.20)	\$0.00	\$0.00	\$0.00
2004	\$245.60	(\$245.60)	\$0.00	\$0.00	\$0.00
2003	\$238.38	(\$238.38)	\$0.00	\$0.00	\$0.00
2002	\$305.37	(\$305.37)	\$0.00	\$0.00	\$0.00
2001	\$253.43	(\$253.43)	\$0.00	\$0.00	\$0.00

Map



No data available for the following modules: CPR/Condo/Apt Unit Information, Appeal Information, Improvement Information, Commercial Improvement Information, Sketches, Other Building and Yard Improvements, Current Tax Bill Information.

The Kauai County Tax Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

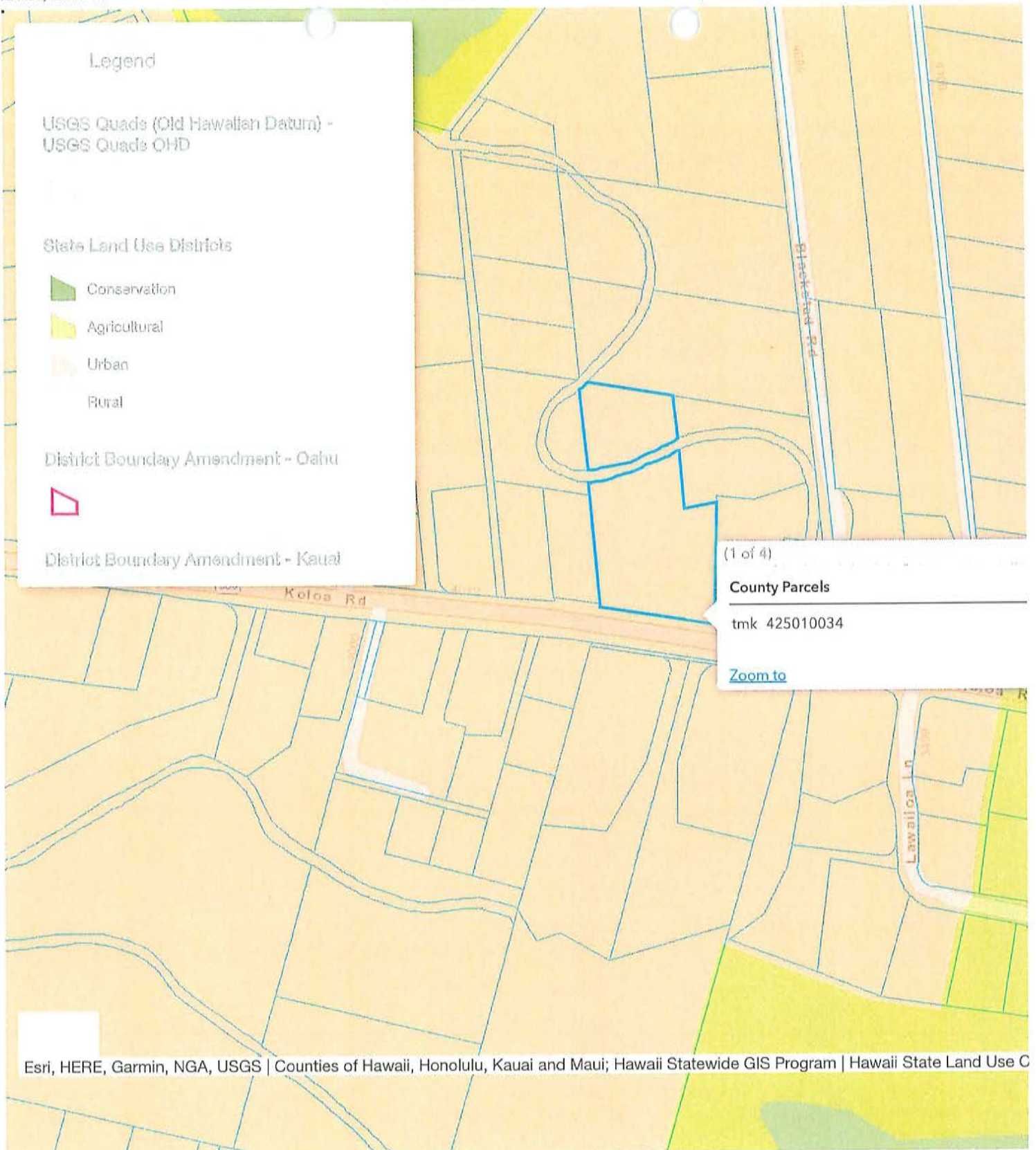
[User Privacy Policy](#) | [GDPR Privacy Notice](#)
Last Data Upload: 4/20/2026, 10:12:43 PM

Contact Us

Developed by



EXHIBIT "C-3"



State of Hawaii Land Use District Boundaries Map - January 2018

EXHIBIT "C-3"

EXHIBIT "C-4"

Planning District Boundary
 Major roads
 Roads
 Streams
 Reservoirs
 Natural
 Agriculture
 Agriculture (PAL)
 Parks and Recreation
 Golf Course
 Homestead
 Residential Community
 Neighborhood Center
 Neighborhood General
 Large Town
 Small Town
 Resort
 Industrial
 Transportation
 Provisional Agriculture

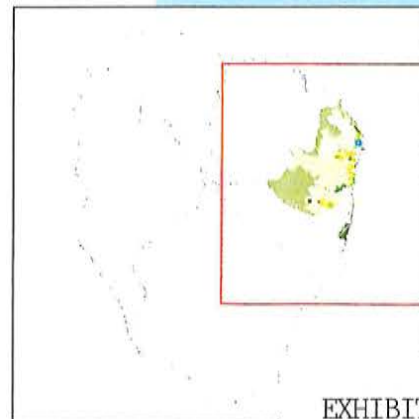


EXHIBIT "C-5"

EXHIBIT "C-6"

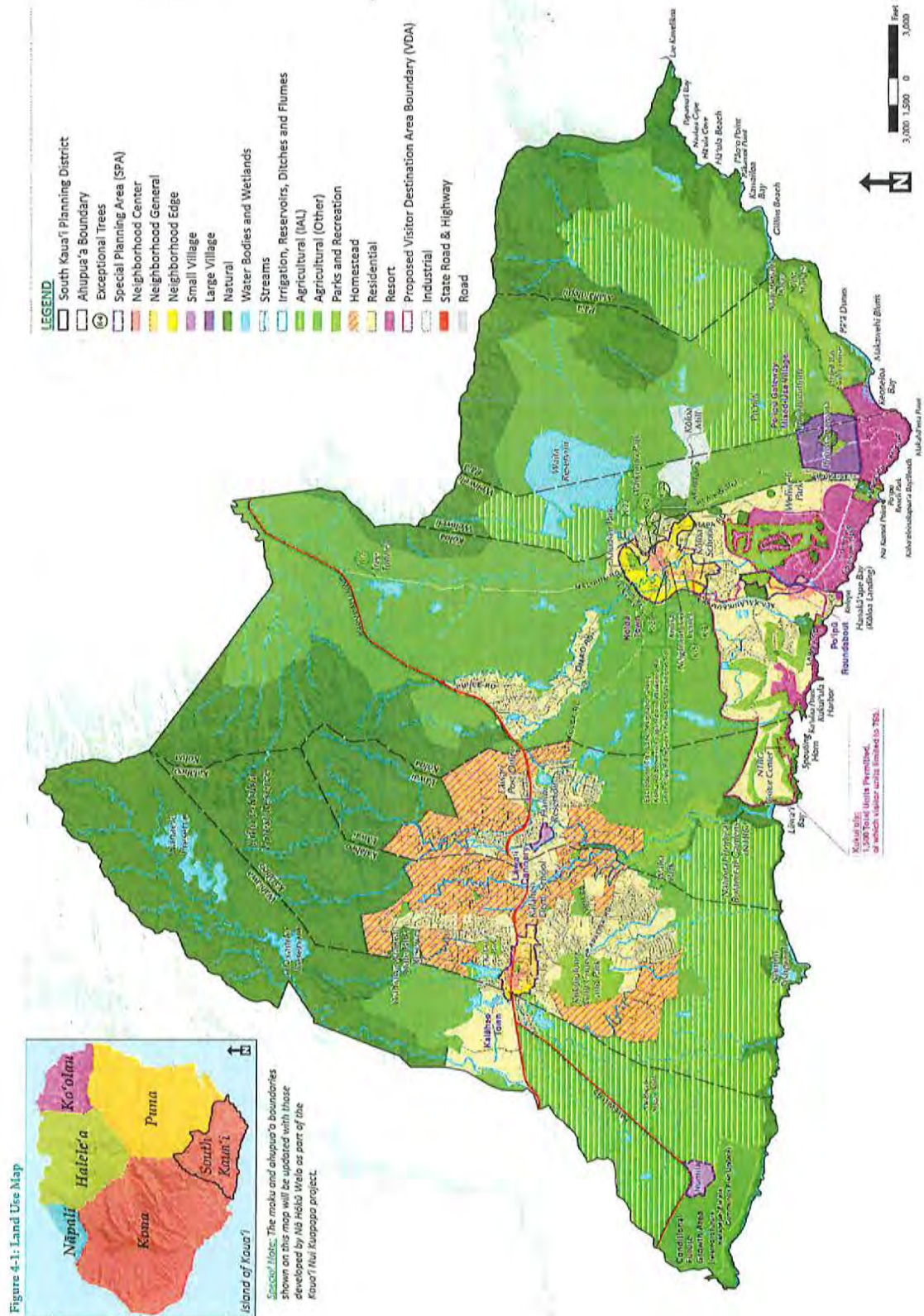


EXHIBIT "C-7"

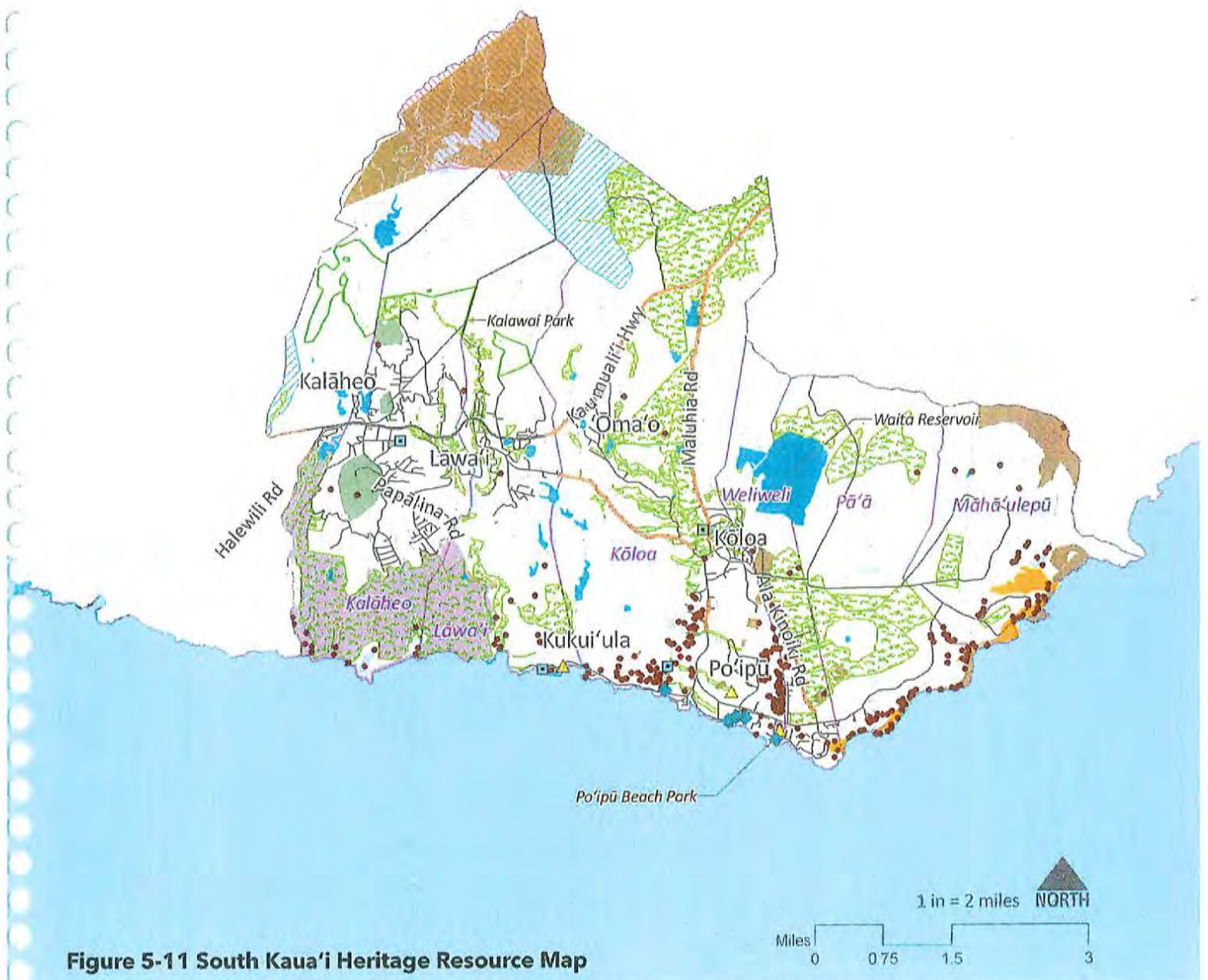


Figure 5-11 South Kaua'i Heritage Resource Map

- Registered Historic Sites**
- State
 - National
 - State & National
 - Cultural Features
 - Priority Public Access Points
 - Fish Ponds
 - Streams & Waterbodies
 - Major Roads
 - Roads

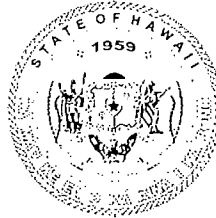
- Kōloa Scenic Byway
- Trails
- Planning District Boundary
- Ahupua'a Boundaries
- Wetlands
- Coral Reefs
- Regulated Fishing Areas
- State & County Parks
- Preserves

- Reservoirs
- Traditional Cultivation Areas
- Sand Dunes
- Open Space Acquisition Priorities
- Critical Habitat
- Threatened & Endangered Species**
- High Density
- Very High Density

EXHIBIT "C-8"



EXHIBIT "D"



STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED

December 6, 2023 8:01 AM
Doc No(s) A - 87400055

Doc 1 of 1
Pkg 12299162 ICL

/s/ LESLIE T KOBATA
REGISTRAR

LAND COURT SYSTEM

REGULAR SYSTEM

After Recordation, Return by: (X) Mail () Pick-Up

Matthew M. Bracken

Office of the County Attorney

4444 Rice Street, Suite 220

Līhu'e, HI 96766

TYPE OF DOCUMENT

TITLE GUARANTY OF HAWAII HAS
FILED THIS DOCUMENT FOR RECORD
AS AN ACCOMMODATION ONLY. THIS
DOCUMENT HAS NOT BEEN
REVIEWED OR IN ANY WAY EXAMINED
AS TO ITS EFFECT ON REAL PROPERTY.

TG ACCOM 25977C

This document contains 12 pages

**HOUSING AGREEMENT
(QUALIFIED AFFORDABLE HOUSING DESIGNATION)**

PARTIES TO DOCUMENT:

APPLICANT: KAUAI HABITAT FOR HUMANITY, INC
PO BOX 28
ELEELE, Hawai'i 96705

COUNTY: COUNTY OF KAUAI, a political subdivision
of the State of Hawai'i
c/o Kaua'i County Housing Agency
4444 Rice Street, Suite 330
Līhu'e, Kaua'i, Hawai'i 96766

TAX MAP KEYS FOR PROPERTY:

(4) 2-5-010-034

**HOUSING AGREEMENT
(QUALIFIED AFFORDABLE HOUSING DESIGNATION)**

THIS HOUSING AGREEMENT, hereinafter called the "Agreement", is entered into between KAUAI HABITAT FOR HUMANITY, INC, a Hawai'i Non-Profit Corporation, whose mailing address is PO Box 28, Eleele, Hawai'i 96705, hereinafter referred to as "HABITAT", and the COUNTY OF KAUAI, a political subdivision of the State of Hawai'i, whose County seat is located in Lihu'e, Kaua'i, Hawai'i, and whose mailing address is c/o Kaua'i County Housing Agency, 4444 Rice Street, Suite 330, Lihu'e, Kaua'i, Hawai'i 96766, hereinafter called the "County".

A. HABITAT'S UNDERSTANDING AND REPRESENTATIONS

1. HABITAT intends to develop up to 8 new single-family homes constructed as separate two, three-bedroom and four-bedroom units on certain real property, located at 4049A Koloa Road, Koloa, Kaua'i, Hawai'i, further identified as Kaua'i Tax Map Keys Nos. (4) 2-5-010-034, as described in Exhibit 'A', hereinafter called the "Subject Property".

2. HABITAT has applied to the County to qualify this planned project as an affordable housing project under Kaua'i County Code Section 2-1.16 in order to receive various fee waivers, reductions, and exemptions that may be granted to a County certified affordable housing project. A list of desired fee waivers, reductions and exemptions are detailed in Exhibit "B".

3. Kaua'i County Code Chapter 7A sets forth the workforce housing requirements applicable to residential development in any zoning district in which the overall project density would allow more than 10 residential dwelling units.

4. Based on the overall density of the Project, the County has determined that the Project is not subject to a workforce housing assessment and that a workforce housing agreement with the Housing Agency is not required.

5. Because the Project does not trigger a workforce housing assessment and the applicant voluntarily proposes to offer 100% of the Project at workforce housing prices, the Director may approve different terms for both the Restriction On Sale or Transfer, Debt, and Use as described in Kaua'i County Code Section 7A and the unit count and income limits imposed by Subsections 7A-2.1(a)(1) and 7A-2.1(a)(2).

B. PURPOSE

The purpose of this Agreement is as follows:

1. To qualify the proposed 8-Unit project as an affordable housing project under Kaua'i County Code Section 2-1.16.
2. To assist the developer to lower the selling price of homes to Households at or below 80% AMI via any reduction of fees received.
3. To provide the County with a contractually enforceable recourse to recover any benefits received as a County certified Affordable Housing Project, in the event the applicant fails to deliver and sell the affordable single-family homes as provided herein.

C. COVERAGE

This Agreement applies to the Subject Property and covers all dwellings to be constructed on the Subject Property.

D. HABITAT'S REPRESENTATIONS AND AGREEMENTS

1. HABITAT agrees to record this Agreement with the State of Hawai'i Bureau of Conveyances before receiving any building permits for the subject property.
2. HABITAT represents that all of the homes will be offered for sale at a price at or below the applicable For Sale Limit for a household earning 80% of the Kaua'i Median Household Income (KMHI), published by the Kaua'i County Housing Agency, to a household earning at or below 80% of KMHI,
3. HABITAT represents that the homes will be offered for sale to income qualified families from the HABITAT's current list of over 4,000 plus families that have express interest HABITAT's projects. If after two years qualified buyers are not approved or cannot receive financing to purchase all of the homes being offered, then at HABITAT's discretion, any remaining unsold homes could then be offered for purchase to the County. If the County does not elect to purchase the homes, or if the homes are not offered to the County, then HABITAT will reimburse the County of Kaua'i for the total amount of benefits or assistance as detailed in this agreement, per lot, for any homes not sold to an income-qualified family on HABITAT's list or to the County.
4. HABITAT agrees that the homes will be sold subject to a 30-year Equity Recapture Second Mortgage, and a first right of refusal giving HABITAT the option to repurchase the homes should any purchaser subsequent opt to sell.
5. HABITAT agrees that if it fails to adhere to the representations and agreements herein the County may demand repayment of any financial benefit received as a result of the qualification of this planned project as an affordable housing project under Kaua'i County Code Section 2-1.16.

6. HABITAT will submit to the County a copy of the loan approval letter stating that the household is approved for and has met the income qualification for a USDA Rural 502 Direct Development or the SFH Loan Guarantee Program. The Program eligibility guidelines require that the household's income does not exceed 80% of median household income. If the Homebuyer has funding from a different source, then the County will request the method to be used to determine income qualification.

F. APPLICABILITY

1. Counterpart. This Agreement may be executed in more than one counterpart, each of which shall be considered to be an original, but all of which shall constitute a single counterpart.

2. Modification of Agreement. This Agreement represents the entire agreement between the parties hereto and may not be modified or terminated, in whole or in part, except by another agreement in writing, duly executed by all of the parties.

3. Time of Essence. Time is of the essence of this Agreement. No provisions relating to the timeliness may be waived, extended or modified except by the written agreement of the parties.

4. Controlling Law. The performance and interpretation of this Agreement shall be controlled by the laws of the State of Hawai'i.

5. Attorneys' Fees. In the event of any controversy, claim or dispute among the parties arising out of or relating to this Agreement or the breach hereof, the County shall be entitled to recover from HABITAT reasonable expenses and costs, including without limitation, reasonable attorneys' fees and court costs.

6. Invalidity - Severability. If any term or provision of this Agreement or any application thereof shall be invalid or unenforceable, the remainder of this Agreement shall not be affected thereby, provided that the essential provisions of this Agreement and the position of the parties hereto are not materially changed thereby.

7. Entire Agreement. This Agreement contains the complete understanding and agreement of the parties hereto with respect to all matters referred to herein and shall supersede any and all prior agreements between the parties hereto with respect to the Subject Property. No parties hereto shall be liable or bound to any other party in any manner by any agreement, warranty, representation or guarantee, except as specifically set forth herein.

8. Rights and Obligations. The rights and obligations set forth herein shall be binding upon, and shall inure to the benefit of, the parties and their respective heirs, estates, personal representatives, successors, successors in trust, and assigns.

9. Definitions. The terms "HABITAT" and "County," when used in this Agreement, or any pronouns used in their place, mean and include males or females, and one or more (or a combination of) real people, companies, corporations or other entities, and their and each of their respective heirs, devisees, personal representatives, successors, successors in trust and assigns, according to the context. The term "County" shall also include the County's elected and appointed officers and employees.

10. Interpretation. Each party and/or counsel for each party has received this Agreement and, accordingly, the rule of construction to the effect that any ambiguity is to be resolved against the drafting party shall not be employed in the interpretation of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Housing Agreement on this
____ day of _____, 2023.

APPLICANT:

KAUAI HABITAT FOR HUMANITY, INC.
HABITAT, a Hawai'i Non-Profit Corporation

By



MILANI PIMENTAL
It's Executive Director

COUNTY:

COUNTY OF KAUA'I

By



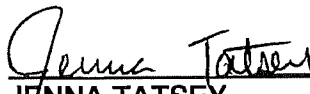
DEREK S. K. KAWAKAMI
It's Mayor

RECOMMENDED FOR APPROVAL:



ADAM ROVERSI
Housing Director

APPROVED AS TO FORM
AND LEGALITY:



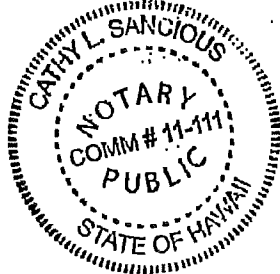
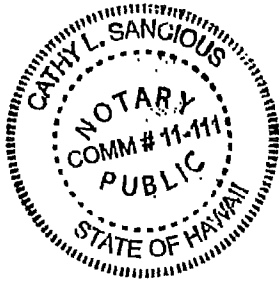
JENNA TATSEY
Deputy County Attorney

STATE OF HAWAII

COUNTY OF KAUAI

)
) SS:
)

On this 16 day of October, 2023, before me appeared Milano Pimental, to me personally known, who, being by me duly sworn or affirmed, did say that such person executed the foregoing Housing Agreement dated Oct 16, 2023, which document consists of _____ pages, as the free act and deed of such person, and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.



Cathy Sancious

Name of Notary:
Notary Public, First Judicial Circuit,
State of Hawaii.

My commission expires: 4-10-2027

Date: 10-16-2023 # Pages: 7
Name: Cathy Sancious 5th Circuit
Doc. Description: Housing Agreement

Cathy Sancious

Notary Signature

NOTARY CERTIFICATION

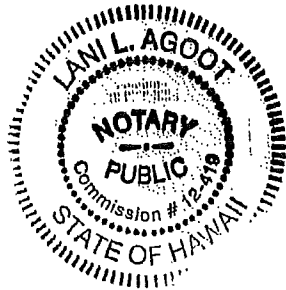
My Commission Expires: 4-10-2027

STATE OF HAWAII

)
) SS:
)

COUNTY OF KAUAI

On this 10th day of October, 2023, before me appeared Derek S.K. Kawakami, to me personally known, who, being by me duly sworn or affirmed, did say that such person executed the foregoing Housing Agreement dated Undated, 20 , which document consists of 12 pages, as the free act and deed of such person, and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.



Lani L. Agoot
Name of Notary: Lani L. Agoot
Notary Public, Fifth Judicial Circuit,
State of Hawaii.

My commission expires: 12/23/24

EXHIBIT "A"

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Land Patent Grant Number 6414 to Manuel Nunes) situate, lying and being at Lawai, Island and County of Kauai, State of Hawaii, being LOT 30-C, being a portion of Lot 30, and thus bounded and described:

Beginning at a pipe on the southeast corner of this lot and on the south boundary of Lot 30, Lawai Homesteads, the coordinates of said point of beginning referred to Government Survey Trig. Station "KALUAMOA" area 6,485.11 feet south and 429.70 feet east, and running by true azimuths and distances as follows:

- | | | | |
|----|----------|--------|---|
| 1. | 99° 40' | 138.40 | feet along the south boundary of Lot 30, Lawai Homesteads, to a pipe; |
| 2. | 174° 23' | 323.00 | feet through a portion of said Lot 30, to a pipe; |
| 3. | 279° 40' | 138.09 | feet through a portion of said Lot 30, to a pipe; |
| 4. | 354° 23' | 197.08 | feet through a portion of said Lot 30, to a pipe; |
| 5. | 354° 15' | 126.00 | feet to the point of beginning and containing an area of 0.99 acre, more or less. |

Excepting and reserving therefrom a 15-foot right-of-way for a ditch, as shown on the map, said right-of-way containing an area of 0.03 acre, leaving a net area of 0.96 acre, more or less.

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Land Patent Grant Number 6414 to Manuel Nunes) situate, lying and being at Lawai, Island and County of Kauai, State of Hawaii, being a PORTION OF LOT 30-A and LOT 30-B, being a portion of Lot 30, and thus bounded and described:

Beginning at a pipe on the southwest corner of Lot 30-B, the southeast corner of Lot 30-C of Nunes Tract, and on the north side of Government Main Road, the coordinates of said point of beginning referred to Government Survey Trig. Station "KALUAMOA" being 6,485.10 feet south and 429.68 feet east, thence running by true azimuths measured clockwise from true South as follows:

EXHIBIT "A"

- | | | | |
|----|----------|--------|---|
| 1. | 174° 15' | 126.00 | feet along Lot 30-C of Nunes Tract to a pipe; |
| 2. | 174° 23' | 35.43 | feet along same to a pipe; |
| 3. | 278° 50' | 46.67 | feet along the remainder Lot 30-A to a pipe; |
| 4. | 1° 30' | 174.01 | feet along the remainder Lot 30-A and Lot 30-B to a pipe; |
| 5. | 99° 40' | 25.50 | feet along the north side of the Government Main Road to the point of beginning and containing an area of 5,951 square feet or 0.1366 acre, more or less. |

BEING THE PREMISES ACQUIRED BY QUITCLAIM DEED

GRANTOR : ROSE MARIE COSTALES, wife of Jose Costales, Jr.

GRANTEE : ROSE MARIE COSTALES and JOSE COSTALES, JR., wife and husband, and JONATHAN ERIC COSTALES, unmarried, as Joint Tenants

DATED : June 17, 2022

RECORDED : Document No. A-82100792

NOTE:

The death of ROSE MARIE CARVALHO COSTALES on July 9, 2022 in Lihue, Hawaii.

SUBJECT, HOWEVER, to the following:

1. Mineral and water rights of any nature.

EXHIBIT "A"

2. NOTICE OF DEDICATION TO PERMANENT HOME USE

DATED : March 18, 2002
RECORDED : Document No. 2002-055370
RE : dedication of the land described herein to permanent home
use for a period of ten (10) years, effective July 1, 2002

EXHIBIT 'B'

REQUESTED FEE WAIVERS, REDUCTIONS AND EXEMPTIONS

1. BUILDING PERMIT FEES:

Exempt pursuant to KCC Section 12-2.2 (20) Amending Section 108.1(2) of the Building Code – low income household projects pursuant to KCHA affordable housing program, 100% of fee exempt.

Average Permit fee for subject homes is about \$ 2,600 and the fee reduction would be 100% of actual fee per home

2. Electrical Permit Fee

Exempt pursuant to KCC Section 13-2.3(e)(1)(B) low income household projects pursuant to KCHA affordable housing program, 100% of fee exempt.

3. Plumbing Permit Fee:

Exempt pursuant to KCC Section 14-2.2(1) citing that the 2018 Uniform Plumbing Code Chapter 1, Administration, shall follow KCC Chapter 12, which makes low income household projects pursuant to KCHA affordable housing program, 100% of fee exempt.

4. Department of Water:

Project Developed by the Kauai County Housing Agency or in partnership with Kauai County Housing Agency and certified by the Kauai County Housing Agency as affordable housing (Defined by Kauai Ordinances 7A-1.3, the Facilities Reserve Charge (FRC) shall be \$4,940.00 per Single Family Residence Unit).

Regular fee for FRC per subject home is \$ 14,115 and the fee reduction would be \$9,175 per home

All fee exemptions or reduction or any benefits related to fast track permitting related to low-income housing will not apply as of the date of this request all entitlement have been received from all Kauai County Department and ALL Planning Fees and Building review fees have already been paid.

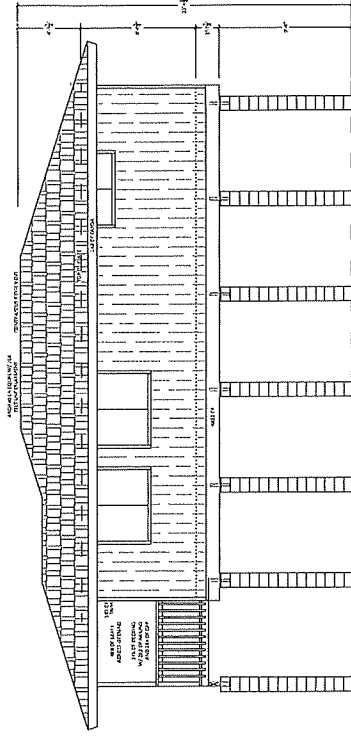
Estimated total benefit per unit to be under \$12,100.

EXHIBIT "E-1"

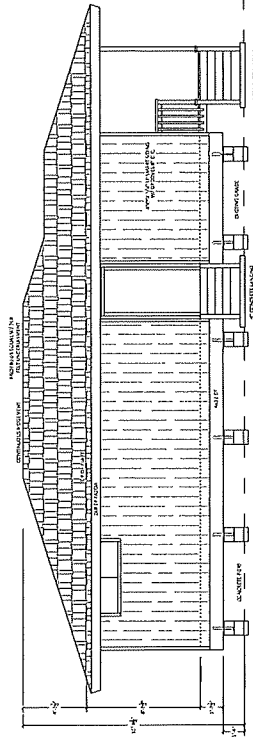
TWO BEDROOM / ONE BATH
LIVING SPACE: 834 S/F
COVERED LANAL: 50 S/F
COVERED SIDE ENTRY: 15 S/F
CONCRETE LANDINGS: 50 S/F
TOTAL COVERAGE: 989 S/F

SCALE: 1/4" = 1'

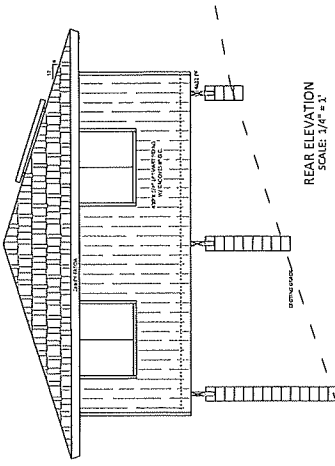
RIGHT SIDE ELEVATION
SCALE: 1/4" = 1'



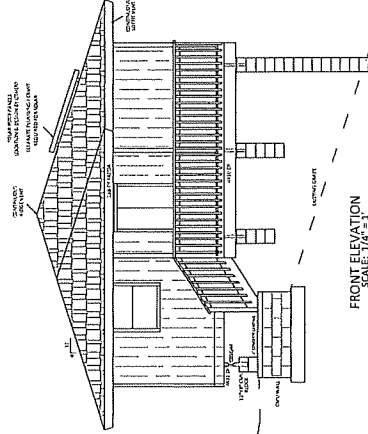
LEFT SIDE ELEVATION
SCALE: 1/4" = 1'



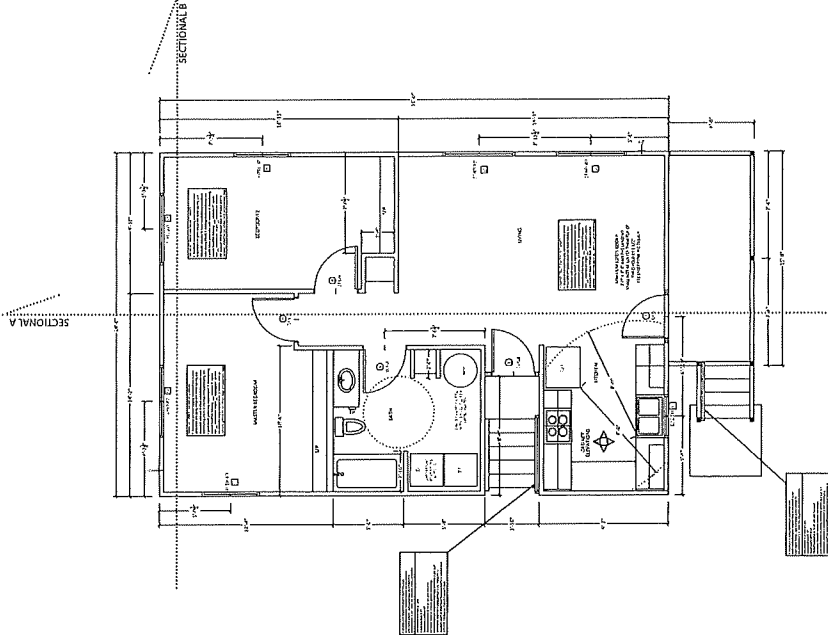
REAR ELEVATION
SCALE: 1/4" = 1'



FRONT ELEVATION
SCALE: 1/4" = 1'

[illegible]

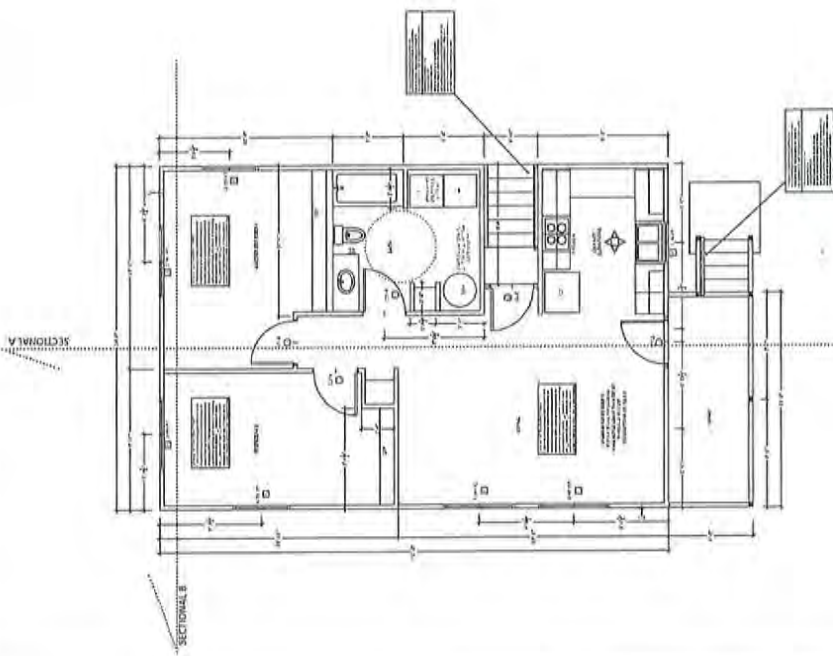
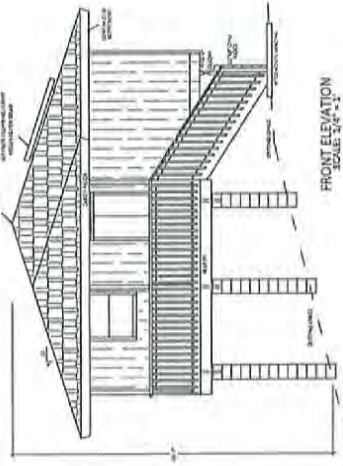
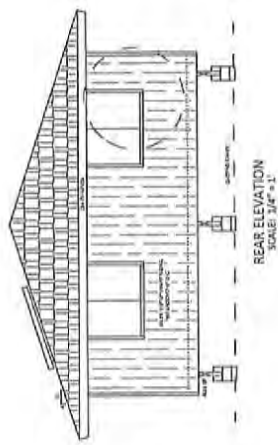
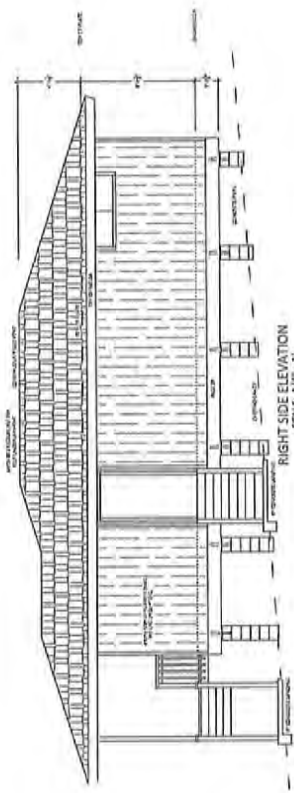
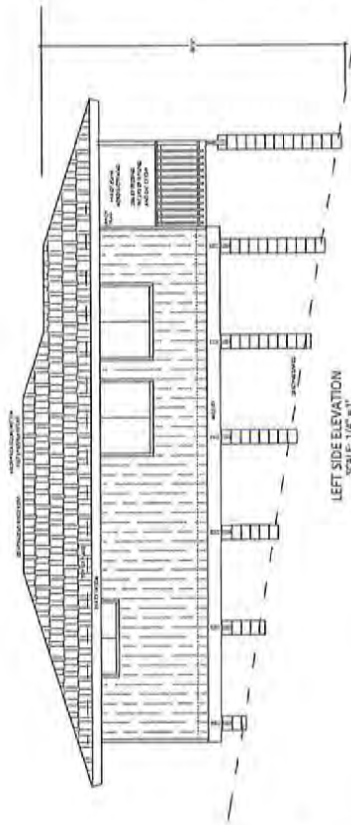
EARTH FIRE DEPARTMENT/FIRE PREVENTION BUREAU 6641 RICE STREET SUITE 335 HOUSTON TX 77055
Addressed envelope should go to: FIRE DEPARTMENT/REQUIREMENTS: Building Department plan examinee
will assist fire department by measuring the distances from an exterior door of a new one- or two-family
dwelling to a Fire Department access road. If the distance is more than 25 feet, the plan examiner will draw
the permit in CPA and refer the applicant to Fire Prevention Bureau for a clearance form. The applicant will be
required to attach the completed clearance form to the permit application.
PERMITTING: The permit shall be issued by the Department faster in CPA before Building Division
approval is given for the new one- or two-family dwelling permit.



BIOLOGICAL			
DATE	TIME	LOCATION	REMARKS
1911	10:00	100	100
1912	10:00	100	100
1913	10:00	100	100
1914	10:00	100	100
1915	10:00	100	100
1916	10:00	100	100
1917	10:00	100	100
1918	10:00	100	100
1919	10:00	100	100
1920	10:00	100	100
1921	10:00	100	100
1922	10:00	100	100
1923	10:00	100	100
1924	10:00	100	100
1925	10:00	100	100
1926	10:00	100	100
1927	10:00	100	100
1928	10:00	100	100
1929	10:00	100	100
1930	10:00	100	100
1931	10:00	100	100
1932	10:00	100	100
1933	10:00	100	100
1934	10:00	100	100
1935	10:00	100	100
1936	10:00	100	100
1937	10:00	100	100
1938	10:00	100	100
1939	10:00	100	100
1940	10:00	100	100
1941	10:00	100	100
1942	10:00	100	100
1943	10:00	100	100
1944	10:00	100	100
1945	10:00	100	100
1946	10:00	100	100
1947	10:00	100	100
1948	10:00	100	100
1949	10:00	100	100
1950	10:00	100	100
1951	10:00	100	100
1952	10:00	100	100
1953	10:00	100	100
1954	10:00	100	100
1955	10:00	100	100
1956	10:00	100	100
1957	10:00	100	100
1958	10:00	100	100
1959	10:00	100	100
1960	10:00	100	100
1961	10:00	100	100
1962	10:00	100	100
1963	10:00	100	100
1964	10:00	100	100
1965	10:00	100	100
1966	10:00	100	100
1967	10:00	100	100
1968	10:00	100	100
1969	10:00	100	100
1970	10:00	100	100
1971	10:00	100	100
1972	10:00	100	100
1973	10:00	100	100
1974	10:00	100	100
1975	10:00	100	100
1976	10:00	100	100
1977	10:00	100	100
1978	10:00	100	100
1979	10:00	100	100
1980	10:00	100	100
1981	10:00	100	100
1982	10:00	100	100
1983	10:00	100	100
1984	10:00	100	100
1985	10:00	100	100
1986	10:00	100	100
1987	10:00	100	100
1988	10:00	100	100
1989	10:00	100	100
1990	10:00	100	100
1991	10:00	100	100
1992	10:00	100	100
1993	10:00	100	100
1994	10:00	100	100
1995	10:00	100	100
1996	10:00	100	100
1997	10:00	100	100
1998	10:00	100	100

STADIUM: 2010-2011-2012
 6000+ 5000 4000 3000 2000 1000 0
 10000 20000 30000 40000 50000 60000 70000 80000 90000 100000
 110000 120000 130000 140000 150000 160000 170000 180000 190000 200000
 210000 220000 230000 240000 250000 260000 270000 280000 290000 300000
 310000 320000 330000 340000 350000 360000 370000 380000 390000 400000
 410000 420000 430000 440000 450000 460000 470000 480000 490000 500000
 510000 520000 530000 540000 550000 560000 570000 580000 590000 600000
 610000 620000 630000 640000 650000 660000 670000 680000 690000 700000
 710000 720000 730000 740000 750000 760000 770000 780000 790000 800000
 810000 820000 830000 840000 850000 860000 870000 880000 890000 900000
 910000 920000 930000 940000 950000 960000 970000 980000 990000 1000000
 1010000 1020000 1030000 1040000 1050000 1060000 1070000 1080000 1090000 1100000
 1110000 1120000 1130000 1140000 1150000 1160000 1170000 1180000 1190000 1200000
 1210000 1220000 1230000 1240000 1250000 1260000 1270000 1280000 1290000 1300000
 1310000 1320000 1330000 1340000 1350000 1360000 1370000 1380000 1390000 1400000
 1410000 1420000 1430000 1440000 1450000 1460000 1470000 1480000 1490000 1500000
 1510000 1520000 1530000 1540000 1550000 1560000 1570000 1580000 1590000 1600000
 1610000 1620000 1630000 1640000 1650000 1660000 1670000 1680000 1690000 1700000
 1710000 1720000 1730000 1740000 1750000 1760000 1770000 1780000 1790000 1800000
 1810000 1820000 1830000 1840000 1850000 1860000 1870000 1880000 1890000 1900000
 1910000 1920000 1930000 1940000 1950000 1960000 1970000 1980000 1990000 2000000
 2010000 2020000 2030000 2040000 2050000 2060000 2070000 2080000 2090000 2100000
 2110000 2120000 2130000 2140000 2150000 2160000 2170000 2180000 2190000 2200000
 2210000 2220000 2230000 2240000 2250000 2260000 2270000 2280000 2290000 2300000
 2310000 2320000 2330000 2340000 2350000 2360000 2370000 2380000 2390000 2400000
 2410000 2420000 2430000 2440000 2450000 2460000 2470000 2480000 2490000 2500000
 2510000 2520000 2530000 2540000 2550000 2560000 2570000 2580000 2590000 2600000
 2610000 2620000 2630000 2640000 2650000 2660000 2670000 2680000 2690000 2700000
 2710000 2720000 2730000 2740000 2750000 2760000 2770000 2780000 2790000 2800000
 2810000 2820000 2830000 2840000 2850000 2860000 2870000 2880000 2890000 2900000
 2910000 2920000 2930000 2940000 2950000 2960000 2970000 2980000 2990000 3000000
 3010000 3020000 3030000 3040000 3050000 3060000 3070000 3080000 3090000 3100000
 3110000 3120000 3130000 3140000 3150000 3160000 3170000 3180000 3190000 3200000
 3210000 3220000 3230000 3240000 3250000 3260000 3270000 3280000 3290000 3300000
 3310000 3320000 3330000 3340000 3350000 3360000 3370000 3380000 3390000 3400000
 3410000 3420000 3430000 3440000 3450000 3460000 3470000 3480000 3490000 3500000
 3510000 3520000 3530000 3540000 3550000 3560000 3570000 3580000 3590000 3600000
 3610000 3620000 3630000 3640000 3650000 3660000 3670000 3680000 3690000 3700000
 3710000 3720000 3730000 3740000 3750000 3760000 3770000 3780000 3790000 3800000
 3810000 3820000 3830000 3840000 3850000 3860000 3870000 3880000 3890000 3900000
 3910000 3920000 3930000 3940000 3950000 3960000 3970000 3980000 3990000 4000000
 4010000 4020000 4030000 4040000 4050000 4060000 4070000 4080000 4090000 4100000
 4110000 4120000 4130000 4140000 4150000 4160000 4170000 4180000 4190000 4200000
 4210000 4220000 4230000 4240000 4250000 4260000 4270000 4280000 4290000 4300000
 4310000 4320000 4330000 4340000 4350000 4360000 4370000 4380000 4390000 4400000
 4410000 4420000 4430000 4440000 4450000 4460000 4470000 4480000 4490000 4500000
 4510000 4520000 4530000 4540000 4550000 4560000 4570000 4580000 4590000 4600000
 4610000 4620000 4630000 4640000 4650000 4660000 4670000 4680000 4690000 4700000
 4710000 4720000 4730000 4740000 4750000 4760000 4770000 4780000 4790000 4800000
 4810000 4820000 4830000 4840000 4850000 4860000 4870000 4880000 4890000 4900000
 4910000 4920000 4930000 4

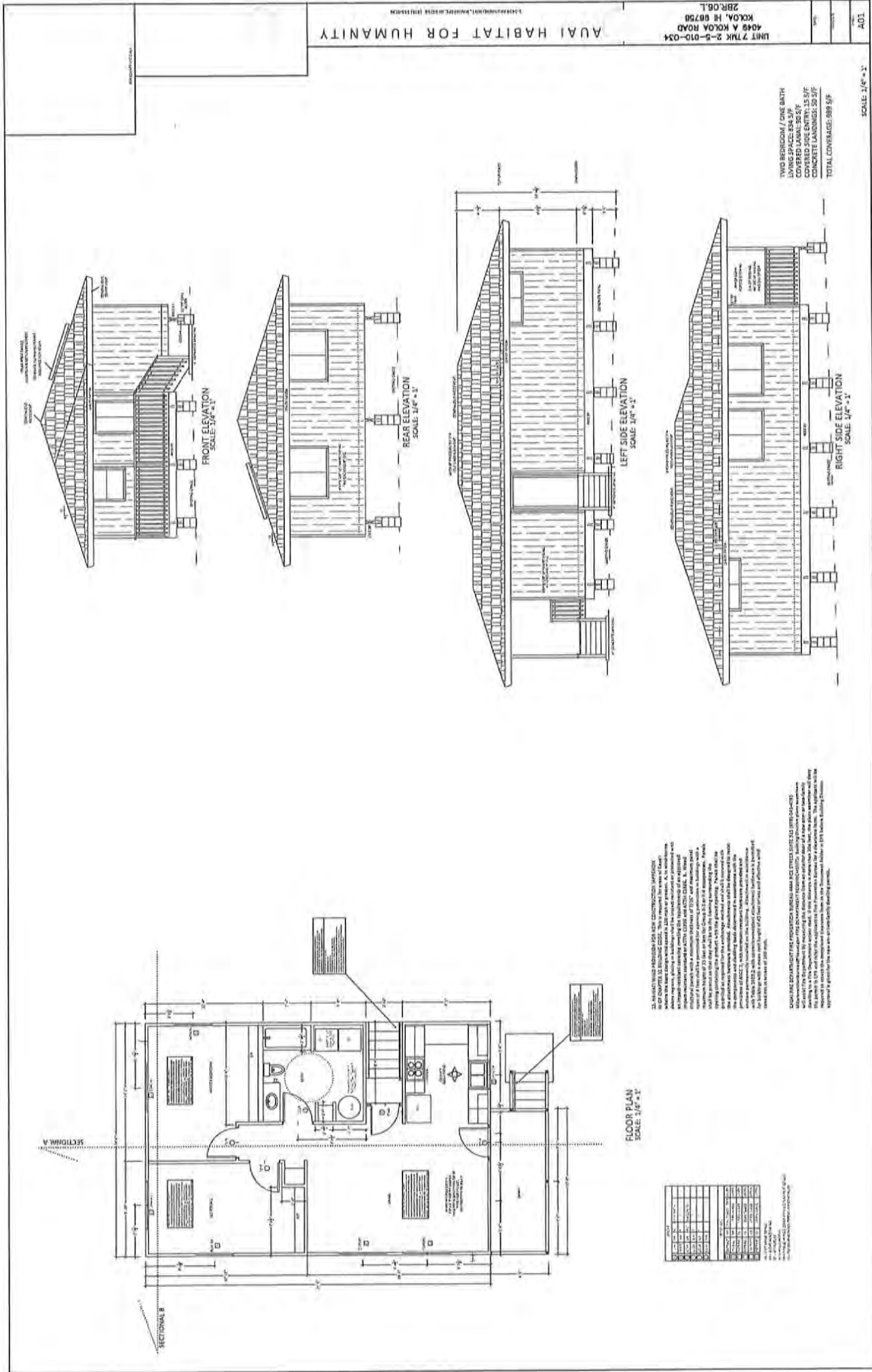
TWO BEDROOM / ONE BATH
LIVING SPACE: 834 S/F
COVERED LANAI: 90 S/F
COVERED SIDE ENTRY: 15 S/F
CONCRETE LANDINGS: 50 S/F
TOTAL COVERAGE: 989 S/F

[illegible]

SAVING THE ENVIRONMENT FROM CONTAMINATION: HOW TO GET THERE FAST. 232 (1915-1993) Major environmental issues for the construction industry: building safety, water resources, and air quality. The author discusses the importance of the construction industry in the protection of the environment and the role of the construction industry in the protection of the environment. The author discusses the importance of the construction industry in the protection of the environment and the role of the construction industry in the protection of the environment. The author discusses the importance of the construction industry in the protection of the environment and the role of the construction industry in the protection of the environment.

TABLE 1		TABLE 2	
Year	Value	Year	Value
1970	1.0	1970	1.0
1971	1.1	1971	1.1
1972	1.2	1972	1.2
1973	1.3	1973	1.3
1974	1.4	1974	1.4
1975	1.5	1975	1.5
1976	1.6	1976	1.6
1977	1.7	1977	1.7
1978	1.8	1978	1.8
1979	1.9	1979	1.9
1980	2.0	1980	2.0

10-11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000-1001-1002-1003-1004-1005-1006-1007-1008-1009-1010-1011-1012-1013-1014-1015-1016-1017-1018-1019-1020-1021-1022-1023-1024-1025-1026-1027-1028-1029-1030-1031-1032-1033-1034-1035-1036-1037-1038-1039-1040-1041-1042-1043-1044



AUAI HABITAT FOR HUMANITY

UNIT 774K 2-5-010-034
KOKOA, HI 96750
2BR, 0B.L.

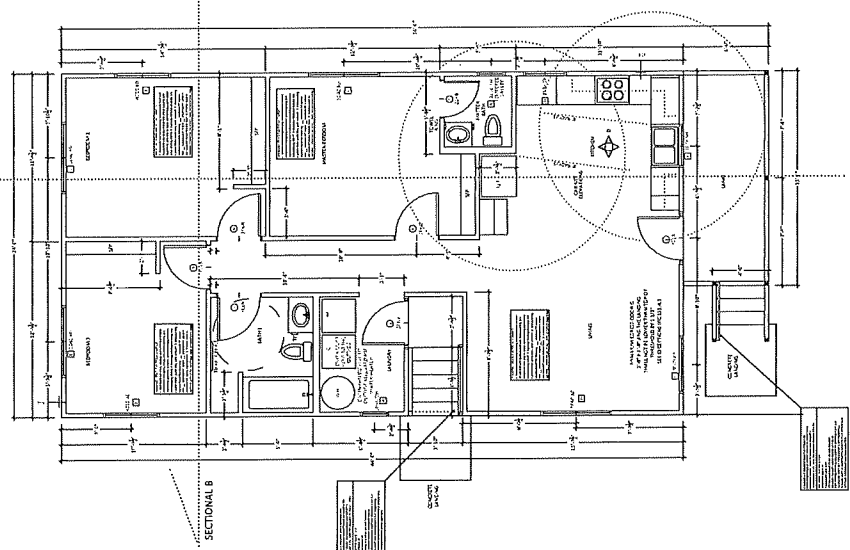
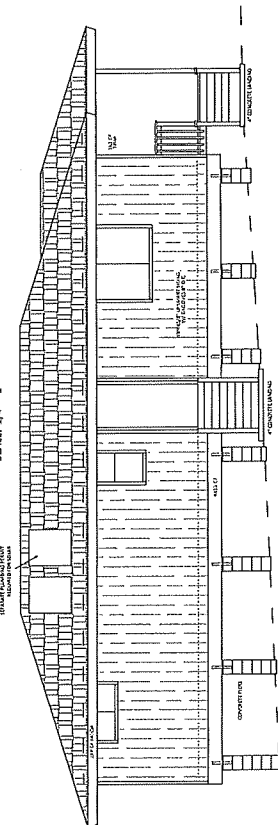
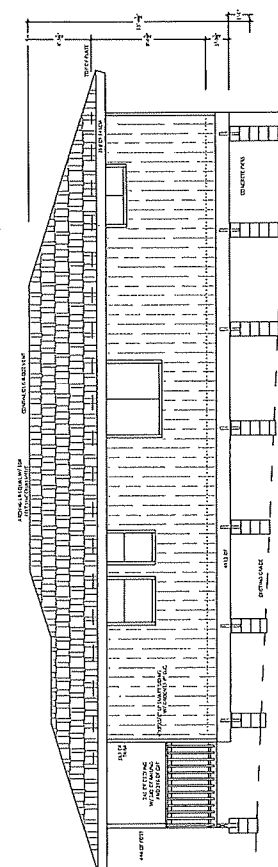
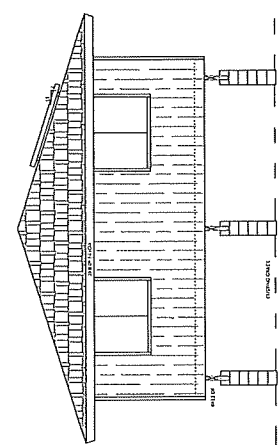
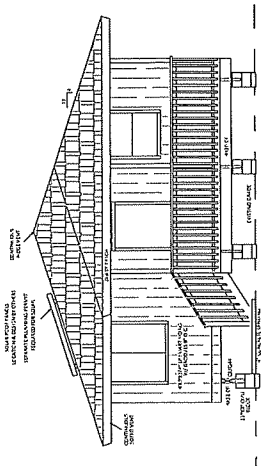
TWO BEDROOM / ONE BATH
LIVING SPACE: 848 S/F
COVERED SIDE ENTRY: 15 S/F
COVERED SIDE ENTRY: 50 S/F
TOTAL COVERAGE: 889 S/F

SCALE: 3/4" = 1'

A011

13. HAZARD WIND PROVISIONS FOR NEW CONSTRUCTION: IF OTHER...
 14. HAZARD WIND PROVISIONS FOR NEW CONSTRUCTION: IF OTHER...
 15. HAZARD WIND PROVISIONS FOR NEW CONSTRUCTION: IF OTHER...

DATE THE DEPARTMENT THE PROVISIONS REGARDING JAMA RESIDENCE SUPPLY 332 0000-04-0805
 THE DEPARTMENT THE PROVISIONS REGARDING JAMA RESIDENCE SUPPLY 332 0000-04-0805
 THE DEPARTMENT THE PROVISIONS REGARDING JAMA RESIDENCE SUPPLY 332 0000-04-0805



NO.	DESCRIPTION	QTY	UNIT	PRICE	TOTAL
1	CEILING	100	SQ. FT.	1.00	100.00
2	FLOORING	200	SQ. FT.	2.00	400.00
3	WALLS	300	SQ. FT.	3.00	900.00
4	ROOFING	400	SQ. FT.	4.00	1600.00
5	PAINTING	500	SQ. FT.	5.00	2500.00
6	LANDSCAPING	600	SQ. FT.	6.00	3600.00
7	UTILITIES	700	SQ. FT.	7.00	4900.00
8	MECHANICAL	800	SQ. FT.	8.00	6400.00
9	ELECTRICAL	900	SQ. FT.	9.00	8100.00
10	PLUMBING	1000	SQ. FT.	10.00	10000.00
11	CONCRETE	1100	SQ. FT.	11.00	12100.00
12	FOUNDATION	1200	SQ. FT.	12.00	14400.00
13	STRUCTURE	1300	SQ. FT.	13.00	16900.00
14	FINISHES	1400	SQ. FT.	14.00	19600.00
15	LANDSCAPE	1500	SQ. FT.	15.00	22500.00
16	UTILITIES	1600	SQ. FT.	16.00	25600.00
17	MECHANICAL	1700	SQ. FT.	17.00	28900.00
18	ELECTRICAL	1800	SQ. FT.	18.00	32400.00
19	PLUMBING	1900	SQ. FT.	19.00	36100.00
20	CONCRETE	2000	SQ. FT.	20.00	40000.00
21	FOUNDATION	2100	SQ. FT.	21.00	44100.00
22	STRUCTURE	2200	SQ. FT.	22.00	48400.00
23	FINISHES	2300	SQ. FT.	23.00	52900.00
24	LANDSCAPE	2400	SQ. FT.	24.00	57600.00
25	UTILITIES	2500	SQ. FT.	25.00	62500.00
26	MECHANICAL	2600	SQ. FT.	26.00	67600.00
27	ELECTRICAL	2700	SQ. FT.	27.00	72900.00
28	PLUMBING	2800	SQ. FT.	28.00	78400.00
29	CONCRETE	2900	SQ. FT.	29.00	84100.00
30	FOUNDATION	3000	SQ. FT.	30.00	90000.00
31	STRUCTURE	3100	SQ. FT.	31.00	96100.00
32	FINISHES	3200	SQ. FT.	32.00	102400.00
33	LANDSCAPE	3300	SQ. FT.	33.00	108900.00
34	UTILITIES	3400	SQ. FT.	34.00	115600.00
35	MECHANICAL	3500	SQ. FT.	35.00	122500.00
36	ELECTRICAL	3600	SQ. FT.	36.00	129600.00
37	PLUMBING	3700	SQ. FT.	37.00	136900.00
38	CONCRETE	3800	SQ. FT.	38.00	144400.00
39	FOUNDATION	3900	SQ. FT.	39.00	152100.00
40	STRUCTURE	4000	SQ. FT.	40.00	160000.00
41	FINISHES	4100	SQ. FT.	41.00	168100.00
42	LANDSCAPE	4200	SQ. FT.	42.00	176400.00
43	UTILITIES	4300	SQ. FT.	43.00	184900.00
44	MECHANICAL	4400	SQ. FT.	44.00	193600.00
45	ELECTRICAL	4500	SQ. FT.	45.00	202500.00
46	PLUMBING	4600	SQ. FT.	46.00	211600.00
47	CONCRETE	4700	SQ. FT.	47.00	220900.00
48	FOUNDATION	4800	SQ. FT.	48.00	230400.00
49	STRUCTURE	4900	SQ. FT.	49.00	240100.00
50	FINISHES	5000	SQ. FT.	50.00	250000.00

THREE BEDROOM W/ 1 1/2 BATHS
 LIVING SPACE: 1,985 S/F
 COVERED SIDE STAIRS: 20 S/F
 CONCRETE LANDINGS: 50 S/F
 TOTAL COVERAGE: 1,985 S/F

SCALE: 1/4" = 1'

AQAI HABITAT FOR HUMANITY

UNIT 8 BTRK 2-5-010-034
 4049 A KOLGA ROAD
 KOLGA, HI 96750
 JBR 09.1

A01

EXHIBIT "E-2"

4049A Kōloa Road
LĀWA`I, KAUA`I, HAWAII

APPROVED:

FOR MANAGER AND CHIEF ENGINEER
DEPARTMENT OF WATER, COUNTY OF KAUAI

Scale:	—
Page No.	7 of 7

WA'I, KAUAI, HAWAII
MK: (4) 2-5-010:034
COVER: T

LICENSE EXPIRES 4-30-26

THIS WORK WAS PREPARED
BY ME OR UNDER MY
SUPERVISION.

11/20/2017

පරිපූරක

EXHIBIT "E-2"

1

- 1

6

- 6

D

- D



D

D

D

D

7. THE CONTRACTOR SHALL EXERCISE EXTREME CAUTION TO PRESERVE BENCHMARKS (SURVEY MONUMENTS) WHENEVER THE CENTER OF A SURVEY MONUMENT IS LESS THAN THREE (3) FEET FROM THE EDGE OF CONSTRUCTION. THE CONTRACTOR SHALL RETAIN A LICENSED SURVEYOR TO REFERENCE THE LOCATION OF SAID SURVEY MONUMENT.

7. THE LIMITS OF ROAD RESTORATION WORK MAY BE REVISED BY THE ENGINEERING DIVISION OF THE COUNTY DEPARTMENT OF PUBLIC WORKS DURING PROCESSING OF ROAD PERMITS FOR THIS PROJECT.

1

WATER POLLUTION AND EROSION CONTROL NOTES (COUNTY)

1. GENERAL:

- A. THE CONTRACTOR IS REMUNDED OF THE REQUIREMENTS OF SECTION 209-WATER POLLUTION AND EROSION CONTROL AND SECTION 620-DUST CONTROL IN THE "HAWAII STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION 2005," AND ITS AMENDMENTS. SECTION 209 DESCRIBES BUT IS NOT LIMITED TO SUBMITTAL REQUIREMENTS, SCHEDULING OF A WATER POLLUTION AND EROSION CONTROL CONFERENCE WITH THE COUNTY, CONSTRUCTION REQUIREMENTS, METHOD OF MEASUREMENT, AND BASIS OF PAYMENT. NO WORK SHALL COMMENCE WITHOUT A BMP PLAN APPROVED BY THE DEPARTMENT OF HEALTH.
- B. THE CONTRACTOR SHALL FOLLOW THE OUTLINE IN THE "NATIONAL BEST MANAGEMENT PRACTICES MANUAL FOR CONSTRUCTION SITES FOR THE COUNTY OF KAUAI, APRIL 2004," IN DEVELOPING, INSTALLING AND MAINTAINING THE BEST MANAGEMENT PRACTICES (BMP'S) FOR THE PROJECT. THE CONTRACTOR MAY SUBMIT ALTERNATE METHODS TO THE COUNTY FOR ACCEPTANCE.
- C. THE CONTRACTOR SHALL KEEP A COPY OF THE APPROVED BMP PLAN, NOI, ETC. ON THE PROJECT SITE. THE BMP PLAN SHALL BE UPDATED TO REFLECT ANY CHANGES MADE DURING THE COURSE OF CONSTRUCTION FOR THE DURATION OF THE PROJECT.

- D. THE ENGINEER MAY ASSESS UNOBTAINED DAMAGES OF UP TO \$37,500 FOR NON-COMPLIANCE OF EACH BMP REQUIREMENT AND EACH REQUIREMENT VIOLATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY ADDITIONAL DAMAGES INCURRED BY THE CONTRACTOR. NON-COMPLIANCE THERE IS NO MAXIMUM LIMIT ON THE AMOUNT ASSESSED PER DAY.
- E. THE ENGINEER WILL DEDUCT THE COST FROM THE PROGRESS PAYMENT FOR ALL CITATIONS RECEIVED BY THE DEPARTMENT FOR NON-COMPLIANCE, OR THE CONTRACTOR/OWNER SHALL REIMBURSE THE STATE AND/OR COUNTY FOR THE FULL AMOUNT OF THE OUTSTANDING COST INCURRED BY THE STATE AND/OR COUNTY.

2. WASTE DISPOSAL:

- A. WASTE MATERIALS: ALL WASTE MATERIALS SHALL BE COLLECTED AND STORED IN A SECURELY COVERED AND LOCKED CONTAINER. WASTE MATERIALS SHALL BE REMOVED FROM THE PROJECT SITE DURING THE PROJECT. WASTE MATERIALS SHALL BE REMOVED FROM THE PROJECT SITE DURING THE PROJECT. WASTE MATERIALS SHALL BE REMOVED FROM THE PROJECT SITE DURING THE PROJECT. WASTE MATERIALS SHALL BE REMOVED FROM THE PROJECT SITE DURING THE PROJECT.
- B. HAZARDOUS WASTE: ALL HAZARDOUS WASTE MATERIALS SHALL BE DISPOSED OF IN ACCORDANCE WITH THE HAWAIIAN HAZARDOUS WASTE MANAGEMENT ACT. HAZARDOUS WASTE MATERIALS SHALL BE DISPOSED OF IN ACCORDANCE WITH THE HAWAIIAN HAZARDOUS WASTE MANAGEMENT ACT. HAZARDOUS WASTE MATERIALS SHALL BE DISPOSED OF IN ACCORDANCE WITH THE HAWAIIAN HAZARDOUS WASTE MANAGEMENT ACT. HAZARDOUS WASTE MATERIALS SHALL BE DISPOSED OF IN ACCORDANCE WITH THE HAWAIIAN HAZARDOUS WASTE MANAGEMENT ACT.
- C. SANITARY WASTE: ALL SANITARY WASTE SHALL BE COLLECTED FROM THE PORTABLE UNITS A MINIMUM OF ONCE PER WEEK, OR AS REQUIRED.

3. EROSION AND SEDIMENT CONTROL, INSPECTION AND MAINTENANCE PRACTICES:

- A. ALL CONTROL MEASURES SHALL BE INSPECTED AT LEAST ONCE EACH WEEK AND WITHIN 24 HOURS FOLLOWING ANY RAINFALL EVENT OF 0.5 INCHES OR GREATER.
- B. ALL MEASURES SHALL BE MAINTAINED IN GOOD WORKING ORDER. IF REPAIR IS NECESSARY, IT SHALL BE INITIATED WITHIN 24 HOURS AFTER THE INSPECTION.
- C. BUILT UP SEDIMENT SHALL BE REMOVED FROM SLOPE FENCE WHEN IT HAS REACHED ONE-THIRD THE HEIGHT OF THE FENCE.
- D. SLOPE SCREEN OR FENCE SHALL BE INSPECTED FOR DEPTH OF SEDIMENT TEARS, HOLES, AND DAMAGE TO THE FENCE POSTS. THE FENCE POSTS SHALL BE REPAIRED OR REPLACED AS NECESSARY TO MAINTAIN THE FENCE POSTS ARE FULLY IN THE GROUND.
- E. TEMPORARY AND PERMANENT SEEDING AND PLANTING SHALL BE INSPECTED FOR BARE SPOTS, WASH OUTS AND HEALTHY GROWTH.
- F. THE CONTRACTOR SHALL SUBMIT TO THE COUNTY A MAINTENANCE INSPECTION REPORT PROMPTLY AFTER EACH WEEKLY INSPECTION.

- G. THE CONTRACTOR SHALL SELECT A MINIMUM OF THREE PERSONNEL WHO SHALL BE RESPONSIBLE FOR INSPECTION, MAINTENANCE AND REPAIR ACTIVITIES AND FILING OUT THE INSPECTION AND MAINTENANCE REPORT.

- H. PERSONNEL SELECTED FOR THE INSPECTION AND MAINTENANCE RESPONSIBILITIES SHALL RECEIVE TRAINING FROM THE CONTRACTOR. THEY SHALL BE TRAINED IN THE USE OF THE INSPECTION AND MAINTENANCE REPORT. THEY SHALL BE TRAINED IN THE USE OF THE INSPECTION AND MAINTENANCE REPORT. THEY SHALL BE TRAINED IN THE USE OF THE INSPECTION AND MAINTENANCE REPORT.

- I. ALL SLOPES AND EXPOSED AREAS SHALL BE GRASSED AS FINAL GRASSES HAVE BEEN ESTABLISHED. GRASSING TO FINAL GRADE SHALL BE CONTINUOUS, AND ANY AREA IN WHICH WORK HAS BEEN INTERRUPTED OR DELAYED OR EXPOSED FOR MORE THAN 15 DAYS SHALL BE GRASSED IN ORDER TO PREVENT DUST EMISSION, EROSION AND SILT RUNOFF. AREAS WITH IMPROVED SOILS SHALL BE GRASSED NOT MORE THAN 5 WORKING DAYS AFTER THE FINAL GRASSES HAVE BEEN ESTABLISHED.

- J. TEMPORARY EROSION CONTROL SHALL NOT BE REMOVED BEFORE PERMANENT EROSION CONTROLS ARE IN-PLACE AND ESTABLISHED.

- K. GOOD HOUSEKEEPING BEST MANAGEMENT PRACTICES:

- A. MATERIALS POLLUTION PREVENTION PLAN:

- C. APPLICABLE MATERIALS OR SUBSTANCES LISTED BELOW ARE EXPECTED TO BE PRESENT ON-SITE DURING CONSTRUCTION. OTHER MATERIALS AND SUBSTANCES NOT LISTED BELOW SHALL BE ADDED TO THE INVENTORY OF THE CONSTRUCTION CONTRACTOR'S SITE-SPECIFIC BMP PLAN.

- CONCRETE
DETERGENTS
PAINTS (EMULSION AND LATEX)
METAL STUDS
TAR
FERTILIZERS
PETROLEUM-BASED PRODUCTS
CLEANING SOLVENTS
WOOD
MASONRY BLOCK

- D. MATERIAL MANAGEMENT PRACTICES SHALL BE USED TO REDUCE THE RISK OF SPILLS OR OTHER ACCIDENTAL EXPOSURE OF MATERIALS AND SUBSTANCES TO THE PUBLIC. MATERIALS AND SUBSTANCES SHALL BE STORED ONLY IN ENOUGH PRODUCTS AS IS REQUIRED TO DO THE JOB.

- E. ALL MATERIALS STORED ON-SITE SHALL BE STORED IN A NEAT, ORDERLY MANNER IN THEIR APPROPRIATE CONTAINERS AND IF POSSIBLE, UNDER A ROOF OR OTHER ENCLOSURE.

- F. PRODUCTS SHALL BE KEPT IN THEIR ORIGINAL CONTAINERS WITH THE ORIGINAL MANUFACTURER'S LABEL.

- G. SUBSTANCES SHALL NOT BE MIXED WITH ONE ANOTHER UNLESS RECOMMENDED BY THE MANUFACTURER.

- H. A PRODUCT SHALL BE USED UP COMPLETELY BEFORE DISPOSING OF THE CONTAINER.

- I. MANUFACTURER'S RECOMMENDATIONS FOR PROPER USE AND DISPOSAL SHALL BE FOLLOWED.

- J. THE CONTRACTOR SHALL CONDUCT A DAILY INSPECTION TO ENSURE PROPER USE AND DISPOSAL OF MATERIALS ON-SITE.

- K. HAZARDOUS MATERIAL POLLUTION PREVENTION PLAN

- L. PRODUCTS SHALL BE KEPT IN ORIGINAL CONTAINERS UNLESS THEY ARE NOT RESEALABLE.

- M. ORIGINAL LABELS AND MATERIAL SAFETY DATA SHEETS (MSDS) SHALL BE RETAINED AND MADE AVAILABLE TO THE COUNTY UPON REQUEST.

- N. SURPLUS PRODUCTS SHALL BE DISPOSED OF ACCORDING TO MANUFACTURER'S INSTRUCTIONS OR LOCAL AND STATE RECOMMENDED REGULATIONS.

- O. ON-SITE AND OFF-SITE PRODUCTS SPECIFIC PLANS:

- P. THE FOLLOWING PRODUCTS SPECIFIC PRACTICES SHALL BE FOLLOWED ON-SITE:

- Q. PETROLEUM BASED PRODUCTS: ALL ON-SITE VEHICLES SHALL BE MONITORED FOR LEAKS AND RECEIVE REGULAR PREVENTIVE MAINTENANCE TO REDUCE THE CHANCE OF LEAKAGE. PETROLEUM PRODUCTS SHALL BE STORED IN TIGHTLY SEALED CONTAINERS WHICH ARE CLEARLY LABELED. ANY ASPHALT SUBSTANCES USED ON-SITE SHALL BE APPLIED ACCORDING TO THE MANUFACTURER'S RECOMMENDATION.

- R. FERTILIZERS: APPLY FERTILIZERS USED ONLY IN THE MINIMUM AMOUNTS RECOMMENDED BY THE MANUFACTURER. ONCE APPLIED, WORK FERTILIZER INTO THE SOIL TO LIMIT EXPOSURE TO STORM WATER. STORAGE SHALL BE KEPT IN A COVERED SHED. TRANSFER THE CONTENTS OF ANY PARTIALLY USED BAGS OF FERTILIZER TO A SEALABLE PLASTIC BIN TO AVOID SPILLS.
- S. PANTS: SEAL AND STORE ALL CONTAINERS WHEN NOT REQUIRED FOR USE. DO NOT DISCHARGE EXCESS PAINT TO THE ROADWAY DRAINAGE SYSTEM. DISPOSE PROPERLY ACCORDING TO THE MANUFACTURER'S INSTRUCTION OR STATE AND LOCAL REGULATIONS.

- T. CONCRETE TRUCKS: WASH OUT OR DISCHARGE CONCRETE TRUCK DRUM WASH WATER ONLY AT A DESIGNATED SITE. DO NOT DISCHARGE WATER IN THE ROADWAY DRAINAGE SYSTEM OR WATERS OF THE UNITED STATES. CONTACT DRINKING WATER BRANCH, DEPARTMENT OF HEALTH AT (808) 586-4309 TO RECEIVE PERMISSION TO DESIGNATE A DISPOSAL SITE. CLEAN DISPOSAL SITE AS REQUIRED OR AS REQUESTED BY THE OWNER'S REPRESENTATIVE.

D. SPILL CONTROL PLAN:

- A. POST A SPILL PREVENTION PLAN TO INCLUDE MEASURES TO PREVENT AND CLEAN UP EACH SPILL.

- B. THE CONTRACTOR SHALL BE THE PREVENTION AND CLEAN-UP COORDINATOR. DESIGNATE AT LEAST THREE SITE PERSONNEL WHO SHALL RECEIVE SPILL PREVENTION AND CLEANUP TRAINING. THESE INDIVIDUALS SHALL EACH BECOME RESPONSIBLE FOR A PARTICULAR PHASE OF PREVENTION AND CLEANUP. POST THE NAMES OF RESPONSIBLE SPILL PERSONNEL IN THE MATERIAL STORAGE AREA AND IN THE OFFICE TRAILER ON-SITE.

- C. CLEARLY POST MANUFACTURER'S RECOMMENDED METHODS FOR SPILL CLEANUP. MAKE SITE PERSONNEL AWARE OF THE PROCEDURES AND THE LOCATION OF INFORMATION AND CLEANUP SUPPLIES.

- D. KEEP MATERIAL AND EQUIPMENT NECESSARY FOR SPILL CLEANUP IN THE MATERIAL STORAGE AREA ON-SITE.

- E. CLEAN UP ALL SPILLS IMMEDIATELY AFTER DISCOVERY.

- F. KEEP THE SPILL AREA WELL VENTILATED. PERSONNEL SHALL WEAR APPROPRIATE PROTECTIVE CLOTHING TO PREVENT INJURY FROM CONTACT WITH HAZARDOUS SUBSTANCES.

- G. REPORT SPILLS OF TOXIC HAZARDOUS MATERIAL TO THE APPROPRIATE STATE OR LOCAL GOVERNMENT AGENCY, REGARDLESS OF SIZE.

- H. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REQUIREMENTS:

- A. THE CONTRACTOR SHALL APPLY FOR, OBTAIN AND COMPLY WITH THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REQUIREMENTS FOR KAUAI DISTRICT PERMIT PROJECTS. THIS IS AVAILABLE AT THE KAUAI DISTRICT OFFICE AT 3340 WAH STREET, SUITE 205, DUE TO POTENTIAL COSTS AND IMPACTS, THE CONTRACTOR NEEDS TO BE AWARE OF THESE REQUIREMENTS.

- B. THE CONTRACTOR SHALL OBTAIN AND COMPLY WITH NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT REQUIREMENTS FOR ALL PROJECTS WHICH WILL DISTURB ONE (1) ACRE OR MORE OF LAND. THE CONTRACTOR SHALL NOT START CONSTRUCTION UNTIL NOTICE OF GENERAL PERMIT COVERAGE (NGPC) IS RECEIVED FROM THE DEPARTMENT OF HEALTH, STATE OF HAWAII AND HAS SATISFIED ANY OTHER APPLICABLE REQUIREMENTS OF THE NPDES PERMIT PROGRAM.

- C. THE CONTRACTOR SHALL COMPLETE AND SUBMIT A CONTRACTOR'S CERTIFICATION OF COMPLIANCE, INCLUDING COMPLETION OF THE BEST MANAGEMENT PRACTICES (BMP) CHECKLIST AND SUBMITTAL OF A WRITTEN BMP PLAN AND DRAWINGS, PRIOR TO ISSUANCE OF THE PERMIT TO PERFORM WORK UPON COUNTY ROADWAYS.



THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION.

THIS LICENSE EXPIRES 4-30-25

KAUAI HABITAT FOR HUMANITY, INC.
KOLOA ROAD PROJECT
LAWA I, KAUAI, HAWAII
TMK: (4) 2-5-010-034
NOTE

C1.2

Scale: -
Page No. 4 of 4

TEMPORARY DUST CONTROL MEASURES FOR GRADING

3. IN APPLYING FOR A GRADING PERMIT, THE CONTRACTOR SHALL SUBMIT PLANS, SCHEDULES AND/OR WRITTEN MEASURES WHICH PROVIDES FOR DUST CONTROL. THE DUST CONTROL MEASURES SHALL CONTAIN POSITIVE STATEMENTS WHICH REQUIRE ACTIONS OR WORK THAT PREVENT DUST PROBLEMS. NO PERMIT WILL BE ISSUED UNLESS THE COUNTY IS ASSURED THAT DUST AND EROSION PROBLEMS WILL BE MINIMIZED.

1. TEMPORARY VEGETATIVE COVER SHALL BE PLANTED WITHIN A PERIOD OF 30 CALENDAR DAYS AFTER THE SITE HAS BEEN GRADED OR BARED OF VEGETATION OR IF THE SITE WILL BE SUSPENDED FOR MORE THAN 30 CALENDAR DAYS.

- ## PERMANENT EROSION CONTROL MEASURES FOR GRADING

- ## GRADING PHASES

- ENVIRONMENTAL CONTROL NOTES FOR GRADING

2. IN ACCORDANCE WITH CHAPTER 11-55, WATER POLLUTION CONTROL AND CHAPTERS 11-54, WATER QUALITY STANDARDS, TITLE 11, HAWAII ADMINISTRATIVE RULES, THE PROPERTY OWNER/DEVELOPER SHALL BE RESPONSIBLE FOR ENSURING THAT THE BEST MANAGEMENT PRACTICE (BMP) TO MINIMIZE OR PREVENT THE DISCHARGE OF SEDIMENTS, DEBRIS AND OTHER WATER POLLUTANT INTO STATE WATERS ARE PROVIDED AT ALL TIMES.

- 1D. A COPY OF THE PLANS, CONSTRUCTION SCHEDULE AND/OR WRITTEN MEASURES THAT IS REQUIRED TO BE SUBMITTED BY THE CONTRACTOR (DUST CONTROL MEASURES/PLANS) SHOULD ALSO BE SENT TO THE DEPARTMENT OF HEALTH FOR MONITORING PURPOSES.

1. IN ACCORDANCE WITH CHAPTER 11-60.1, AIR POLLUTION CONTROL, TITLE 11, HAWAII ADMINISTRATIVE RULES, THE CONTRACTOR SHALL BE RESPONSIBLE FOR ENSURING THAT EFFECTIVE CONTROL MEASURES ARE PROVIDED TO MINIMIZE OR PREVENT ANY VISIBLE OUST EMISSION CAUSED BY THE CONSTRUCTION WORK FROM IMPACTING THE SURROUNDING AREAS INCLUDING THE OFF-STREET ROADWAYS USED TO ENTER/EXIT THE PROJECT. THESE MEASURES INCLUDE BUT ARE NOT LIMITED TO THE USE OF WATER WAGONS, SPRINKLER SYSTEMS, OUST FENCES, ETC.

2. IN ACCORDANCE WITH CHAPTER 11-55, WATER POLLUTION CONTROL AND CHAPTER 11-54, WATER QUALITY STANDARDS, TITLE 11, HAWAII ADMINISTRATIVE RULES, THE CONTRACTOR SHALL BE RESPONSIBLE FOR ENSURING THAT THE BEST MANAGEMENT PRACTICE (BMP) TO MINIMIZE OR PREVENT THE DISCHARGE OF SEDIMENTS, DEBRIS AND OTHER WATER POLLUTANT INTO STATE WATERS ARE PROVIDED AT ALL TIMES.

9. 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, HAR. THE APPLICANT SHALL ASCERTAIN THE PRESENCE OR ABSENCE OF RODENTS ON THE PROPERTY, SHOULD THE PRESENCE OF RODENTS BE DETERMINED. THE APPLICANT SHALL EMULCATE THE RODENTS PRIOR TO CLEARING THE SITE.

10. A COPY OF THE PLANS, CONSTRUCTION SCHEDULE AND/OR WRITTEN MEASURES THAT IS REQUIRED TO BE SUBMITTED BY THE CONTRACTOR (DUST CONTROL MEASURES/PLANS) SHOULD ALSO BE SENT TO THE DEPARTMENT OF HEALTH FOR MONITORING PURPOSES.

ABITAT FOR HUMANI
KOLOA ROAD PROJECT
LAWA'I, KAUAI, HAWAII
TMK: (4) 2-5-010-034

C1.3

Scale: 1

Page No. 5 of

WATER CONSTRUCTION NOTES

1. UNLESS OTHERWISE SPECIFIED, ALL MATERIALS AND CONSTRUCTION OF WATER FACILITIES AND APPURTENANCES SHALL BE IN ACCORDANCE WITH THE "WATER SYSTEM STANDARDS, 2002" AS ADOPTED BY THE DEPARTMENT OF WATER, COUNTY OF HAWAII, INCLUDING ALL SUBSEQUENT AMENDMENTS AND ADDITIONS.
2. ALL REQUIRED PROJECT SUBMITTALS (MATERIALS, SHOP DRAWINGS, ETC.) SHALL BE APPROVED BY THE DOW'S CONSTRUCTION MANAGEMENT SECTION BEFORE A PRE-CONSTRUCTION CONFERENCE CAN BE SCHEDULED. ONCE ALL PROJECT SUBMITTALS HAVE BEEN APPROVED BY DOW CONSTRUCTION ENGINEER, THE DOW CONSTRUCTION ENGINEER WILL NOTIFY THE CONTRACTOR THAT A PRE-CONSTRUCTION CONFERENCE CAN BE APPOINTED. THE CONTRACTOR SHALL APPEAR A PRE-CONSTRUCTION CONFERENCE AT LEAST TEN (10) CALENDAR DAYS BEFORE PRE-CONSTRUCTION AND SHALL NOTIFY THE DEPARTMENT OF WATER AT LEAST THREE (3) WORKING DAYS PRIOR TO START OF CONSTRUCTION.
3. THE CONTRACTOR SHALL SUBMIT THE NAMES AND TELEPHONE NUMBERS OF ITS AUTHORIZED JOB SUPERINTENDENT AND AT LEAST THREE (3) ADDITIONAL PERSONS TO CONTACT IN CASE OF AN EMERGENCY DURING NON-WORKING HOURS.
4. THE CONTRACTOR SHALL NOTIFY THE DEPARTMENT OF WATER AT LEAST 24 HOURS BEFORE ANY EXCAVATION OR CONSTRUCTION ACTIVITY THAT MAY BE AVAILABLE.
5. ALL MATERIALS (PIPE, LUBRICANTS, PAINTS, SEALANTS, FORM OIL, CONCRETE ADJUVANTS, ETC.) IN DIRECT CONTACT WITH THE POTABLE WATER SHALL HAVE NATIONAL SANITATION FOUNDATION (NSF) CERTIFICATIONS. THE CONTRACTOR SHALL SUBMIT THESE CERTIFICATIONS TO THE DEPARTMENT OF WATER FOR REVIEW AND APPROVAL PRIOR TO ITS APPLICATION.
6. THE LOCATION OF EXISTING WATER MAINS AND APPURTENANCES SHOWN ON THE PLANS ARE APPROXIMATE ONLY. THE CONTRACTOR SHALL VERIFY THE EXACT LOCATIONS IN THE FIELD. EXCAVATION AROUND ANY EXISTING WATER MAIN SHALL BE DONE BY HAND.
7. THE CONTRACTOR SHALL PROVIDE UNOBSTRUCTED ACCESS TO EXISTING HYDRANTS, VALVES AND WATER METERS AT ALL TIMES.
8. THE CONTRACTOR SHALL SECURE ALL EXCAVATIONS IN ACCORDANCE WITH OSHA REGULATIONS.
9. THERE SHALL BE NO PHYSICAL CONNECTION BETWEEN A PUBLIC OR PRIVATE POTABLE WATER SYSTEM AND A NON-POTABLE WATER SYSTEM, SEWER, OR APPURTENANCE THEREOF WHICH COULD PERMIT THE PASSAGE OF ANY SEWAGE OR POLLUTED WATER INTO THE POTABLE WATER SUPPLY.
10. TRENCH EXCAVATION, BACKFILLING IN LIFTS, AND REPAIRING SHALL CONFORM TO THE "HAWAII STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, 2005" AS AMENDED.
11. WARNING TAPE SHALL BE IN ACCORDANCE WITH OMSION 300, SECTION 212.08 OF THE "WATER SYSTEM STANDARDS". THE WARNING TAPE SHALL BE FOUR (4) MIL THICK, NON-METALLIC, ACID AND ALKALI RESISTANT POLYETHYLENE AND 6-INCHES WIDE WITH MINIMUM STRENGTH OF 750 PSI LENGTHWISE AND 1500 PSI CROSSWISE. THE TAPE SHALL BE PRINTED WITH THE FOLLOWING MESSAGE: "CAUTION WATER LINE BURIED BELOW". INSCRIPTION SHALL BE 2-INCHES HIGH, BLACK TEXT.
12. ALL HYDRANTS SHALL RECEIVE A MINIMUM SPFC SP3 SURFACE PREPARATION AND COATED IN ACCORDANCE WITH OMSION 300, SECTION 206.01 OF THE "WATER SYSTEM STANDARDS".
13. UNLESS OTHERWISE DIRECTED, PRIOR TO THE CONNECTION OF ANY PIPELINES AND/OR LATERALS TO THE EXISTING MAIN, THE PRELINES/LATERALS INSTALLED SHALL BE CLEANED, PRESSURE TESTED, CHLORINATED, FLUSHED, AND SAMPLED IN ACCORDANCE WITH OMSION 300, SECTIONS 302.27 TO 302.29 OF THE "WATER SYSTEM STANDARDS".
- WATER SAMPLES SHALL BE TESTED FOR TOTAL COLIFORMS BY A LABORATORY CERTIFIED BY THE STATE OF HAWAII TO PERFORM COLIFORM ANALYSES. PRESENCE OF COLIFORM BACTERIA IS UNACCEPTABLE.
- IN ADDITION TO THE TEST FOR COLIFORMS, A SEPARATE TEST FOR METEOROTROPHIC PLATE COUNT (MPC) SHALL BE CONDUCTED. THE MPC COUNT SHALL BE LESS THAN 300 CFU/ML.

B

C

D

E

21. THE CONTRACTOR SHALL OBTAIN ALL APPLICABLE DEPARTMENT OF HEALTH PERMITS PRIOR TO THE START OF CONSTRUCTION. PERMITS INCLUDE, BUT ARE NOT LIMITED TO, NATIONAL POLLUTION DISCHARGE EXAMINATION SYSTEM (NPDES) PERMITS FOR STORM WATER, HYDROSTATIC TEST, DEWATERING, AND FOR 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 CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROPER DISPOSAL OF STORM WATER DISCHARGES AND EFFLUENT ASSOCIATED WITH CONSTRUCTION ACTIVITIES. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY DEPARTMENT OF HEALTH WATER DISCHARGE PERMITS AND LICENSES FOR STORM WATER AND CONSTRUCTION WATER DISPOSALS, INCLUDING ALL APPLICATION, CHARGES, FEES AND TAXES, ARE THE RESPONSIBILITY OF THE CONTRACTOR.
22. THE CONTRACTOR IS RESPONSIBLE FOR DEWATERING. TECHNIQUE AS NECESSARY. WASTE COLLOIDANTER IS NOT ALLOWED. ALL ASSOCIATED COSTS FOR DEWATERING SHALL BE BORNE BY THE CONTRACTOR.
23. THE USE OF KNOWN SEWER PUMP TRUCKS IS PROHIBITED FOR DOW PROJECTS FOR ANY USE, INCLUDING BUT NOT LIMITED TO DEWATERING AND TESTING OF NEW FACILITIES.
24. THE CONTRACTOR SHALL VERIFY OUTSIDE DIAMETER OF ALL EXISTING ASBESTOS-CEMENT (AC) WATERLINES TO BE CONNECTED. CONTRACTOR SHALL VERIFY USE OF PROPER GASKETS PRIOR TO CONNECTION. AC PIPE AND GASKET INFORMATION SHALL BE SUBMITTED TO ENGINEER FOR APPROVAL.
25. ALL REMOVAL, DISPOSAL, AND CONNECTION WORK THAT INVOLVES ASBESTOS PIPE/MATERIAL SHALL BE DONE IN THE PRESENCE OF OR BY A LICENSED ASBESTOS CONTRACTOR.
- THE LICENSED ASBESTOS CONTRACTOR SHALL SUBMIT THEIR PLAN FOR ALL ASSOCIATED REMOVAL, DISPOSAL AND CONNECTION WORK FOR THE PROJECT TO DOW FOR REVIEW AND APPROVAL PRIOR TO CONDUCTING THE WORK.
26. ALL CONNECTIONS TO EXISTING AC PIPE SHALL BE AT THE NEAREST AC PIPE JOINT. AC PIPE SHALL BE REMOVED BY ENTIRE LENGTH(S) TO FACILITATE THE CONNECTION. CUTTING OF AC PIPE IS PROHIBITED.
27. THE CONTRACTOR SHALL FOLLOW ALL APPLICABLE OSHA, HOSH AND FEDERAL REGULATIONS IN HANDLING AND DISPOSAL OF ASBESTOS-CEMENT PIPE. DISPOSAL OF THE PIPE SHALL BE AT AN APPROVED ASBESTOS MATERIAL DISPOSAL SITE.
28. ALL WATERWORKS BRASS FITTINGS SHALL BE IN COMPLIANCE WITH THE AMENDED SECTION 1417 OF HAWAIIAN WATER ACT (SMA) WHICH TAKES EFFECT ON JANUARY 4, 2014. THE AMENDMENT INCLUDES A CHANGE TO THE DEFINITION OF "LEAD-FREE" BY REDUCING LEAD CONTENT FROM 8% TO A WEIGHTED AVERAGE OF NOT MORE THAN 0.25% IN THE WETTED SURFACE MATERIAL. ALL WATERWORKS BRASS FITTINGS INSTALLED FOR POTABLE WATER SERVICE ON JANUARY 4, 2014 AND BEYOND SHALL CONFORM TO THE AMENDED DEFINITION OF "LEAD-FREE."
- AS INDICATED IN SECTION 211 OF WATER SYSTEM STANDARDS - BRASS PRODUCTS, ALL BRASS FITTINGS SHALL CONFORM TO NSF STANDARD 61 AND SECTION 1417 OF HAWAIIAN WATER ACT (SMA). IN ADDITION, ALL BRASS FITTINGS SHALL CONFORM TO NSF STANDARD 372.
29. CONTRACTOR SHALL INSTALL WATER FACILITIES ONLY AFTER REACHING FINAL SUBGRADE OR HIGHER. THE DEPARTMENT OF WATER WILL NOT ALLOW INSTALLATION OF ANY WATER FACILITIES UNTIL THE FINAL SUBGRADE LAYER AT MINIMUM HAS BEEN ACHIEVED.
30. PRIOR TO INSTALLATION OF NEW WATER LINES AND/OR FACILITIES, THE CONTRACTOR SHALL HAVE ALL FACILITIES SURVEYED AND STAKED OUT BY A LICENSED SURVEYOR AND THE CONTRACTOR SHALL EXPOSE, TEST, AND VERIFY ALL EXISTING CROSSINGS AND CONNECTIONS PRIOR TO EXCAVATION OF PRELINE TRENCH. CONTRACTOR SHALL PROVIDE THE LICENSED SURVEYOR SET SHEET AND THE PROBING INFORMATION TO THE DOW CONSTRUCTION ENGINEER FOR REVIEW AND APPROVAL BEFORE MOVING FORWARD WITH INSTALLATION VIA THE SUBMITTAL REVIEW PROCESS.
31. THE DEPARTMENT SHALL BE PROVIDED TWENTY (20) WORKING DAYS FOR ALL SUBMITTAL REVIEWS FROM THE TIME OF SUBMISSION BY THE CONTRACTOR.
32. UNLESS OTHERWISE SPECIFIED, ALL DUCTILE IRON PIPES, VALVES, AND FITTINGS SHALL BE ENCASED IN ONE LAYER OF 8 MIL MINIMUM THICKNESS POLYETHYLENE MATERIAL IN ACCORDANCE WITH ANSI A-21.5 AND ANSI C105. THE POLYETHYLENE

- ENCASMENT FILM SHALL BE MANUFACTURED FROM VIRGIN POLYETHYLENE AND SHALL CONSIST OF THREE LAYERS OF CO-EXTRUDED LINEAR LOW DENSITY POLYETHYLENE (LLDPE), FUSED INTO A SINGLE THICKNESS OF NOT LESS THAN 8 MILS. THE INSIDE SURFACE OF THE POLYETHYLENE WRAP TO BE IN CONTACT WITH THE PIPE EXTERIOR SHALL BE INFUSED WITH A BLEND OF AN ANTIMICROBIAL TO INHIBIT MICROBIOLOGICALLY INFLUENCED CORROSION AND A VOLATILE CORROSION INHIBITOR TO CONTROL GALVANIC CORROSION. POLYETHYLENE MATERIAL SHALL HAVE PERMANENT MARKINGS PER ANSI C105.
- COPPER SERVICE LATERALS SHALL BE JOINTED WITH POLYETHYLENE WRAP FROM THE EXISTING MAIN TO THE WATER MAIN TO THE ANGLE BALL VALVE LOCATED IN THE WATER MAIN BOX.
33. ALL DESIGN CONSULTANT AND CONSTRUCTION CONTRACTOR STAFFING WILL BE REQUIRED TO UTILIZE THE DEPARTMENT OF WATER'S CONSTRUCTION MANAGEMENT SOFTWARE/PLATFORM, IF ANY, DURING CONSTRUCTION MANAGEMENT OF THE PROJECT.
34. FOR ALL EXISTING TYPE B WATER METER BOXES LOCATED IN NEW SIDEWALK OR NEW PAVEMENT, REPLACE WITH TYPE "X" METER BOX AND COVER TO MATCH FINISHED GRADE. SEE DETAIL 3 ON UP-7.
- ALL OTHER WATER METER BOXES LOCATED IN NEW SIDEWALK OR NEW PAVEMENT SHALL BE ADJUSTED TO FINISHED GRADE.
- FOR ALL WATER METER BOXES, UNLESS SPECIFIED OTHERWISE, COVER OF METER PIPING AND BOTTOM OF METER BOX COVER SHALL HAVE A 10-INCH CLEARANCE. IF EXISTING LATERAL PIPING NEEDS ADJUSTING, CONTRACTOR SHALL INSTALL NEW LATERAL PIPING TO MAINTAIN 10-INCH CLEARANCE. CONTRACTOR SHALL VERIFY THE EXISTING LATERAL PIPING IS NOT A 10-INCH CLEARANCE. ONLY CONTRACTOR CAN LOWER THE EXISTING LATERAL PROVIDED IT DOES NOT CREATE AN AIRLOCK IN THE LATERAL PIPING.
- FOR WATER METER BOXES LOCATED IN NON-PAVED AREAS, THE METER BOX AND/OR VALVE BOXES SHALL BE ADJUSTED PER WATER SYSTEM STANDARDS.
- THIS NOTE SHALL APPLY TO ALL EXISTING WATER METER BOXES AFFECTED BY THE PROJECT, WHETHER SHOWN ON THE PLANS OR NOT.
35. ALL EXISTING WATER VALVE BOXES AFFECTED BY THE PROJECT, WHETHER SHOWN ON THE PLANS OR NOT, SHALL BE ADJUSTED TO FINISHED GRADE PER THE WATER SYSTEM STANDARDS.

SPECIAL NOTES TO DEVELOPER

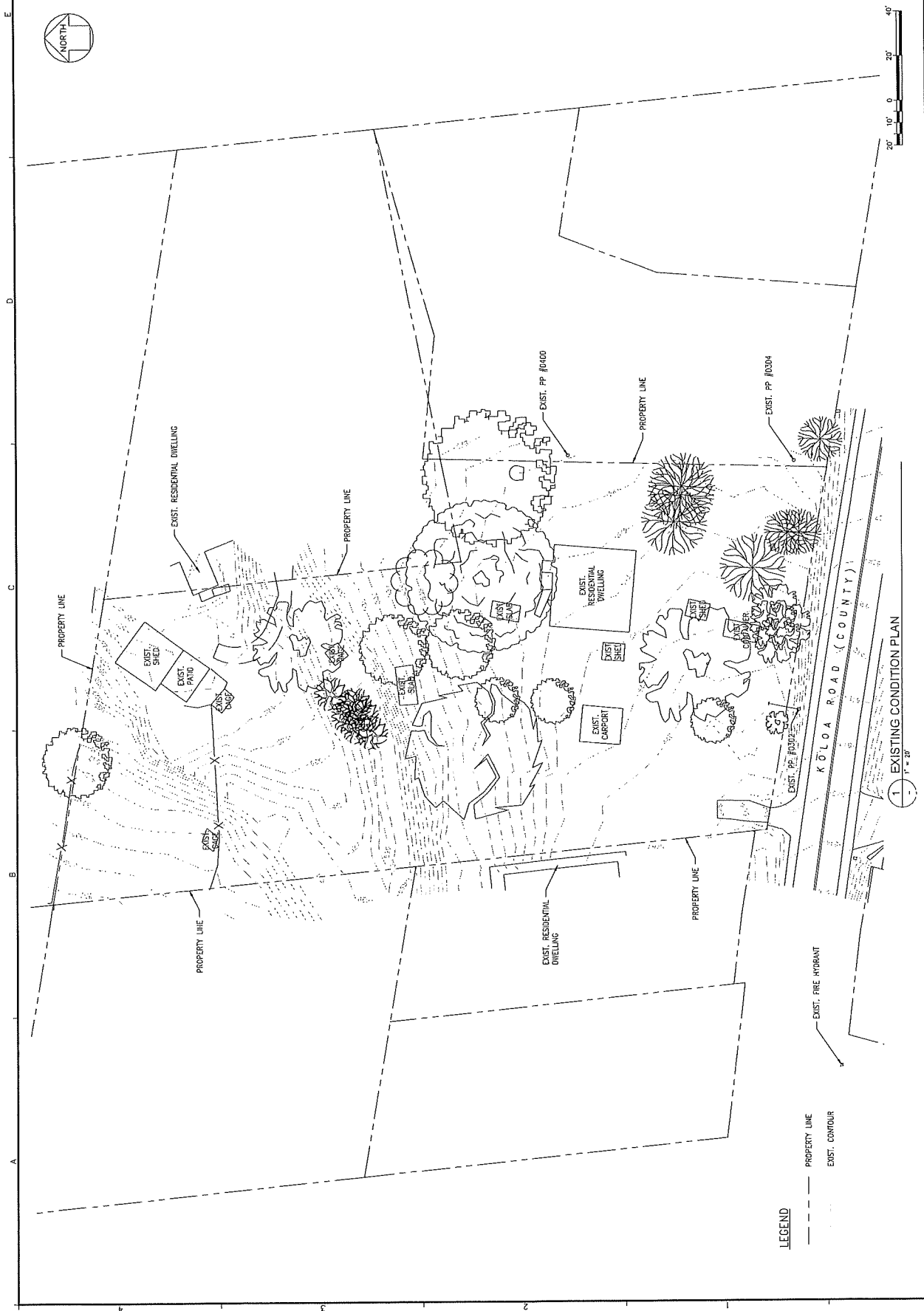
- CERTIFICATION OF COMPLETION FOR THESE WATER SYSTEM FACILITIES WILL NOT BE ISSUED UNTIL:
1. ALL WATER IMPROVEMENTS ARE COMPLETE AND DEDICATED TO THE DEPARTMENT OF WATER.
 2. AS-BUILT DRAWINGS ARE SUBMITTED TO THE DEPARTMENT OF WATER.
 3. FINAL COST BREAKDOWN FOR THE WATER IMPROVEMENTS ARE SUBMITTED AND APPROVED BY THE DEPARTMENT OF WATER. THE OWNER SHALL CERTIFY COSTS.
 4. ROADWAY AND PIPELINE EASEMENTS ARE CONVEYED TO THE DEPARTMENT OF WATER, IF APPLICABLE.
 5. PAYMENT OF ALL APPLICABLE FEES FOR THE DEVELOPMENT HAVE BEEN RECEIVED BY THE DEPARTMENT OF WATER. THESE FEES INCLUDE BUT ARE NOT LIMITED TO:
 - a. FACILITIES RESERVE CHARGE
 - b. OTHER REQUIRED CONDITIONS ARE COMPLETED, IF APPLICABLE.
 6. MEMORANDUM OF AGREEMENT BETWEEN DEPT. OF PUBLIC WORKS AND DEPT. OF WATER MUST BE FULLY EXECUTED PRIOR TO DEPT. OF WATER ISSUING CERTIFICATION OF COMPLETION.



THIS PROJECT WAS DESIGNED BY ME OR UNDER MY SUPERVISION.

KAWAII HABITAT FOR HUMANITY, INC.
KOLAO ROAD PROJECT
LAWA, I, KAWAII, HAWAII
TMK: (4) 2-5-010:034
NOTE

C1.4

[illegible][illegible]

12. BEST MANAGEMENT PRACTICES NOTED ABOVE SHALL BE MAINTAINED UNTIL ALL PERMANENT EROSION CONTROL MEASURES HAVE BEEN PROVIDED.

50 SOIL PREPARATION

51 PLANTING TREES, SHRUBS, GROUND COVER AND GRASS



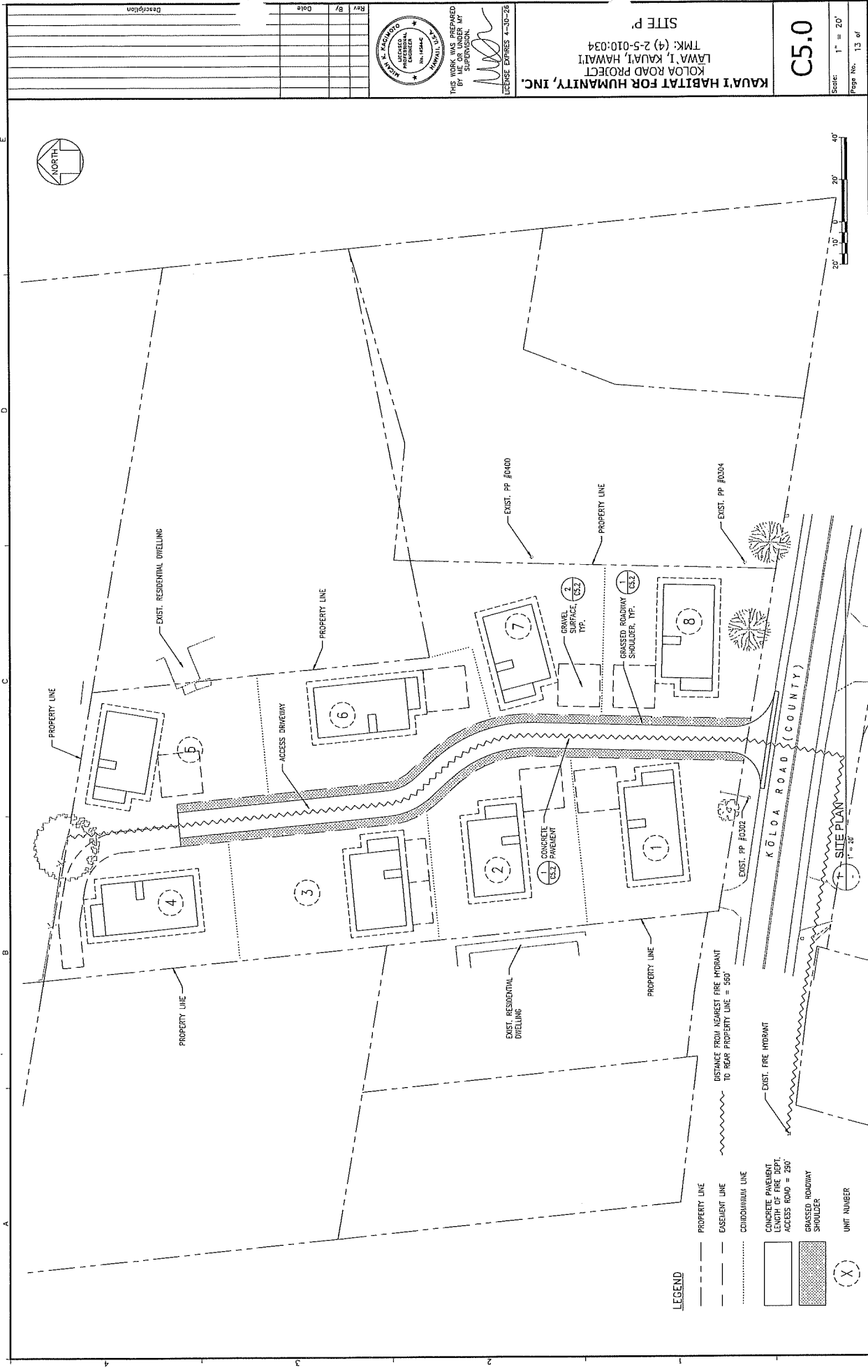
1. BIOSOCK COMPOST FILTER SOCK OR APPROVED EQUAL (DMA=12").
2. COMPOST USED FOR BIOSOCK FILLER MATERIAL SHALL NOT CONTAIN ANY BIOSOLIDS AND SHALL COMPLY WITH ALL EPA GUIDELINES.
3. STAKING OF THE COMPOST FILTER SOCK IS NOT REQUIRED.

VEHICLE WASH DOWN AREA
SEE EROSION CONTROL PLAN
FOR LOCATION AND DIMENSIONS

3 VEHICLE WASH DOWN AREA DETAIL

THIS WORK WAS PREPARED
BY ME OR UNDER MY
SUPERVISION

LICENSE EXPIRES 4-30-26



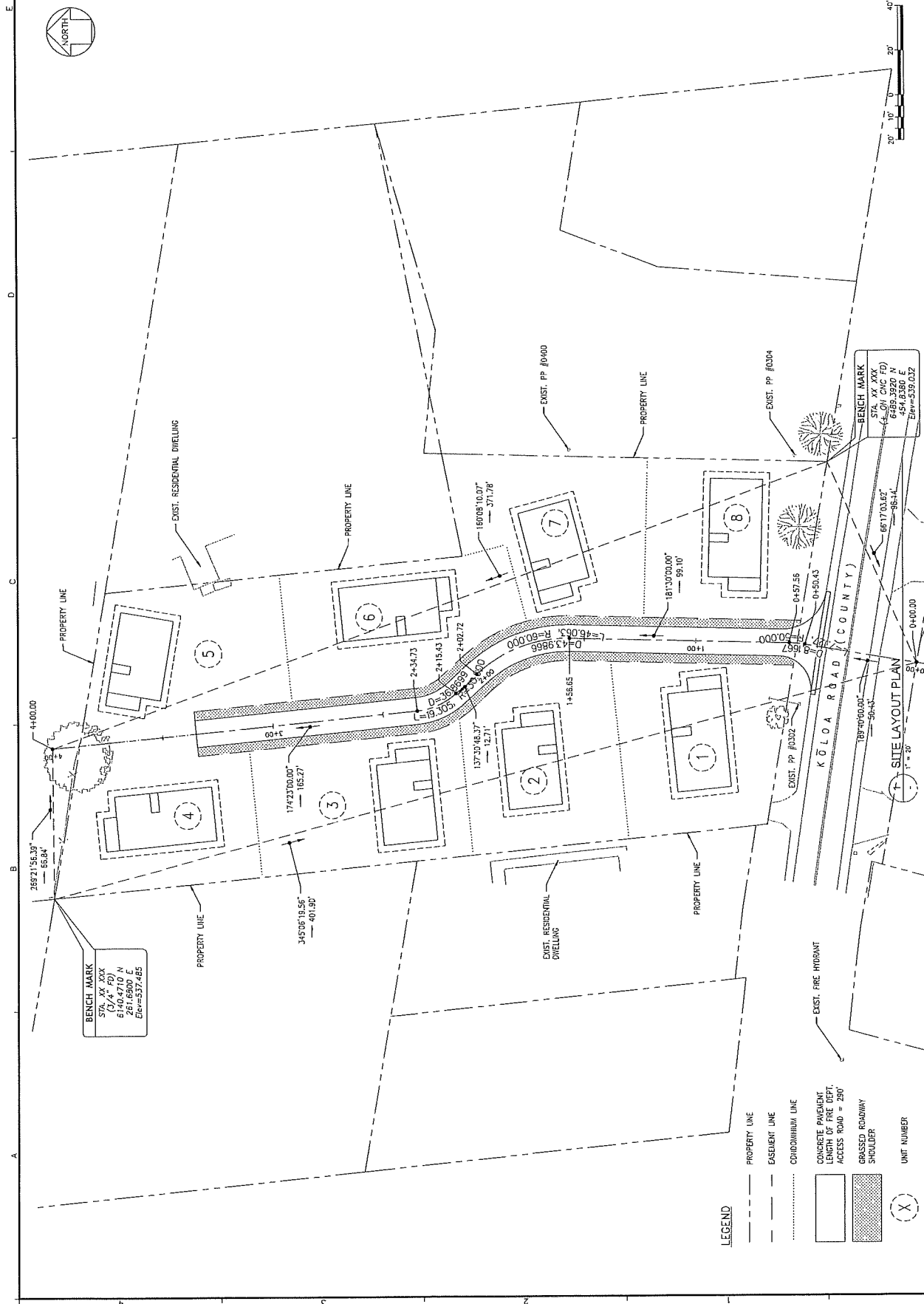
SITE LAYOUT PLAN

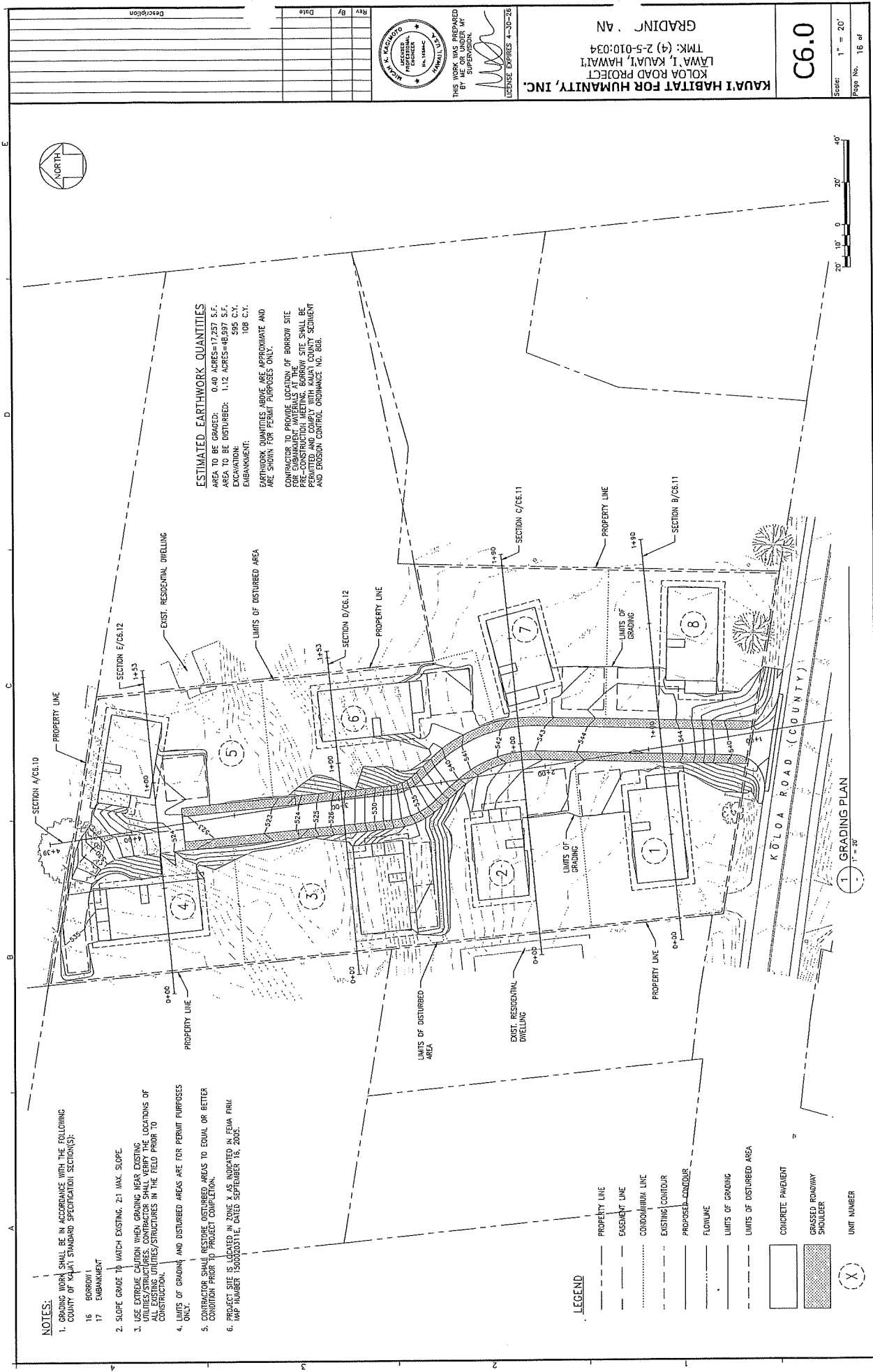
KOLOA ROAD PROJECT
AWA'I, KAUAI, HAWAII
TMK: (4) 2-5-010:034

THIS WORK WAS PREPARED
BY ME OR UNDER MY
SUPERVISION.

[Signature]

LICENSE EXPIRES 4-30-26

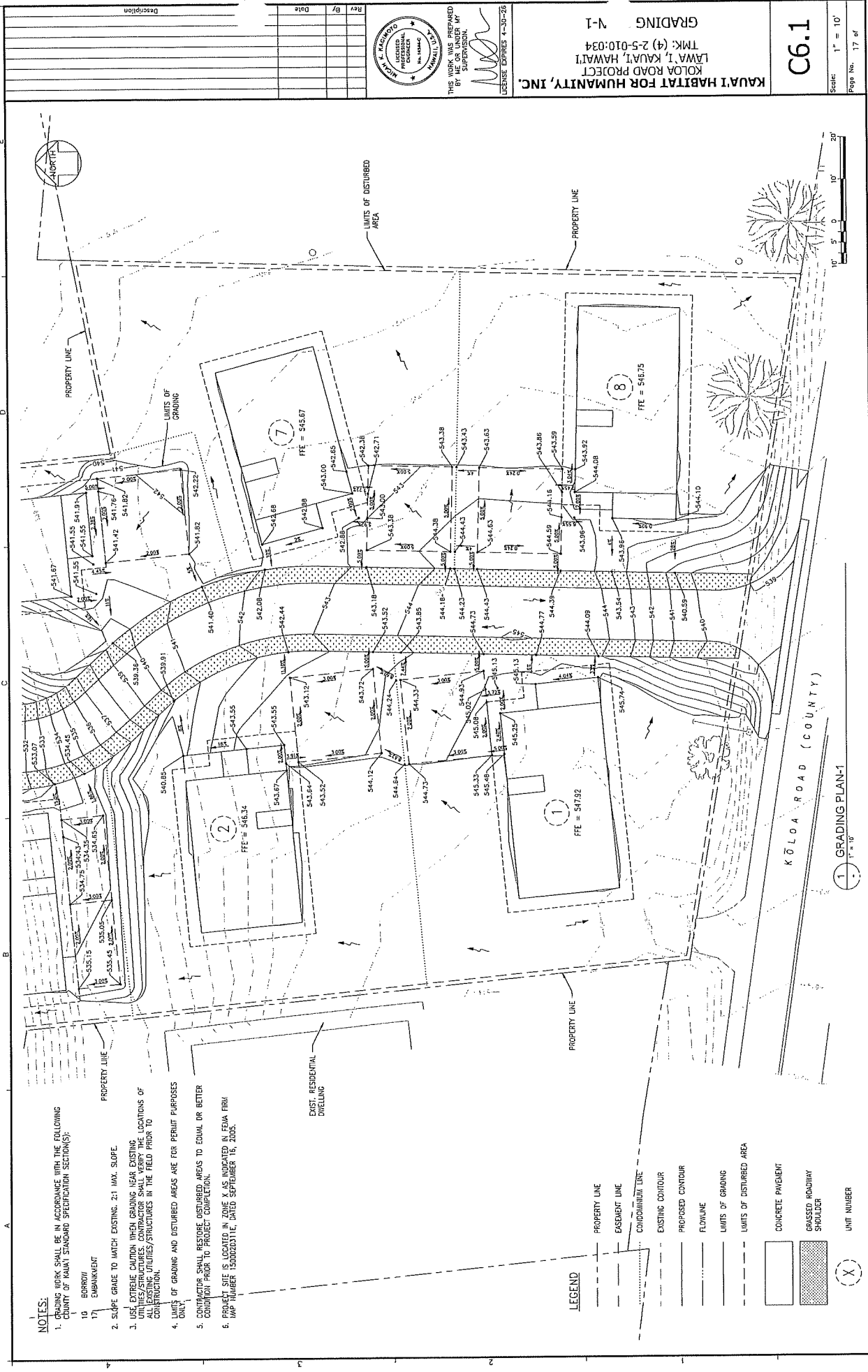
[illegible][illegible]



THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION.
LICENSE EXPIRES 4-30-26

KAUAI HABITAT FOR HUMANITY, INC.
KŌLOA ROAD PROJECT
LAWA'I, KAUAI, HAWAII
TMK: (4) 2-5-010:034
GRADING PLAN

C6.0
Scale: 1" = 20'
Page No. 16 of



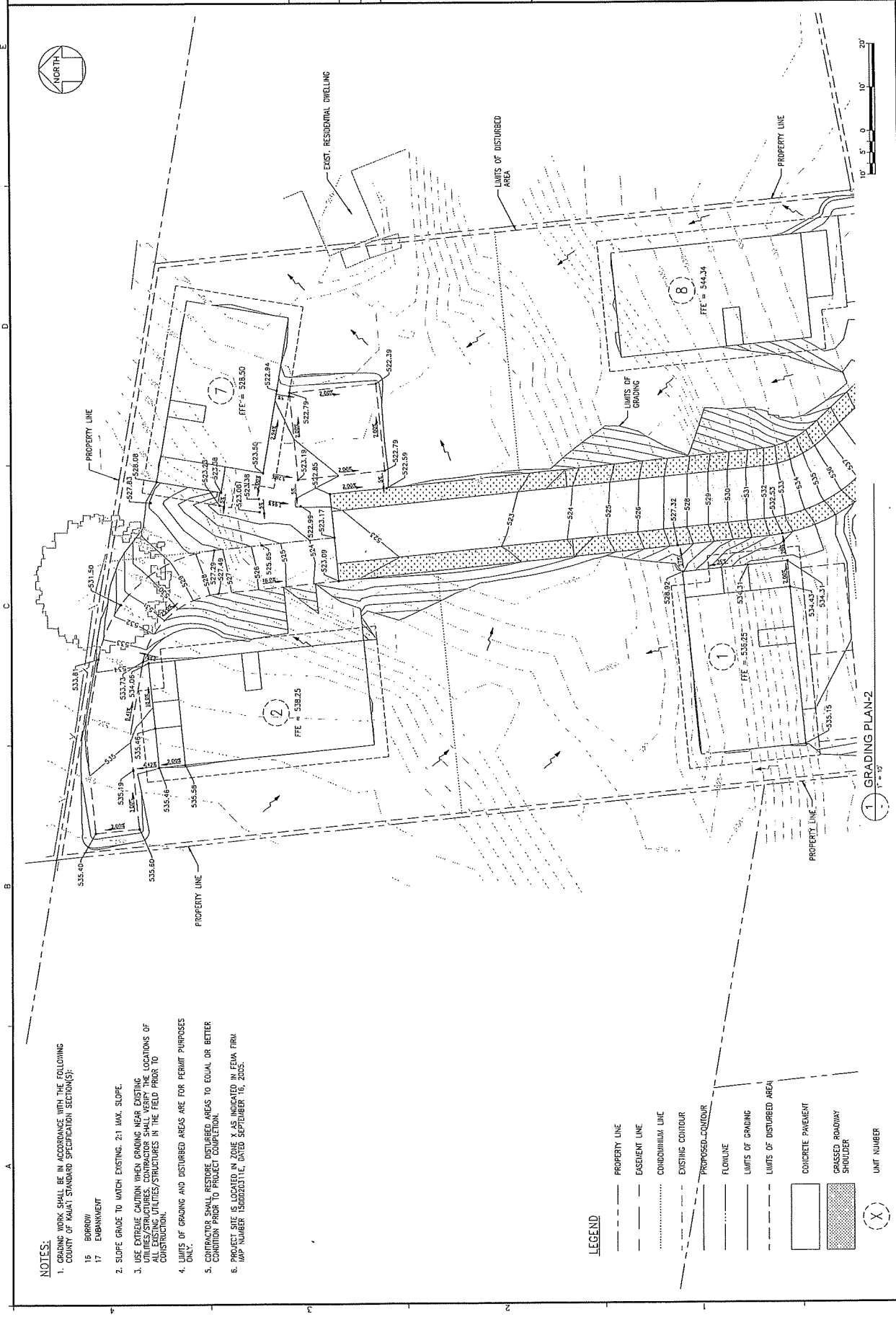
- NOTES:**
1. GRADING WORK SHALL BE IN ACCORDANCE WITH THE FOLLOWING COUNTY OF KAUAI STANDARD SPECIFICATION SECTION(S):
10. BORROW
17. EMBANKMENT
 2. SLOPE GRADE TO MATCH EXISTING, 2:1 MAX. SLOPE.
 3. USE EXTREME CAUTION WHEN GRADING NEAR EXISTING UTILITIES/STRUCTURES. CONTRACTOR SHALL VERIFY THE LOCATIONS OF EXISTING UTILITIES/STRUCTURES IN THE FIELD PRIOR TO CONSTRUCTION.
 4. LIMITS OF GRADING AND DISTURBED AREAS ARE FOR PERMIT PURPOSES ONLY.
 5. CONTRACTOR SHALL RESTORE DISTURBED AREAS TO EQUAL OR BETTER CONDITION PRIOR TO PROJECT COMPLETION.
 6. PROJECT SITE IS LOCATED IN ZONE X AS INDICATED IN FEMA FIRM MAP NUMBER 150020231E, DATED SEPTEMBER 16, 2005.

LEGEND

- PROPERTY LINE
- EXISTING LINE
- CONDOMINIUM LINE
- EXISTING CONTOUR
- PROPOSED CONTOUR
- FLOWLINE
- LIMITS OF GRADING
- LIMITS OF DISTURBED AREA
- CONCRETE PAVEMENT
- GRADED ROADWAY SHOULDER
- UNIT NUMBER

KAWA'I HABITAT FOR HUMANITY, INC.
KŌLOA ROAD PROJECT
LAWA'I, KAUAI, HAWAII
TMK: (4) 2-5-010:034
GRADING N-1
THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION.
KAWA'I HABITAT FOR HUMANITY, INC.
KAWA'I, HAWAII
LICENSE EXPIRES 4-30-26

C6.1
Scale: 1" = 10'
Page No. 17 of

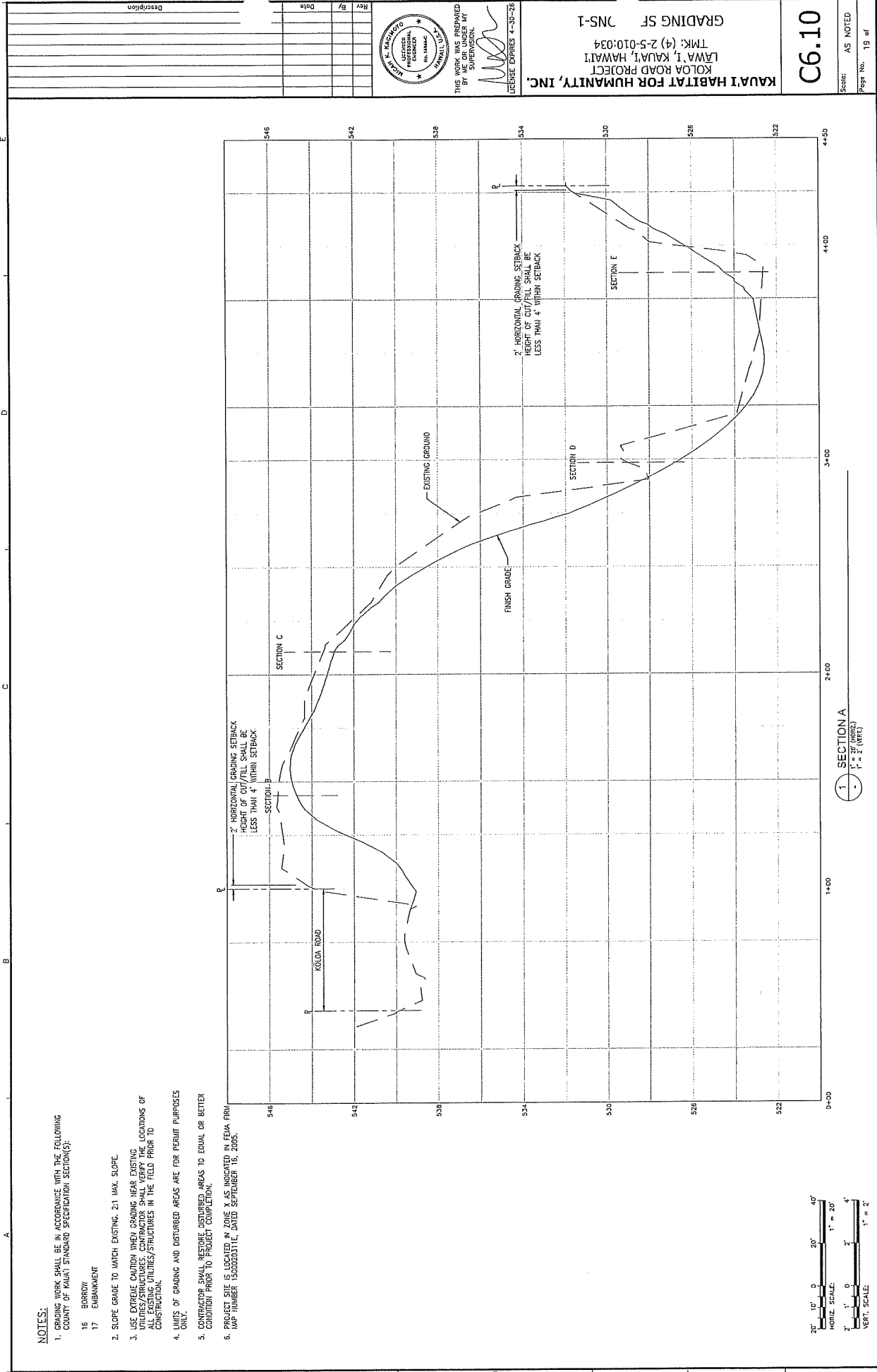


NOTES:

1. GRADING WORK SHALL BE IN ACCORDANCE WITH THE FOLLOWING COUNTY OF KAUAI STANDARD SPECIFICATION SECTION(S):
- 16 BORROW
- 17 EMBANKMENT
2. SLOPE GRADE TO MATCH EXISTING, 2:1 MAX. SLOPE.
3. USE EXTREME CAUTION WHEN GRADING NEAR EXISTING UTILITIES/STRUCTURES. CONTRACTOR SHALL VERIFY THE LOCATIONS OF ALL EXISTING UTILITIES/STRUCTURES IN THE FIELD PRIOR TO CONSTRUCTION.
4. LIMITS OF GRADING AND DISTURBED AREAS ARE FOR PERMIT PURPOSES ONLY.
5. CONTRACTOR SHALL RESTORE DISTURBED AREAS TO EQUAL OR BETTER CONDITION PRIOR TO PROJECT COMPLETION.
6. PROJECT SITE IS LOCATED IN ZONE X AS INDICATED IN FEMA FIRM MAP NUMBER 1500202311E, DATED SEPTEMBER 16, 2005.

LEGEND

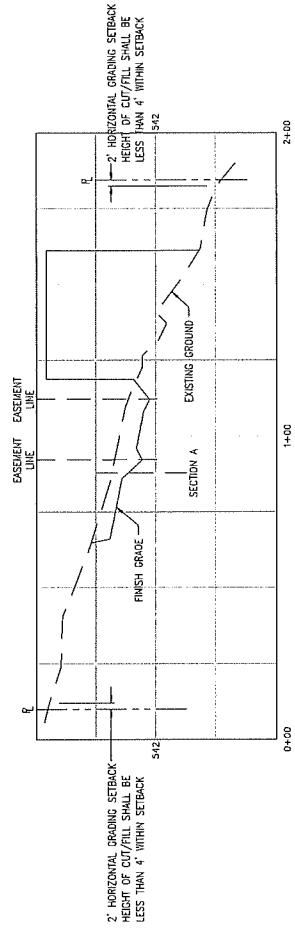
- PROPERTY LINE
- EXISTING LINE
- CONTOUR LINE
- EXISTING CONTOUR
- PROPOSED CONTOUR
- FLOWLINE
- LIMITS OF GRADING
- LIMITS OF DISTURBED AREA
- CONCRETE PAVEMENT
- GRAVELLED ROADWAY SHOULDER
- UNIT NUMBER



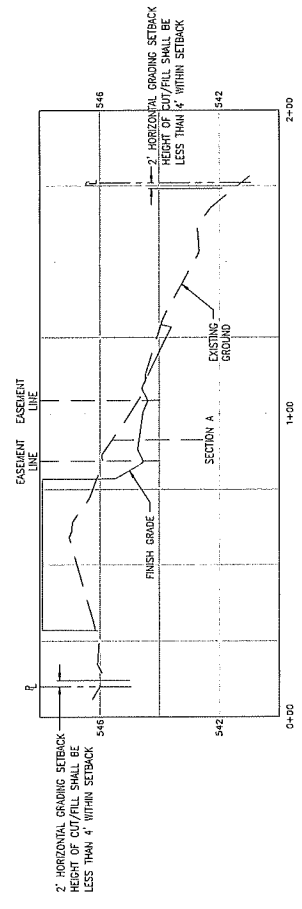
A B C D E

NOTES:

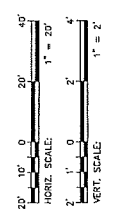
1. GRADING WORK SHALL BE IN ACCORDANCE WITH THE FOLLOWING COUNTY OF KAUAI STANDARD SPECIFICATION SECTION(S):
16 BORROW
17 EMBANKMENT
2. SLOPE GRADE TO MATCH EXISTING, 2:1 MAX. SLOPE.
3. USE EXTREME CAUTION WHEN GRADING NEAR EXISTING UTILITIES. LOCATIONS OF ALL EXISTING UTILITIES/STRUCTURES IN THE FIELD PRIOR TO CONSTRUCTION.
4. LIMITS OF GRADING AND DISTURBED AREAS ARE FOR PERMIT PURPOSES ONLY.
5. CONTRACTOR SHALL RESTORE DISTURBED AREAS TO EQUAL OR BETTER CONDITION PRIOR TO PROJECT COMPLETION.
6. PROJECT SITE IS LOCATED IN ZONE X AS INDICATED IN FEMA FIRM MAP NUMBER 1500020311E, DATED SEPTEMBER 15, 2005.



2 SECTION C
1" = 2' (HORIZ.)
1" = 2' (VERT.)



1 SECTION B
1" = 2' (HORIZ.)
1" = 2' (VERT.)



KAUAI HABITAT FOR HUMANITY, INC.

KOLOA ROAD PROJECT

LAWA I, KAUAI, HAWAII

TMK: (4) 2-5-010:034

GRADING SF

NS-2

THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION.

REGISTERED PROFESSIONAL ENGINEER

IN THE STATE OF HAWAII

NO. 15446C

W. K. KIMMOTO

DATE: 11-15-05

BY: [Signature]

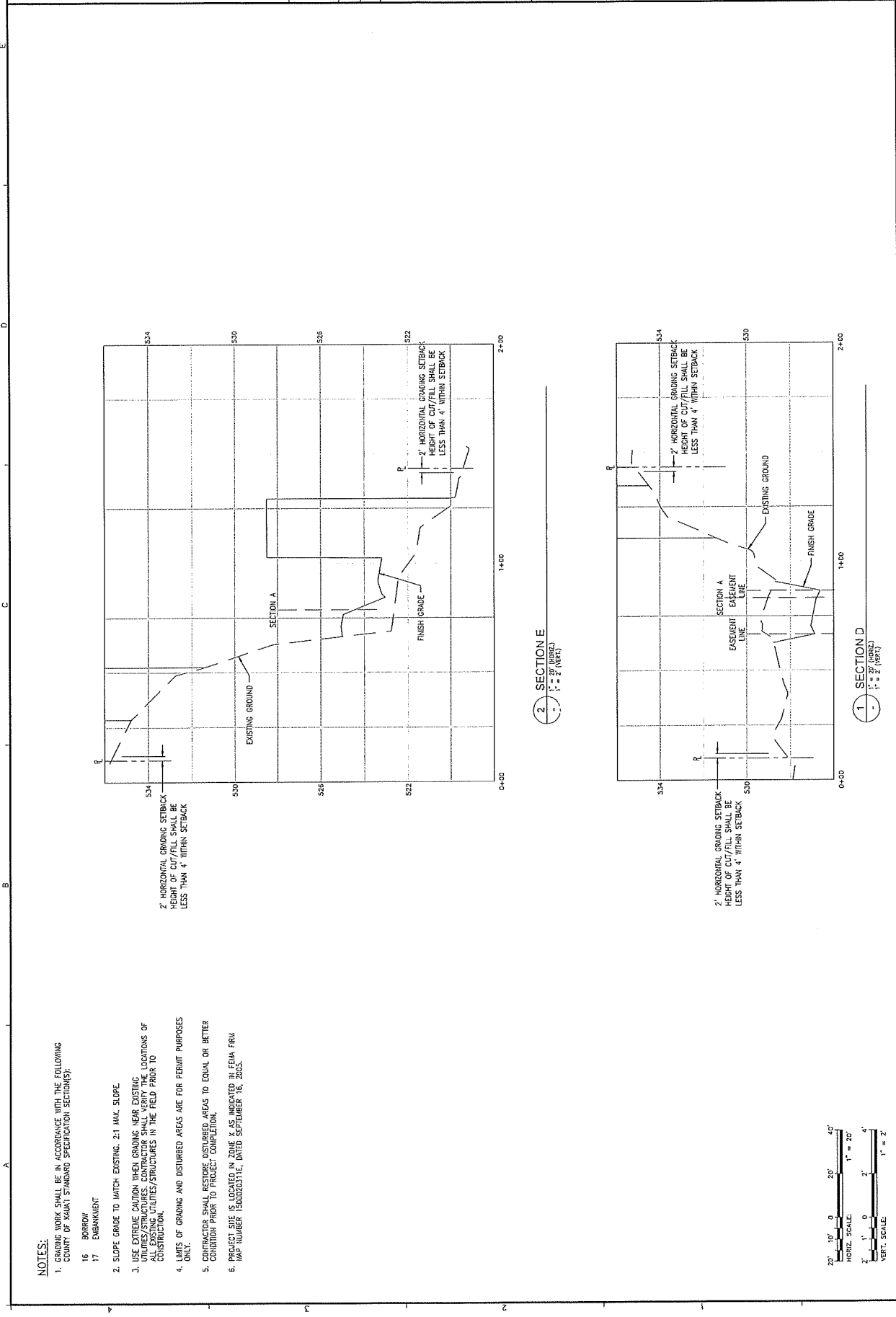
REV: [Blank]

DESCRIPTION: [Blank]

C6.11

Scale: AS NOTED

Page No. 20 of

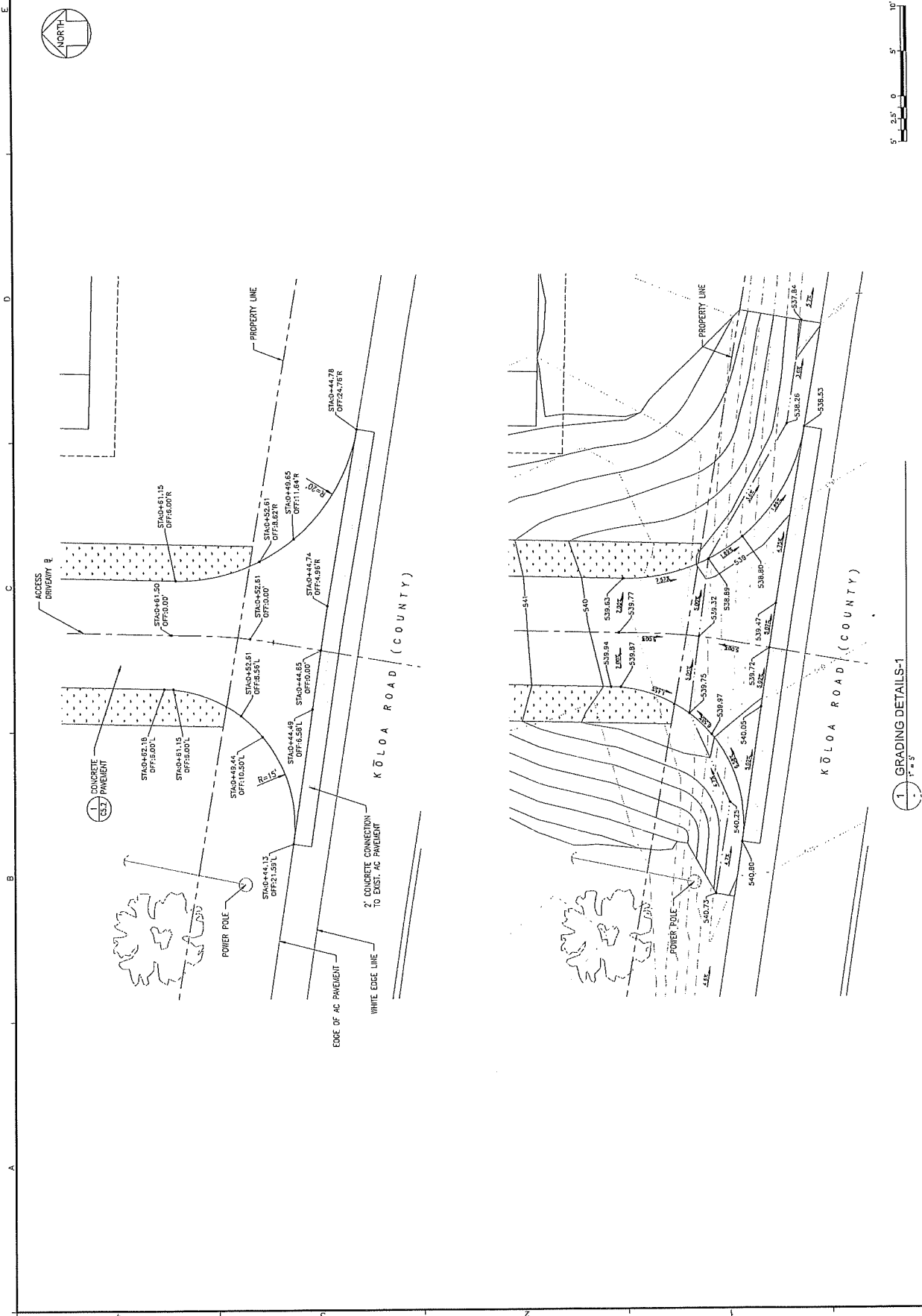


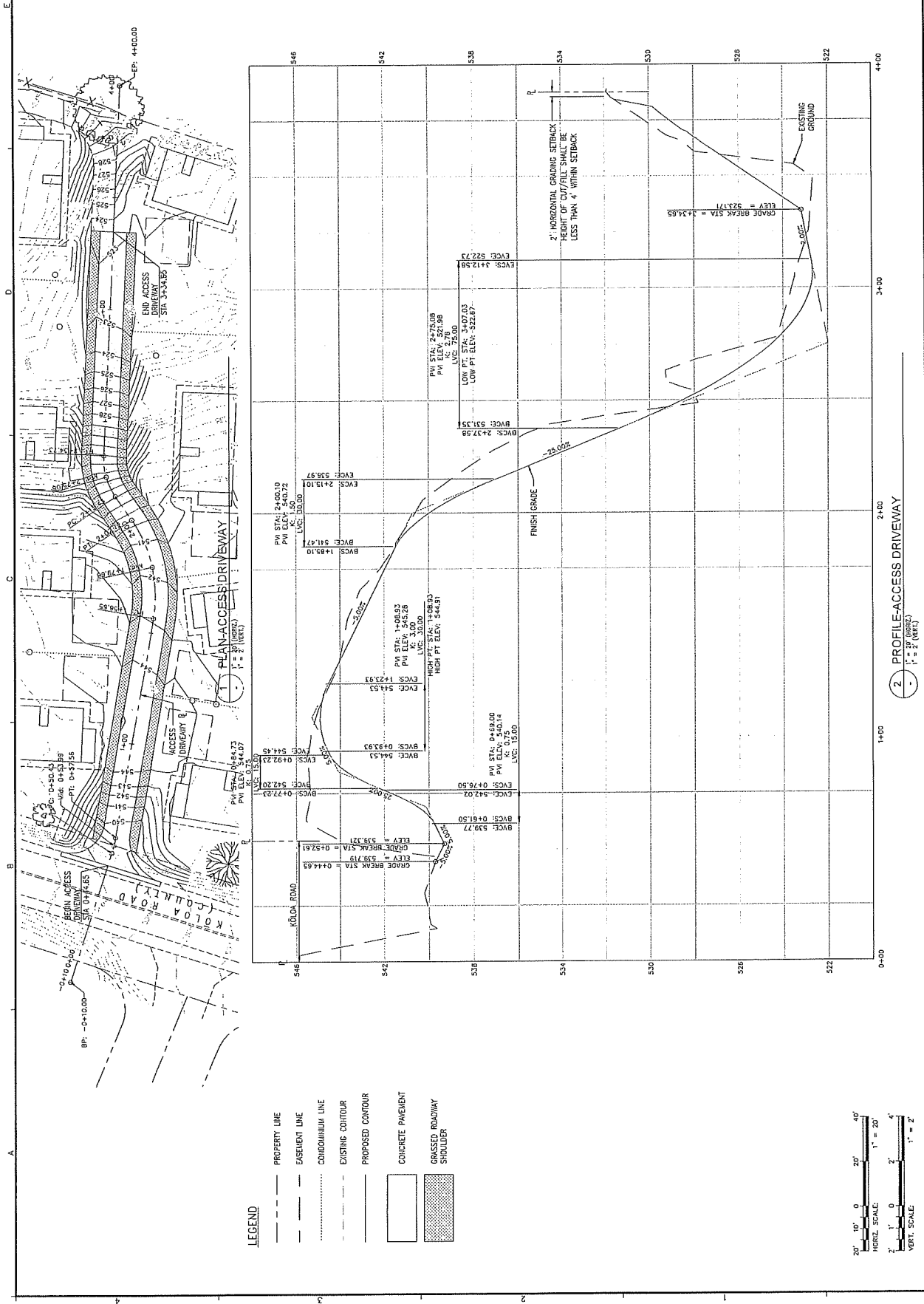
C6.20

KAWA'I HABITAT FOR HUMANITY, INC.
KOLOA ROAD PROJECT
LAWA'I, KAWA'I, HAWAII
TMK: (4) 2-5-010:034
GRADING DIST. 15-1

THIS WORK WAS PREPARED
BY ME OR UNDER MY
SUPERVISION.

LICENSE EXPIRES 4-30-26

[illegible]

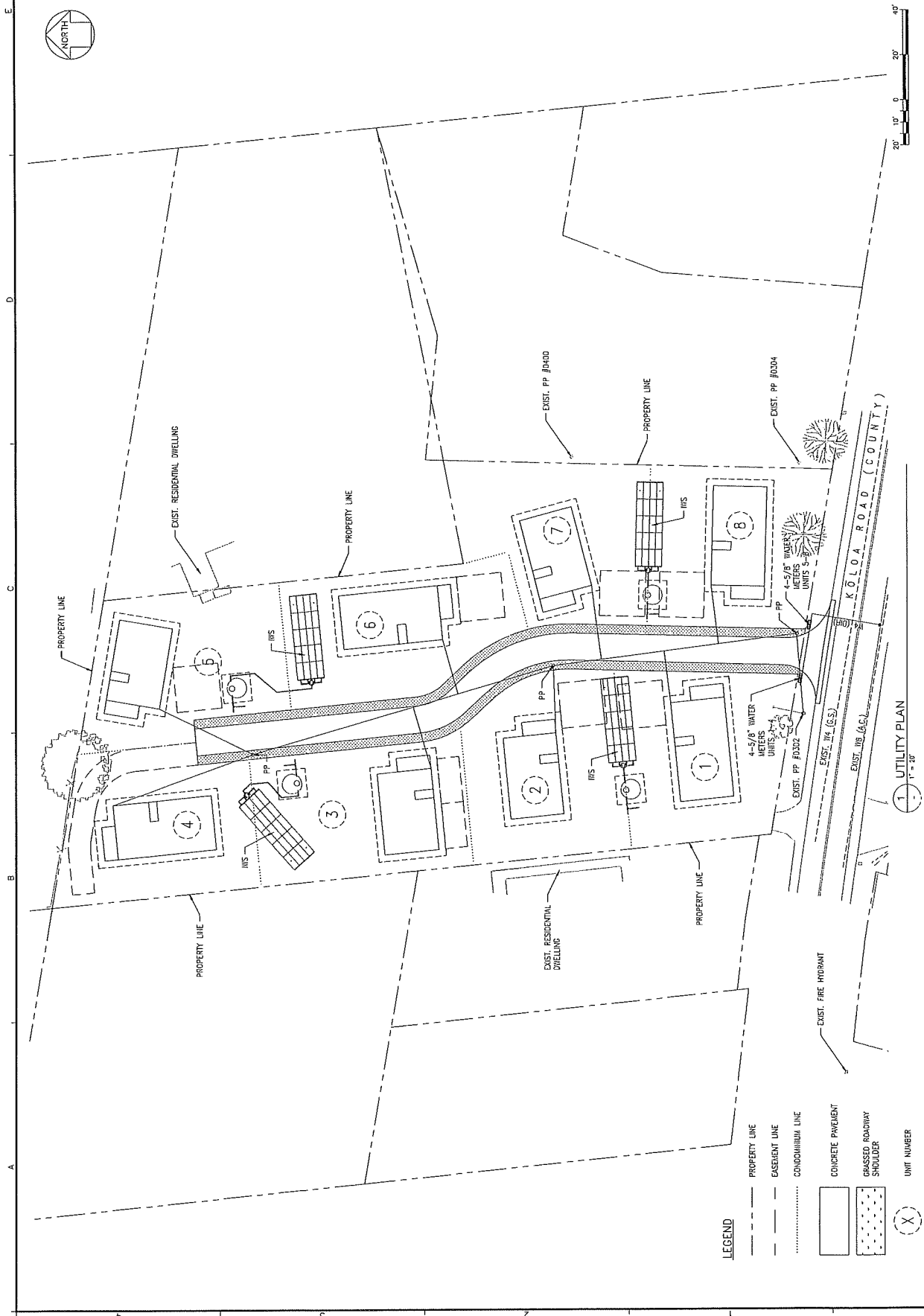
[illegible]

0.9

KAWA'I HABITAT FOR HUMANITY, INC.
KOLOA ROAD PROJECT
LAWA'I, KAWA'I, HAWAII
TMK: (4) 2-5-010:034
UTILITY N

THIS WORK WAS PREPARED
BY ME OR UNDER MY
SUPERVISION.

LICENSE EXPIRES 4-30-26

[illegible][illegible]

[illegible]

THIS WORK WAS PREPARED
BY ME OR UNDER MY
SUPERVISION.

10

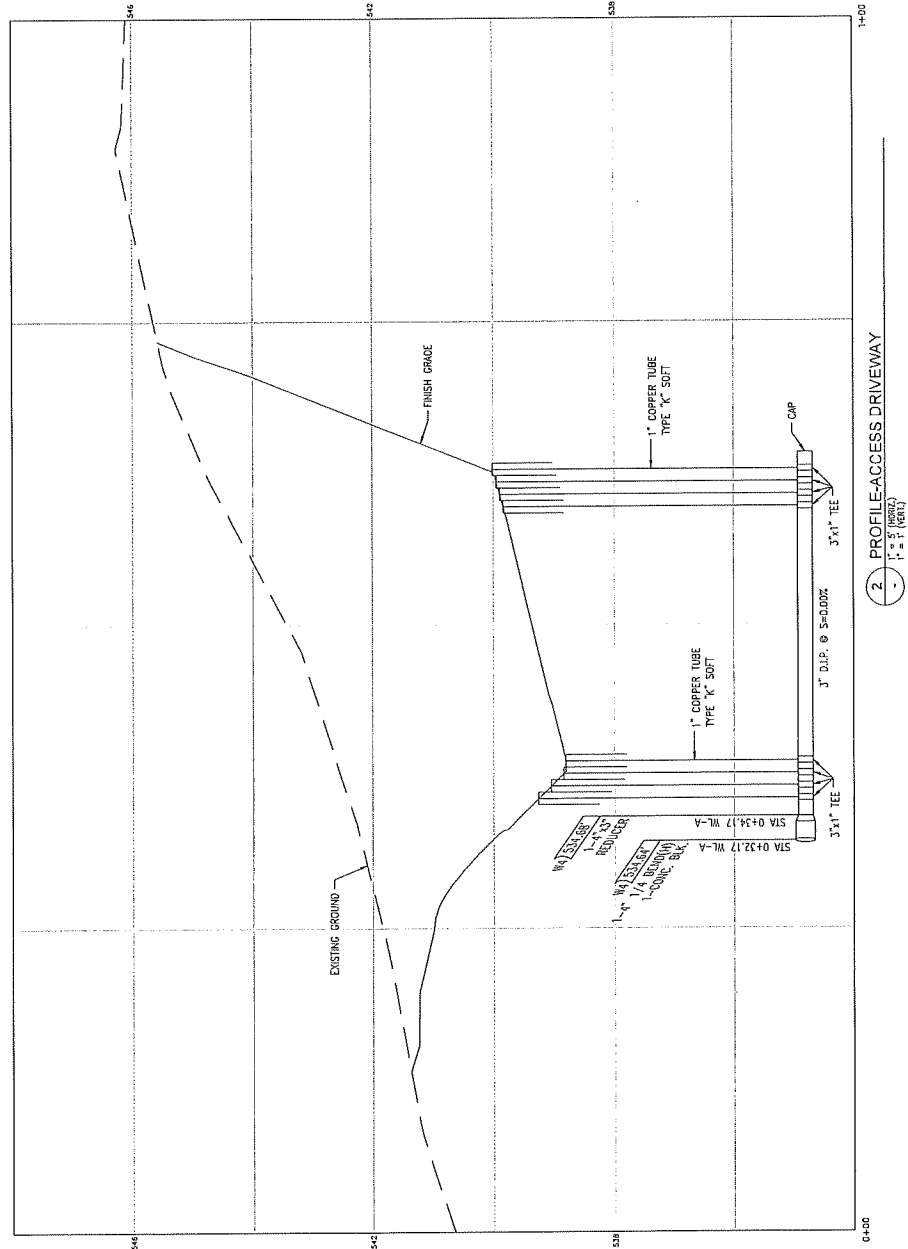
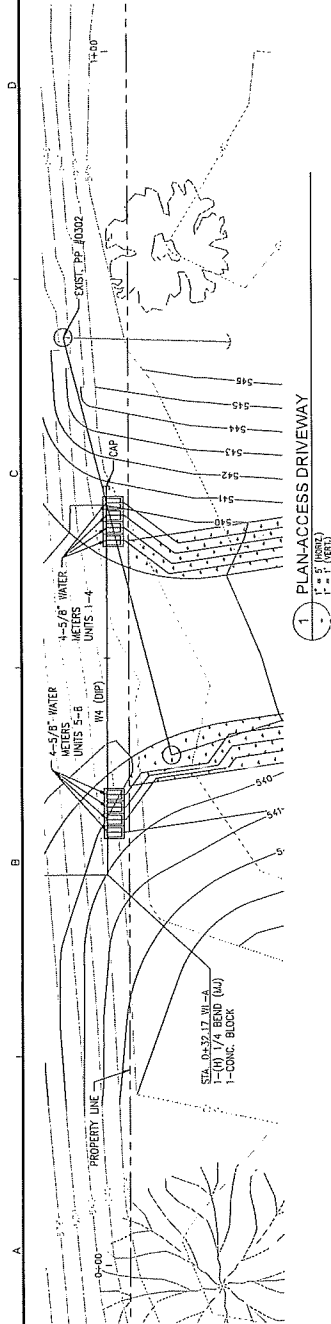
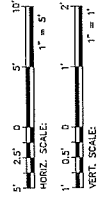
LICENSE EXPIRES 4-30-26

NOTES:

1. CONTRACTOR TO VERIFY LOCATION AND INVERT OF EXISTING UTILITIES PRIOR TO CONSTRUCTION.
2. CONTRACTOR TO EXPOSE EXISTING UTILITIES AT ALL CROSSINGS PRIOR TO CONSTRUCTION.

APPROVED:

FOR MANAGER AND CHIEF ENGINEER
DEPARTMENT OF WATER, COUNTY OF KAUAI



KAUAI HABITAT FOR HUMANITY, INC.
KOLOA ROAD PROJECT
LAWA'I, KAUAI, HAWAII
TMK: (4) 2-5-010:034
WATER STANDARD DETAILS

APPROVED:

FOR MANAGER AND CHIEF ENGINEER
DEPARTMENT OF WATER, COUNTY OF KAUAI

DATE

Scale: -

Page No. 28 of

KAUAI HABITAT FOR HUMANITY, INC.
KOLOA ROAD PROJECT
LAWA'I, KAUAI, HAWAII
TMK: (4) 2-5-010:034
WATER STANDARD DETAILS

APPROVED:

FOR MANAGER AND CHIEF ENGINEER
DEPARTMENT OF WATER, COUNTY OF KAUAI

DATE

Scale: -

Page No. 28 of

KAUAI HABITAT FOR HUMANITY, INC.
KOLOA ROAD PROJECT
LAWA'I, KAUAI, HAWAII
TMK: (4) 2-5-010:034
WATER STANDARD DETAILS

APPROVED:

FOR MANAGER AND CHIEF ENGINEER
DEPARTMENT OF WATER, COUNTY OF KAUAI

DATE

Scale: -

Page No. 28 of

KAUAI HABITAT FOR HUMANITY, INC.
KOLOA ROAD PROJECT
LAWA'I, KAUAI, HAWAII
TMK: (4) 2-5-010:034
WATER STANDARD DETAILS

APPROVED:

FOR MANAGER AND CHIEF ENGINEER
DEPARTMENT OF WATER, COUNTY OF KAUAI

DATE

Scale: -

Page No. 28 of

EXHIBIT "F"



Archaeological Field Inspection and Literature Review
Lāwaʻi Ahupuaʻa Moku o Kona, Kauaʻi Island
for
TMK (4) 2-5-010:034

Prepared for
Kauai Habitat for Humanity, Inc.

Prepared by
Nancy McMahon, M.A., M.Ed., M.S.
Exploration Associates Ltd.

February 2024

EXHIBIT "F"

Table of Contents

Introduction	2
Project	2
Scope of Work.....	2
Environmental Setting	3
Cultural Overview.....	8
Land Commission Award Claims Lāwa'i Ahupua`a.....	10
Early Accounts of Lāwa'i.....	13
Archaeology of Lāwa'i.....	14
Field Inspection	15
Analysis and Recommendation.....	17

Introduction

At the request of Kauai Habitat for Humanity, Inc., Exploration Associates (EAL) conducted a field inspection and archaeological literature review of a 1.097-acre parcel (TMK (4) 2-5-010: 034 which is in the Lāwa'i Ahupua'a, Kōloa or the traditional Kona District on Kaua'i Island (Figures 1 - 4). Hereinafter referred to as "project area". The project area is located within Lāwa'i Ahupua'a located on the north side (mauka) of Kōloa Road approximately 0.9 miles east of the Old Lāwa'i Cannery facility and approximately 2.5 miles west of Kōloa town. The subject parcel contains 1.097 acres. The project area is zoned R4 Land Use Map of the South Kauai Community Plan designates this portion of Lāwa'i as "Residential". The surrounding area has been residential since .

Project

Kauai Habitat for Humanity, Inc., brought the parcel with the intent of providing 8 residential units on the property. One house and several sheds (Figure 3) existed on the property which have since been demolished. Only a couple of plastic house sheds and trash still exist on the property.

Scope of Work

The following was scope of work for this project which included field inspection by a qualified archaeologist and an archaeological literature review:

- 1) Historic and archaeological background research, including a search of historic maps, written records, Land Commission Award documents, and the reports from prior archaeological investigations . This research will focus on the specific project areas past land use, with general background on the pre-Contact and historic settlement patterns of the *ahupua'a* and district. This background information will be used to compile a predictive model for the types and locations of historic properties that could be expected within the project area.
- 2) All historic properties and traditional properties that are recorded or identified in the literature search will be listed, summarized, and mapped.
- 3) Preparation of the literature review report, will include the following:
 - a. A project description.
 - b. A section of a USGS topographic map showing the project area boundaries and the location of all recorded historic properties.

- c. Historical and archaeological background sections summarizing prehistoric and historic land use of the project area and its vicinity.
 - d. Listing and summary of all the archaeological work that has been conducted in or near the project area including a map showing the location of the previous studies.
 - e. Descriptions of all previously identified historic properties in or near the project area including the Hawai'i State Inventory of Historic Properties number and its historic property categories, integrity, and significance.
- 4) The archaeological field inspection (pedestrian) and this accompanying report will document all historic properties within the project area (1.097-acre parcel). The prepared archaeological field inspection report will follow state standards and will be submitted for review and approval.
- 5) Descriptions of parcel, including selected photographs.

Environmental Setting

Kaua'i is the oldest of the Hawaiian Islands. Geologically, the original volcano, located in the middle of the island went through a period of weathering and erosion. There were voluminous rejuvenated stage lavas which represent the later eruptive stages of the volcano. The primary basaltic rocks from the original volcano are the Waimea Canyon series. The innumerable lava flows are divided into three major geologic formations: the Napali formation, the Olokele formation, and the Makaweli formation. The Napali formation of the Waimea Canyon series is the most permeable of the three.

After the original flows, the Kōloa volcanic series covered most of the eastern part of the island. The Kōloa series are less permeable than the Napali formation lavas. The Kōloa series of flows were deposited in relatively flat layers compared to the Napali flows. The Olokele and Makaweli formations are also relatively flat but more permeable than the Kōloa series.

The project area has been maintained as a lawn for several years and contains the various common grasses of the area, primarily guinea grass, crabgrass and hilo grass. Mature vegetation includes mango, rubber and octopus trees.

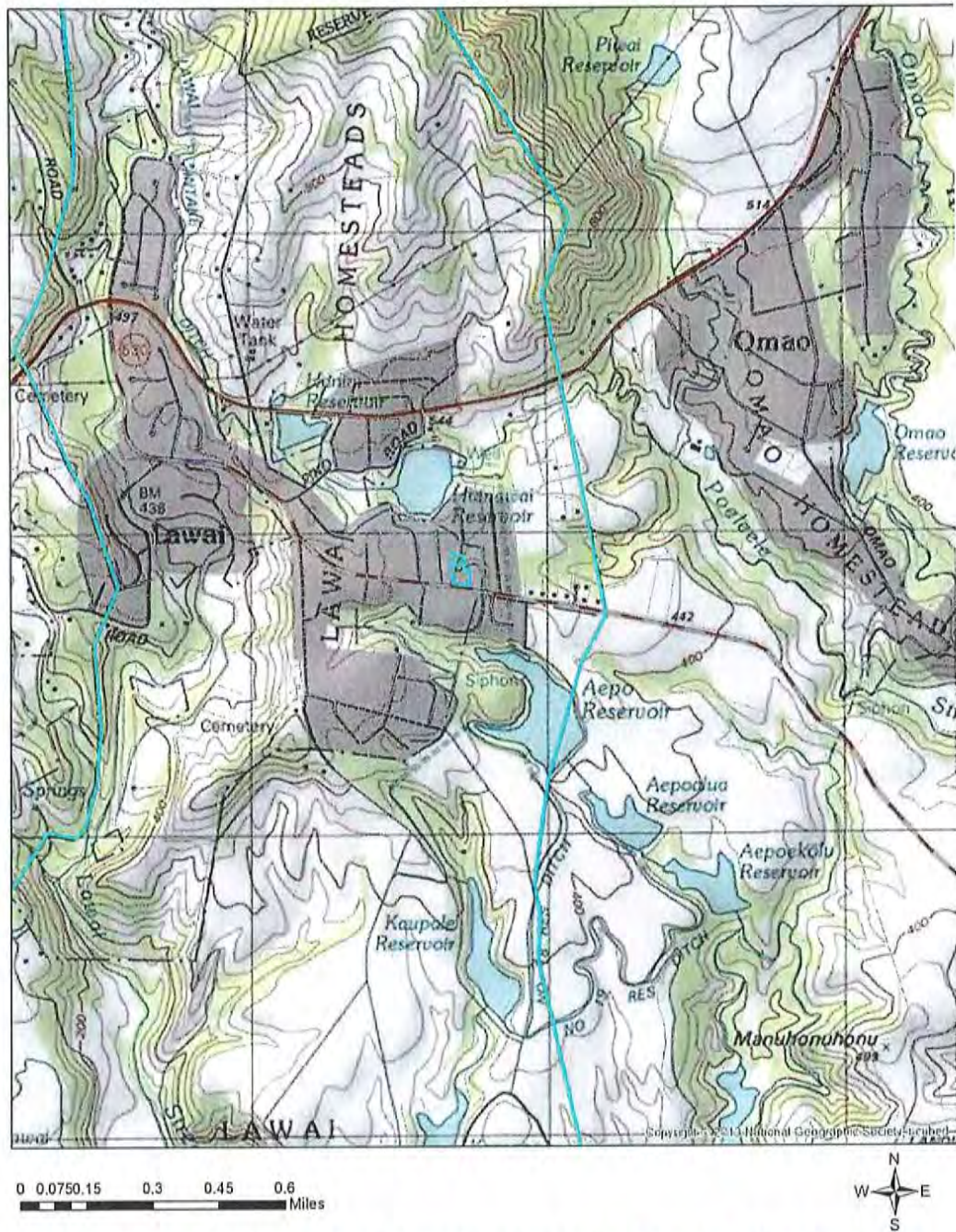


Figure 1. Map of the Project Area Highlighted in Blue with the Ahupua'a.

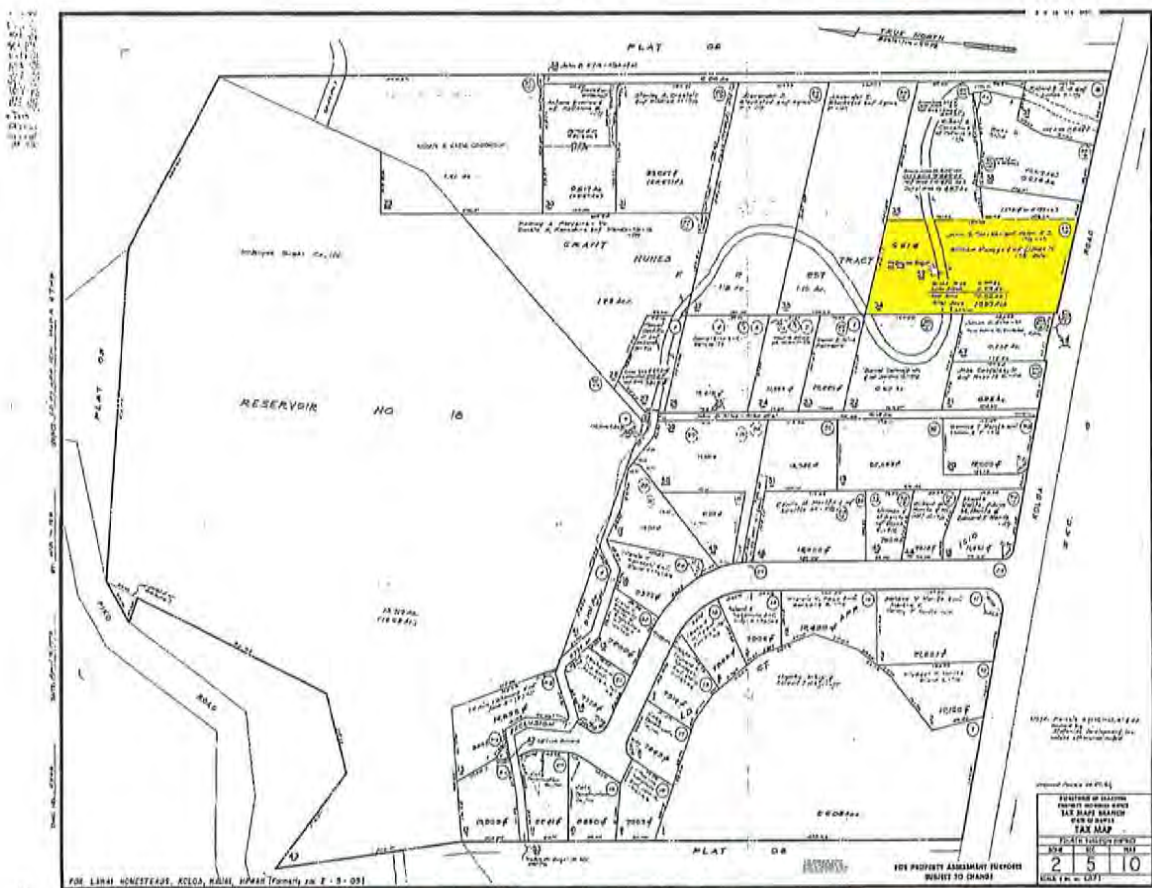


Figure 2. Tax Map Key (4) | 2-5-010: 034 highlighted in yellow of the project area.

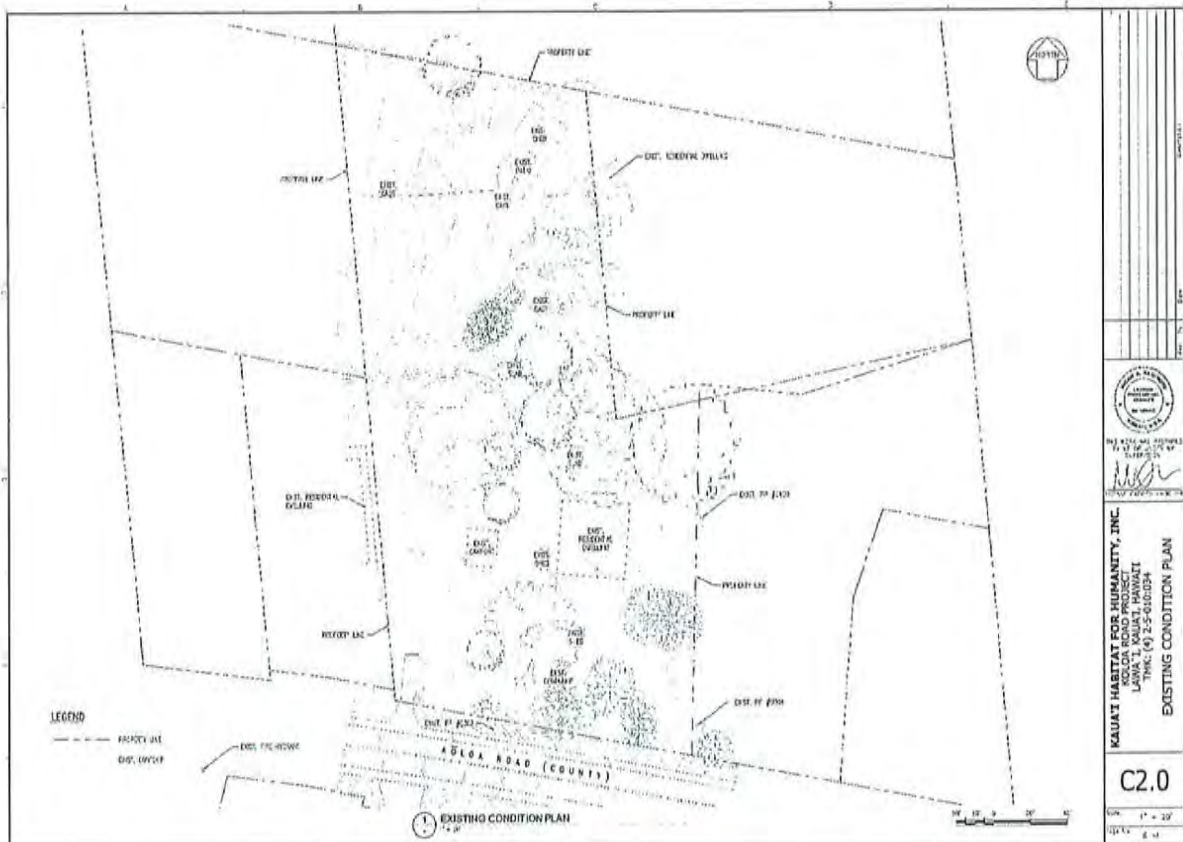
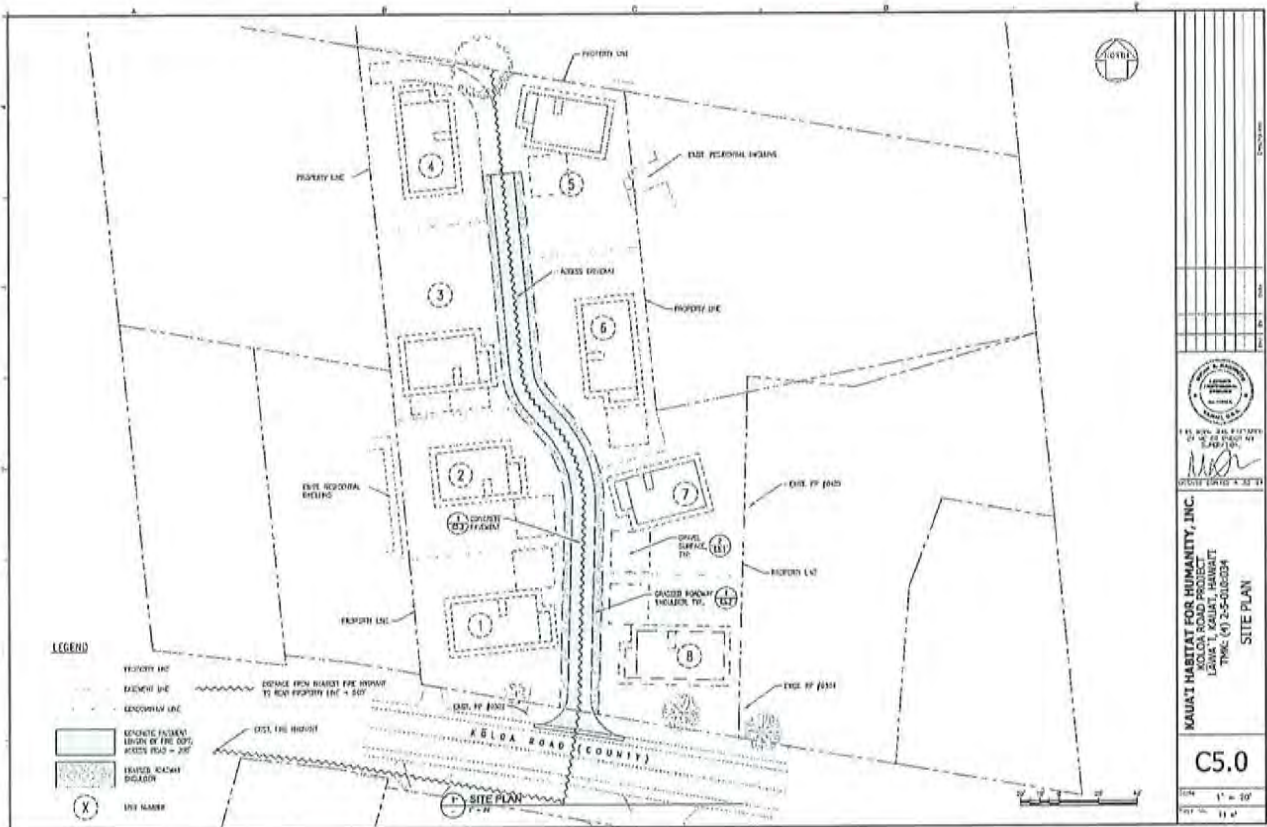


Figure 3. Existing Conditions Plan of 4/2023. Sheds as of January 2024 are no longer there.



Cultural Overview

In accordance with the ancient land division system, an entire island is referred to as a *mokupuni*. While the word, *moku* by itself can also mean island, it is a term that is more specifically used to identify a district. *Puni* means, *controlled, surrounded, to gain control of*. It comes from the word, *aupuni* which is used to describe a government, kingdom, dominion, nation or population that is governed or under the leadership of a ruler. In ancient times, a *mokupuni* could include an entire island as well as multiple islands that was ruled by an *Ali'i Nui* or paramount chief. Historically, the *mokupuni* of Kaua'i has included the islands of Ni'ihau as well as Lehua.

Kaua'i Island has traditionally been divided into 5 *moku* including: Ko'olau, Halele'a, Nā Pali, Kona and Puna. The *ali'i nui* appointed *ali'i 'ai moku* or district chiefs to manage the various *moku* (Figures 5 and 6).

Common district names that are universally used across of the Hawaiian archipelago include "Ko'olau" marking the windward sides of the islands; "Kona" - the leeward sides of the islands; and "Puna" - indicating regions where springs and fresh water abound.

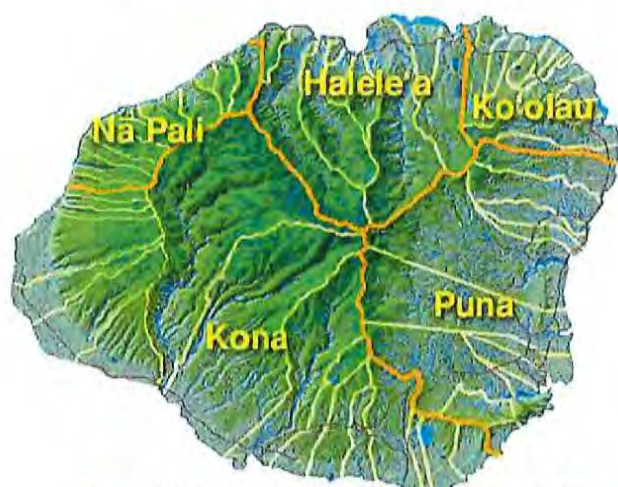


Figure 5 & 6 show Kaua'i Island Districts and Boundaries. Fig 5 on the left show the original *moku* of Ko'olau, Halele'a, Nā Pali, Kona and Puna. Fig 6 on the right show the revised boundaries and judicial land districts of Kawaihau, Hanalei, Waimea, Kōloa and Lihue.

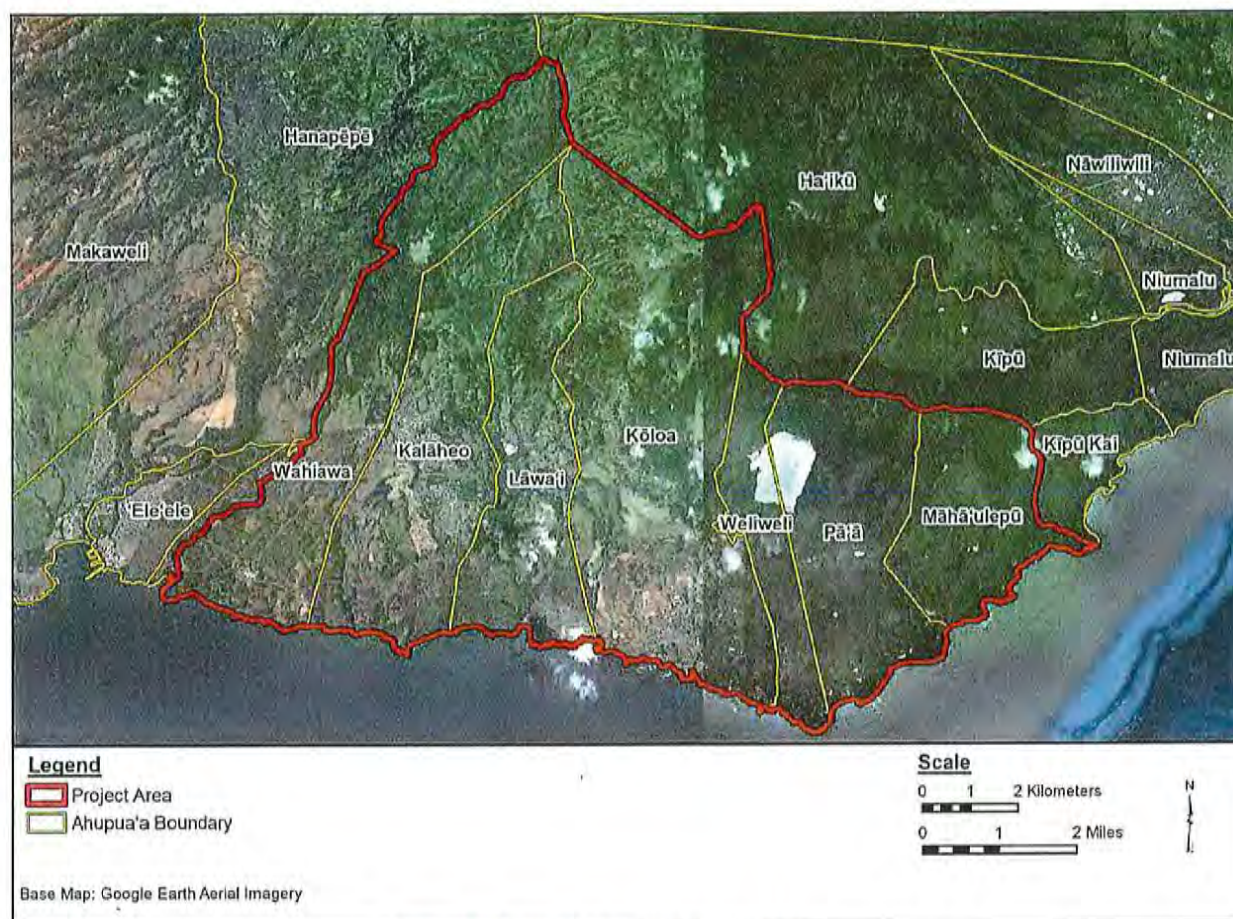


Figure 7. Kona District and its Ahupua'a.

The boundaries of the five moku on Kona were changed in the late 1800s to reflect the present-day judicial land districts. The Project Area is in the Kona district upon land within the Lāwa'i ahupua'a (Figure 7).

Traditionally, the districts were further divided into smaller land divisions known as, *ahupua'a* which included the abundance of land and resources from the mountain to the sea. Under the direction of the *ali'i 'ai moku*, the *ali'i 'ai ahupua'a* or land division chief was put in charge of governing the ahupua'a. The *ali'i 'ai ahupua'a* appointed *konohiki* who served as the headman of the ahupua'a land division, and was solely responsible for the management of land, water and fishing rights. An ingenious concept, the ancient design of the ahupua'a system continues to be an excellent model for sustainability and land and natural resource management today. The common description that ahupua'a are "pie-shaped" is inaccurate. However, it is a general practice to apply triangulation of the 3-main boundary points of the ahupua'a when identifying its respective division lines. Additionally, ahupua'a do not terminate at the ocean ward boundary points. The boundary lines are purposely

extended into the ocean so that it also includes the resources and minerals of the reef and ocean as well.

Land Commission Award Claims Lāwa'i Ahupua'a

Land Commission Awards and Mahele Awards are Sources of Title adjudicated by the Land Commissioners to claimants. Mahele Awards are Sources of Title specifically issued to those chiefs who received their lands from the king but failed to present their claims before the Land Commission and thus received titles to their lands from the Minister of the Interior. Kamehameha Deeds are Sources of Title to Crown Lands that Kamehameha III, IV and V conveyed. Minister of Interior Deeds were Sources of Titles that conveyed lands from the government to private individuals by the Minister of the Interior during the Kingdom of the Monarchy. Patents - both Royal and Land were issued on the awards as evidence that the Government's right to commutation therein was satisfied. An award together with a patent perfected the awardee's title to the property. Grants by Royal Patent and Land Patent were Sources of Title deriving from the sales of government lands. The term "Royal" indicates that the document was issued during the Hawaiian Monarchy (up to 1893). The Land Patent or Land Patent Grant thus means the document was issued subsequent to the monarchy.

The Kuleana Act of 1850 allowed maka'āinana (Native Hawaiian commoners), in principle, to own land parcels at which they were currently and actively cultivating and/or residing. In the period of the Māhele and kuleana claims (1848-1853), the ahupua'a of Lāwa'i was granted to James Young Kanehoa in a Māhele Award (M.A. 43) (Table 1). Kanehoa was born ca. 1798, the son of John Olohana Young (the seaman who had settled on Hawai'i Island under the protection of Kamehameha I and who became the first foreign advisor to King Kamehameha I) and his first wife, Nāmokuelua. When Kanehoa died in 1851 he bequeathed his land of Lāwa'i to "my married wife Hikoni," and in a second will written a week later he bequeathed to his niece, Emma (daughter of his half-sister Fanny Kekelaokalani Young), one-third of Lāwa'i and two-thirds of Lāwa'i to George Davis (Junior, son of George Hueu Davis). The court refused both wills and John Young Jr. was appointed administrator of the estate (Barrère 1994:245-247). John Young's widow Hikoni received the land, and later deeded the entire ahupua'a to Queen Emma.

In 1876, Queen Emma leased the land of Lāwa'i to Duncan McBryde for 15 years, though she reserved a house lot and several acres of taro patch land. McBryde developed roads and other infrastructure. In 1886, after the Queen's death, Mrs. Elizabeth McBryde bought the entire ahupua'a for \$50,000. The

upper lands were planted in sugarcane, and the valley was leased to Chinese rice growers and taro planters (Donohugh 2001:99–100).

Five kuleana Land Commission Awards were recorded in Lāwa'i Ahupua'a. None of the parcels associated with these LCAs are located within the project area. All five of the awarded kuleana claims were along Lāwa'i Stream. In the lower valley, two of the five awards (LCAs 3414 and 3417) had house lots at the shore.

Although many Hawaiians did not submit or follow through on claims for their lands, the distribution, and written testimonies of LCAs provides insight into patterns of residence and agriculture. Many of these patterns probably had existed for centuries. By examining the patterns of *kuleana* LCA parcels, insight can be gained into the likely intensity and nature of Hawaiian activity in the area at the time.

A review of LCA records indicates that land usage and activity by the mid-nineteenth century included habitation, cattle ranching, and agriculture, including the cultivation of taro, sugar, potatoes, and yams. This may reflect the continuation into that century of traditional Hawaiian land use.

Table 1. List of LCAs in Lāwa'i.

LCA #	Claimant	'Ili	Ahupua'a	Land Use	Description
8518-B (Royal Patent: 4512, Māhele Award: 43)	James Young Kanehoa		Lāwa'i	Lāwai Kai consisted of <i>lo'i</i> and a fishpond; a house located on the upper lands (Kanahele 1999:245–246)	Entire <i>ahupua'a</i> ; divided into three areas: the seashore area, the valley feed by Lāwa'i Stream, and the upper lands or bluffs (Kanahele 1999:245)
3414 (Royal Patent: 6143)	Levi	Pakekea	Lāwa'i	House lot, two <i>lo'i</i>	Two ' <i>āpana</i> (lot); 0.75 acres; 24 rods
3417 (Royal Patent: 3412)	Pahuiki	Papakea	Lāwa'i	House lot, three <i>lo'i</i>	Two ' <i>āpana</i> ; 0.90 acres
3612	Kahookahi	Kaohe	Lāwa'i	Twelve <i>lo'i</i> and <i>kula</i>	One ' <i>āpana</i> ; 4 acres, one rood
8054	Ehu	Haia	Lāwa'i	<i>Kula</i> , 12 <i>lo'i</i>	One ' <i>āpana</i> ; 1 acre; 3 rods
9188 (Land Patent 8111)	Kamakahookai	Papkea	Lāwa'i	House lot, <i>kula</i> (pig enclosure), and six <i>lo'i</i>	One ' <i>āpana</i> ; 21.5 acres, 17 rods; two ' <i>āpana</i> ; 1 rood, 33 rods

Early Accounts of Lāwa'i

The earliest explorers, like Cook and Vancouver, used Waimea for anchorage and victualing, with no mention made of Lāwa'i. Most of the early accounts are about the coastal area and valley of Lāwa'i. The project area is in the mid lands or plateau of the ahupua'a where little is known about the early Hawaiian lifestyle.

The ahupua'a of Lāwa'i was granted to James Young Kanehoa at the mid-nineteenth century Māhele. Following Kanehoa's death in 1851, the ahupua'a was inherited by his widow, Hikoni. Kanehoa was the uncle of Queen Emma, wife of Alexander Liholiho, King Kamehameha IV. In 1856, the king and queen arrived in Kōloa and stayed for three days during a royal tour of the Hawaiian Kingdom. The royal party visited Spouting Horn on the eastern shore of Lāwa'i Ahupua'a. They may have traveled through or makai (toward the sea) of the Kukui'ula Community Development area to get to Spouting Horn from Kōloa Town.

In 1870, following Liholiho's death in 1863, Queen Emma had a residence built for herself in Lāwa'i Ahupua'a, on a bluff east of Lāwa'i Kai. The 1896 map by Monsarrat indicates the residence was located within the western, Lāwa'i Ahupua'a portion of the Kukui'ula Community Development area. The queen and her party arrived at Kōloa landing on December 21, 1870, intending to reside at her Lāwa'i house until the spring of 1871.

Duncan McBryde moved to Wahiawa from his estate in Wailua ca. 1860 (Damon 1931). McBryde drove his herd of cattle across the island and began the development of the extensive Wahiawa Ranch. By 1870, in addition to ranching, McBryde ventured into sugarcane cultivation. The plantation primarily consisted of land already owned by the McBryde Estate, including the Wahiawa Ranch and lands in neighboring Kālaheo and Lāwa'i. In 1899, Walter D. McBryde, son of Duncan McBryde, and W.A. Kinney founded the McBryde Sugar Company, formed by combining the lands of the Eleele Plantation in Hanapēpē Ahupua'a, the lands owned by McBryde in Wahiawa, Kālaheo, and Lāwa'i.

To irrigate the mid-sized plantation, between 1900 and 1907 the McBryde Sugar Company constructed 30 large and small reservoirs, as well as an extensive system of ditches to collect water from the uplands (Yamanaka and Fuji 2001). In addition to collecting surface water, which became insufficient for the growing plantation, McBryde Sugar Company constructed a series of wells and pumps to collect groundwater (Wilcox 1996). Plantation development consisted of extensive sugarcane cultivation, with associated irrigation ditches, on the upper plateau areas. Various irrigation ditches, constructed by McBryde Sugar Company previously traversed the Kona District to service former sugar cane cultivation lands

on the lower Lāwa'i and Omao areas. It originally flowed from the Hanini reservoir. It has been out of commission and was longer in use or functioning way before the closing of the sugar cane plantations in the mid-1990s.

This parcel is in the area known as the Nunes Tract which was part of the Lāwa'i Homesteads.

Archaeology of Lāwa'i

Evidence of intensive traditional Hawaiian use of lands well *mauka* and to the west of Kōloa Town is generally lacking. Remnants of dry-land agriculture or temporary field shelters associated with upland gardening or gathering, and processing of forest resources are certainly possible. Previous archaeological work in the Kona district has consisted primarily of surface surveys. There have been only a few archaeological surveys in Lāwa'i. No surveys have taken place on this parcel.

Bennett (1931), a Lahainaluna School manuscript (1885), and other sources were instrumental in helping to locate major archaeological sites in Lāwa'i. But none of these are in nor near the project area.

Heiau of Lāwa'i

Three heiau are listed for the *ahupua'a*: Niukapukapu Heiau (Site 72; Bennett 1931:116) on top of Niukapukapu hill, Kalohiokapua Heiau (Site 69; Bennett 1931:116) in Lāwa'i Valley, destroyed before Bennett's survey, and Māmalu Heiau (Site 70; Bennett 1931:116) near the mouth of Lāwa'i Valley, destroyed before the 1930s. These are not near the project area.

Most of inland Lāwa'i was planted with sugar cane and only the rockiest areas, unsuitable for cultivation, survived the dramatic changes in the landscape brought about during the early twentieth century. While clearly most of the infrastructure supporting historic agriculture lies well seaward, during the later historic period, the upper elevations of Lāwa'i became important collection areas of irrigation water. It is possible that historic ditches, flumes, pipelines, and other features related to collection of irrigation water exist in the *ahupua'a* today. These ditches varied from tunnels, flumes, constructed ditches to earthen ditches. Ranching could have also left physical remains. Barbed wire fences, wooden or stacked stone enclosures, water troughs, and historic habitation deposits, including structure foundations and refuse dumps, could potentially be found.

Evidence of indigenous Hawaiian land use could include both habitation (platforms, enclosures, and C-shapes) and agricultural (terraces, mounds, field walls, etc.) features. It should be noted that due to the extensive sugar cane

cultivation documented within the area, mechanized land modifications associated with sugarcane cultivation has likely disturbed and/or destroyed any or most pre-Contact historic properties that may have been present. Traditional Hawaiian sites would only be anticipated in areas of steep slope or that otherwise have been inaccessible to the grading of commercial agriculture.

The closest study, CSH conducted an AIS for the Lāwa'i Solar and Storage Project (Wilkey et al. 2017). This project is makai of Kōloa Road and includes not only Kōloa and part of Lāwa'i. During the AIS, seven historic properties were identified. These include a plantation inter-field road system; low earthen berms; a concrete slab; a plantation fieldstone mound; a two-tiered concrete platform; a ditch remnant; and a steel pipe are all part of McBryde Sugar Company's irrigation and transportation system infrastructure.

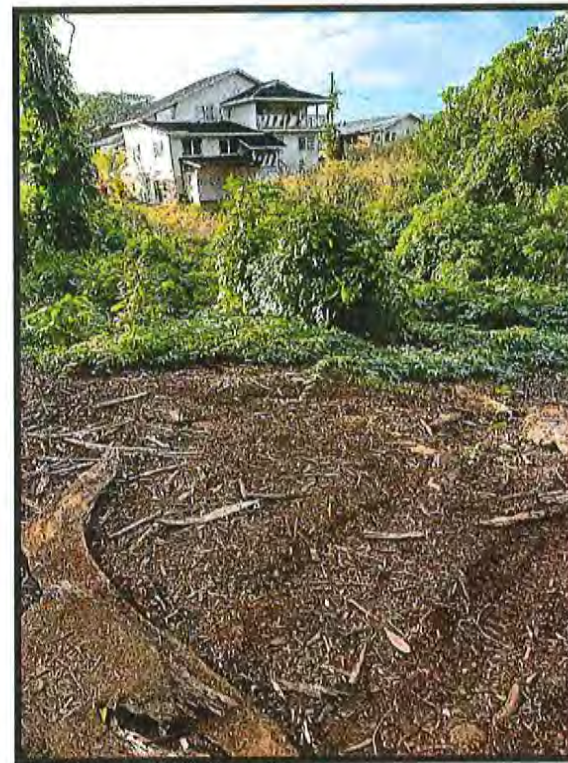
Field Inspection

On December 27, 2023 and January 6, 2024 a field inspection was conducted. It was a 98% pedestrian survey, which included the existing dirt road that bisects the property. There was no thick ground cover but no indication of historic properties.

Listed below are some photos of the project area.



Figure 8 and 9 looking north, dirt road to the back of the property and entrance area.



Figures 10 and 11 looking northeast and southwest..



Figures 12 and 13 looking northeast and east.

Analysis and Recommendation

The Lāwa'i - Kona region, was probably a place of prehistoric and historic significance in the Hawaiian civilization. Oral histories and written records tell of the continuing traditions, beliefs, and cultural practices of the region. However, none of the background research, nor field inspection indicates any traditional historic properties exist on the project area today.

Beginning in the 19th century and continuing throughout most of the 20th century, the project area was under continuous cultivation of sugar cane by a succession of commercial interests that included McBryde Sugar Company.

No further archaeological work is recommended for this project.

References

Alexander, A.C.

- 1878 Map of Kauai. Registered Map 1395. Hawai'i Land Survey Division, Department of Accounting and General Services, Honolulu.

Ava Konohiki

- 2015 Ancestral Visions of 'Āina website. Available online at <http://www.avakonohiki.org/>.

Barrère, Dorothy

- 1994 *The King's Mahele: The Awardess and Their Lands*. Compiled by Dorothy B. Barrère. Ms. on file, State Historic Preservation Division Library, Kapolei, Hawai'i.

Bennett, Wendell C.

- 1931 *The Archaeology of Kaua'i*. Bishop Museum Bulletin 80. Bernice Pauahi Bishop Museum, Honolulu.

Bingham, Hiram

- 1847 *A Residence of Twenty-One Years in the Sandwich Islands*. Convers, New York.

Bishop Museum Archives

- 1924 Aerial photo of Lāwa'i Bay. Bishop Museum Archives, Honolulu.

Boundary Commission, Kauai

- 1874 Commission on Boundaries. Hawaii (Kingdom, Republic, Territory). On file at Hawai'i State Archives, Honolulu.

Chinen, Jon J.

- 1958 *The Great Mahele, Hawaii's Land Division of 1848*. University of Hawaii Press, Honolulu.

Condé, Jesse C. and Gerald M. Best

- 1973 *Sugar Trains*. Glenwood Publishers, Felton, California.

Coulter, John Wesley

- 1931 *Population and Utilization of Land and Sea in Hawaii*. 1853. Bishop Museum Bulletin 88. Bernice Pauahi Bishop Museum, Honolulu.

Handy, E.S. Craighill

- 1940 *The Hawaiian Planter*. Bishop Museum Bulletin Volume 1, No. 161. Bernice Pauahi Bishop Museum, Honolulu.

Handy, E.S. Craighill and Elizabeth G. Handy

- 1972 *Native Planters in Old Hawaii: Their Life, Lore, and Environment*. Bishop Museum Bulletin 233. Bishop Museum Press, Honolulu.

Ho'oulu māhiehie

- 2008a *Ka Mo'olelo O Hi'ikaikapoliopole*. Awaiaulu Press, Honolulu.
2008b *The Epic Tale Of Hi'ikaikapoliopole*. Puakea Nogelmeier, translator. Awaiaulu Press, Honolulu.

Interior Department

1882 *Appendix 1 to Surveyor General's Report. A Brief History of Land Titles in the Hawaiian Kingdom.* P.C. Advertiser Co., Honolulu.

Jarves, James J.

1844 *Scenes & Scenery in the Sandwich Islands . . . during the Years 1837–1842.* James Munroe and Company, Boston

Jones, C. Kulani, Anthony R. Bush, William H. Folk, Rodney Chiogioji, David W. Shideler, and Hallett H. Hammatt

2002 *Archaeological Inventory Survey of an Approximately 260-Acre Parcel at 'Ōma'o, Kōloa, Kaua'i (TMK: 2-7-03:5).* Cultural Surveys Hawai'i, Inc., Kailua, Hawai'i.

Kame'eleihiwa, Lilikala

1992 *Native Land and Foreign Desires. Pehea La E Pono Ai?* Bishop Museum Press, Honolulu.

Kikuchi, William K.

1963 *Archaeological Survey and excavations on the Island of Kaua'i, Kona District, Hawaiian Islands.* Honolulu.

Kirch, Patrick Vinton

2010 *How Chiefs Became Kings: Divine Kingship and the Rise of Archaic States in Ancient Hawai'i.* University of California Press, Oakland, California.

Knudsen, Eric A. and Gurre P. Noble

1945 *Kanuka of Kauai.* Tongg Publishing Company, Honolulu.

Lahainaluna School

1885 *Heiaus and Fishing Grounds [of Koloa, Kauai] [translation].* HMS 43, #17. Bishop Museum Archives, Honolulu.

Nakuina, Moses K.

1990 *The Wind Gourd of La'amaomao.* First edition. Esther T. Mookini and Sarah Nākoa, translators. Kalamakū Press, Honolulu.

1992 *The Wind Gourd of La'amaomao.* Second edition. Esther T. Mookini and Sarah Nākoa, translators. Kalamakū Press, Honolulu.

Office of Hawaiian Affairs

2015 *Papakilo Database.* Office of Hawaiian Affairs cultural and historical database.

Pukui, Mary K.

1936 *Manuscript.* Bernice Pauahi Bishop Museum, Honolulu.

1983 *'Ōlelo No'eau: Hawaiian Proverbs and Poetical Sayings.* Bishop Museum Special Publication No.71. Bishop Museum Press, Honolulu.

Pukui, Mary K. and Samuel H. Elbert

1986 *Hawaiian Dictionary*. Second edition. University of Hawaii Press, Honolulu.

Pukui, Mary K., Samuel H. Elbert, and Esther Mookini

1974 *Place Names of Hawaii*. University of Hawaii Press, Honolulu.

Soehren, Lloyd

2013 *Hawaiian Place Names*. Electronic database, ulukau.org/cgi-bin/hpn?l=haw.

Thrum, Thomas G.

1906 *Hawaiian Almanac and Annual for 1907*. Thomas G. Thrum, Honolulu. 1907 *Hawaiian Almanac and Annual for 1908*. Thomas G. Thrum, Honolulu.

Townsend, John

1839 *Narrative of a Journey Across the Rocky Mountains....and a Visit to the Sandwich Islands and Chile...* H. Perkins and Marvin, Boston.

Ulukau

2014 *Māhele Database*. Hawaiian Electronic Library,

Waihona 'Aina

2000 *The āhele Database*. Electronic document, <http://waihona.com>

Wichman, Frederick B.

1998 *Kaua'i. Ancient Place-Names and Their Stories*. University of Hawai'i Press, Honolulu.

Wilcox, Carol

1996 *Sugar Water: Hawaii's Plantation Ditches*. University of Hawai'i Press, Honolulu.

Wilkes, Charles

1845 *Narrative of the United States Exploring Expedition, During the Years 1838, 1839, 1840, 1841, 1842*, 5 vols. Lea and Blanchard, Philadelphia, Pennsylvania.

EXHIBIT "G"

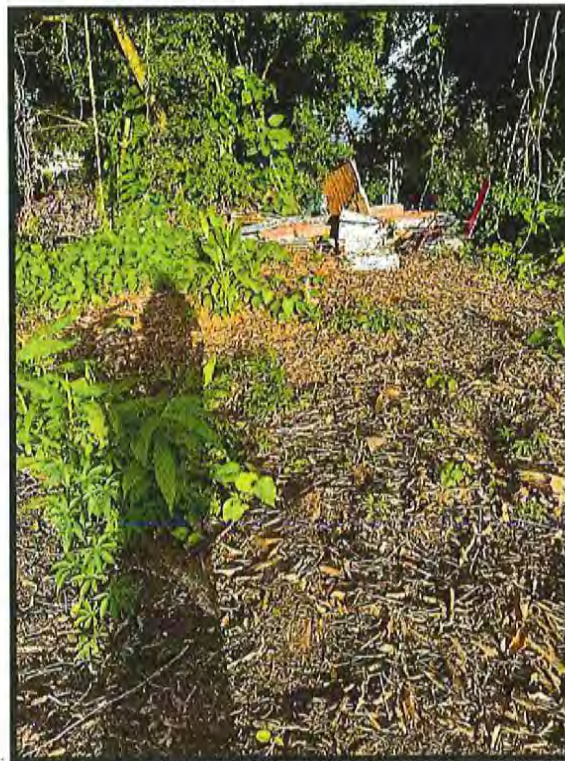
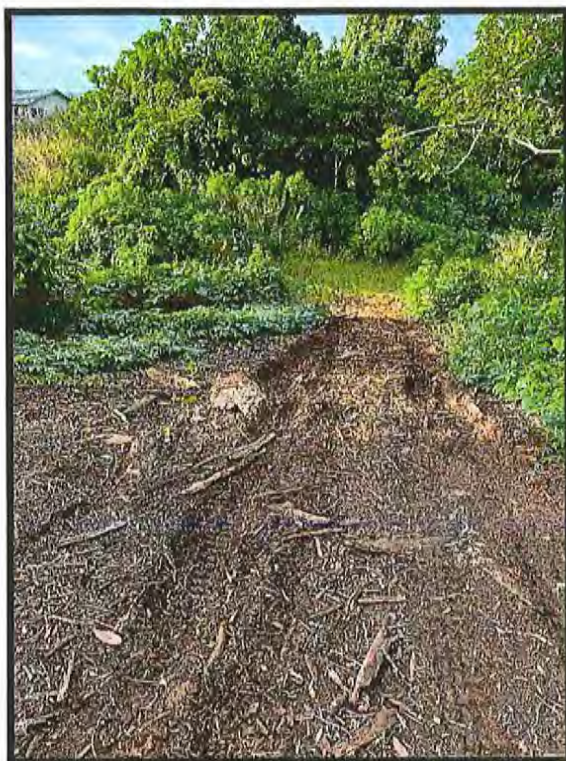
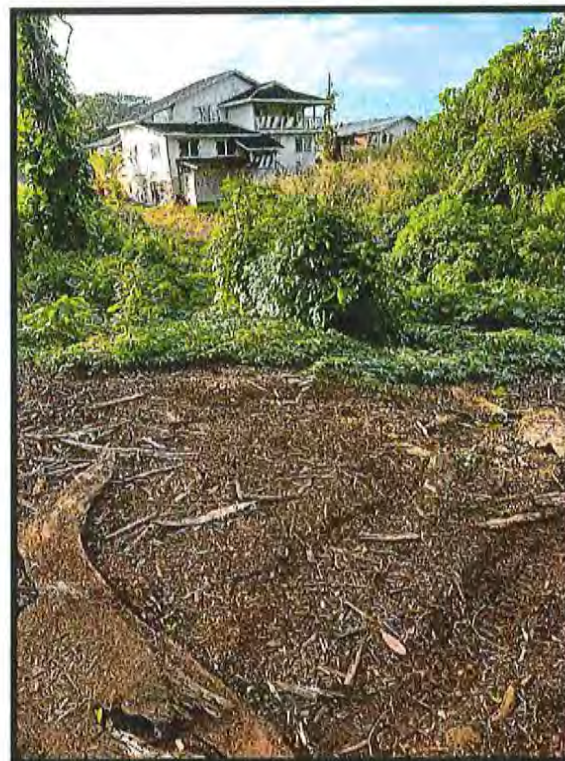
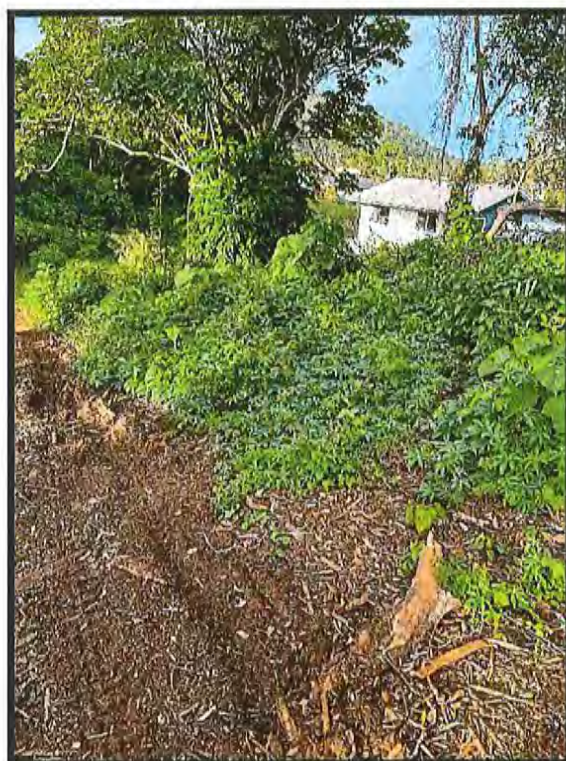


Figure 8 and 9 looking north, dirt road to the back of the property and entrance area.



Figures 10 and 11 looking northeast and southwest..



Figures 12 and 13 looking northeast and east.

Analysis and Recommendation

The Lāwa'i - Kona region, was probably a place of prehistoric and historic significance in the Hawaiian civilization. Oral histories and written records tell of the continuing traditions, beliefs, and cultural practices of the region. However, none of the background research, nor field inspection indicates any traditional historic properties exist on the project area today.

Beginning in the 19th century and continuing throughout most of the 20th century, the project area was under continuous cultivation of sugar cane by a succession of commercial interests that included McBryde Sugar Company.

No further archaeological work is recommended for this project.



DIRECTOR'S REPORT

I. SUMMARY

Action Required by Planning Commission: Consideration of a Project Development Use Permit, Class IV Zoning Permit, and Variance Permit to allow the construction of eight (8) affordable single-family residences.

Permit Application Nos. Project Development Use Permit PDU-2026-13
Class IV Zoning Permit Z-IV-2026-17
Variance Permit V-2026-4

Name of Applicant(s) KAUAI HABITAT FOR HUMANITY
Ian K. Jung, Esq., Authorized Agent

II. PERMIT INFORMATION

PERMITS REQUIRED	
☐ Use Permit	
☒ Project Development Use Permit	Pursuant to Section 8-10(d) of the KCC (1987), as amended, a Project Development Use Permit is required to allow comprehensive site planning that allows deviations from development standards involving a single-family residential project.
☒ Variance Permit	Pursuant to Sec. 8-3.3 of the KCC (1987), as amended, a Variance Permit is necessary to allow a deviation from Sec. 8-10.2 of the KCC relating to lands that qualify for a Project Development.
☐ Special Permit	
☒ Zoning Permit Class ☒ IV ☐ III	Pursuant to Sec. 8-4.7 of the KCC (1987), as amended, a Class IV Zoning Permit is a procedural requirement when applying for a Project Development Use Permit and Variance Permit.
☐ Special Management Area Permit ☐ Use ☐ Minor	
AMENDMENTS	
☐ Zoning Amendment	
☐ General Plan Amendment	

☐ State Land Use District Amendment	
Date of Receipt of Completed Application:	June 30, 2026
Date of Director's Report:	July 28, 2026
Date of Public Hearing:	August 11, 2026
Deadline Date for PC to Take Action (60 TH Day):	September 26, 2026

III. PROJECT DATA

PROJECT INFORMATION			
Parcel Location:	Lāwa'i. The parcel is situated along the mauka side of Koloa Road, approximately 450 feet east of the Koloa Road/Horita Road intersection, affecting a parcel just over an acre in size.		
Tax Map Key(s):	(4) 2-5-010: 034	Area:	1.097 acres or 47,785 sq. ft. (SF)
ZONING & DEVELOPMENT STANDARDS			
Zoning:	Residential District (R-4)		
State Land Use District:	Urban		
General Plan Designation:	Residential Community		
Height Limit:	Thirty (30) feet		
Max. Land Coverage:	Residential District = 60%		
Front Setback:	10 feet		
Rear Setback:	5 feet		
Side Setback:	5 feet		
Community Plan Area:	South Kaua'i Community Plan		
Community Plan Land Use Designation:	N/A		
Deviations or Variances Requested:	Deviation from density and parcel qualification for a Project Development.		

IV. LEGAL REQUIREMENTS

Section 8-3.1(f), KCC:	This report is being transmitted to the Applicant and Planning Commission in order to satisfy the requirements of Section 8-3.1(f), relating to the provision of the Planning Director's report and recommendation on the subject proposal within sixty (60) days of the filing of a completed application. The application was received on June 30, 2026, and the Applicant, through its
------------------------	---

	authorized agent, was notified accordingly of the Planning Department's intent to commence permit processing.
Public Hearing Date:	AUGUST 11, 2026

V. PROJECT DESCRIPTION AND USE

The proposed development involves the construction of eight (8) affordable single-family residences (SFR), driveway & drainage improvements, and associated infrastructure. The project site is situated within a residential neighborhood in Lāwa'i, along the mauka side of Kōloa Road. While this community is situated within the South Kauai Community Plan (SKCP), it is not subjected to the design/development standards of the South Kauai Form Based Code since it is not within a Special Planning District.

The project involves a mixture of single-story residences containing two (2) and three (3) bedroom units, ranging from 900 to 1,200 square feet (SF). As represented, there are 2 different models being proposed. One of the units contains 2 bedrooms & 1 bathroom, featuring approximately 834 SF living area; the other unit contains 3 bedrooms & 1.5 bathrooms, featuring approx. 1,034 SF living area. Each of the proposed residences will feature an entry covered lanai area. The proposed development will be partitioned through the Condominium Property Regime (CPR) process, and the breakdown of the units are as follows:

KAUAI HABITAT FOR HUMANITY – KOLOA ROAD		
CPR Unit No.	SFR Model Type	Approximate Living Area (SF)
1	3 Bedroom / 1.5 Bath	1,036
2	2 Bedroom / 1 Bath	834
3	2 Bedroom / 1 Bath	834
4	3 Bedroom / 1.5 Bath	1,036
5	2 Bedroom / 1 Bath	834
6	3 Bedroom / 1.5 Bath	1,036
7	2 Bedroom / 1 Bath	834
8	3 Bedroom / 1.5 Bath	1,036

Based on the preliminary drawings provided, the residences will be constructed on a post & pier concrete foundation and will be a wood-framed structure featuring wood exterior panels and asphalt roofing shingles.

VI. APPLICANT'S REASONS/JUSTIFICATION

Please refer to the Application.

VII. AGENCY COMMENTS

Comments from applicable government agencies are being sought and are expected at the time of the public hearing scheduled for AUGUST 11, 2026, through separate transmittal.

VIII. FINDINGS

1. Property Information

Based on the County's tax records, the project site is situated on a 1.097-acre parcel owned by the Applicant. It is situated within the Residential (R-4) zoning district and State Land Use Urban District. As noted in the Application, there was an existing residence as well as several shed structures on the property, but they have since been demolished and removed. The property currently remains vacant.

2. Surrounding Properties

The surrounding properties are all in residential use. There is an existing reservoir approximately 700 feet north of the project site and it was previously managed by McBryde Sugar Company. The parcel is bisected by a ditch right-of-way that served as a connection to the reservoir and provided water to the formerly sugar cane lands that are situated north of Kukui'ula and along the makai side of Kōloa Road in Lāwa'i.

3. Access

Vehicular access is through Kōloa Road, which is a County roadway wide enough to accommodate two-way vehicular traffic. The project features an improved common driveway approximately twenty (20) feet, that stems from main roadway fronting the project site.

4. CZO DEVELOPMENT STANDARDS & APPLICABLE REQUIREMENTS

As proposed, the project complies with the building height and setback requirements for development within the Commercial zoning district, as specified in Sections 8-4.3 & 4.5, of the Comprehensive Zoning Ordinance (CZO).

- a. **Off-Street Parking** – Pursuant to Sec. 8-4.5(a)(5) of the CZO, a minimum of two (2) off-street parking spaces is required per dwelling unit. It is noted that the project does not involve the construction of a garage or carport that would be associated with each dwelling. However, there is adequate space within each CPR Unit to accommodate vehicular parking.
- b. **Building Setback & Height** – The proposed development complies with the development standards contained in Sections 8-4.3 and 8-4.5(b) of the CZO.
- c. **Utilities & Services** – The site plan provided does not identify a waste collection area for the proposed dwelling unit, as required by Sec. 8-4.5(c) of the CZO. The standard requires an area for waste collection and these areas *"shall be screened by a fence, wall or hedge from public thoroughfares when serving over two*

dwelling units.” Prior to building permit application, the Applicant should make the necessary revisions to comply with this requirement.

- d. **Land Coverage** – As proposed, the development complies with the land coverage requirement in Sec. 8-4.3. It is currently well below the permissible land coverage of sixty percent (60%) of the lot area. The Application mentions that all of the project’s improvements including the driveway amounts to 30%.

As previously mentioned, the project does not involve the construction of a carport or garage for each dwelling. In the event future improvements are made to facilitate the construction of these amenity or expansion of the dwellings, the Applicant should ensure that the project remains in compliance with the land coverage development standard.

IX. PRELIMINARY EVALUATION

In evaluating the proposed development involving the construction of single-family residences and associated site improvements, the following aspects are taken into consideration:

1. General Plan

- a. **Vision and Goals- Section 1.3 of the Kaua’i General Plan (2018)**
 - A Sustainable Island
 - A Healthy and Resilient People
 - A Unique and Beautiful Place
 - An Equitable Place, with Opportunity for all
- b. **Policies to Guide Growth – Section 1.4 of the Kaua’i General Plan (2018):**

Of the 19 policies outlined in Section 1.4 of the Kaua’i General Plan (2018), the proposed project directly promotes the following:

 - Policy #1 Manage Growth to Preserve Rural Character
 - Policy #2 Provide Local Housing
 - Policy #3 Recognize the Identity of Kauai’s Individual Towns and Districts
 - Policy #17 Nurture Our Keiki
- c. The proposed project aligns with the vision, goals, and policies of the Kaua’i General Plan in that the proposed project continues to provide local housing while protecting the integrity and character of the town. Further, it provides a great opportunity for residents to live and work in close proximity to employment areas on the South Shore of Kaua’i.

2. Variance Permit

Section 8-3.3 of the Comprehensive Zoning Ordinance (CZO), Kaua’i County Code (1987), states that a Variance may be granted because of special circumstances (including size, shape, topography, location or surroundings), the strict application of the regulations deprives the property of privileges enjoyed by other properties in the vicinity; and

granting the variance will not result in harm to property and improvements in the neighborhood, or harmful environmental consequences.

As indicated in the Application, the Variance Permit is necessary to deviate from the standard that determines whether a project qualifies for a Project Development Permit. Pursuant to Sec. 8-10.2(b) of the CZO, the standard currently states:

☐ **§ 8-10.2 Lands that May Be Included in a Project Development.**

Any land area designated as Urban District by the State Land Use Commission may be developed in accordance with a Use Permit issued pursuant to this Article if the land area is under one ownership or there is an agreement among several owners for the purposes of cooperative or joint development, and the land area is:

- (a) In excess of one acre in a Commercial, Resort, or Industrial Use District; or
- (b) Is large enough to qualify for more than 10 dwelling units in any Residential District, Open District, or Agriculture District.
(Ord. No. 935, November 14, 2012)

- a. Based on the current size of the parcel and present zoning, it would not qualify for a Project Development. In applying the current development standards, the parcel would be eligible for a maximum of eight (8) single-family residences when applying the Additional Rental Unit (ARU) standards. At present, the CZO allows a total of 4 SFRs. Through the ARU qualification process, each dwelling unit would be eligible for an ARU provided that the infrastructure can support such development.
- b. In consideration of a Project Development, the development would generally involve more than 10 dwelling units. However in this proposal, the department considers the requested deviation to be a minimum departure (2 unit deviation), and more importantly, the intent of the project is to provide affordable housing. The approval of the requested variance would not grant the Applicant any special privileges as those already enjoyed by similar projects on the island.
- c. Will Not Create Significant Probabilities of Harm – The project is modest in scale, consistent with surrounding uses, and is not expected to create adverse effects to neighboring properties or resulting in environmental consequences. As noted earlier, the modest living area of both models ranges from 834 to 1,036 SF.

3. Lands that may be included in a Project Development

In accordance with Section 8-10.2(a) of the KCC, any land area designated as Urban District by the State Land Use Commission may be developed in accordance with a use permit provided that the land area is under one (1) ownership or there is an agreement among several owners for the purposes of cooperative or joint development, and the land area is:

- in excess of one (1) acre in a Commercial, Resort, or Industrial Use District; or
- is large enough to qualify for more than ten (10) dwelling units in any Residential District, Open District, or Agriculture District.

Based on the foregoing, the following aspects are taken into consideration:

- a. It is noted that the project area is within the State Urban Land Use District and contains approximately 1.097 acres within the Residential (R-4) zoning district. Based on the parcel area and zoning, the property would only qualify for 8 dwelling units and not be eligible for a Project Development. However, there is a provision noted in Sec. 8-10.4(d) of the CZO that reads:

"d. The Planning Commission shall find that the project development will create an environment of sustained desirability and stability, shall be compatible with the character of the surrounding neighborhood, and shall result in an intensity of land coverage and density of dwelling units no higher than are permitted in the Use District in which the project development is to be located. The Planning Commission may approve a project development containing residential uses, at a density higher than permitted in the District in which the project development is to be located, if the residences to be constructed will be leased or sold at prices that will make them available to persons of lower income. In that case, the applicant shall establish that the residential construction is being undertaken under a Federal or State subsidized housing program designed to produce housing for lower income persons."

[emphasis added containing underscored material]

- b. Consideration of the proposal through a Project Development Use Permit would be necessary to allow the Applicant to develop a project at a higher residential density and to allow comprehensive site planning and design.
- c. As previously stated, the intent of the project is to allow construction of affordable single-family residences.

4. Project Considerations/Development Standards

- a. **Building Design/Layout:** As represented, the proposed buildings do not exceed the maximum height limitation within the Residential zoning district of thirty (30) feet. Based on the exterior elevations provided, the proposed single-story residences are well below the 30 feet height limitation. It is further noted that the property is not situated within any special design control districts, such as Form Based Code, and the site is located outside of the Special Planning Areas within the Līhu'e Town Core area.
- b. **Land Coverage:** The proposed development complies the lot coverage requirement within the Residential zoning district, which allows a maximum of 60% coverage.
- c. **Setbacks:** The proposed development complies with the setback requirements for the Residential zoning district.
- d. **Off-street Parking:** While the project does not involve the construction of a carport or garage for each dwelling, there is adequate space on each CPR Unit to accommodate 2 parking stalls.

- e. **Lighting:** It is uncertain as to whether the Applicant has made provisions for night illumination with the project, based on the preliminary plans that have been submitted. If so, night illumination should be designed to minimize adverse impacts on the Federally Listed Threatened Species, Newell's Shearwater and other seabirds. Night lighting should be shielded from above and directed downwards and shall be approved by the U.S. Dept. of the Interior Fish and Wildlife Service. If external lighting is to be used in connection with the proposed project, all external lighting should be only of the following types: *downward-facing shielded lights*. Spotlights aimed upward or spotlighting of structures is prohibited.

Though the use is generally permitted, the Applicant should institute the "Best Management Practices" in order to insure that the operation of this facility does not generate impacts that may affect the health, safety, and welfare of those in the surrounding area of the proposal.

5. Wildfire Wildland Urban Interface (WUI)

- a. The Wildfire Risk to Communities program created and maintained by the USDA forest Service identifies Kauai County as having a very high risk of wildfire—higher than 91% of counties in the United States.
- b. The Hawaii Wildfire Management Organization's (HWMO) Kauai Wildfire Hazard document identifies the Lāwa'i area as a low hazard risk to wildfire.
- c. In consideration of this potential hazard and to further minimize the threat of wildfire to the project and surrounding areas, especially particularly during high wind events, wildfire home hardening and wildfire defensible space maintenance requirements should be considered.

6. Agency Comments

The Applicant should resolve and comply with all agency requirements as recommended in the permit application review, including but not limited to the fire code requirements as imposed by the County Fire Department, drainage requirements for DPW-Engineering Division, wastewater requirements for the State Department of Health (DOH), and the archaeological/historical requirements of the State Historic Preservation Division (SHPD).

X. PRELIMINARY CONCLUSION

Based on the information contained in the Director's Report Findings and Evaluation, the Planning Department concludes the following:

- 1. The project aligns with the "Residential Community" and "Neighborhood General" designation outlined in the Kaua'i County 2018 General Plan;
- 2. The overall nature of the project is compatible with the intended residential use of the

property and with the existing developments surrounding the project site;

3. Through proper mitigation efforts, the proposed development is not expected to cause any significant adverse impacts to the surrounding properties;
4. The proposed development is appropriate relative to the provision of alternative housing opportunities for the south side community. Furthermore, the exceptions sought via the Project Development Use Permit would not result in any adverse environmental consequences or visual effect.

The Applicant should institute the “Best Management Practices” to ensure that the development does not generate impacts that may affect the health, safety, and welfare of those in the surrounding area of the proposal.

XI. PRELIMINARY RECOMMENDATION

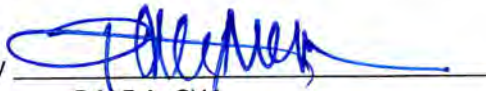
Based on the foregoing evaluation and conclusion, it is hereby recommended Class IV Zoning Permit Z-IV-2026-17, PDU-2026-13, and V-2026-4 be **APPROVED** subject to the following conditions:

1. The project shall be constructed as represented. Any changes to the operation and/or the respective structures shall be reviewed by the Planning Director to determine whether Planning Commission review and approval is warranted.
2. The Applicant is advised that any future improvements involving the expansion of the dwelling units or construction of additional accessory structures (ie. carports, garage, storage sheds) shall be in compliance with the land coverage development standard, pursuant to Section 8-4.3 of the CZO.
3. The Applicant shall incorporate Wildfire Wildland Urban Interface (WUI) Construction Standards attached as Exhibit ‘A’ into the development and construction of all structures on the subject property.
4. The Applicant shall incorporate WUI Structure Maintenance and Defensible Space Standards as defined by the attached Exhibit ‘B’ into the Covenants, Conditions, and Restrictions (CC&Rs) for the subject property. A Homeowners Association (HOA) shall be established that implements the requirements and standards of Exhibit ‘B’. Further, should these standards not be implemented, the HOA shall be subject to the Enforcement, Legal Procedures, and Penalties established under Section 8-3.5 of the Kauai County Code.
5. The Applicant shall coordinate an annual inspection of the site by the Planning Department and Fire Department to ensure compliance with Conditions 2. and 3. concerning WUI Construction Standards and WUI Structure Maintenance and Defensible Space Standards.

6. In order to minimize adverse impacts on the Federally Listed Threatened Species, Newell's Shearwater and other seabirds, all external lighting shall be only of the following types: *downward-facing shielded lights*. Any spotlights aimed upward or spotlighting of structures, landscaping, or the ocean shall be prohibited.
7. The Applicant shall develop and utilize Best Management Practices (BMP's) to ensure that the development does not generate impacts that may affect the health, safety, and welfare of those in the surrounding area of the proposal.
8. The Applicant shall resolve and comply with all agency requirements as recommended in the permit application review, including but not limited to the permit requirement for the County DPW-Engineering Division, water requirements for the County Department of Water, and regulations involving environmental concerns as administered by the State Department of Health.
9. The Applicant shall implement to the extent possible sustainable building techniques and operational methods for the project, such as Leadership in Energy and Environmental Design (L.E.E.D.) standards or another comparable state-approved, nationally recognized, and consensus-based guideline, standard, or system, and strategies, which may include but is not limited to recycling, natural lighting, extensive landscaping, solar panels, low-energy fixtures, low energy lighting and other similar methods and techniques. All such proposals shall be reflected on the plans submitted for building permit review.
10. To the extent possible within the confines of union requirements and applicable legal prohibitions against discrimination in employment, the Applicant shall seek to hire Kaua'i contractors as long as they are qualified and reasonably competitive with other contractors and shall seek to employ residents of Kaua'i in temporary construction and permanent jobs. It is recognized that the Applicant may have to employ non- Kaua'i residents for particular skilled jobs where no qualified Kaua'i resident possesses such skills. For the purposes of this condition, the Commission shall relieve the Applicant of this requirement if the Applicant is subjected to anti- competitive restraints on trade or other monopolistic practices.
11. Should any archaeological or historical resources be discovered during ground disturbing/construction work, all work in the area of the archaeological/historical findings shall immediately cease and the Applicant shall contact the State Department of Land and Natural Resources, Historic Preservation Division (SHPD) to determine mitigation measures.
12. The Applicant is advised that prior to construction and/or use, additional government agency conditions may be imposed. It shall be the Applicant's responsibility to resolve those conditions with the respective agency(ies).
13. The Planning Commission reserves the right to revise, modify, add or delete conditions of approval in order to address or mitigate unforeseen impacts this project may create, or revoke the permits through the proper procedures should conditions of approval be violated or adverse impacts be created that cannot be properly addressed.

The Planning Commission is further advised that this report does not represent the Planning Department's final recommendation in view of the forthcoming public hearing process scheduled for August 11, 2026, whereby the entire record should be considered prior to decision-making. The entire record should include but not be limited to:

- a. Pending government agency comments;
- b. Testimony from the general public and interested others; and
- c. The Applicant's response to the staff's report and recommendation as provided herein.

By 
DALE A. CUA
Planner

Approved & Recommended to Commission:

By 
KA'AINA S. HULL
Director of Planning

Date: 7/28/2026

EXHIBIT A

WILDFIRE WILDLAND URBAN INTERFACE CONSTRUCTION STANDARDS

(a) General Provisions.

(1) Lands Included.

(A) All lands within the subject property.

(2) Other Laws and Regulations. All improvements subject to this Article shall comply with other applicable laws and regulations, including but not limited to the State and County Fire Codes, Building Code, Subdivision Ordinance, and Sediment and Erosion Control Ordinance. In case of a conflict between this Agreement and the requirements of any other Federal, State, or County law, such as the State Fire Code or the County Fire Code, the more restrictive requirements shall apply.

(4) Interpretation. In the interpretation and application of this Agreement, all provisions shall be:

(A) Considered as minimum requirements;

(B) Liberally construed in favor of the County; and

(C) Deemed to neither limit nor repeal any other requirement, power, or duty prescribed under Federal, State, or County law.

(5) Warning and Disclaimer of Liability. The degree of wildfire and wildland urban interface required by this Agreement is considered reasonable for regulatory purposes and is based on wildfire hazard assessment considerations. Wildfires can and will occur on occasion. This Agreement does not imply that land outside the area of the subject property or uses and structures within this area will be free from wildfire risk. This Agreement shall not create liability on the part of the County of Kaua'i or any officer or employee for any damages that result from reliance on this Agreement or any administrative decision lawfully made based on this Agreement.

(b) Definitions.

"Advancing Standards Transforming Markets (ASTM)" means the organization (formerly referred to as the American Society for Testing and Materials) that develops standards and publishes voluntary consensus

technical international standards for a wide range of materials, products, systems, and services.

“County” means the County of Kaua‘i.

“Defensible space” means an area either natural or manmade, where material capable of allowing a fire to spread unchecked has been treated, cleared, or modified to slow the rate and intensity of an advancing wildfire through a wildland area and to create an area for structure defense operations to occur.

“Fire-prone vegetation” means material that in its natural state can readily ignite, burn, and rapidly transmit fire. For the purposes of this Article this definition is limited solely to the three following plant species: 1) Megathyrsus maximus or commonly known as “Guinea Grass,” 2) Leucaena leucocephala or commonly known as “Haole Koa,” and 3) Cenchrus ciliaris or commonly known as “Buffel Grass.”

“Fire Stopped” means the process of filling openings and joints between walls, floors, and roofing material to inhibit the spread of fire between compartments within a structure.

“Firewood” means any kindling, logs, timber, or other portions of a tree of any species four (4) feet or less in length, cut or split, or intended to be cut or split, into a form and size appropriate for use as fuel for fires in an open pit, imu, grill, fireplace, stove, or other wood burning furnace or device.

“Ignition-resistant” as applied to building construction material means a material treated or manufactured to delay ignition and tested to conform to ASTM E84 or ASTM E2768. Examples include but are not limited to fire-treated wood, dense hardwoods like ipe, and fiber-cement boards.

“Noncombustible” as applied to building construction material means a material of which no part will ignite and burn when subjected to fire and tested to conform to ASTM E136. Examples include but are not limited to concrete, metal, glass, and stone.

“Noncombustible roof covering” means a roof covering consisting of any of the following: (1) cement (or fiber-cement) shingles or sheets, (2) ferrous shingles or sheets, or (3) slate shingles.

“Noncombustible zone (NCZ)” means the area of land that extends 5 feet measured perpendicularly from the edge of the exterior walls of a structure and any unenclosed appendages or projections (including but not limited to lanais, porches, and stoops).

“Primary Structure Zone” means an area that applies to the primary structure itself, and it includes requirements for ember ignition mitigation and fire-resistant construction to reduce the risk of structure ignition.

“Roof assembly” means a system designed to provide weather protection and resistance to design loads. The system consists of a roof covering and roof deck or a single component serving as both the roof covering and the roof deck. A roof assembly can include an underlayment, thermal barrier (i.e., insulation), ignition (fire) barrier, insulation, or a vapor retarder.

“Roof covering” means the covering applied to the roof deck for weather resistance or appearance. The roof covering and underlying components are part of the fire rating for the roof assembly.

“Roof deck” means that flat or sloped surface of a roof not including its supporting members or vertical supports.

“Structure, Accessory” means a structure that is subordinate to, and the use of which is incidental to that of the primary structure or use on the same lot or parcel and not used for human occupancy of habitation. An accessory structure is not a primary structure.

“Structure, Primary” means a structure that is used for the principal use permitted in the zoning district. In the Plantation Camp, primary structures include but are not limited to residential dwelling units, commercial buildings, and schools. A primary structure is not an accessory structure.

“Unenclosed Accessory Structure” means an accessory structure without a complete exterior wall system enclosing the area under roof or floor above.

“Wildfire” means an uncontrolled fire spreading through vegetative fuels, exposing and possibly consuming structures.

“Wildland” means an area in which development is essentially nonexistent, except for roads, railroads, power lines, and similar facilities.

“Wildland Urban Interface (WUI)” means the zone of transition between unoccupied land and human development. It is the line, area, or zone where structures and other human development meet or intermingle with undeveloped wildland or vegetative fuels.

“Zone 0: 5-Foot Noncombustible Zone (NCZ)” means an area that extends five feet horizontally from the exterior of a primary structure and any attached appendages and projections. It shall consist of noncombustible hardscape and

materials. The purpose of this zone is to prevent direct flame contact and reduce the risk of ember ignition at the structure's base.

"Zone 1: 30-Foot Defensible Space" means an area that extends from the edge of Zone 0 to 30 feet away from the structure or to the property line, whichever is closer. It requires vegetation management such as pruning lower limbs, spacing trees and shrubs, and removing combustible materials to reduce fuel loads and slow fire spread toward the structure. Fire-prone vegetation is prohibited.

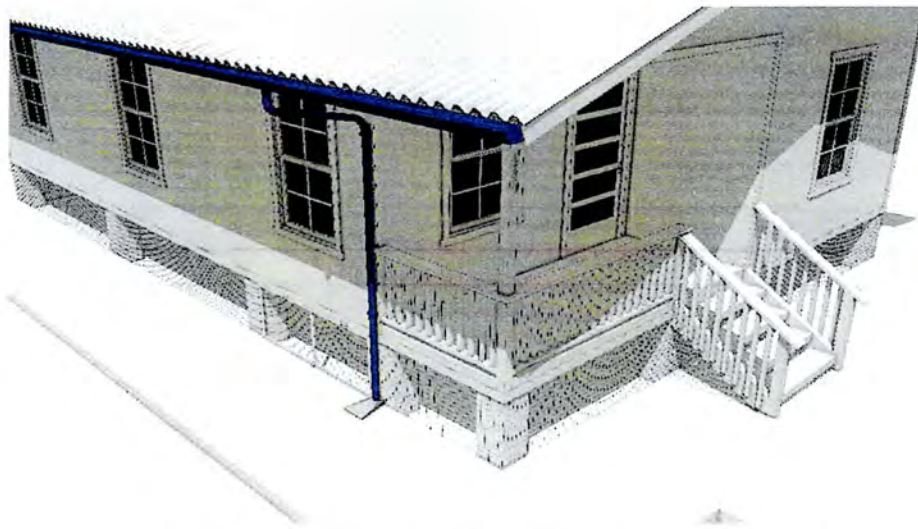
"Zone 2: 30- to 100-Foot Resilient Landscape" means an area that extends from the edge of Zone 1 to 100 feet away from the structure or to the property line, whichever is closer. It requires vegetation management such as pruning lower limbs, spacing trees and shrubs, and removing combustible materials to reduce fuel loads and slow fire spread toward the structure.

(c) Primary Structure Zone.

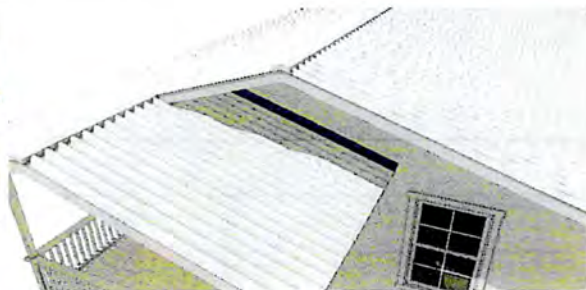
(1) Construction Requirements. For any newly proposed primary structures, or substantial improvements of existing structures, the following construction requirements shall be met:



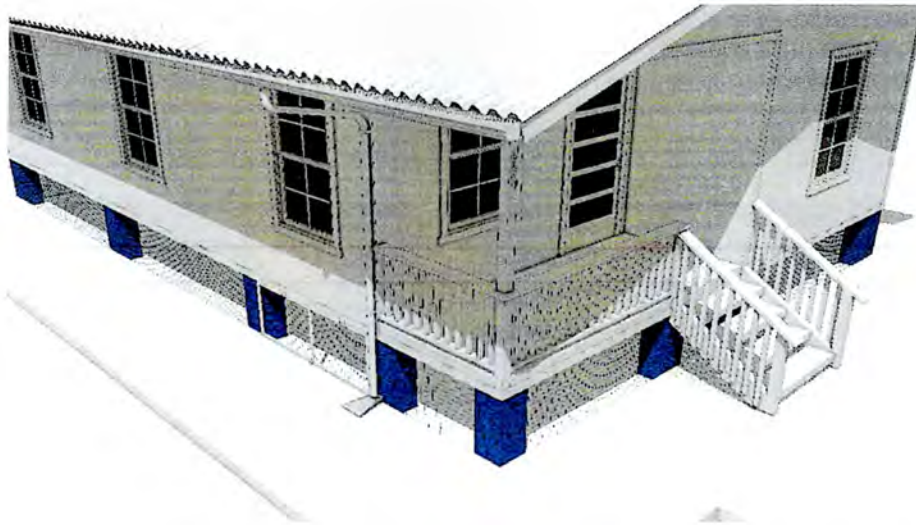
(A) Roofs. Roofs shall have a roof assembly that complies with a Class A rating when tested in accordance with ASTM E108. For roof assemblies where the profile allows a space between the roof covering and roof deck, the space shall be fire-stopped to prevent entry of flames or embers.



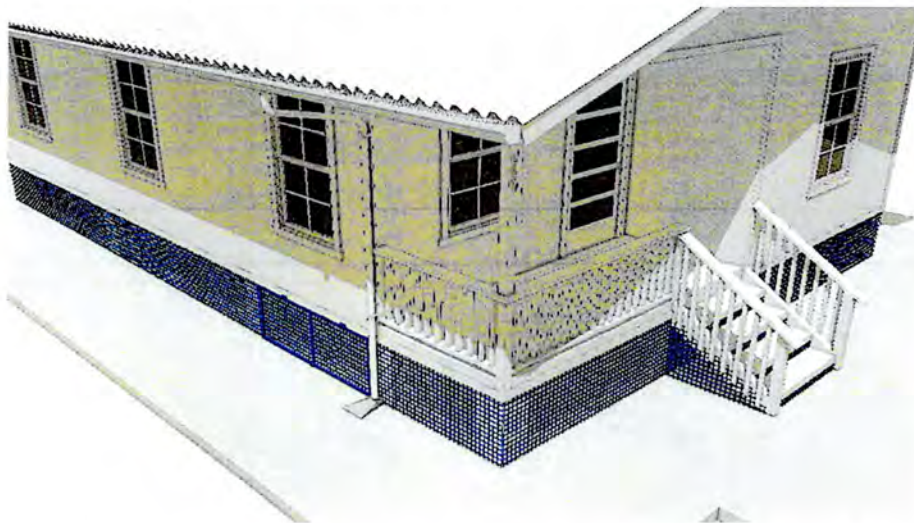
(B) Gutters and Downspouts. Gutters and downspouts shall be constructed of metal material. Gutters shall be covered with a noncombustible material to prevent the accumulation of debris within the gutter.



(C) Exterior walls. A minimum of 6 inches of noncombustible material vertically on the exterior of the wall shall be installed at the ground, decking, and roof intersections. This material shall extend behind the associated siding to reduce ember entrapment.



(D) Post and pier. If any primary structure is elevated, the post and pier material shall be noncombustible.



(E) Underfloor Enclosure. Primary structures elevated on post and pier and any attached appendages and projections such as decks, lānais, porches, and stoops elevated on post and pier shall have underfloor areas enclosed to the ground with noncombustible corrosion-resistant mesh screen size not to exceed 1/8 inch (3.2 mm). The mesh shall meet the following additional requirements:

- (i) Extended down to be flush with grade and abut against the adjacent 5-foot hardscape groundcover,

(ii) Any associated material including but not limited to framing material or covering material (such as lattice) shall be noncombustible; and.

(iii) At least one area of the underfloor area mesh screening shall be constructed and framed in a manner to allow a minimum 16" x 24" of the mesh screen to be removed for access and maintenance purposes of the underfloor area. The framing and any other associated material for this access section of the mesh screening shall be made of noncombustible material.

(F) Appendages and projections. Unenclosed appendages and projections attached to buildings such as decks, lanais, porches, and stoops elevated on post and pier shall have underfloor areas enclosed to the ground with noncombustible corrosion-resistant mesh screen size not to exceed 1/8 inch (3.2 mm) and shall meet the following additional requirements:

(i) When elevated, to prevent any ember intrusion beneath the underfloor area, all floorboards shall be flush with each other without any parallel space apart from each other.

(ii) Noncombustible or ignition-resistant material is required for all flooring material.

Exception: if the flooring material, such as floorboards, are comprised of combustible material, at a minimum all floorboards perpendicular to a wall or a post shall be ignition resistant within 6 inches of the deck-to-wall or deck-to-post intersection.

(iii) Noncombustible or ignition-resistant material is required for all walls and posts that are perpendicular to the deck.

Exception: if the wall or post is comprised of combustible material, at a minimum the wall or post shall have 6 inches of noncombustible flashing installed at the wall-to-deck or post-to-deck intersection.

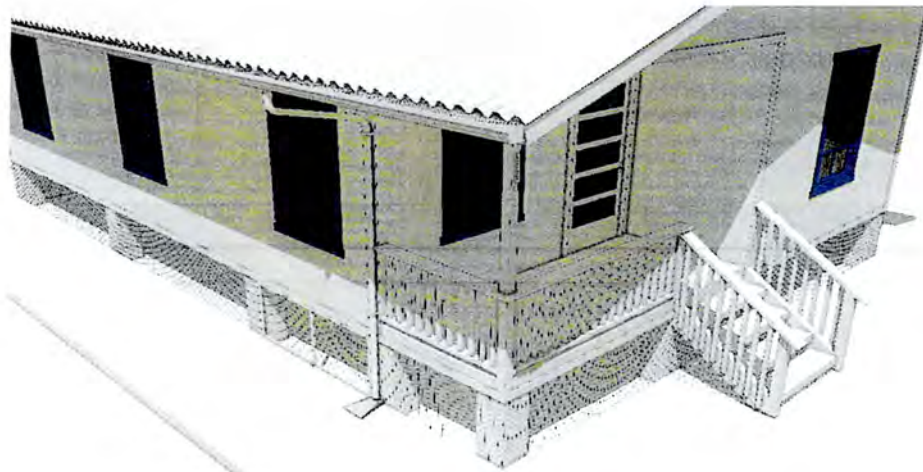


(G) Vents. Ventilation openings for enclosed attics (e.g., gable ends, ridge ends, and enclosed eave soffit spaces), enclosed rafter spaces formed where ceilings are applied directly to the underside of roof rafters, underfloor ventilation, foundations, and crawl spaces; under eaves and cornices; or for any other opening intended to permit ventilation, either in a horizontal or vertical surface, shall resist the intrusion of burning embers and flames by meeting one of the following requirements:

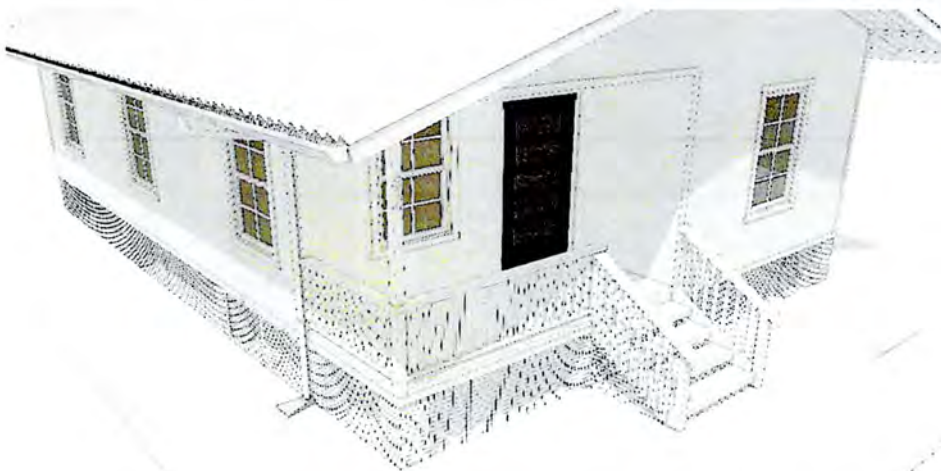
(i) Performance-based requirements: Corrosion-resistant ember and flame-resistant vents tested to conform to ASTM E2886.

(ii) Prescriptive-based requirements: Vents shall be made of a noncombustible material and covered on the exterior with noncombustible corrosion-resistant mesh with openings not to exceed 1/16 inch (1.6 mm).

Exceptions: Dryer vents shall have a solid metal louver or flap in lieu of mesh. Plumbing vents are excluded from these requirements.



(H) Exterior glazing. Each primary structure's exterior windows, window walls, glazed doors, and windows within exterior doors shall be dual pane tempered glass or have a fire protection rating of not less than 20 minutes and tested to conform to ASTM E119.



(I) Exterior doors. Exterior doors shall be solid core wood or have an exterior surface with noncombustible or ignition-resistant building material or have a fire protection rating of not less than 20 minutes.



(J) Addressing. Each primary structure shall have its address marked on its exterior thoroughfare facing wall, and it shall be clearly visible from the thoroughfare.

(g) Other Requirements for Accessory Structures.

(1) Construction Requirements. For any newly proposed unattached accessory structures or substantial improvements to unattached accessory structures that are within 30 feet of the primary structure and that have a footprint greater than or equal to 15 square feet (including but not limited to sheds, gazebos, poultry cages, open-covered structures with a solid roof, dog houses, and playhouses), the following construction requirements shall be met:

(A) Not counting noncombustible storage units sealed in a manner that prohibit any ember intrusion into the unit, no more than 3 total accessory structures are allowed within 30 feet of the primary structure.

(B) Fences. All fences within 30 feet of any other structure (accessory or primary) shall be constructed with noncombustible materials.

(C) Each accessory structure shall have its own 5 feet of NCZ that does not overlap the 5-foot NCZ required for a primary structure, appendages and projections (including but not limited to lānais, porches, and stoops), or other accessory structures.

EXHIBIT B

WILDFIRE WILDLAND URBAN INTERFACE STRUCTURE MAINTENANCE AND DEFENSIBLE SPACE STANDARDS

(a) General Provisions.

(1) Lands Included.

(A) All lands within the subject property.

(2) Other Laws and Regulations. All clearing and maintenance subject to this Agreement shall comply with other applicable laws and regulations, including but not limited to the State and County Fire Codes, Building Code, Subdivision Ordinance, , and Sediment and Erosion Control Ordinance. In case of a conflict between this Agreement and the requirements of any other Federal, State, or County law, such as the State Fire Code or the County Fire Code, the more restrictive requirements shall apply.

(3) The County shall not be liable for expenses incurred in the removal or replacement of any material required for the landowner to comply with this Agreement or to allow inspection.

(4) Interpretation. In the interpretation and application of this Agreement, all provisions shall be:

(A) Considered as minimum requirements;

(B) Liberally construed in favor of the County; and

(C) Deemed to neither limit nor repeal any other requirement, power, or duty prescribed under Federal, State, or County law.

(5) Warning and Disclaimer of Liability. The degree of wildfire and wildland urban interface required by this Agreement is considered reasonable for regulatory purposes and is based on wildfire hazard assessment considerations. Wildfires can and will occur on occasion. This Agreement does not imply that land outside the area of the subject property or uses and structures within this area will be free from wildfire risk. This Agreement shall not create liability on the part of the County of Kaua'i or any officer or employee for any damages that result from reliance on this Agreement or any administrative decision lawfully made based on this Agreement.

(b) Definitions.

“Advancing Standards Transforming Markets (ASTM)” means the organization (formerly referred to as the American Society for Testing and Materials) that develops standards and publishes voluntary consensus technical international standards for a wide range of materials, products, systems, and services.

“County” means the County of Kaua‘i.

“Defensible space” means an area either natural or manmade, where material capable of allowing a fire to spread unchecked has been treated, cleared, or modified to slow the rate and intensity of an advancing wildfire through a wildland area and to create an area for structure defense operations to occur.

“Fire-prone vegetation” means material that in its natural state can readily ignite, burn, and rapidly transmit fire. For the purposes of this Article this definition is limited solely to the three following plant species: 1) Megathyrsus maximus or commonly known as “Guinea Grass,” 2) Leucaena leucocephala or commonly known as “Haole Koa,” and 3) Cenchrus ciliaris or commonly known as “Buffel Grass.”

“Fire Stopped” means the process of filling openings and joints between walls, floors, and roofing material to inhibit the spread of fire between compartments within a structure.

“Firewood” means any kindling, logs, timber, or other portions of a tree of any species four (4) feet or less in length, cut or split, or intended to be cut or split, into a form and size appropriate for use as fuel for fires in an open pit, imu, grill, fireplace, stove, or other wood burning furnace or device.

“Ignition-resistant” as applied to building construction material means a material treated or manufactured to delay ignition and tested to conform to ASTM E84 or ASTM E2768. Examples include but are not limited to fire-treated wood, dense hardwoods like ipe, and fiber-cement boards.

“Noncombustible” as applied to building construction material means a material of which no part will ignite and burn when subjected to fire and tested to conform to ASTM E136. Examples include but are not limited to concrete, metal, glass, and stone.

“Noncombustible roof covering” means a roof covering consisting of any of the following: (1) cement (or fiber-cement) shingles or sheets, (2) ferrous shingles

or sheets, or (3) slate shingles.

"Noncombustible zone (NCZ)" means the area of land that extends 5 feet measured perpendicularly from the edge of the exterior walls of a structure and any unenclosed appendages or projections (including but not limited to lanais, porches, and stoops).

"Primary Structure Zone" means an area that applies to the primary structure itself, and it includes requirements for ember ignition mitigation and fire-resistant construction to reduce the risk of structure ignition.

"Roof assembly" means a system designed to provide weather protection and resistance to design loads. The system consists of a roof covering and roof deck or a single component serving as both the roof covering and the roof deck. A roof assembly can include an underlayment, thermal barrier (i.e., insulation), ignition (fire) barrier, insulation, or a vapor retarder.

"Roof covering" means the covering applied to the roof deck for weather resistance or appearance. The roof covering and underlying components are part of the fire rating for the roof assembly.

"Roof deck" means that flat or sloped surface of a roof not including its supporting members or vertical supports.

"Structure, Accessory" means a structure that is subordinate to, and the use of which is incidental to that of the primary structure or use on the same lot or parcel and not used for human occupancy of habitation. An accessory structure is not a primary structure.

"Structure, Primary" means a structure that is used for the principal use permitted in the zoning district. In the Plantation Camp, primary structures include but are not limited to residential dwelling units, commercial buildings, and schools. A primary structure is not an accessory structure.

"Unenclosed Accessory Structure" means an accessory structure without a complete exterior wall system enclosing the area under roof or floor above.

"Wildfire" means an uncontrolled fire spreading through vegetative fuels, exposing and possibly consuming structures.

"Wildland" means an area in which development is essentially nonexistent, except for roads, railroads, power lines, and similar facilities.

"Wildland Urban Interface (WUI)" means the zone of transition between unoccupied land and human development. It is the line, area, or zone where

structures and other human development meet or intermingle with undeveloped wildland or vegetative fuels.

“Zone 0: 5-Foot Noncombustible Zone (NCZ)” means an area that extends five feet horizontally from the exterior of a primary structure and any attached appendages and projections. It shall consist of noncombustible hardscape and materials. The purpose of this zone is to prevent direct flame contact and reduce the risk of ember ignition at the structure’s base.

“Zone 1: 30-Foot Defensible Space” means an area that extends from the edge of Zone 0 to 30 feet away from the structure or to the property line, whichever is closer. It requires vegetation management such as pruning lower limbs, spacing trees and shrubs, and removing combustible materials to reduce fuel loads and slow fire spread toward the structure. Fire-prone vegetation is prohibited.

“Zone 2: 30- to 100-Foot Resilient Landscape” means an area that extends from the edge of Zone 1 to 100 feet away from the structure or to the property line, whichever is closer. It requires vegetation management such as pruning lower limbs, spacing trees and shrubs, and removing combustible materials to reduce fuel loads and slow fire spread toward the structure.

(c) Primary Structure Zone.

(1) Maintenance Requirements. For all primary structures, the following maintenance requirements shall be met:

(A) The roof shall be kept clear of debris, paying particular attention to roof intersection area (e.g., roof-to-wall, at entry to through-roof vents, and at the roof edge, if a gutter is installed).

(B) Gutters and downspouts shall be kept clear of debris such as leaves and pine needles.

(C) Unenclosed appendages and projections attached to buildings such as decks, lanais, porches, carports, and stoops shall meet the following requirement:

(i) Only noncombustible items or materials are allowed to be stored or placed within the attached unenclosed appendages and projections. Any combustible materials in this area shall be enclosed entirely within a noncombustible storage unit sealed in a manner that prohibits any fire ember intrusion into the unit.

(d) Zone 0: 5-Foot Noncombustible Zone (NCZ) Requirements.



(1) Primary Structure Maintenance Requirements. This zone is the most critical zone of defensible space and requires the most stringent fuel reduction and regular maintenance to protect against wildfire. In the NCZ the following standards shall apply:

(A) A 5-foot groundcover comprised of hardscape (such as brick, gravel, or concrete) with a depth of at least 4 inches shall be maintained in the NCZ. This not required for accessory structures.

(B) Ground cover within the NCZ shall be noncombustible and free of debris such as leaves and pine needles.

(C) Vegetation growing within or overhanging into the NCZ is prohibited.

(D) Vegetation overhanging the roof is prohibited within the NCZ.

(E) Fences within the NCZ shall be noncombustible.

(E) Only noncombustible items or materials are allowed. Any combustible materials in this area shall be enclosed entirely within a noncombustible storage unit sealed in a manner that prohibits any fire ember intrusion into the unit.

(e) Zone 1: 30-Foot Defensible Space Requirements.



(1) Maintenance Requirements. The area beyond the primary structure shall have a regularly maintained defensible space of 30 feet measured from the edge of the exterior walls of the primary structure and its unenclosed appendages and projections (including but not limited to lānais, porches, and stoops). This includes:

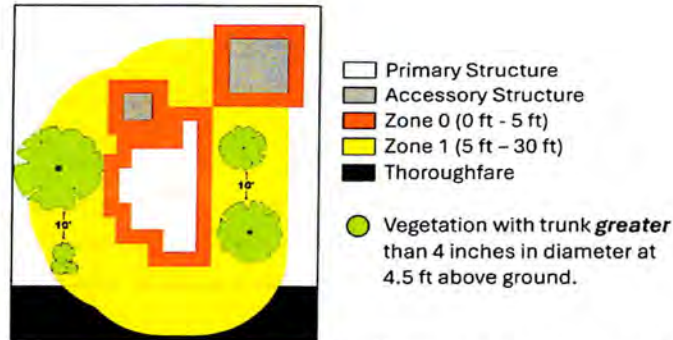
(A) Routine removal of accumulated vegetative debris, which may include but not be limited to fallen pine needles, leaves, twigs, and any dead vegetation, including piles from pruning.

(B) Vegetation with canopies within 30 feet of a primary structure shall be maintained as follows:

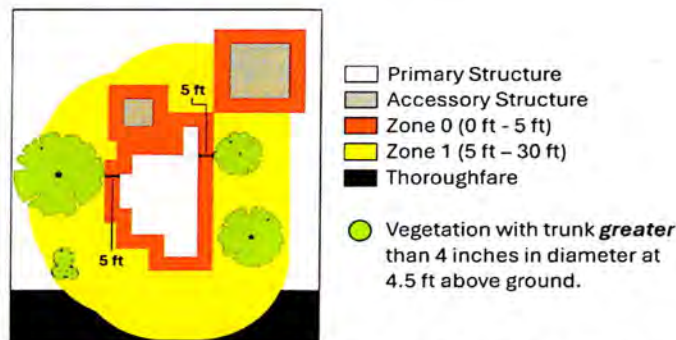
(i) Vegetation with a trunk of 4 inches in diameter or greater when measured at a height of 4.5 feet above the ground:



(a) Shall have limbs and branches pruned to a minimum height of 6 feet off the ground.

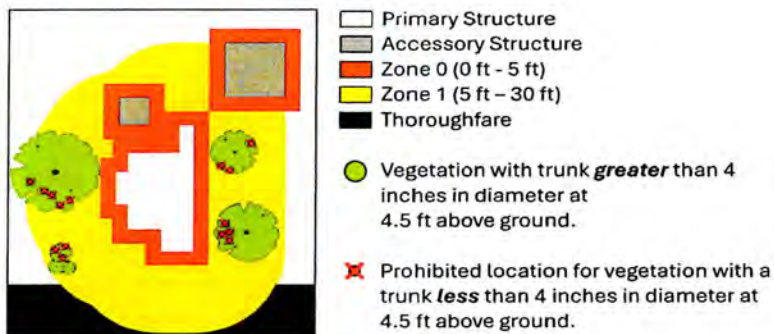


(b) Shall have a minimum of 10 horizontal feet of spacing between the tree canopy and the next closest tree, shrub, or bush canopy, but may be clustered in small groupings with a combined canopy not larger than 10 feet in horizontal diameter.

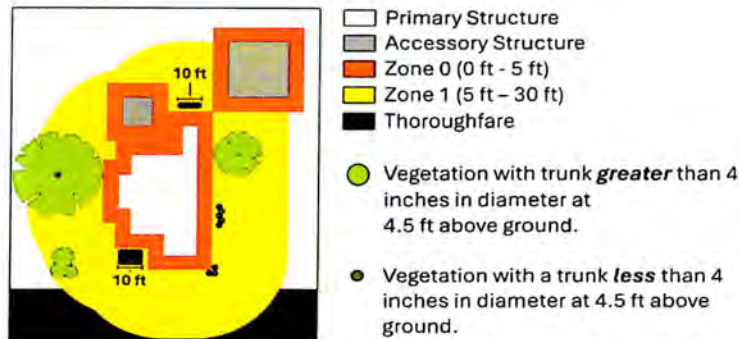


(c) Shall have a minimum of 5 horizontal feet between a tree canopy and the primary structure.

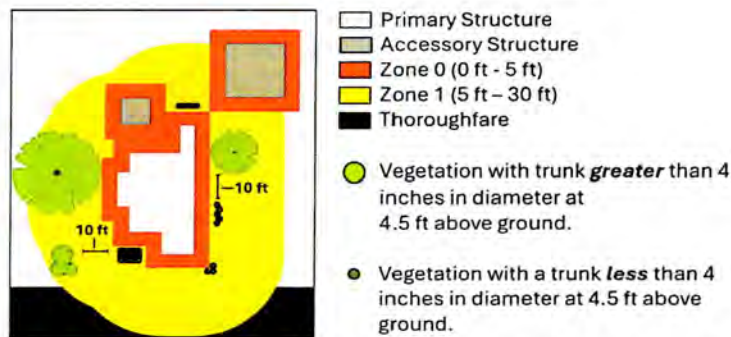
(ii) Vegetation with a trunk less than 4 inches in diameter when measured at a height of 4.5 feet above the ground or less than 4.5 feet tall:



(a) Are prohibited under larger trees.



(b) Are prohibited from having a canopy larger than 10 feet in horizontal diameter, but may be clustered in small groupings with a combined canopy not larger than 10 feet in horizontal diameter.



(c) Shall have a minimum horizontal space between canopies of at least 10 feet.

(iii) Firewood is prohibited in this 30-foot defensible space area from the primary structure. Firewood is only allowed in this area if it is enclosed entirely within a noncombustible storage unit sealed in a manner that prohibits any ember intrusion into the unit during a wildfire event.

(C) Fire-prone vegetation is prohibited 30 feet from any primary structure, measured from the edge of the exterior walls of the primary structure and its unenclosed appendages, and projections (including but not limited to lānais, porches, and stoops).

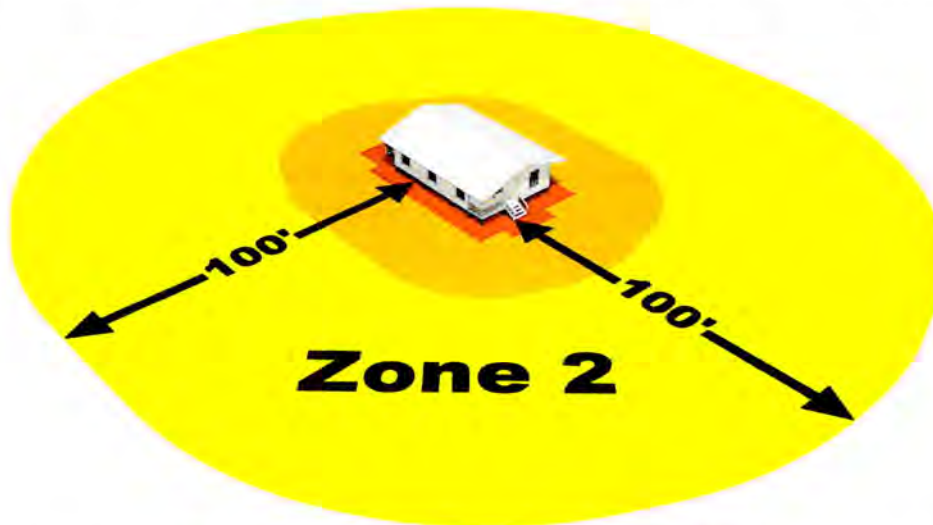
(D) The following plant species are exempt from these requirements:

(i) Colocasia esculenta, also known as kalo or taro.

(ii) Musa, also known as banana.

(E) Fences. All fences within 30 feet of any other structure (accessory or primary) shall be constructed with noncombustible materials.

(f) Zone 2: 30-Foot to 100-Foot Resilient Landscape Requirements.



(1) Maintenance Requirements: Zone 2 shall be managed as follows:

(A) Fire-prone vegetation shall not exceed eighteen (18) inches in height when located between thirty (30) feet and one hundred (100) feet from any primary structure, measured from the edge of the exterior walls of the primary structure or unenclosed appendages and projections (including but not limited to lānais, porches, and stoops).

(B) Fire-prone vegetation greater than eighteen (18) inches in height shall have a one hundred (100) foot setback from all primary structures, measured from the edge of the exterior walls of the primary structure or unenclosed appendages and projections (including but not limited to lānais, porches, and stoops).

(C) Routine removal of accumulated vegetative debris, which may include but not be limited to fallen pine needles, leaves, twigs, and any dead vegetation, including piles from pruning.

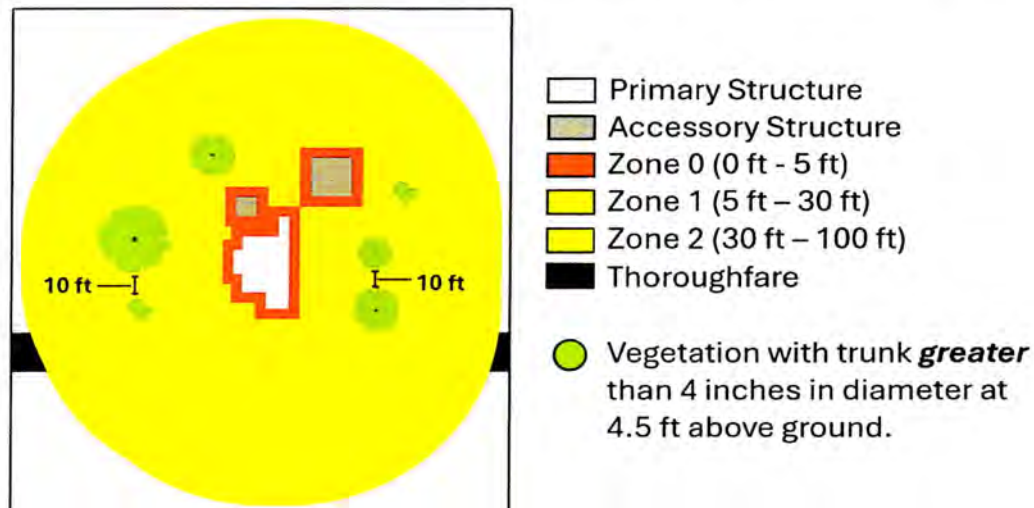
(D) Excluding fire-prone vegetation, vegetation with canopies

shall be maintained as follows:

(i) Vegetation with a trunk of 4 inches in diameter or greater when measured at a height of 4.5 feet above the ground:



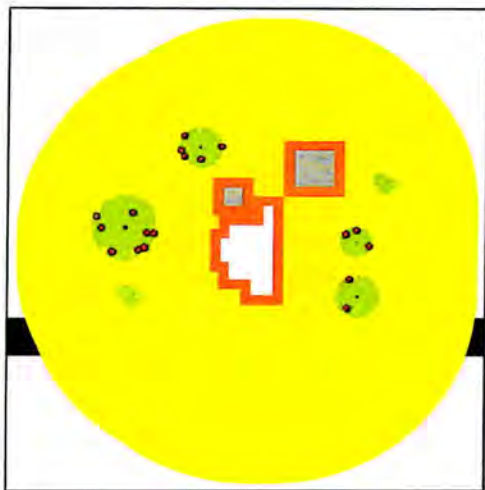
(a) Shall have limbs and branches pruned to a minimum height of 6 feet off the ground.



(b) Shall have a minimum of 10 horizontal feet of spacing between the tree canopy and the next closest tree, shrub, or bush canopy, but may be clustered in small groupings with a combined canopy not larger than 10 feet in horizontal diameter.

(ii) Vegetation with a trunk less than 4 inches in diameter when measured at a height of 4.5 feet above the ground or less than 4.5 feet tall:

or less than 4.5 feet tall:

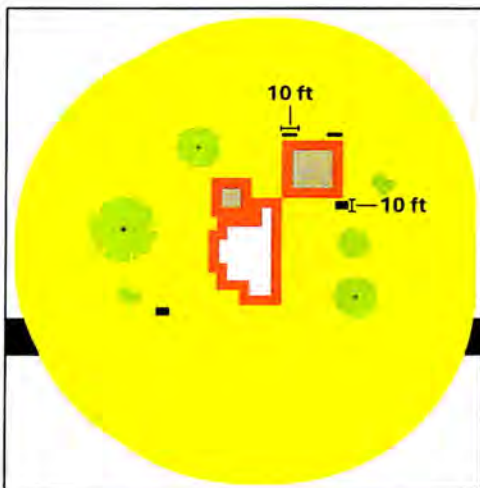


- Primary Structure
- Accessory Structure
- Zone 0 (0 ft - 5 ft)
- Zone 1 (5 ft - 30 ft)
- Zone 2 (30 ft - 100 ft)
- Thoroughfare

● Vegetation with trunk **greater** than 4 inches in diameter at 4.5 ft above ground.

■ Prohibited location for vegetation with a trunk **less** than 4 inches in diameter at 4.5 ft above ground.

(a) Are prohibited under larger trees.

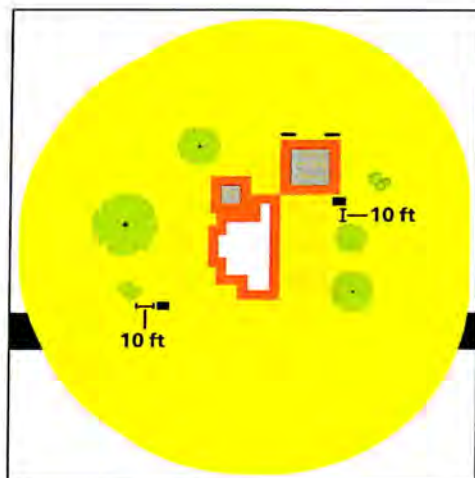


- Primary Structure
- Accessory Structure
- Zone 0 (0 ft - 5 ft)
- Zone 1 (5 ft - 30 ft)
- Zone 2 (30 ft - 100 ft)
- Thoroughfare

● Vegetation with trunk **greater** than 4 inches in diameter at 4.5 ft above ground.

• Vegetation with a trunk **less** than 4 inches in diameter at 4.5 ft above ground.

(b) Are prohibited from having a canopy larger than 10 feet in horizontal diameter, but may be clustered in small groupings with a combined canopy not larger than 10 feet in horizontal diameter.



- Primary Structure
- Accessory Structure
- Zone 0 (0 ft - 5 ft)
- Zone 1 (5 ft - 30 ft)
- Zone 2 (30 ft - 100 ft)
- Thoroughfare

- Vegetation with trunk **greater** than 4 inches in diameter at 4.5 ft above ground.
- Vegetation with a trunk **less** than 4 inches in diameter at 4.5 ft above ground.

(c) Shall have a minimum horizontal space between canopies of at least 10 feet.

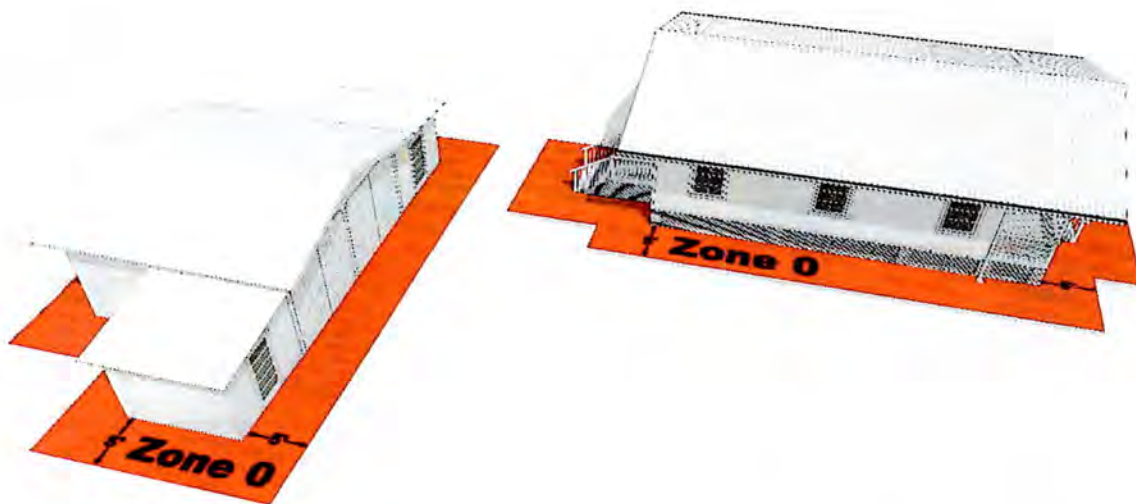
(E) The following plant species are exempt from these requirements:

(i) Colocasia esculenta, also known as kalo or taro.

(ii) Musa, also known as banana.

(iii) Any species planted for cultivation and sales that is part of an agricultural operation larger than one (1) acre as determined by the Planning Director, and the species are maintained in a manner reviewed and approved by the Fire Chief.

(g) Other Requirements for Accessory Structures.



(1) Maintenance Requirements. Each accessory structure shall have its own 5 feet of NCZ that does not overlap the 5-foot NCZ required for a primary structure, appendages and projections (including but not limited to lānais, porches, and stoops), or other accessory structures. In the accessory structure's NCZ, the following standards shall apply:

(A) A 5-foot groundcover comprised of hardscape (such as brick, gravel, or concrete) with a depth of at least 4 inches shall be maintained in the NCZ. This not required for accessory structures.

(B) Ground cover within the NCZ shall be noncombustible and free of debris such as leaves and pine needles.

(C) Vegetation growing within or overhanging into the NCZ is prohibited.

(D) Vegetation overhanging the roof is prohibited within the NCZ.

(E) Fences within the NCZ shall be noncombustible.

(E) Only noncombustible items or materials are allowed. Any combustible materials in this area shall be enclosed entirely within a noncombustible storage unit sealed in a manner that prohibits any fire ember intrusion into the unit.

(h) Fire Prevention Outreach and Education Requirements.

(1) Conduct a workshop titled "How to Have a Fire Adapted Home and Community." At least once per year, the Homeowners Association (HOA) shall coordinate with the Fire Department, Kaua'i Emergency Management Agency, and Planning Department to set up and conduct at least one workshop for the HOA board that is open to all residents of the subject property that teaches the principles of fire prevention and evacuation. Topics for discussion shall include but need not be limited to defensible space, landscaping, and home hardening. Workshops shall be scheduled for evenings or weekends when most homeowners are available. Material shall be available at the workshops that promote fire risk reduction practices and strategies.

(2) A report on the workshop format and participation shall be provided to the Fire Department and Planning Department no later than June 30 of every calendar year.

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR
REIKO MATSUYAMA, MANAGING DIRECTOR

TRANSMITTAL OF PUBLIC TESTIMONY TO PLANNING COMMISSION

DATE: August 5, 2026

PERMIT NUMBER(S): Z-IV-2026-17 & PDU-2026-13

APPLICANT(S): KAUAI HABITAT FOR HUMANITY

Attached for the Planning Commission's reference is Public Testimony pertaining to the permit application referenced above.

G.2.a.2.

AUG 11 2026



Through shelter, we empower.

July 28, 2026

Ka'aina Hull, Planning Director
County of Kaua'i
4444 Rice St.
Līhu'e, HI 96766

RE: Wildfire Wildland Urban Interface (WUI) Ordinance and Kolonahe o Lawai project

Dear Planning Director Hull,

Kauai Habitat for Humanity is amendable to your proposal entailing utilization of select requirements of the proposed WUI ordinance – construction materials and gravel – for its Kolonahe o Lawai affordable housing project, with the understanding that the Facilities Reserve Charge (FRC) will be waived by the Department of Water should the WUI ordinance be approved.

Sincerely,

A handwritten signature in blue ink, appearing to read "Milani Pimental", is written over the typed name.

Milani Pimental
Executive Director

This institution is an equal opportunity provider and employer. We are pledged to the letter and spirit of U.S. policy for the achievement of equal housing opportunity throughout the Nation. We encourage and support an affirmative advertising and marketing program in which there are no barriers to obtaining housing because of race, color, religion, sex, handicap, familial status, or national origin.



COUNTY COUNCIL

Mel Rapozo, Chair
KipuKai Kualii, Vice Chair
Addison Bulosan
Bernard P. Carvalho, Jr.
Felicia Cowden
Fern Holland
Arryl Kaneshiro



OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
Lyndon M. Yoshioka, Deputy County Clerk

Telephone: (808) 241-4188
Facsimile: (808) 241-6349
Email: cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Lihue, Kauai, Hawaii 96766

August 27, 2025

Francis DeGracia, Chair
and Members of the Planning Commission
c/o County of Kauai Planning Department
Via Email Only: planningdepartment@kauai.gov

Dear Chair DeGracia and Members of the Planning Commission:

**RE: REFERRAL OF PROPOSED DRAFT BILL (NO. 2973) RELATING
TO USES IN DISTRICTS**

The Kauai County Council, at its meeting on August 27, 2025, referred the following measure to the Planning Commission for review and recommendation:

“Proposed Draft Bill (No. 2973) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO USES IN DISTRICTS”

Thank you for your continued assistance in these planning matters. Should you have any questions, please feel free to contact me at (808) 241-4188.

Sincerely,

JADE K. FOUNTAIN-TANIGAWA
County Clerk, County of Kauai

RM:ss
Enclosure

G.3.a.
AUG 11, 2026

~~G.3.a.~~
MAY 26, 2026

~~G.4.a.~~
MAR 20, 2026

ORDINANCE NO. _____

BILL NO. _____

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 8,
KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO
USES IN DISTRICTS**

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII:

SECTION 1. Findings and Purpose. The Council finds that amending the definition of "Family" to include a cap on the maximum number of unrelated individuals permitted to coexist in a single housekeeping unit is appropriate in order to protect the character and safety of residential neighborhoods. At the same time, the Council recognizes the existence of many non-traditional living arrangements in the community and, therefore, finds sufficient need to allow up to ten (10) unrelated individuals to coexist within a single dwelling unit. Therefore, the purpose of this Ordinance is to effectuate relevant changes to the definitions of "Family" and "Dwelling Unit," thereby preventing potential exploitative and impermissible uses of single-family residences, which erode the traditional form and character of neighborhoods.

SECTION 2. Chapter 8, Section 8-1.5 (Definitions), Kauai County Code 1987, as amended, is hereby amended by amending the definitions of "Dwelling Unit" and "Family" to read as follows:

""Dwelling unit" means any building or any portion thereof which is designed or intended for occupancy by one family [or persons living together or by a person living alone] and providing complete living facilities, within the unit for sleeping, recreation, eating and sanitary facilities, including installed equipment for only one kitchen. Any building or portion thereof that contains more than one kitchen shall constitute as many dwelling units as there are kitchens, provided that an additional rental unit is not a dwelling unit."

"Family" means an individual or group of two (2) or more persons [living together in a single residential unit] related by blood, adoption, or marriage, and living together in a single housekeeping unit as a dwelling unit. Family may also include a group of not more than ten (10) individuals unrelated by blood, adoption, or marriage.

SECTION 3. Pursuant to Hawai'i Revised Statutes (HRS) Chapter 91, the Planning Commission may promulgate administrative rules consistent with this Article as may be necessary to implement any of the provisions of this Article.

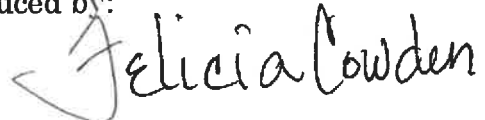
SECTION 4. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the

invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 5. Ordinance material to be repealed is bracketed. New Ordinance material is underscored. When revising, compiling, or printing this Ordinance for inclusion in the Kaua'i County Code 1987, as amended, the brackets, bracketed material, and underscoring shall not be included.

SECTION 6. This Ordinance shall take effect upon its approval.

Introduced by:


FELICIA COWDEN

DATE OF INTRODUCTION:

Līhu'e, Kaua'i, Hawai'i

V:\BILLS\2024-2026 TERM\Bill Change Family definition for Planning Commission v1
RM_dmc.doc

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR
REIKO MATSUYAMA, MANAGING DIRECTOR

DIRECTOR'S REPORT

I. SUMMARY

Action Required by Planning Commission: Consideration of a bill for an ordinance amending Chapter 8, Article 1 of the Kaua'i County Code 1987, as amended, relating to the Comprehensive Zoning Ordinance (CZO).

Permit Application Nos. Zoning Amendment ZA-2026-3

Name of Applicant(s) COUNTY OF KAUA'I, PLANNING DEPARTMENT

II. PERMIT INFORMATION

AMENDMENTS	
☒ Zoning Amendment	Pursuant to KCC Section 8-3.4(a), as amended, a Zoning Amendment is necessary when changing the boundaries of districts or by changing text whenever the public necessity and convenience and the general welfare require an amendment.
☐ General Plan Amendment	
☐ State Land Use District Amendment	

III. LEGAL REQUIREMENTS

KCC Section 8-1.5	
Public Hearing Date:	March 10, 2026
Date of Publication:	February 6, 2026
Date of Director's Report:	February 25, 2025

IV. DESCRIPTION OF PROPOSED BILLS

Zoning Amendment ZA-2026-3 proposes to amend Chapter 8, Article 1, Section 8-1.5 of the Kauai County Code 1987, as amended, by amending the definitions of "Dwelling Unit" and "Family".

Please see exhibit A to view the proposed draft bill.

G.3.a.
AUG 11, 2026

G.3.a.1.
MAY 20, 2026

G.4.a.1.
MAR 20, 2026

V. APPLICANT'S REASONS/JUSTIFICATION

Introduced by the County of Kauai County Council, Zoning Amendments ZA-2026-3 seeks to amend the definition of "Family" to include a cap on the maximum number of unrelated individuals permitted to coexist in a single housekeeping unit is appropriate in order to protect the character and safety of residential neighborhoods. At the same time the Council recognizes the existence of many non-traditional living arrangements in the community and, therefore, finds sufficient need to allow up to ten (10) unrelated individuals to coexist within a single dwelling unit. Therefore, the purpose of this Ordinance is to effectuate relevant changes to the definitions of "Family" and "Dwelling Unit," thereby preventing potential exploitative and impermissible uses of single-family residences, which erode the traditional form and character of neighborhoods.

VI. EVALUATION

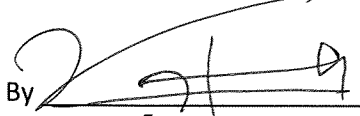
Initial review of the proposed draft language warrants further consideration, commentary, and collaboration from partner agencies and a broader group of community stakeholders. Points of clarification include legal, procedural and implementation elements contained in the proposed draft bill.

X. RECOMENDATION

Based on the foregoing evaluation, and to provide additional time to consult with stakeholders and partner agencies, it is hereby recommended that Zoning Amendment ZA-2026-3 be **DEFERRED** to the May 2026 Planning Commission meeting.

By 
ALAN CLINTON
Planner

Approved & Recommended to Commission:

By 
KA'ĀINA S. HULL
Director of Planning

Date: 2/22/2026



SUPPLEMENTAL #1 TO
PLANNING DIRECTOR'S REPORT

I. ADDITIONAL FINDINGS

The planning department is seeking a second deferral on items ZA-2026-3 and ZA-2026-4 for additional time for fact finding and review of implementation protocols.

The department requested a deferral on item ZA-2026-3, at the March 10, 2026 Planning Commission Meeting, to seek additional information on enforcement investigation protocols for kinship analysis associated with the proposed update to the Comprehensive Zoning Ordinance (CZO) definition of "Family". The department has been headway on this item and is now seeking legal review of protocols for compulsory DNA sampling in the event that an enforcement case requires an investigation and investigation subjects do not voluntarily consent to DNA sampling.

The department requested a deferral on item ZA-2026-4, at the March 10 2026 Planning Commission Meeting, to gauge community sentiments on the appropriateness of dormitory style development in the range of residential zoning districts and further review is underway to evaluate the language of the proposed dormitory uses as it relates to the CZO definition of a "Transient vacation rental" which may require amendments to ZA-2026-4 in order to achieve compliance with current CZO definitions of short-term rentals.

By 
ALAN CLINTON
Planner

Approved & Recommended to Commission:

By 
KA'ĀINA S. HULL
Director of Planning

Date: 5/14/2026

G.3.a.
AUG 11, 2026

G.3.a.1.
MAY 26 2026

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR
REIKO MATSUYAMA, MANAGING DIRECTOR

SUPPLEMENT #2 TO PLANNING DIRECTOR'S REPORT

I. BACKGROUND

Due to the regulatory nature and implications of ZA-2026-3 and ZA-2026-4, the Planning Commission, on recommendation from the Planning Department, has thus far taken action to ensure that these ordinances appear on the same commission agenda through two deferrals. Furthermore, information presented in this supplemental report, for ZA-2026-3, will reference ZA-2026-4, as they can only be understood in context if begin evaluated together.

At its meeting on March 10, 2026, the Planning Commission deferred action on the proposed ordinance, ZA-2026-3, to allow the Planning Department additional time to evaluate the feasibility of implementing the proposed ordinance.

At its meeting on May 26, 2026, the Planning Commission, once again deferred action on proposed ordinance, ZA-2026-3, to give the Planning Department additional time to consult with the Office of the County Attorney on administrative and enforcement protocols as well as to consolidate administrative findings.

II. ADDITIONAL FINDINGS

Kaua'i continues to experience significant strain in its labor market, with employers across sectors reporting persistent challenges in recruiting and retaining workers. The primary driver of these challenges remains the high cost and limited availability of long-term housing. As housing prices and rents have outpaced local wages, many prospective employees are unable to secure stable accommodations on-island, resulting in reduced applicant pools, higher turnover, and unfilled positions across the economy.

In response to these constraints, an emerging trend has become increasingly visible: Kaua'i employers are purchasing residential properties or developing new accommodations directly for their workforce. While data is still developing, informal observations suggest a growing number of employers—particularly in tourism, service industries, construction, and agriculture—are acquiring existing single-family homes and older multifamily structures to house employees. In parallel, other entities are exploring or initiating construction of employer-owned housing complexes, including shared-living or dormitory-type arrangements, to ensure they can reliably staff operations.

This phenomenon has historical precedent. During the plantation era, Kauaʻi's large agricultural enterprises routinely provided dormitory-style accommodations for workers, commonly in the form of camps or communal barracks. These models were effective for the labor and economic conditions of the time, when centralized housing supported large-scale, on-site workforces comprising both interisland and international laborers. However, even before Hawaiʻi's sugar industry declined, shared-living worker housing was already decreasing. As labor structures evolved and more workers lived with their families, plantation employers began transitioning away from dormitories and investing in single-family dwellings that could support entire families not just laborers. Many of these homes—built to foster stability and accommodate multigenerational living—became the foundation of the plantation camp communities that persist today, including Pakala, Kaumakani, Numila, and Kaawanui. Broader macroeconomic shifts, particularly the global relocation of industrial agriculture and labor to lower-cost regions, further reduced the viability of plantation operations, and employer-provided dormitories gradually fell out of use. The result is a lasting housing landscape shaped by the cultural preference for single-family homes that can meet the needs of extended families, a characteristic still strongly reflected in Kauaʻi's residential environment today.

Today's renewed interest in employer-owned housing differs from the historic model but reflects underlying structural pressures in the modern local economy. Unlike the plantation era, Kauaʻi's workforce is distributed across a more diverse range of industries that typically rely on privately developed market housing rather than employer-supplied accommodations. The emerging trend may indicate that the private housing market is no longer able to meet workforce needs at scale. It also raises potential considerations for land-use planning, including the impacts of removing dwellings from the general housing stock, the suitability of dormitory-style units in a contemporary regulatory environment, and possible zoning or permitting pathways for purpose-built employer accommodations.

Overall, while employer-owned housing may offer short-term relief to workforce shortages, it also reflects deeper systemic imbalances between wages, housing supply, and overall affordability on Kauaʻi. The Planning Department's review of the proposed ordinances, ZA-2026-3 and ZA-2026-4, is shaped by these broader conditions and the evolving relationship between local employers and island housing trends. In reviewing the Findings and Purpose sections of both ordinances together, the Department observes that ZA-2026-3 proposes a regulatory change—through modifications to the definitions of "Family" and "Dwelling Unit"—designed to enable and incentivize the development of dormitory-style accommodations as further defined in ZA-2026-4. The overarching intent is to create a pathway for employer-provided housing that may reduce pressure on the existing residential housing stock in a manner that safeguards the lifestyle and dignity of the tenants.

Implications of amending the definition of “Family”

In this evaluation, the Planning Department is primarily focusing on the proposed change to the definition of “Family” and not on the definition of ‘Dwelling Unit,’ as the latter revision is a clerical adjustment intended to align the code with the substantive updates to the definition of “Family”.

Amending the definition of “Family” to cap the number of unrelated individuals living together in a single dwelling unit presents several legal and privacy concerns, particularly related to enforcement. To implement the ordinance, the County would need some method to verify the number of unrelated individuals residing within a household. This raises significant privacy issues because determining household composition often requires probing into personal relationships and private living arrangements that residents may not be willing—or legally obligated—to disclose. Any attempt to confirm such information could place enforcement personnel in positions that risk infringing on constitutional protections related to privacy, unreasonable search, and due process.

Enforcement becomes increasingly challenging when considering the practical limits of verifying household relationships. Present living arrangements are often informal or fluid, making it difficult to determine who qualifies as “unrelated” under the ordinance. Compounding this issue is the absence of a clear definition of what constitutes being “related,” leaving uncertainty about what forms of evidence would be sufficient to establish relational status and, in turn, how enforcement protocols should be implemented. Efforts to confirm relatedness through documentation can be intrusive, and more extreme methods—such as attempting to require or request biological samples to verify familial connections—would pose serious legal and ethical concerns. Such actions will likely exceed the County’s authority, be ripe for constitutional challenge regarding enforcement methods, place an undue burden on residents and government, require court order, and lead to potential safety concerns for County personnel. Lastly, monitoring compliance and conducting investigation could consume substantial enforcement staff time and nighttime monitoring.

III. RECOMMENDATION

Although the Planning Department recognizes the growing workforce housing challenges facing Kaua'i employers, the Department does not recommend adopting the regulatory approach proposed in ZA-2026-3. The reliance on household relationship definitions as a mechanism to enable and incentives dormitory-style construction presents substantial privacy, legal, and enforcement issues, including the difficulty of verifying relational status, the absence of clear standards for determining relatedness, and the potential for intrusive or inappropriate verification methods. Given these concerns, the Department finds that this regulatory pathway is not an appropriate means to address the community's housing needs and recommends exploring alternative strategies that support workforce housing without requiring oversight of household composition. These alternatives could include the following:

1. State of Hawaii Labor Laws and Practices

- a. Examining whether State of Hawai'i labor laws—particularly those administered by the Department of Labor and Industrial Relations (DLIR)—offer avenues to better support employer-provided housing. DLIR's existing authority over employment standards may provide a foundation for clarifying how housing can be incorporated into compensation or working conditions in a safe and regulated manner. Such a review could help distinguish between when housing is a voluntary benefit, when it is tied to job duties, and what safeguards are necessary to protect workers in each situation. Clear state-level guidance could also establish baseline expectations for the health and safety of employer-provided accommodation without requiring intrusive local enforcement. Coordination with DLIR may further identify opportunities for incentives or streamlined state processes that encourage responsible workforce housing models. By exploring these state labor law pathways, the County may find more practical and enforceable strategies to support employer-driven housing solutions while avoiding the complications of regulating household composition.

2. Building Type and Structural Size limitations.

- a. Currently, Kaua'i's Form-Based establish explicit square-footage thresholds for small-scale residential buildings, and these existing size-based regulatory tools could serve as a foundation for further exploration of the Dormitory Building type in additional Special Planning Areas. This building type is already part of the County's regulatory framework, but its application is currently confined to Plantation Camp communities and restricted by existing square-footage standards that shape the overall form and intensity of development. A broader evaluation could consider whether the Dormitory Building type should be permitted outright in selected SPAs/Zoning districts or introduced through a use-permit process

that allows for context-specific modifications. Expanding its applicability would provide a structured and predictable alternative for workforce housing development without relying on regulatory methods tied to household-composition enforcement. Conducting a targeted planning study could allow the County to identify where infrastructure capacity, community character, and land-use objectives align with dormitory-style housing. This approach could also support coordinated employer housing initiatives by offering a clear regulatory pathway grounded in established design standards. By building upon an existing form-based building type rather than redefining “Family,” the County could encourage appropriately scaled workforce housing in suitable locations while maintaining consistency, clarity, and enforceability across districts.

3. Dwelling Unit Design and Configuration (Single Occupancy Units (SOU), Guest House (GH), Microunits, and Additional Rental Units (ARU))

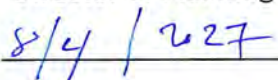
- a. The County could explore a broader range of alternative dwelling-unit types, including single-occupancy units, microunits, and reevaluate the guest house and additional rental unit (ARU) paradigm, as a means of expanding flexible and affordable workforce housing options. A focused review could explore opportunities to expand eligible areas or introduce design and utility guidelines that accommodate microunits and guest houses while maintaining neighborhood character. This approach could allow the County to facilitate incremental workforce housing while leveraging existing residential land-use patterns rather than creating new regulatory burdens. The growing interest in single-occupancy units indicates that smaller, more flexible housing types may meet workforce needs without requiring employer-owned dormitories or intrusive verification of household composition. The current ARU program already provides a regulatory mechanism for small-scale, dispersed infill housing, and refining its standards could help align the program with housing trends that achieve affordability by design. By reexamining an expanded dwelling unit program, the County could create a more adaptable and accessible pathway for modest, community-integrated housing options responsive to current economic and demographic pressures.

Based on the review, it is recommended that Zoning Amendment ZA-2026-3 be **DISAPPROVED**.

By 
Alan Clinton
Planner

Approved & Recommended to Commission:

By 
KĀĀINA HULL
Director of Planning

Date: 

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR
REIKO MATSUYAMA, MANAGING DIRECTOR

DIRECTOR'S REPORT

I. SUMMARY

Action Required by Planning Commission: Consideration of a bill for an ordinance amending Chapter 8, Article 1, Article 2, and the addition of Article 32, of the Kaua'i County Code 1987, as amended, relating to the Comprehensive Zoning Ordinance (CZO).

Permit Application Nos. Zoning Amendment ZA-2026-4

Name of Applicant(s) COUNTY OF KAUAI, PLANNING DEPARTMENT

II. PERMIT INFORMATION

AMENDMENTS	
☒ Zoning Amendment	Pursuant to KCC Section 8-3.4(a), as amended, a Zoning Amendment is necessary when changing the boundaries of districts or by changing text whenever the public necessity and convenience and the general welfare require an amendment.
☐ General Plan Amendment	
☐ State Land Use District Amendment	

III. LEGAL REQUIREMENTS

KCC Section 8-1.5	
Public Hearing Date:	March 10, 2026
Date of Publication:	February 6, 2026
Date of Director's Report:	February 25, 2025

IV. DESCRIPTION OF PROPOSED BILLS

Zoning Amendment ZA-2026-4 proposes to amend Chapter 8, Article 1, Article 2, including the addition of Article 32, to achieve the following: 1) Define "Employee Dormitories" and "Group Housing Dormitories"; 2) Incorporate "Employee Dormitories" and "Group Housing Dormitories" into the Table of Uses (Table 8-2.4); and 3) Outline Application Requirements and operational standards for "Employee Dormitories" and "Group Housing Dormitories" project review. Please see exhibit A to view the proposed draft bill.

G.4.b.1.
MAR 10, 2026

V. APPLICANT'S REASONS/JUSTIFICATION

Introduced by the County of Kauai County Council, Zoning Amendment ZA-2026-4 seeks to establish two (2) new definitions and respective Use categories for "Employee dormitory" and "Group housing dormitory." In addition, safeguards are outlined further to protect the form and character of existing neighborhoods, and therefore, criteria for the development of employee dormitories and group housing dormitories are stipulated. Protections are proposed to mitigate against potential exploitation in dormitory settings and ensure that the basic safety and needs of the housed workforce are addressed. Group housing dormitories are designed to fill a gap in the housing market to facilitate the development of residential quarters for groups of people that achieve a beneficial social purpose.

VI. EVALUATION

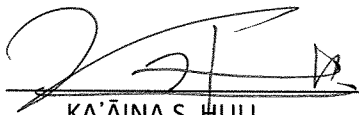
Initial review of the proposed draft language warrants further consideration, commentary, and collaboration from partner agencies and a broader group of community stakeholders. Points of clarification include legal, procedural and implementation elements contained in the proposed draft bill.

X. RECOMENDATION

Based on the foregoing evaluation, and to provide additional time to consult with stakeholders and partner agencies, it is hereby recommended that Zoning Amendment ZA-2026-3 be **DEFERRED** to the May 2026 Planning Commission meeting.

By 
ALAN CLINTON
Planner

Approved & Recommended to Commission:

By 
KA'AINA S. HULL
Director of Planning

Date: 2/26/2026

COUNTY COUNCIL

Mel Rapozo, Chair
KipuKai Kualii, Vice Chair
Addison Bulosan
Bernard P. Carvalho, Jr.
Felicia Cowden
Fern Holland
Arryl Kaneshiro



OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
Lyndon M. Yoshioka, Deputy County Clerk

Telephone: (808) 241-4188
Facsimile: (808) 241-6349
Email: cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawai'i 96766

December 17, 2025

Francis DeGracia, Chair
and Members of the Planning Commission
c/o County of Kaua'i Planning Department
Via Email Only: planningdepartment@kauai.gov

Dear Chair DeGracia and Members of the Planning Commission:

**RE: REFERRAL OF PROPOSED DRAFT BILL (NO. 2979) RELATING
TO USES IN DISTRICTS**

The Kaua'i County Council, at its meeting on December 17, 2025, referred the following measure to the Planning Commission for review and recommendation:

"Proposed Draft Bill (No. 2979) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO USES IN DISTRICTS"

Thank you for your continued assistance in these planning matters. Should you have any questions, please feel free to contact me at (808) 241-4188.

Sincerely,

JADE K. FOUNTAIN-TANIGAWA
County Clerk, County of Kaua'i

RM:dmc
Enclosure

G.3.b.
AUG 11, 2026

G.3.b.
MAY 26, 2026

G.4.b.
MAR 20, 2026

ORDINANCE NO. _____

BILL NO. _____

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 8,
KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO
USES IN DISTRICTS**

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII:

SECTION 1. Findings and Purpose. Based on community and Administration feedback, the Council finds that need exists to establish two (2) new definitions and respective Use categories for “Employee dormitory” and “Group housing dormitory.” Additionally, the Council finds safeguards to protect the form and character of existing neighborhoods necessary, so criteria for development of employee dormitories and group housing dormitories are stipulated. Protections are proposed to mitigate against potential exploitation in dormitory settings and ensure that the basic safety and needs of the housed workforce are addressed. Group housing dormitories are designed to facilitate the development of residential quarters for groups of people that achieve a beneficial social purpose. Many organizations may struggle to find a viable pathway to create group housing for populations in need of assistance, so flexibility in structures and applications are permissible to encourage housing production for working residents. Therefore, the purpose of this Ordinance is to create new definitions for “Employee dormitory” and “Group housing dormitory,” respectively update the Use Table in Sec. 8-2.4, and outline two (2) new sections describing application requirements that are customized to these new dormitory types.

SECTION 2. Chapter 8, Section 8-1.5 (Definitions), Kaua‘i County Code 1987, as amended, is hereby amended by adding new definitions for “Employee dormitory” and “Group housing dormitory” to be alphabetically inserted and to read as follows:

“Employee dormitory” means a building providing sleeping and residential quarters for five (5) or more individuals, provided by the related employer. An employee dormitory contains multiple private or semiprivate single or shared rooms with communal kitchen facilities and recreation areas.

“Group housing dormitory” means a building providing sleeping and residential quarters for five (5) or more individuals, provided by an organization whose mission is to fulfill a beneficial social purpose. A group housing dormitory contains multiple private or semiprivate single or shared rooms with communal kitchen facilities and recreation areas.”

SECTION 3. Chapter 8, Section 8-2.4 (Table of Uses), Kaua'i County Code 1987, as amended, is hereby amended to read as follows:

The Use definitions of "Employee dormitory" and "Group housing dormitory" shall be properly inserted as Use categories below "Homestay located in the Visitor Destination Area (VDA), pursuant to Article 18 of this Chapter" and with Use Permits, denoted by the letter "U," required for the Residential, Resort Residential (RR), Agriculture (Ag), and Open (O) Zoning Districts, and being outright permitted, denoted by the letter "P," in Commercial (CN and CG) and University (UNV) districts.

"

Table 8-2.4 Table of Uses											
Sec.	USE	ZONING DISTRICT									
		Residential		RR	Commercial		Industrial		AG	O	UNV
		R-1 to R-6	R-10 to R-20		CN	CG	IL	IG			
	<u>Employee dormitory</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>P</u>	<u>P</u>			<u>U</u>	<u>U</u>	<u>P</u>
	<u>Group housing dormitory</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>P</u>	<u>P</u>			<u>U</u>	<u>U</u>	<u>P</u>

"

SECTION 4. Chapter 8, Kaua'i County Code 1987, as amended, is hereby amended by inserting a new section, Section 8-32, to be titled "Employee Dormitories", which shall read as follows:

"Section 8-32 Employee Dormitories.

Section 8-32.1 Employee Dormitory Application Requirements

Development standards shall be the same as those for single-family detached dwellings in Sections 8-4.5 through 8-4.8, inclusive; but a complete application for an Employee Dormitory shall also include:

(a) Security Plan.

(1) The Security Plan shall address safety risks reasonably foreseeable for the proposed use including, but not limited to, trespassing, vandalism, theft, personal assault, and fire.

(2) As part of the Security Plan, a safety handout for distribution to tenants, which provides essential information to tenants and works to reduce negative impacts on the surrounding neighborhood, shall be created and updated. This safety handout shall be provided to the Planning Department

at the time of application and shall be posted in a conspicuous place in the residential quarters. The handout shall include, but not be limited to, what to do in case of conflict or emergency, best safety practices, and natural disaster preparedness including evacuation route(s).

(3) The safety handout shall include the current designated contact person to whom tenants may report concerns in conjunction with a written tenant complaint reporting procedure. The Applicant shall provide the name and contact information of the contact person to the Planning Department and to all tenants of the development, and the owner is responsible for keeping the information updated with all parties.

(4) The Security Plan shall provide for an on-site resident manager or safety patrol whenever a development includes thirty (30) or more units, or shall otherwise demonstrate how equivalent security coverage will be provided.

(b) Solid Waste Management Plan.

(1) The Solid Waste Management Plan shall project the volume of refuse based on the anticipated number of permitted tenants.

(2) The Solid Waste Management Plan shall identify the number and size of refuse containers sufficient to fully contain the refuse that accumulates on the premises for the duration between regularly scheduled refuse collections.

(c) Parking Plan.

(1) The Parking Plan shall be commensurate with the projected transportation needs of tenants and include the maximum anticipated number of vehicles on-site.

(2) For each bedroom or unit in an employee dormitory development, at least one (1) off-street parking space shall be provided, unless tenants are to be shuttled via a shared vehicle to and from the place of employment and the employee dormitory site and, thus, will not have a personal vehicle on-site, or the development is located in close proximity to public transportation routes, in which case, the standards of development for off-street parking applicable to all developments as outlined in Section 8-4.5 shall apply.

(d) Tenant Agreement.

(1) The Tenant Agreement shall contain the range of rents to be assessed to tenants for habitation in the employee dormitory. If the employee dormitory is being provided as a condition of employment with zero dollars (\$0) rent assessed, such shall be stated in the Tenant Agreement.

(2) The Tenant Agreement shall contain a brief position description of the employee role(s) being staffed by the tenant(s) covered by the Agreement as well as the full-time or part-time nature of the job.

(3) In cases where the employer is the owner or landlord, the Tenant Agreement shall clearly state that occupancy by an employee of the owner or landlord whose right to occupancy is conditional upon that employment.

(4) Upon termination of employment, the period during which the tenant, including the tenant's family, if applicable, must vacate the unit shall be stated in the Tenant Agreement, unless otherwise preempted by the State Residential Landlord-Tenant Code.

(e) Infrastructure and Residential Standards.

(1) Applicants shall be assured in writing by the respective departments or agencies that there is appropriate and reasonably consistent water pressure; the proposal complies with the Fire Code of the County of Kaua'i; and there is sufficient wastewater capacity.

(2) There shall be at least one (1) on-site kitchen and, for developments with a projected tenancy of twenty-five (25) or more individuals, there shall be installed a commercial food production facility as permitted by the Hawai'i State Department of Health Sanitation Branch.

(3) At least one (1) laundry facility, communal or private bathrooms, and proper ventilation shall be installed and maintained.

(f) Project Plan.

(1) The project plan shall include a description of the employee dormitory mission, including vision, goals, or measurable objectives.

(2) The project plan shall articulate what, if any, community engagement and outreach have been or will be completed prior to project commencement.

(3) The project plan shall include all relevant site maps and building floorplans necessary for an accurate visual depiction of the intended development."

SECTION 5. Chapter 8, Kaua'i County Code 1987, as amended, is hereby amended by inserting a new section, Section 8-33, to be titled "Group Housing Dormitories", which shall read as follows:

"Section 8-33 Group Housing Dormitories.

Section 8-33.1 Group Housing Dormitory Application Requirements.

Development standards shall be the same as those for single-family detached dwellings in Sections 8-4.5 through 8-4.8, inclusive; but a complete application for a Group Housing Dormitory shall also include:

(a) Security Plan.

(1) The Security Plan shall address safety risks reasonably foreseeable for the proposed use including, but not limited to, trespassing, vandalism, theft, personal assault, and fire.

(2) As part of the Security Plan, a safety handout for distribution to tenants, which provides essential information to tenants and works to reduce negative impacts on the surrounding neighborhood, shall be created and updated. This safety handout shall be provided to the Planning Department at the time of application and shall be posted in a conspicuous place in the residential quarters. The handout shall include, but not be limited to, what to do in case of conflict or emergency, best safety practices, and natural disaster preparedness including evacuation route(s).

(3) The safety handout shall include the current designated contact person to whom tenants may report concerns in conjunction with a written tenant complaint reporting procedure. The Applicant shall provide the name and contact information of the contact person to the Planning Department and to all tenants of the development, and the owner is responsible for keeping the information updated with all parties.

(4) The Security Plan shall provide for an on-site resident manager or safety patrol whenever a development includes thirty (30) or more units, or shall otherwise demonstrate how equivalent security coverage will be provided.

(b) Solid Waste Management Plan.

(1) The Solid Waste Management Plan shall project the volume of refuse based on the anticipated number of permitted tenants.

(2) The Solid Waste Management Plan shall identify the number and size of refuse containers sufficient to fully contain the refuse that accumulates on the premises for the duration between regularly scheduled refuse collections.

(c) Parking Plan.

(1) The Parking Plan shall be commensurate with the projected transportation needs of tenants and include the maximum anticipated number of vehicles on-site.

(2) For each bedroom or unit in a group housing dormitory development, at least one (1) off-street parking space shall be provided, unless tenants are to be shuttled via a shared vehicle to and from the group

housing dormitory site and, thus, will not have a personal vehicle on-site, or the development is located in close proximity to public transportation routes, in which case, the standards of development for off-street parking applicable to all developments as outlined in Section 8-4.5 shall apply.

(d) Tenant Agreement.

(1) The Tenant Agreement shall contain the range of rents to be assessed to tenants for habitation in the group housing dormitory. If the group housing dormitory is being provided with zero dollars (\$0) rent assessed, such shall be stated in the Tenant Agreement.

(2) The period during which the tenant, including the tenant's family, if applicable, must vacate the unit shall be stated in the Tenant Agreement, unless otherwise preempted by the State Residential Landlord-Tenant Code.

(e) Infrastructure and Residential Standards.

(1) Applicants shall be assured in writing by the respective departments or agencies that there is appropriate and reasonably consistent water pressure; the proposal complies with the Fire Code of the County of Kaua'i; and there is sufficient wastewater capacity.

(2) There shall be at least one, (1) on-site kitchen and, for developments with a projected tenancy of twenty-five (25) or more individuals, there shall be installed a commercial food production facility as permitted by the Hawai'i State Department of Health Sanitation Branch.

(3) At least one (1) laundry facility, communal or private bathrooms, and proper ventilation shall be installed and maintained.

(f) Project Plan.

(1) The project plan shall include a description of the group housing dormitory mission, including vision, goals, or measurable objectives used to achieve the stated beneficial social purpose.

(2) The project plan shall articulate what, if any, community engagement and outreach have been or will be completed prior to project commencement.

(3) The project plan shall include all relevant site maps and building floorplans necessary for an accurate visual depiction of the intended development."

SECTION 6. Pursuant to Hawai'i Revised Statutes (HRS) Chapter 91, the Planning Commission may promulgate administrative rules consistent with this Article as may be necessary to implement any of the provisions of this Article.

SECTION 7. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 8. Ordinance material to be repealed is bracketed. New Ordinance material is underscored. When revising, compiling, or printing this Ordinance for inclusion in the Kaua'i County Code 1987, as amended, the brackets, bracketed material, and underscoring shall not be included.

SECTION 9. This Ordinance shall take effect upon its approval.

Introduced by:/s/FELICIA COWDEN

DATE OF INTRODUCTION:

December 17, 2025

Līhu'e, Kaua'i, Hawai'i

V:\BILLS\2024-2026 TERM\Amended Bill Employee and Group Dormitory Final 12.17.25
RM_dmc.doc

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR
REIKO MATSUYAMA, MANAGING DIRECTOR

DIRECTOR'S REPORT

I. SUMMARY

Action Required by Planning Commission: Consideration of a bill for an ordinance amending Chapter 8, Article 1, Article 2, and the addition of Article 32, of the Kaua'i County Code 1987, as amended, relating to the Comprehensive Zoning Ordinance (CZO).

Permit Application Nos. Zoning Amendment ZA-2026-4

Name of Applicant(s) COUNTY OF KAUAI, PLANNING DEPARTMENT

II. PERMIT INFORMATION

AMENDMENTS	
☒ Zoning Amendment	Pursuant to KCC Section 8-3.4(a), as amended, a Zoning Amendment is necessary when changing the boundaries of districts or by changing text whenever the public necessity and convenience and the general welfare require an amendment.
☐ General Plan Amendment	
☐ State Land Use District Amendment	

III. LEGAL REQUIREMENTS

KCC Section 8-1.5	
Public Hearing Date:	March 10, 2026
Date of Publication:	February 6, 2026
Date of Director's Report:	February 25, 2025

IV. DESCRIPTION OF PROPOSED BILLS

Zoning Amendment ZA-2026-4 proposes to amend Chapter 8, Article 1, Article 2, including the addition of Article 32, to achieve the following: 1) Define "Employee Dormitories" and "Group Housing Dormitories"; 2) Incorporate "Employee Dormitories" and "Group Housing Dormitories" into the Table of Uses (Table 8-2.4); and 3) Outline Application Requirements and operational standards for "Employee Dormitories" and "Group Housing Dormitories" project review. Please see exhibit A to view the proposed draft bill.

G.3.b. AUG 11, 2026 G.3.b. MAY 26, 2026 G.4.b.1. MAR 10, 2026

V. APPLICANT'S REASONS/JUSTIFICATION

Introduced by the County of Kauai County Council, Zoning Amendment ZA-2026-4 seeks to establish two (2) new definitions and respective Use categories for "Employee dormitory" and "Group housing dormitory." In addition, safeguards are outlined further to protect the form and character of existing neighborhoods, and therefore, criteria for the development of employee dormitories and group housing dormitories are stipulated. Protections are proposed to mitigate against potential exploitation in dormitory settings and ensure that the basic safety and needs of the housed workforce are addressed. Group housing dormitories are designed to fill a gap in the housing market to facilitate the development of residential quarters for groups of people that achieve a beneficial social purpose.

VI. EVALUATION

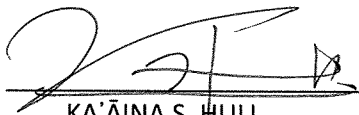
Initial review of the proposed draft language warrants further consideration, commentary, and collaboration from partner agencies and a broader group of community stakeholders. Points of clarification include legal, procedural and implementation elements contained in the proposed draft bill.

X. RECOMENDATION

Based on the foregoing evaluation, and to provide additional time to consult with stakeholders and partner agencies, it is hereby recommended that Zoning Amendment ZA-2026-3 be **DEFERRED** to the May 2026 Planning Commission meeting.

By 
ALAN CLINTON
Planner

Approved & Recommended to Commission:

By 
KA'AINA S. HULL
Director of Planning

Date: 2/26/2026

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR
REIKO MATSUYAMA, MANAGING DIRECTOR

SUPPLEMENTAL #1 TO PLANNING DIRECTOR'S REPORT

I. ADDITIONAL FINDINGS

The planning department is seeking a second deferral on items ZA-2026-3 and ZA-2026-4 for additional time for fact finding and review of implementation protocols.

The department requested a deferral on item ZA-2026-3, at the March 10, 2026 Planning Commission Meeting, to seek additional information on enforcement investigation protocols for kinship analysis associated with the proposed update to the Comprehensive Zoning Ordinance (CZO) definition of "Family". The department has been headway on this item and is now seeking legal review of protocols for compulsory DNA sampling in the event that an enforcement case requires an investigation and investigation subjects do not voluntarily consent to DNA sampling.

The department requested a deferral on item ZA-2026-4, at the March 10 2026 Planning Commission Meeting, to gauge community sentiments on the appropriateness of dormitory style development in the range of residential zoning districts and further review is underway to evaluate the language of the proposed dormitory uses as it relates to the CZO definition of a "Transient vacation rental" which may require amendments to ZA-2026-4 in order to achieve compliance with current CZO definitions of short-term rentals.

By 
ALAN CLINTON
Planner

Approved & Recommended to Commission:

By 
KA'ĀINA S. HULL
Director of Planning

Date: 5/14/2026

G.3.b.
AUG 11, 2026

G.3.b.1.
MAY 26 2026

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR
REIKO MATSUYAMA, MANAGING DIRECTOR

SUPPLEMENT #2 TO PLANNING DIRECTOR'S REPORT

I. BACKGROUND

Due to the regulatory nature and implications of ZA-2026-3 and ZA-2026-4, the Planning Commission, on recommendation from the Planning Department, has thus far taken action to ensure that these ordinances appear on the same commission agenda through two deferrals. Furthermore, information presented in this supplemental report, for ZA-2026-3, will reference ZA-2026-4, as they can only be understood in context if begin evaluated together.

At its meeting on March 10, 2026, the Planning Commission deferred action on the proposed ordinance, ZA-2026-4, to allow the Planning Department additional time to evaluate the feasibility of implementing the proposed ordinance.

At its meeting on May 26, 2026, the Planning Commission, once again deferred action on proposed ordinance, ZA-2026-4, to give the Planning Department additional time to consult with the Office of the County Attorney on administrative and enforcement protocols as well as to consolidate administrative findings.

II. ADDITIONAL FINDINGS

Kaua'i continues to experience significant strain in its labor market, with employers across sectors reporting persistent challenges in recruiting and retaining workers. The primary driver of these challenges remains the high cost and limited availability of long-term housing. As housing prices and rents have outpaced local wages, many prospective employees are unable to secure stable accommodations on-island, resulting in reduced applicant pools, higher turnover, and unfilled positions across the economy.

In response to these constraints, an emerging trend has become increasingly visible: Kaua'i employers are purchasing residential properties or developing new accommodations directly for their workforce. While data is still developing, informal observations suggest a growing number of employers—particularly in tourism, service industries, construction, and agriculture—are acquiring existing single-family homes and older multifamily structures to house employees. In parallel, other entities are exploring or initiating construction of employer-owned housing complexes, including shared-living or dormitory-type arrangements, to ensure they can reliably staff operations.

This phenomenon has historical precedent. During the plantation era, Kauaʻi's large agricultural enterprises routinely provided dormitory-style accommodations for workers, commonly in the form of camps or communal barracks. These models were effective for the labor and economic conditions of the time, when centralized housing supported large-scale, on-site workforces comprising both interisland and international laborers. However, even before Hawaiʻi's sugar industry declined, shared-living worker housing was already decreasing. As labor structures evolved and more workers lived with their families, plantation employers began transitioning away from dormitories and investing in single-family dwellings that could support entire families not just laborers. Many of these homes—built to foster stability and accommodate multigenerational living—became the foundation of the plantation camp communities that persist today, including Pakala, Kaumakani, Numila, and Kaawanui. Broader macroeconomic shifts, particularly the global relocation of industrial agriculture and labor to lower-cost regions, further reduced the viability of plantation operations, and employer-provided dormitories gradually fell out of use. The result is a lasting housing landscape shaped by the cultural preference for single-family homes that can meet the needs of extended families, a characteristic still strongly reflected in Kauaʻi's residential environment today.

Today's renewed interest in employer-owned housing differs from the historic model but reflects underlying structural pressures in the modern local economy. Unlike the plantation era, Kauaʻi's workforce is distributed across a more diverse range of industries that typically rely on privately developed market housing rather than employer-supplied accommodations. The emerging trend may indicate that the private housing market is no longer able to meet workforce needs at scale. It also raises potential considerations for land-use planning, including the impacts of removing dwellings from the general housing stock, the suitability of dormitory-style units in a contemporary regulatory environment, and possible zoning or permitting pathways for purpose-built employer accommodations.

Overall, while employer-owned housing may provide short-term relief to workforce shortages, it also reflects deeper systemic imbalances between wages, housing supply, and overall affordability on Kauaʻi. The Planning Department's review of the proposed ordinances, ZA-2026-3 and ZA-2026-4, is shaped by these broader conditions and the evolving relationship between local employers and island housing trends. In reviewing the Findings and Purpose sections of both ordinances together, the Department observes that ZA-2026-4 introduces a regulatory framework—including new definitions and standards for "Employee Dormitory" and "Group Housing Dormitory"—intended to enable and incentivize (via the adoption of ZA-2026-3 through an update to the definition of "Family") the development of dormitory-style accommodations. The overarching intent is to create a pathway for employer-provided housing that may reduce pressure on the existing residential housing stock while maintaining safeguards that protect the lifestyle and dignity of tenants.

III. RECOMMENDATION

Although the Planning Department recognizes the growing workforce housing challenges facing Kaua'i employers, the Department does not recommend further evaluation or adoption of ZA-2026-4 in light of its concurrent recommendation to disapprove ZA-2026-3, which would have established the regulatory foundation necessary to incentivize the development of Employee Dormitories or Group Housing Dormitories. Without the adoption of ZA-2026-3 to update the definitions of "Family" and "Dwelling Unit," the inclusion of new definitions for "Employee Dormitory" and "Group Housing Dormitory," along with the associated regulatory requirements for their permitted development, would be unnecessary. Given these concerns, the Department finds that this regulatory pathway is not an appropriate means to address the community's housing needs and recommends exploring alternative strategies that support workforce housing without requiring oversight of household composition. These alternatives could include the following:

1. State of Hawaii Labor Laws and Practices

- a. Examining whether State of Hawai'i labor laws—particularly those administered by the Department of Labor and Industrial Relations (DLIR)—offer avenues to better support employer-provided housing. DLIR's existing authority over employment standards may provide a foundation for clarifying how housing can be incorporated into compensation or working conditions in a safe and regulated manner. Such a review could help distinguish between when housing is a voluntary benefit, when it is tied to job duties, and what safeguards are necessary to protect workers in each situation. Clear state-level guidance could also establish baseline expectations for the health and safety of employer-provided accommodation without requiring intrusive local enforcement. Coordination with DLIR may further identify opportunities for incentives or streamlined state processes that encourage responsible workforce housing models. By exploring these state labor law pathways, the County may find more practical and enforceable strategies to support employer-driven housing solutions while avoiding the complications of regulating household composition.

2. Building Type and Structural Size limitations.

- a. Currently, Kaua'i's Form-Based establish explicit square-footage thresholds for small-scale residential buildings, and these existing size-based regulatory tools could serve as a foundation for further exploration of the Dormitory Building type in additional Special Planning Areas. This building type is already part of the County's regulatory framework, but its application is currently confined to Plantation Camp communities and restricted by existing square-footage standards that shape the overall form and intensity of development. A broader evaluation could consider

whether the Dormitory Building type should be permitted outright in selected SPAs/Zoning districts or introduced through a use-permit process that allows for context-specific modifications. Expanding its applicability would provide a structured and predictable alternative for workforce housing development without relying on regulatory methods tied to household-composition enforcement. Conducting a targeted planning study could allow the County to identify where infrastructure capacity, community character, and land-use objectives align with dormitory-style housing. This approach could also support coordinated employer housing initiatives by offering a clear regulatory pathway grounded in established design standards. By building upon an existing form-based building type rather than redefining “Family,” the County could encourage appropriately scaled workforce housing in suitable locations while maintaining consistency, clarity, and enforceability across districts.

3. Dwelling Unit Design and Configuration (Single Occupancy Units (SOU), Guest House (GH), Microunits, and Additional Rental Units (ARU))

- a. The County could explore a broader range of alternative dwelling-unit types, including single-occupancy units, microunits, and reevaluate the guest house and additional rental unit (ARU) paradigm, as a means of expanding flexible and affordable workforce housing options. A focused review could explore opportunities to expand eligible areas or introduce design and utility guidelines that accommodate microunits and guest houses while maintaining neighborhood character. This approach could allow the County to facilitate incremental workforce housing while leveraging existing residential land-use patterns rather than creating new regulatory burdens. The growing interest in single-occupancy units indicates that smaller, more flexible housing types may meet workforce needs without requiring employer-owned dormitories or intrusive verification of household composition. The current ARU program already provides a regulatory mechanism for small-scale, dispersed infill housing, and refining its standards could help align the program with housing trends that achieve affordability by design. By reexamining an expanded dwelling unit program, the County could create a more adaptable and accessible pathway for modest, community-integrated housing options responsive to current economic and demographic pressures.

Based on the review, it is recommended that Zoning Amendment ZA-2026-4 be **DISAPPROVED**.

By _____
Alan Clinton
Planner

Approved & Recommended to Commission:

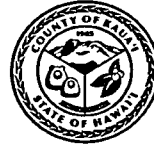
By _____
KĀĀINA HULL
Director of Planning

Date: 8/4/2027

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR
REIKO MATSUYAMA, MANAGING DIRECTOR

DIRECTOR'S REPORT

I. SUMMARY

Action Required by Planning Commission: Consideration of a bill amending Chapter 8 of the Kaua'i County Code 1987, as amended, establishing a new article relating to Condominium Property Regimes (CPRs).

Permit Application Nos. Zoning Amendment ZA-2026-5

Name of Applicant(s) COUNTY OF KAUA'I, PLANNING DEPARTMENT

II. PERMIT INFORMATION

AMENDMENTS	
☒ Zoning Amendment	Pursuant to KCC Section 8-3.4(a), as amended, a Zoning Amendment is necessary when changing the boundaries of districts or by changing text whenever the public necessity and convenience and the general welfare require an amendment.
☐ General Plan Amendment	
☐ State Land Use District Amendment	

III. LEGAL REQUIREMENTS

KCC Section 8-3.4	
Public Hearing Date:	May 12, 2026
Date of Publication:	April 10, 2026
Date of Director's Report:	April 02, 2026

IV. DESCRIPTION OF PROPOSED BILLS

The proposed bill attached as Exhibit A amends Chapter 8 of the Kaua'i County Code (KCC) 1987, as amended, by adding a new article that applies to the Planning Department's approval of Condominium Property Regimes (CPRs) to address public access to shoreline and mountain areas. The intent of the bill is to ensure that CPR developments are reviewed in a similar way to subdivisions when it comes to providing public access.

G.3.c.
AUG 11, 2026

G.4.a.1.
MAY 12 2026

Currently, KCC Chapter 9, Article 2.9 requires subdivisions to dedicate land for public access to nearby shoreline and mountain areas. However, the Council has found that “owners of large parcels are using the CPR process to circumvent the subdivision process” and avoid “the requirement to allow public access to mauka and makai public lands.”. The proposed bill ensures CPR developments will not circumvent these public access requirements.

Under the proposed bill, the Planning Department, in consultation with the Office of the County Attorney, may require the dedication of land for a public access easement as a condition of final CPR approval when access does not already exist. These access easements may allow pedestrian travel from a public road or highway to the shoreline below the high-water mark or to mountain areas where recreational activities such as hiking, hunting, fruit picking, or other traditional uses occur.

The bill establishes standards for the location and design of public accessways associated with CPR developments that are identical to the requirements for public accessways for subdivisions under KCC 9-2.9. Accessways would generally be required to be at least ten (10) feet wide and located based on site conditions such as topography, nearby roads, shoreline access points, and the layout of the property. Accessways are typically required at intervals between 300 feet and 1,500 feet, unless adjustments are needed based on site conditions or to allow for parking, vehicle access, or other recreational facilities.

Additional provisions address accessway design standards, dedication and recording requirements, and the potential improvement of existing accessways. The bill also includes provisions that protect landowners from liability related to public use of the easement. The County Engineer may temporarily restrict public access if safety concerns arise, and appeal procedures are provided in accordance with Hawai‘i Revised Statutes (HRS) Chapter 91.

V. APPLICANT’S REASONS/JUSTIFICATION

The proposed bill is intended to ensure that the County’s long-standing goal of protecting and providing public access to shoreline and mountain areas is applied consistently, regardless of how a property is developed. While the Subdivision Ordinance requires public access when land is subdivided, the CPR process can allow multiple units to be created without triggering those same requirements.

By establishing regulations for CPR developments within Chapter 8 of the Kaua‘i County Code, the proposed bill addresses this gap and helps ensure that CPR projects are evaluated with similar public access considerations as subdivisions. This helps maintain the public’s ability to reach shoreline and mountain areas that have long been used for recreation, cultural practices, and traditional activities.

The bill also follows the intent of HRS §514B-6, which allows counties to adopt additional rules related to condominium property regimes. By adopting these standards, the County provides clearer guidance for reviewing CPR applications while also considering public access, property rights, and safety.

Overall, the proposed bill helps create more consistent development standards and supports the County's ongoing efforts to protect public access to Kaua'i's shoreline and mountain areas.

VI. AGENCY COMMENTS

Comments from applicable government agencies are being sought and are expected at the time of the public hearing scheduled for May 12, 2025.

VII. PRELIMINARY EVALUATION

In evaluating the proposed zoning amendment, the following aspect should be taken into consideration:

1. Comprehensive Zoning Ordinance (CZO)

The proposed amendment is to be evaluated pursuant to Section 8-3.4(d) of the CZO, Kaua'i County Code (KCC), as amended. The section, reads:

“(d) Consideration. In considering an amendment, the Planning Commission shall consider the purposes of the existing and proposed changes to the Zoning Ordinance. A change in the Zoning Map or text shall not be made unless the change will further the public necessity and convenience and the general welfare.”

As previously discussed, the proposed amendment would amend KCC Chapter 8 by establishing a new article to require public access to shoreline and mountain areas that applies to CPRs. The amendment establishes standards to ensure that CPR developments provide public access where appropriate, similar to requirements currently applied to subdivisions. The proposed amendment will further the public necessity and convenience by preserving public access to shoreline and mountain areas and supporting the general welfare of the community.

2. General Plan

The 2018 General Plan sets forth a vision, goals, and policies to guide future growth on Kaua'i. The proposed amendment is consistent with the overall vision and policies outlined in the 2018 General Plan.

A. Section 1.4, entitled “Policies to Guide Growth”

- i. Policy #16: Protect Access to Kaua'i's Treasured Places**
Policy #16 of the General Plan emphasizes protecting access to Kaua'i's shoreline areas, trails, and other natural places for cultural practices, subsistence activities, and recreational uses. The proposed bill supports this policy by establishing standards that allow the County to require public access easements in association with CPRs. By helping ensure that

mauka and makai accesses are maintained where appropriate, the proposed amendment supports continued public access to shoreline and mountain areas that are valued for cultural, subsistence, and recreational activities.

B. Section 3.0 Actions by Sector, Subsection Sector X, entitled "Opportunity & Health for all" states for code changes:

i. **Require a minimum accessway width of 10 feet and locate accessways at convenient intervals.**

The proposed bill is consistent with this code change recommendation by establishing standards for public accessways associated with CPRs, including a minimum accessway width of ten (10) feet and provisions for locating accessways at appropriate intervals based on site conditions. By incorporating these standards, the proposed amendment supports the General Plan's objective of improving and maintaining public access to shoreline and recreational areas for the benefit of the community.

ii. **Protect and preserve mauka and makai access for traditional Hawaiian cultural practices.**

The proposed bill is consistent with this code change recommendation because it establishes standards that help to protect and preserve mauka and makai access through the designation of public accesses associated with CPRs. By providing a framework for requiring public access where appropriate, the proposed amendment supports the continued availability of accesses that may be used for traditional Hawaiian cultural practices, thereby supporting the General Plan's objective of protecting and preserving access to important cultural and natural resources.

X. PRELIMINARY CONCLUSION

Initial review of the proposed draft language warrants further consideration, commentary, and collaboration from partner agencies and a broader group of community stakeholders. Points of clarification include legal, procedural and implementation elements contained in the proposed draft bill.

XI. PRELIMINARY RECOMMENDATION

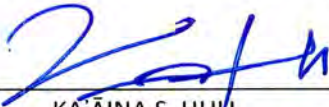
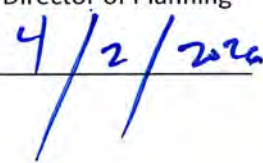
To provide additional time to consult with stakeholders and partner agencies, it is hereby recommended that Zoning Amendment ZA-2026-5 be **DEFERRED** at least 30 days.

By



SHELEA KOGA
Planner

Approved & Recommended to Commission:

By 
KA'ĀINA S. HULL
Director of Planning
Date: 

“EXHIBIT A”

((Proposed Zoning Amendment ZA-2026-5))

For reference

ORDINANCE NO. _____

BILL NO. _____

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 8,
KAUAI COUNTY CODE 1987, AS AMENDED,
BY ESTABLISHING A NEW ARTICLE RELATING TO
CONDOMINIUM PROPERTY REGIMES**

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII:

SECTION 1. Findings and Purpose. Chapter 9, Article 2.9, Kaua'i County Code 1987, as amended, requires that a subdivider or developer dedicate land for public access to adjacent shoreline and mountain areas. The Council finds that owners of large parcels are using the condominium property regime (CPR) process to circumvent the subdivision process, thereby avoiding possible conditions, including the requirement to allow public access to *mauka* and *makai* public lands. To address these complex issues, the State Legislature enacted Hawai'i Revised Statutes (HRS) Section 514B-6, which provides that "no later than July 1, 2022, the counties shall adopt supplemental rules governing condominium property regimes, including agricultural lands that are held in condominium property regimes." Given the clear intent of the State Legislature to have the respective counties regulate CPRs, the purpose of this Ordinance is to add a new Article to Chapter 8, Kaua'i County Code 1987, as amended, to govern CPRs, which shall be similar in effect to the Subdivision Ordinance for the County of Kaua'i. Consequently, the new CPR regulations will hold CPR applicants for CPR zoning clearance to an individualized review and determination, which will require the granting of relevant public access when reasonably appropriate.

SECTION 2. Chapter 8, relating to the Comprehensive Zoning Ordinance, Kaua'i County Code 1987, as amended, is hereby amended by establishing a new Article to be appropriately designated and to read as follows:

"ARTICLE __. CONDOMINIUM PROPERTY REGIMES (CPRs).

(a) As a condition precedent to final County approval of a CPR, the Planning Department in consultation with the Office of the County Attorney shall require a developer or CPR applicant, in cases where public access is not already provided, to dedicate land for public access by easement for pedestrian travel from a public highway or public street to the land below the high-water mark on any coastal shoreline, and to dedicate land for public access by right-of-way from a public highway or public street to areas in the mountains where there are existing facilities for hiking, hunting, fruit-picking, ti-leaf sliding, and other recreational purposes, and where there are existing mountain trails.

(b) For the purposes of this Section, the definition of lots, parcels, units, or interests shall be applicable to condominium property regime projects, which are created and established pursuant to Chapter 514B, Hawai'i Revised Statutes.

(c) Designation of public accessways shall be subject to the following requirements:

(1) "Standard" public accessways shall be a minimum of ten (10) feet in width.

(2) The Planning Department shall establish the preferred public access alignment with consideration of such factors as topography, approximate location to the nearest public street, shoreline, or public land, and configuration of property which is the subject of the CPR.

(3) "Standard" public accessways shall be designated at intervals of not less than three hundred (300) feet and not greater than one thousand five hundred (1,500) feet. The Planning Department may require that accessways be consolidated to provide sufficient area for vehicular access, parking, development of shoreline or other recreational facilities, or other public purposes; or may modify standard public accessways to take into consideration terrain features, length of frontage, uses of the property which is the subject of the CPR, and other pertinent factors; provided, however, that the total area to be conveyed shall not differ substantially from that which would be required by the provision of standard public accessways, unless additional areas and improvements are mutually agreed to by the CPR applicant and the appropriate County agencies.

(4) Public accessways shall be designed to specifications approved by the Department of Public Works and the Planning Department.

(5) Public accessways shall be clearly designated on the final map(s) of the CPR, recorded with the Bureau of Conveyances, and dedicated to the County, which shall then serve as a conclusive presumption of existing access.

(6) The County shall indemnify the landowner from damage or loss incurred within the easement boundaries to members of the public who reasonably utilize the easement, except in the event of landowner's proven negligence.

(7) Other specifications for improvements may include but not be limited to off-street parking requirements, turnarounds, grading, and greater access width.

(8) The County Engineer may restrict or prohibit passage over a public accessway for thirty (30) days if the County Engineer determines that:

(A) The accessway is unsafe;

(B) The area being accessed is hazardous; or

(C) The area is being reserved by the County as a partial segment for a future public accessway.

(9) If the County Engineer determines that a public accessway may require restrictions that exceed thirty (30) days, such recommendation shall immediately be transmitted to the Council for approval. In the event the public accessway continues to require restrictions and Council approval has not been obtained, the County Engineer may extend the required restrictions for an additional thirty (30) days so long as the determination is consistent with the criteria set forth in this Section. In cases where the Council has disapproved of a recommendation to restrict passage over a public accessway, the County Engineer shall not have the authority to extend the restrictions. The Council shall be notified in writing of any restrictions of public accessways no matter of its duration.

(d) In cases where a CPR is in close proximity to an existing accessway or where the County Engineer determines that an accessway is not feasible due to physical constraints or hazardous conditions, the Planning Department may require the CPR applicant to improve existing accessways that already exist within the CPR parcel.

(e) The Planning Department may require a CPR applicant to improve an existing accessway within a CPR prior to dedication to the County. Upon dedication of land for a public accessway as required by this Section and upon approval by the Planning Department or the Planning Commission, the County shall thereafter assume the costs of additional improvements for and maintenance of the accessway, and the CPR applicant shall accordingly be relieved from such costs.

(f) A CPR applicant shall prepare, execute, and record a conveyance document for the access within twelve (12) months from the date of the initial CPR application.

(g) The right of transit along the shoreline exists below the private property line which is defined as being along the upper reaches of the wash of the waves, usually evidenced by the edge of vegetation or by the debris left by the wash of the waves. However, in areas of cliffs or areas where the nature of the topography is such that there is no reasonably safe transit for the public along the shoreline, the Planning Department may require the conveyance of a lateral easement in proximity to the

makai boundaries of the property but not directly adjacent to the shoreline to form a public transit corridor which shall not be less than ten (10) feet in width. The Planning Department may also require lateral access or transitways in other situations where the Department determines it is in the public interest.

(h) Violation of any provision of this Section shall be subject to enforcement and penalties outlined in Section 8-3.5.

(i) Appeal in Accordance with Statute. If any person is aggrieved by the order issued by the director pursuant to this Section, the person may appeal the order in the manner provided in HRS Chapter 91, provided that no provision of such order shall be stayed on appeal unless specifically ordered by the Planning Commission or a court of competent jurisdiction."

SECTION 3. Pursuant to HRS Chapter 91, the Planning Commission may adopt administrative rules consistent with this Article as may be necessary to implement any of the provisions of this Article.

SECTION 4. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 5. All Ordinance material is new. The assigned Article number for the new Kaua'i County Code 1987, as amended, Chapter 8, ARTICLE __, "Condominium Property Regimes (CPRs)" shall be inserted in the blanks throughout.

SECTION 6. This Ordinance shall take effect upon its approval.

Introduced by:



FERN HOLLAND

DATE OF INTRODUCTION:

Līhu'e, Kaua'i, Hawai'i

V:\BILLS\2024-2026 TERM\Public access for CPR properties Ch. 8 Bill draft Final FC_RM_sf.doc

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR
REIKO MATSUYAMA, MANAGING DIRECTOR

SUPPLEMENT #1 TO PLANNING DIRECTOR'S REPORT

I. BACKGROUND

At its meeting on May 12, 2026, the Planning Commission deferred action on the proposed ordinance to allow the Public Access, Open Space, Natural Resources Preservation Fund Commission an opportunity to review the proposal and provide comments.

The Public Access, Open Space, Natural Resources Preservation Fund Commission considered the proposed ordinance at its June 5, 2026 meeting and did not recommend any changes to the ordinance.

Following both the Planning Commission meeting and the Public Access, Open Space, Natural Resources Preservation Fund Commission meeting, the Office of the County Attorney reviewed the draft ordinance and recommended revisions to clarify portions of the language. Those revisions have been incorporated into the attached revised draft ordinance (Exhibit A) and include the following:

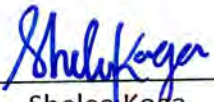
1. Section (c)(5) was revised to clarify the process for recording and conveying public access easements associated with a Condominium Property Regime (CPR), including the recording of the final map, submission of the easement conveyance instrument to the County, and recordation of the executed easement with the Bureau of Conveyances. The revisions also clarify that the final map serves as the conclusive presumption of dedication of an enforceable public access.
2. Section (f) was removed because its conveyance requirements have been incorporated into the revised language of Section (c)(5), which provides a more detailed process and timeline for recording and conveying the public access easement.
3. Section (i) was revised to clarify that appeals of a Director's order shall be made to the Planning Commission in accordance with the Planning Commission's rules and that filing an appeal does not stay any provision of the Director's order.

These revisions are procedural and clarifying in nature and do not change the overall purpose or intent of the proposal.

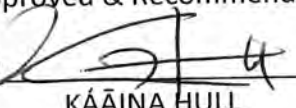
No other substantive changes have been made since the Planning Commission's initial review.

II. PRELIMINARY RECOMMENDATION

Based on the foregoing, it is recommended that Zoning Amendment ZA-2026-5 be **APPROVED**.

By 
Shelea Koga
Planner

Approved & Recommended to Commission:

By 
KĀĀINA HULL
Director of Planning

Date: 8/4/2026

“EXHIBIT A”

(Proposed Zoning Amendment ZA-2026-5)

For reference

ORDINANCE NO. _____

BILL NO. _____

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 8,
KAUA'I COUNTY CODE 1987, AS AMENDED,
BY ESTABLISHING A NEW ARTICLE RELATING TO
CONDOMINIUM PROPERTY REGIMES**

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII:

SECTION 1. Findings and Purpose. Chapter 9, Article 2.9, Kaua'i County Code 1987, as amended, requires that a subdivider or developer dedicate land for public access to adjacent shoreline and mountain areas. The Council finds that owners of large parcels are using the condominium property regime (CPR) process to circumvent the subdivision process, thereby avoiding possible conditions, including the requirement to allow public access to *mauka* and *makai* public lands. To address these complex issues, the State Legislature enacted Hawai'i Revised Statutes (HRS) Section 514B-6, which provides that "no later than July 1, 2022, the counties shall adopt supplemental rules governing condominium property regimes, including agricultural lands that are held in condominium property regimes." Given the clear intent of the State Legislature to have the respective counties regulate CPRs, the purpose of this Ordinance is to add a new Article to Chapter 8, Kaua'i County Code 1987, as amended, to govern CPRs, which shall be similar in effect to the Subdivision Ordinance for the County of Kaua'i. Consequently, the new CPR regulations will hold CPR applicants for CPR zoning clearance to an individualized review and determination, which will require the granting of relevant public access when reasonably appropriate.

SECTION 2. Chapter 8, relating to the Comprehensive Zoning Ordinance, Kaua'i County Code 1987, as amended, is hereby amended by establishing a new Article to be appropriately designated and to read as follows:

"ARTICLE __. CONDOMINIUM PROPERTY REGIMES (CPRs).

(a) As a condition precedent to final County approval of a CPR, the Planning Department in consultation with the Office of the County Attorney shall require a developer or CPR applicant, in cases where public access is not already provided, to dedicate land for public access by easement for pedestrian travel from a public highway or public street to the land below the high-water mark on any coastal shoreline, and to dedicate land for public access by right-of-way from a public highway or public street to areas in the mountains where there are existing facilities for hiking, hunting, fruit-picking, ti-leaf sliding, and other recreational purposes, and where there are existing mountain trails.

(b) For the purposes of this Section, the definition of lots, parcels, units, or interests shall be applicable to condominium property regime projects, which are created and established pursuant to Chapter 514B, Hawai'i Revised Statutes.

(c) Designation of public accessways shall be subject to the following requirements:

(1) "Standard" public accessways shall be a minimum of ten (10) feet in width.

(2) The Planning Department shall establish the preferred public access alignment with consideration of such factors as topography, approximate location to the nearest public street, shoreline, or public land, and configuration of property which is the subject of the CPR.

(3) "Standard" public accessways shall be designated at intervals of not less than three hundred (300) feet and not greater than one thousand five hundred (1,500) feet. The Planning Department may require that accessways be consolidated to provide sufficient area for vehicular access, parking, development of shoreline or other recreational facilities, or other public purposes; or may modify standard public accessways to take into consideration terrain features, length of frontage, uses of the property which is the subject of the CPR, and other pertinent factors; provided, however, that the total area to be conveyed shall not differ substantially from that which would be required by the provision of standard public accessways, unless additional areas and improvements are mutually agreed to by the CPR applicant and the appropriate County agencies.

(4) Public accessways shall be designed to specifications approved by the Department of Public Works and the Planning Department.

(5) Public accessways shall be clearly designated on the final map(s) of the CPR, which shall then serve as a conclusive presumption of existing access, recorded with the Bureau of Conveyances, and dedicated to the County.

(6) The County shall indemnify the landowner from damage or loss incurred within the easement boundaries to members of the public who reasonably utilize the easement, except in the event of landowner's proven negligence.

(7) Other specifications for improvements may include but not be limited to off-street parking requirements, turnarounds, grading, and greater access width.

(8) The County Engineer may restrict or prohibit passage over a public accessway for thirty (30) days if the County Engineer determines that:

(A) The accessway is unsafe;

(B) The area being accessed is hazardous; or

(C) The area is being reserved by the County as a partial segment for a future public accessway.

(9) If the County Engineer determines that a public accessway may require restrictions that exceed thirty (30) days, such recommendation shall immediately be transmitted to the Council for approval. In the event the public accessway continues to require restrictions and Council approval has not been obtained, the County Engineer may extend the required restrictions for an additional thirty (30) days so long as the determination is consistent with the criteria set forth in this Section. In cases where the Council has disapproved of a recommendation to restrict passage over a public accessway, the County Engineer shall not have the authority to extend the restrictions. The Council shall be notified in writing of any restrictions of public accessways no matter of its duration.

(d) In cases where a CPR is in close proximity to an existing accessway or where the County Engineer determines that an accessway is not feasible due to physical constraints or hazardous conditions, the Planning Department may require the CPR applicant to improve existing accessways that already exist within the CPR parcel.

(e) The Planning Department may require a CPR applicant to improve an existing accessway within a CPR prior to dedication to the County. Upon dedication of land for a public accessway as required by this Section and upon approval by the Planning Department or the Planning Commission, the County shall thereafter assume the costs of additional improvements for and maintenance of the accessway, and the CPR applicant shall accordingly be relieved from such costs.

(f) A CPR applicant shall prepare, execute, and record a conveyance document for the access within twelve (12) months from the date of the initial CPR application.

(g) The right of transit along the shoreline exists below the private property line which is defined as being along the upper reaches of the wash of the waves, usually evidenced by the edge of vegetation or by the debris left by the wash of the waves. However, in areas of cliffs or areas where the nature of the topography is such that there is no reasonably safe transit for the public along the shoreline, the Planning Department may require the conveyance of a lateral easement in proximity to the

makai boundaries of the property but not directly adjacent to the shoreline to form a public transit corridor which shall not be less than ten (10) feet in width. The Planning Department may also require lateral access or transitways in other situations where the Department determines it is in the public interest.

(h) Violation of any provision of this Section shall be subject to enforcement and penalties outlined in Section 8-3.5.

(i) Appeal in Accordance with Statute. If any person is aggrieved by the order issued by the director pursuant to this Section, the person may appeal the order to the Planning Commission pursuant to its rules. The form of this appeal must conform to the Planning Commission's rules. However, an appeal to the Planning Commission shall not stay any provision of the order.

SECTION 3. Pursuant to HRS Chapter 91, the Planning Commission may adopt administrative rules consistent with this Article as may be necessary to implement any of the provisions of this Article.

SECTION 4. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 5. All Ordinance material is new. The assigned Article number for the new Kaua'i County Code 1987, as amended, Chapter 8, ARTICLE __, "Condominium Property Regimes (CPRs)" shall be inserted in the blanks throughout.

SECTION 6. This Ordinance shall take effect upon its approval.

Introduced by:

FERN HOLLAND

DATE OF INTRODUCTION:

Līhu'e, Kaua'i, Hawai'i

V:\BILLS\2024-2026 TERM\Public access for CPR properties Ch. 8 Bill draft Final FH_RM_sf.doc

BEFORE THE COUNTY OF KAUAI

STATE OF HAWAII

In the Matter of the Petition	)	DOCKET NO. A-20 _____ - _____
	)	GPA-20 _____ - _____
of	)	ZA-20 _____ - _____
	)	
<u>Kamishita Investments LLC</u>	)	
(Applicant)	)	
	)	
To amend the County Zoning designation of	)	
approximately 6.799 square feet of land currently	)	
situated within the State Urban District, General Plan	)	
Designation Town Center, and County Zoning T4VNF	)	
into T4VCF located at Waimea, Kauai, Hawaii.	)	
further identified as Tax Map Key: (4) 1-6-007:029.	)	
_____.	)	

PETITION FOR ZONING AMENDMENT

SECTION I: PETITIONER'S/APPLICANT'S ADDRESS & TELEPHONE

Kamishita Investments LLC
PO Box 540, Waimea, HI 96796

SECTION II: IDENTIFICATION OF PETITIONER

Applicant is the fee simple owner of the subject property.

SECTION III: PROPERTY DESCRIPTION

The subject property is described by metes and bounds as follows:

Parcel First:

Beginning at a pipe set in concrete at the east corner of Lot 3, Block A, Waimea Town Lots, the coordinates of said point of beginning being referenced to Government Survey Triangulation Station "Transit of Venus";
Thence running by true azimuths:

- North 21° 15' 30" East, 118.4 feet along Lot 3, Block A;
- South 109° 07' 30" East, 52.2 feet along a road;
- South 199° 40' West, 118.3 feet along Lot 1, Block A;
- North 289° 07' 30" West, 55.5 feet along Government Main Road to the point of beginning;
- Containing **6,368 square feet**, more or less.

G.4.a. ~~G.4.a.~~
AUG 11, 2026 JULY 14, 2026

Parcel Second:

Beginning at the northwest corner of the parcel along the southwest side of Kaua'i Belt Road;

Thence running by true azimuths:

- North 298° 54' 30" West, 56.31 feet;
 - North 21° 15' 30" East, 2.97 feet;
 - South 109° 07' 30" East, 55.50 feet;
 - South 199° 40' West, 12.53 feet to the point of beginning;
- Containing **431 square feet**, more or less

SECTION IV: GENERAL PLAN

The subject property is designated "Town Center" under the West Kaua'i Community Plan ("WKCP") (Ordinance No. 1083, adopted November 25, 2020).

SECTION V: DESCRIPTION OF PROPERTY

1. Location: Along Kaumuali'i Highway, Waimea;
2. Zoning: The subject property is currently zoned T4VNF (Village Neighborhood) and is proposed to be reclassified to T4VCF (Village Center), in alignment with the Town Center designation under the WKCP.
3. Existing Uses: Mixed-use context;
4. Elevation: Near sea level;
5. Improvements: The property is improved with an existing structure constructed circa 1957;
6. Slope: Flat;
7. Drainage: Subject to flood regulations;
8. Rainfall: Moderate;
9. Soil: Urbanized;
10. Studies: N/A.
11. Historic/Present Use: Historically and presently utilized in a manner consistent with a mixed-use and commercial corridor along Kaumuali'i Highway.

SECTION VI: DESCRIPTION OF POTENTIAL USES (NOT PROJECT SPECIFIC)

1. Type: Small-scale, neighborhood-serving commercial and mixed-use;
 2. Units: N/A;
 3. Context: Within SPA-L;
 4. Timeline: Not tied to a specific development proposal;
 5. Plans: N/A;
 6. Infrastructure: Existing;
 7. Costs: N/A;
 8. Financial Ability: N/A;
 9. Features: N/A
- This request is not associated with any specific development proposal, but is intended to further align the zoning designation with the adopted West Kaua'i Community Plan.

SECTION VII: EFFECTS UPON RESOURCES

1. Environmental: None;
2. Agricultural: None;
3. Recreational: None;
4. Historic: Consistent;
5. Scenic: Positive;
6. Noise/Air: Minimal.

SECTION VIII: REASONS AND JUSTIFICATION

1. Need and Demand: The subject property is designated “Town Center” under the West Kaua‘i Community Plan, which envisions a walkable, mixed-use environment supporting local businesses and community-serving uses.
2. Appropriateness: The property is currently zoned T4VNF (Village Neighborhood) and is proposed to be reclassified to T4VCF (Village Center). The T4VCF designation allows for a broader mix of neighborhood-serving commercial and mixed-use activities consistent with a Town Center environment, whereas T4VNF is more limited in intensity and use.
3. Timing: Flood-related considerations that may have influenced prior zoning decisions are now addressed through updated regulations, including Ordinance 1134, which provides a separate and comprehensive framework for managing such risks.
4. Economic Benefits: Supports local business and reinforces the viability of Waimea’s Town Center.
5. Use Permit Consideration: A Use Permit would not address the underlying inconsistency

SECTION IX: COMPLIANCE WITH STATE LAND USE

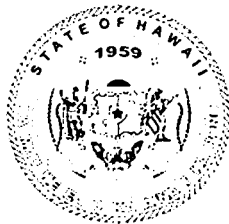
The subject property is located within the State Land Use Urban District. The proposed amendment is consistent with HRS Chapter 205, as it supports urban uses and development patterns appropriate for lands within the Urban District.

SECTION X: COMPLIANCE WITH STATE AND COUNTY LAWS

The proposed amendment is consistent with the Kaua‘i General Plan, which promotes compact, walkable, and mixed-use development within designated town centers. The amendment aligns with Ordinance 1083 (West Kaua‘i Community Plan), which designates the area as Town Center, and with Ordinance 1134, which addresses flood risk through updated regulatory mechanisms independent of zoning.

SECTION XI: CONCLUSION

The amendment should be approved to further align the zoning designation with the adopted Town Center designation under the West Kaua‘i Community Plan.



STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED

April 23, 2021 8:01 AM
Doc No(s) A - 77830205

Doc 1 of 5
Pkg 11758275 SKC

/s/ LESLIE T KOBATA
REGISTRAR

Conveyance Tax: \$1,250.00

LAND COURT

REGULAR SYSTEM

AFTER RECORDATION, RETURN ORIGINAL BY: MAIL (X) PICK-UP ()
Kamishita Investments LLC FNT: 012005593-BJ
313 1st Street PH-2A Bea Jeal
Hoboken, NJ 07030

PS 1

Tax Map Key No.: (4) 1-6-007-029

Total Pages: 6

WARRANTY DEED

PARTIES TO DOCUMENT

GRANTOR: CHAD KEN TANIGUCHI, Trustee of the TANIGUCHI FAMILY LAND TRUST, dated June 1, 1994

GRANTEE: KAMISHITA INVESTMENTS LLC, a Hawaii limited liability company

THIS DEED, made this 18th day of April, 2021, by CHAD KEN TANIGUCHI, Trustee of the TANIGUCHI FAMILY LAND TRUST, dated June 1, 1994, with full power and authority to sell, lease, borrow, encumber, hypothecate, mortgage, pledge or otherwise deal with and dispose of any of the lands or other property or interests of the trust estate according to the terms of said trust instrument, of Kailua, Hawaii, hereinafter called the "Grantor," in favor of KAMISHITA INVESTMENTS LLC, a Hawaii limited liability company, whose address is 313 1st Street PH-2A, Hoboken, New Jersey 07030, hereinafter called the "Grantee;"

WITNESSETH

That for TEN AND NO/100 DOLLARS (\$10.00), and other valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, the Grantor does hereby grant, bargain, sell and convey unto the Grantee, as **TENANT IN SEVERALTY**, in fee simple:

All of that certain real property and personal property (if any) described in Exhibit "A" attached hereto and made a part hereof.

This conveyance and the warranties of the Grantor are expressly declared to be in favor of the Grantee, **as tenant in severalty, its successors and assigns.**

And the reversions, remainders, rents, issues and profits thereof and all of the estate, right, title and interest of the Grantor, both at law and in equity, therein and thereto;

TO HAVE AND TO HOLD the same, as to said real property, together with all buildings, improvements, rights, easements, privileges and appurtenances thereon and thereto belonging or appertaining or held and enjoyed therewith, unto the Grantee absolutely and according to the tenancy herein set forth, and as to said personal property (if any), absolutely and forever.

AND, in consideration of the premises, the Grantor does hereby covenant and agree to and with Grantee that Grantor is lawfully seized in fee simple of the real property described in Exhibit "A" and is the absolute owner of said personal property (if any) and that Grantor's title to all of said property is free and clear of and from all encumbrances other than those mentioned in Exhibit "A"; that Grantor has good right to sell and convey said property as aforesaid and that Grantor will WARRANT and DEFEND the same unto Grantee against the lawful claims and demands of all persons except as aforesaid.

And the Grantee hereby acknowledges that the Grantee is accepting the real property, land and all improvements thereon (including, but not limited to, the roof, walls, foundations, soils, plumbing and electrical systems) and personal property in their present "AS IS" condition, without warranty or representations, expressed or implied.

The terms "Grantor" and "Grantee," as and when used herein, or any pronouns used in place thereof, shall mean and include the masculine, feminine or neuter, the singular or plural number, individuals, partnerships, trustees, corporations or limited liability companies, and their and each of their respective successors, heirs, personal representatives, successors in trust and assigns, according to the context thereof. All covenants and obligations undertaken by two or more persons shall be deemed to be joint and several unless a contrary intention is clearly expressed elsewhere herein.

The parties hereto agree that this instrument may be executed in counterparts, each of which shall be deemed an original, and said counterparts shall together constitute one and the same agreement, binding all of the parties hereto, notwithstanding all of the parties are not signatory to the original or the same counterparts. For all purposes, including, without limitation, recordation, filing and delivery of this instrument, duplicate unexecuted and unacknowledged pages of the counterparts may be discarded and the remaining pages assembled as one document.

[END OF TEXT, CONTINUED ON NEXT PAGE]

IN WITNESS WHEREOF, the Grantor has executed this instrument.

The TANIGUCHI FAMILY LAND TRUST, dated
June 1, 1994

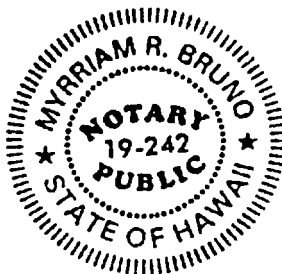
By: 
CHAD KEN TANIGUCHI, Trustee

"Grantor"

STATE OF HAWAII)
) SS:
CITY AND COUNTY OF HONOLULU)

On April 18, 2021, before me personally appeared CHAD
KEN TANIGUCHI, Trustee Aforesaid, to me personally known, who being by me duly
sworn or affirmed, did say that such person executed the foregoing document as the free
act and deed of such person, and if applicable, in the capacity shown, having been duly
authorized to execute such document in such capacity.

Document Date: undated Number of Pages: 4 ^{man} 76
Description of Document: Warranty Deed



Signature: 
Name: MYRRIAM R BRUNO
Notary Public, State of Hawaii, FIRST Circuit

My commission expires: 6/23/2023

EXHIBIT "A"

PARCEL FIRST:

ALL of that certain parcel of land (being all of the land described in and covered by Land Patent Grant No. 7356 to Mary Glory Silva) being LOT 2, Block A, of the Waimea Town Lots, situate at Waimea, in the District of Waimea, Island and County of Kauai, State of Hawaii, and more particularly described as follows:

BEGINNING at a pipe set in concrete, at the East corner of this lot, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Transit of Venus" being 603.6 feet South and 563.0 feet West, as shown on Government Survey running by true azimuths;

1. 21° 15' 30" 118.4 feet along Lot 3, Block A;
2. 109° 07' 30" 52.2 feet along road;
3. 199° 40' 118.3 feet along Lot 1, Block A;
4. 289° 07' 30" 55.5 feet along Government Main Road to the point of beginning and containing an area of 6,368 Square Feet, more or less.

PARCEL SECOND:

ALL of that certain parcel of land, known as REMNANT C, being the abandoned portion of the Main Government Road, situate on the Southwest side of the Kauai Belt Road, Federal Aid Project 29-D (1), Waimea, Island and County of Kauai, State of Hawaii, and more particularly described as follows:

BEGINNING at the Northwest corner of this piece of land, being also the Northeast corner of Remnant D and on the Southwest side of Kauai Belt Road, Federal Aid Project 29-D (1), the coordinates of said point of beginning referred to Government Survey Triangulation Station "Transit of Venus" being 573.67 feet South and clockwise 611.24 feet West, thence running by azimuths measured clockwise from true South:

1. 298° 54' 30" 56.31 feet along the Southwest side of Kauai Belt Road, Federal Aid Project 29-D (1);
2. 21° 15' 30" 2.97 feet along Remnant along the remainder of the abandoned main Government Road;
3. 109° 07' 30" 55.50 feet along Grant 7356 to Mary Glory Silva;
4. 199° 40' 12.53 feet along Remnant D, along the remainder of the abandoned main Government Road to the point of beginning and containing an area of 431 Square Feet, more or less.

Being all of the property conveyed by the following:

Special Trustee's Deed

Grantor: Hawaiian Trust Company, Limited a Corporation of Hawaii, as

Grantee: Successor by merger to American Trust Co. of Hawaii, Inc., as Trustee under Trust Agreement No. 90-01499 and Trust dated, March 18, 1982
Chad Ken Taniguchi, Trustee of the Taniguchi Family Land Trust, dated June 1, 1994, with full powers to sell, convey, mortgage, lease, etc. or otherwise deal with the land
Dated: October 24, 1994
Recording Date: November 22, 1994
Recording No.: 94-191825

SUBJECT, HOWEVER, TO:

1. Mineral and water rights of any nature in favor of the State of Hawaii.
2. Any facts, rights, interests, or claims which may exist or arise by reason of the following facts disclosed by ALTA/NSPS Land Title Survey, dated December 21, 2020, January 25, 2020 and January 27, 2021 prepared by Dennis M. Esaki, Licensed Professional Land Surveyor, Certificate No. 4383:
 - 1) At the north side of Lot 2, building column on Kaumualii Highway (0.2 ft.)
 - 2) At the north side of Lot 2, planter on Kaumualii Highway (1.4 ft.)
 - 5) At the south side of the property, propane tank on Laau Road 1.1 ft.
 - 6) At the south side of the property, steps on Laau Road 3.2 ft.
 - 7) At the south side of the property, loading dock on Laau Road 3.2 ft.
 - 8) At the west side of the property, CMU on Lot 2 (0.4 ft.)
 - 9) At the west side of the property, CMU wall on Lot 2 (0.5 ft.)

TOGETHER WITH all furniture, fixtures, appliances, and other items listed on Commercial Real Property Purchase and Sale Agreement (PSA) with a Reference Date of November 14, 2020 executed by and between the Grantor and Grantee for the sale and purchase of the above described premises, which by reference is incorporated herein.

END OF EXHIBIT "A"

This site plan and location map are provided for reference to existing conditions only. No specific development is proposed as part of this application.



- ALTA/NSPS LAND TITLE SURVEY
MAP SHOWING LOT 2
Being Grant 7356 to American
trust Co. of Hawaii, Inc.
Also Being Portion of Block A
of Waimea House Lots
Waimea, Kaula, Hawaii
TMKS: (4) 1-6-07: 29
Prepared for: Kaula Realty, Inc.
Date of Survey: December 21, 2020,
January 25 and 27, 2020

To:
This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items of Table A thereof. The field work was completed on January 27, 2021.

The undersigned further certifies that the Positional Uncertainties resulting from the survey measurements made on the survey do not exceed the allowable Positional Tolerance.

This survey was also made in accordance with the State of Hawai'i Minimum Standards of Practice for Land Surveyors.

By: Dennis M. Esaki Date: December 21, 2020, January 25 and 27, 2021
Registered Land Surveyor No: 4383
Land Court Surveyor No: 185

THIS WORK WAS PREPARED BY ME
OR UNDER MY SUPERVISION



Signature
ESAKI SURVEYING & MAPPING, INC.
EXPIRES: APRIL 30, 2022

(IN FEET)
1 inch = 20 ft.

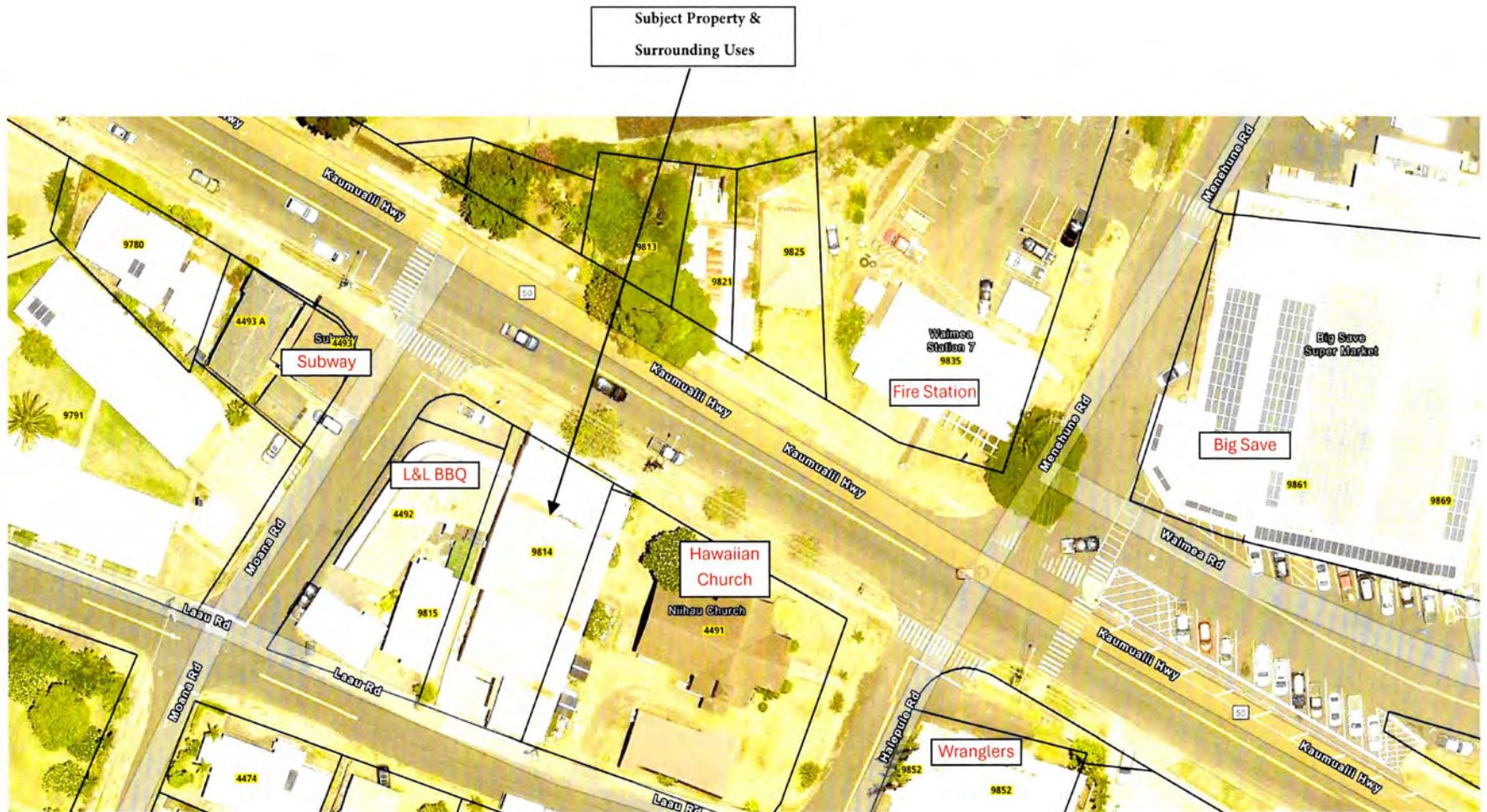
ESAKI SURVEYING & MAPPING, INC.
Civil Engineers - Land Surveyors - Planners

Job Number: 20-290 KN
Drawing File: 20-290 ALTA.dwg

1610 Haleukana Street
Lihue, Kauai, Hawaii 96766

Location Map: identifies the subject property relative to the surrounding area

kauaigis.maps.arcgis.com

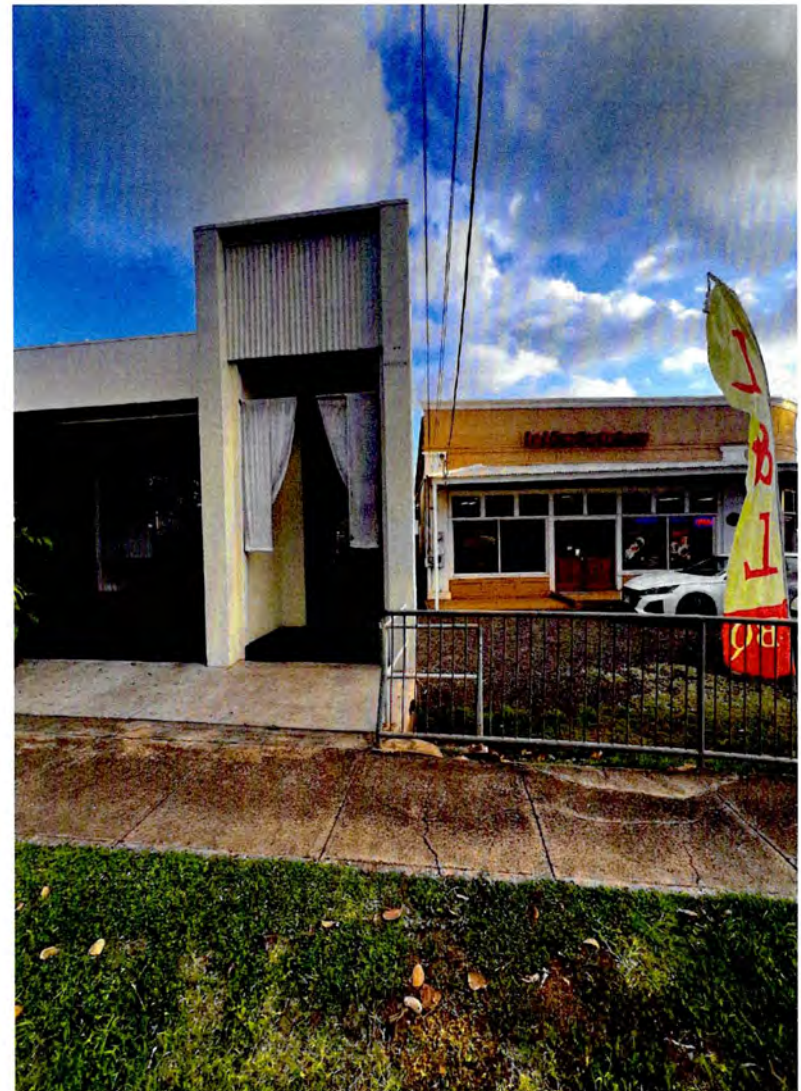


Subject Property and Surrounding Context

Front Elevation – Facing Kaumuali'i Highway



Street Frontage and Adjacent Commercial Uses



Street Frontage and Adjacent Commercial Uses



Rear of Property – Existing Access and Parking Area



DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR
REIKO MATSUYAMA, MANAGING DIRECTOR

DIRECTOR'S REPORT

I. SUMMARY

Action Required by
Planning Commission:

Consideration for an amendment to Chapter 8, Kaua'i County Code 1987, as amended Comprehensive Zoning Ordinance (CZO), to establish apiaries as a permitted use within Residential and other districts.

Permit Application Nos.

Zoning Amendment ZA-2026-8

Name of Applicant(s)

KAUA'I COUNTY COUNCIL

II. PERMIT INFORMATION

PERMITS REQUIRED	
☐ Use Permit	
☐ Project Development Use Permit	
☐ Variance Permit	
☐ Special Permit	
☐ Zoning Permit Class ☐ IV ☐ III	
☐ Special Management Area Permit ☐ Use ☐ Minor	
AMENDMENTS	
☒ Zoning Amendment	Pursuant to Section 8-3.4(a), Kaua'i County Code 1987, as amended, a Zoning Amendment is required because the proposal amends the text of the Comprehensive Zoning Ordinance by establishing apiaries as a permitted use within Residential and other zoning districts.
☐ General Plan Amendment	
☐ State Land Use District Amendment	

Date of Receipt of Completed Application: N/A

G.4.b.1.
AUG 11 2026

Date of Director's Report: July 30, 2026

Date of Public Hearing: August 11, 2026

**Deadline Date for PC to Take Action (60TH
Day):** N/A

III. LEGAL REQUIREMENTS

Section 8-3.4, Kaua'i County Code 1987, as amended:	Pursuant to Section 8-3.4 of the Kaua'i County Code 1987, as amended, the County of Kaua'i has initiated a countywide Zoning Amendment to amend the text of Chapter 8, Comprehensive Zoning Ordinance. The proposed amendment establishes apiaries as a permitted use within Residential zoning districts and adopts supplemental development and operational standards governing that use. In accordance with Section 8-3.4(d), the Planning Commission shall consider the purposes of the existing and proposed changes to the Comprehensive Zoning Ordinance and determine whether the proposed amendment furthers the public necessity and convenience and the general welfare before making its recommendation to the County Council.
---	--

IV. DESCRIPTION OF THE PROPOSED BILL

The proposed ordinance amends Chapter 8 of the Kaua'i County Code (KCC) 1987 to establish apiaries as a defined land use and authorize apiaries as a permitted use within specified zoning districts, subject to standards intended to protect public health, safety, neighboring properties, and agricultural resources.

The amendment adds new definitions for Apiary, Africanized Honeybee, Colony, Flyover Barrier, and Hive, and amends existing definitions relating to animals and livestock to recognize managed honeybees. The ordinance also incorporates Apiary into the Comprehensive Zoning Ordinance (CZO) Table of Uses as a permitted use within designated zoning districts (Residential, Resort, Commercial General and Neighborhood, Industrial and Light Industrial, Open, and University districts) and establishes standards governing hive placement, setbacks, colony density, flyover barriers, hive management, nuisance prevention, and reporting requirements.

The proposed amendment recognizes apiaries as a low-intensity land use that may be compatible with residential and other zoning districts when operated in accordance with established performance standards. Rather than authorizing unrestricted beekeeping, the ordinance establishes a comprehensive regulatory framework intended to promote responsible apiary management while

minimizing potential impacts on adjacent properties through clear and objective development and operational requirements.

Please refer to Exhibit A for the proposed bill language and additional details.

V. AMENDMENT JUSTIFICATION

Honeybees perform an essential ecological function through the pollination of flowering plants, fruit trees, vegetable crops, and other agricultural commodities. Pollination by managed honeybees contributes significantly to agricultural productivity, biodiversity, and ecosystem health. It is estimated that approximately one-third of the global food supply relies directly or indirectly on insect pollination, making pollinators a critical component of sustainable food systems.

Kaua'i possesses one of the world's few remaining Varroa destructor mite-free honeybee populations, making the island uniquely important for bee hive cultivation, honeybee research, and statewide agricultural biosecurity. Hawai'i's queen bee industry supplies breeding stock to beekeepers throughout the United States and internationally, and Kaua'i plays a significant role in maintaining healthy honeybee genetics. The Hawai'i Department of Agriculture, the University of Hawai'i, and Kaua'i Community College have recognized the importance of preserving healthy managed honeybee populations through research, education, and responsible beekeeping practices.

Managed honeybee colonies provide pollination services for numerous agricultural crops cultivated on Kaua'i, including coffee, citrus, avocado, macadamia, cucumbers, squash, lilikoi, herbs, and other fruits and vegetables. These pollination services contribute to agricultural productivity, support local food production, and strengthen the long-term viability of diversified agriculture throughout the island.

Although beekeeping has long occurred throughout Kaua'i, the CZO does not currently explicitly call out apiaries as a defined land use or establish uniform standards governing their operation within residential and other zoning districts. The absence of clear regulations creates uncertainty for property owners, neighboring residents, and County staff regarding where apiaries may be located and the operational standards applicable to their management.

The proposed ordinance addresses this regulatory gap by establishing apiaries as a defined land use within the CZO and adopting objective development and operational standards governing hive placement, setbacks, colony density, flyover barriers, nuisance prevention, and hive management. These standards are intended to promote responsible beekeeping while protecting public health, safety, neighborhood compatibility, and agricultural resources through a clear and consistent regulatory framework.

Residential beekeeping has been successfully regulated in numerous jurisdictions through objective operational standards similar to those proposed by this ordinance. Cities including Honolulu, Los Angeles, San Francisco, New York City, Boston, Chicago, and Vancouver permit residential apiaries subject to standards governing hive density, setbacks, flyover barriers, water sources, and nuisance prevention. These examples demonstrate that residential beekeeping can be effectively regulated while maintaining compatibility with surrounding neighborhoods.

VI. AGENCY COMMENTS

Attached through separate transmittal.

VII. EVALUATION

1. Kaua'i General Plan

The proposed zoning amendment was evaluated through the following policies of the General Plan, as taken from Sections 1.4 and 3.0:

a. Section 1.4, entitled "POLICIES TO GUIDE GROWTH"

- i. Policy #1: "Manage Growth to Preserve Rural Character" - Apiaries are a low-intensity agricultural land use that generally require minimal site improvements and have limited impacts on surrounding land uses when operated in accordance with established performance standards. Unlike more intensive agricultural or commercial uses, apiaries do not typically generate significant traffic, demand additional public infrastructure, or alter the physical development pattern of a neighborhood. The proposed amendment establishes objective operational standards—including setbacks, hive density limitations, flyover barriers, water source requirements, hive management practices, and nuisance prevention measures—to ensure apiaries remain compatible with surrounding residential and rural areas.

The proposed amendment does not expand the geographic extent of urban development, modify zoning district boundaries, increase allowable residential density, or alter the County's adopted growth management framework. Rather, it provides a clear and predictable regulatory framework for an existing agricultural activity while preserving the rural character and low-intensity land use pattern envisioned by the Kaua'i Kākou General Plan. By regulating apiaries through objective standards rather than discretionary review, the amendment promotes consistency in administration while balancing agricultural opportunities with the protection of neighboring properties and the public health, safety, and welfare.

- ii. Policy #11: "Help Agriculture Lands Be Productive"-The proposed amendment is generally consistent with Policy #11 of the Kaua'i General Plan, by recognizing apiaries as a defined land use and establishing objective development and operational standards governing their operation. Managed honeybee colonies provide pollination services that support agricultural productivity, crop diversity, and local food production for both commercial and small-scale agricultural operations. By providing a clear regulatory framework for apiaries, the amendment supports agricultural diversification while improving regulatory certainty for property owners and the County's administration of the CZO. The amendment also advances the General Plan's implementation actions encouraging small-scale diversified farming, including apiaries, as a component of Kaua'i's agricultural economy.

- iii. Policy #15: “Respect Native Hawaiian Rights and Wahi Pana” - This Policy seeks to perpetuate traditional Native Hawaiian rights and protect public trust resources and cultural sites in land use development and activities. The proposed amendment establishes countywide zoning regulations governing apiaries without modifying the County's existing obligations to protect traditional and customary Native Hawaiian rights, public trust resources, or cultural sites. The amendment does not alter zoning district boundaries, authorize site-specific development, or diminish the constitutional protections afforded under Article XII, Section 7 of the Hawai‘i Constitution. Future discretionary land use approvals, where applicable, will continue to be reviewed in accordance with applicable constitutional protections and cultural and historic resource review requirements.
- b. Section 3.0 Actions by Sector, Subsection Sector VI, entitled "Economy" states for partnership needs:
 - i. Increase small-scale diversified farming, including, but not limited to, fruits and vegetables, building materials, medicinal plants, aquaculture, apiaries, flowers, and livestock.

The proposed amendment directly advances this implementation action by recognizing apiaries as a defined land use within the CZO and establishing objective development and operational standards governing their use. By providing a clear regulatory framework for apiaries, the amendment supports small-scale diversified agriculture while promoting regulatory consistency and compatibility with surrounding residential and rural land uses. The amendment also expands opportunities for pollination services that benefit home gardens, orchards, and commercial agricultural operations, thereby supporting local food production and agricultural resilience consistent with the General Plan's agricultural objectives.

2. Community Plans

The proposed zoning amendment to Chapter 8, CZO, establishing apiaries as a defined land use and adopting objective operational standards governing their use. The amendment does not modify Community Plan boundaries, Future Land Use designations, Special Planning Area (SPA) boundaries, regulating plans, or the design standards established under Chapter 10 of the KCC 1987.

The West Kaua‘i Community Plan Implementing Ordinance and the South Kaua‘i Community Plan establish Special Planning Areas administered through their respective Form-Based Codes. These Form-Based Codes supplement the provisions of Chapter 8 within the designated Special Planning Areas by establishing additional development and design standards. Where the Form-Based Code modifies or conflicts with Chapter 8, the applicable Form-Based Code provisions govern within the Special Planning Area. Because the proposed amendment does not amend Chapter 10 or the Form-Based Codes, no amendments to those implementing ordinances are necessary.

3. CZO Amendment

a. Definitions

In evaluating the proposed bill's new definitions, including 'Africanized honeybee,' 'Animals,' 'Apiary,' 'Bee,' 'Beekeeper,' 'Colony,' 'Flyover barrier,' and 'Hive,' these definitions were deemed appropriate given their usage in the proposed bill's new standards and provisions, in which they provide clarification on technical apiary terms.

The proposed definition of "Livestock" is not considered appropriate because the existing definition in the Comprehensive Zoning Ordinance adequately serves its intended regulatory purpose. The proposed bill separately establishes "Apiary" as a distinct land use with its own definition and operational standards; therefore, revising the definition of "Livestock" is unnecessary. Accordingly, the existing definition of "Livestock" should be retained.

b. Table of Uses

As specified in Section 8-2.4 (Table of Uses) of the KCC 1987, apiaries are not currently identified as a distinct land use. Consequently, apiary operations are administered under comparable use classifications because apiaries are not expressly identified in the Table of Uses. Under the current regulations, apiary operations are permitted by right in the Agriculture zoning district and require a Use Permit in Residential, Resort, Commercial General and Commercial Neighborhood, Industrial and Light Industrial, Open, and University districts.

The proposed bill establishes "Apiary" as a distinct land use within the CZO and permits the use in all zoning districts, subject to the proposed operational standards. This eliminates the need to classify apiary operations under a comparable use classification and provides a uniform regulatory framework for the review and operation of apiaries throughout the county.

Zoning District	Compatibility	Potential Issues
Residential	Compatible as a low-intensity land use that requires minimal permanent improvements and can be operated in conjunction with residential uses when conducted in accordance with the ordinance's operational standards.	Compatibility with adjacent residences, public safety, nuisance concerns, and bee interactions with neighboring properties.
Resort	Compatible as a low-intensity ancillary use that may support agricultural, landscaping, educational, or sustainability initiatives associated with resort properties.	Interaction with visitors and outdoor recreational areas.
Commercial General/ Commercial Neighborhood	Compatible with low-intensity commercial and agricultural enterprises where managed in accordance with the ordinance.	Pedestrian activity and compatibility with customer-oriented businesses.

Industrial/ Light Industrial	Compatible with agricultural processing, queen bee production, honey processing, and related agricultural enterprises.	Worker safety and compatibility with surrounding industrial activities.
Open	Compatible as a low-intensity agricultural use that requires minimal site improvements and requires minimal site improvements and is compatible with the low-intensity character of the Open District.	Compatibility with recreational uses and protection of sensitive natural resources.
University	Compatible with educational, research, and extension activities involving agriculture, pollinators, and environmental sciences.	Student and visitor interaction and compatibility with campus circulation.

To address the potential issues identified, the proposed ordinance establishes uniform operational standards governing hive placement, setbacks, maximum hive density, flyover barriers, water source requirements, colony management, and nuisance prevention. These standards apply uniformly across all zoning districts where apiaries are permitted and are intended to minimize potential conflicts with surrounding land uses and promote compatibility.

c. Section 8-1.4

The proposed bill amends Section 8-1.4 by establishing new subsections 8-1.4(j)-8-1.4(n), which reads as follows:

“(j) A Beekeeper shall:

- (1) Inspect their apiary and implement measures to prevent and mitigate nuisance activities, ensuring the health of the apiary and public health and safety;
- (2) Maintain colonies in hives with removable frames, that are kept weatherproof and free from rot or infestation;
- (3) Maintain an adequate and accessible supply of fresh water on-site, including landing sites for the honeybees to drink from;
- (4) Protect hives from bright lights at night;
- (5) Manage colonies to prevent swarming; and
- (6) Practice fire safety when using a bee smoker and ensure the smoker is completely extinguished following use.

(k) Nuisance complaints, such as aggressive bee behavior or other activity that disrupts or impedes public health and safety, shall be filed with the Vector Control Branch of the State Department of Health.

- (l) Detection of Africanized honeybees shall be reported to the State Department of Agriculture.
- (m) There shall be no more than fifteen (15) honeybee hives on any lot less than twenty thousand (20,000) square feet; provided that, upon application, the Director may authorize a greater amount of hives on a lot if the Director finds in writing that the number of additional hives will not impair the purposes of this section.
- (n) No honeybee hive shall be located within twenty-five (25) feet of any property line except where a flyover barrier is situated between a honeybee hive and the property line, then the honeybee hive shall not be located within fifteen (15) feet from the property line."

The proposed operational standards are appropriate, as they are consistent with recognized apiary management practices and were developed in consultation with the University of Hawai'i Kaua'i Community College Apiary Research Associate. However, as currently drafted, subsections (j) through (n) would become general provisions within the Application of Regulations. Although each subsection pertains to apiary operations, they are written as standalone requirements, which could be interpreted as countywide regulations of general applicability rather than standards specific to the use of apiaries. Accordingly, it would be more appropriate to consolidate these provisions under a single subsection establishing the operational standards applicable to apiaries. This approach would improve the organization and readability of the Comprehensive Zoning Ordinance while clearly identifying the standards that govern apiary operations. To accomplish this, the proposed bill could be revised as follows:

"(j) Apiary Operations. Apiary operations shall comply with the following requirements:

(1) A Beekeeper shall:

- (A) Inspect their apiary and implement measures to prevent and mitigate nuisance activities, ensuring the health of the apiary and public health and safety;
- (B) Maintain colonies in hives with removable frames, that are kept weatherproof and free from rot or infestation;
- (C) Maintain an adequate and accessible supply of fresh water on-site, including landing sites for the honeybees to drink from;
- (D) Protect hives from bright lights at night;
- (E) Manage colonies to prevent swarming; and
- (F) Practice fire safety when using a bee smoker and ensure the smoker is completely extinguished following use.

- (2) Nuisance complaints, such as aggressive bee behavior or other activity that disrupts or impedes public health and safety, shall be filed with the Vector Control Branch of the State Department of Health.
- (3) Detection of Africanized honeybees shall be reported to the State Department of Agriculture.
- (4) There shall be no more than fifteen (15) honeybee hives on any lot less than twenty thousand (20,000) square feet; provided that, upon application, the Director may authorize a greater amount of hives on a lot if the Director finds in writing that the number of additional hives will not impair the purposes of this section.
- (5) No honeybee hive shall be located within twenty-five (25) feet of any property line except where a flyover barrier is situated between a honeybee hive and the property line, then the honeybee hive shall not be located within fifteen (15) feet from the property line.”

Flyover barriers are a widely recognized best management practice for promoting compatibility between apiary operations and surrounding land uses. By directing bee flight paths upward as bees leave and return to the hive, flyover barriers reduce the potential for interactions with neighboring properties, pedestrians, and domestic animals. In consultation with the University of Hawai'i Kaua'i Community College Apiary Program Research Associate, Staff identified additional best management practices that would further strengthen the proposed operational standards. Accordingly, Staff recommends incorporating the following provisions into Section 8-1.4 under the proposed apiary standards:

“(6) Flyover barrier shall:

- (A) Be located no more than five (5) feet of and directly in front of the hive entrance;
- (B) Have a minimum height of six (6) feet above existing grade;
- (C) Extend at least two (2) feet beyond each side of the hive or groups of hives it serves;
- (D) Consists of a solid wall, fence, dense vegetation, hedge, screening, or combination thereof that effectively obstruct the horizontal flight path of departing bees from the hive entrance and redirects bee flight upward before reaching adjacent property boundaries or pedestrian areas; and
- (E) Shall be maintained in good condition at all times to ensure continued effectiveness;
- (F) Where vegetation is used as a flyover barrier, initial planting may be installed at a minimum height of four (4) feet, provided the vegetation is expected to reach

a minimum height of six (6) feet within twenty-four (24) months of installation and is maintained to provide continuous screening.

(G) A single flyover barrier may serve multiple hives.”

These standards will further enhance the effectiveness of flyover barriers.

4. Special Management Area (SMA)

The proposed amendment is generally consistent with the purpose and administration of the County of Kaua'i Special Management Area Rules and Regulations. The amendment establishes countywide zoning regulations governing apiaries but does not authorize site-specific development or alter existing Special Management Area permitting requirements. Any future development constituting “development” within the Special Management Area will remain subject to the County's Special Management Area Rules and Regulations and all applicable permitting requirements.

5. Hawai'i Constitution (Article XII, Section 7)

The proposed amendment establishes countywide zoning regulations governing apiaries and does not modify or diminish the County's existing obligations under Article XII, Section 7 or the constitutional protections afforded to traditional and customary Native Hawaiian rights. The proposed amendment is not anticipated to alter the County's responsibility to consider and protect those rights during future discretionary land use approvals, where applicable, in accordance with constitutional requirements and any applicable cultural and historic resource review requirements.

VIII. AGENCY COMMENTS

Attached through separate transmittal.

IX. PRELIMINARY CONCLUSION

Based on the foregoing, it is concluded that the proposed zoning amendment establishes a reasonable and objective regulatory framework for the recognition and operation of apiaries within the CZO. The proposed amendment is not anticipated to result in significant adverse impacts to the public health, safety, welfare, or surrounding land uses, as objective operational standards are established to govern hive placement, colony density, setbacks, flyover barriers, nuisance prevention, and hive management.

It is further concluded that the proposed zoning amendment is generally consistent with the goals, objectives, and policies of the Kaua'i Kākou General Plan, applicable Community Plans, Chapter 10 of the KCC 1987, County of Kaua'i SMA Rules and Regulations, and the CZO, in that:

1. The amendment establishes objective development and operational standards intended to minimize potential impacts associated with apiary operations while promoting compatibility with surrounding land uses.

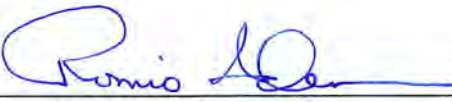
2. The amendment supports agricultural productivity, local food production, and responsible beekeeping while providing a clear and consistent regulatory framework for the administration and enforcement of apiaries within the County.
3. The amendment is generally consistent with the goals, objectives, and policies of the Kaua'i Kākou General Plan, applicable Community Plans, the CZO, and other applicable provisions of State and County law.
4. The amendment does not modify zoning district boundaries, residential densities, Community Plan boundaries, or regulating plans, and does not diminish existing constitutional protections afforded to traditional and customary Native Hawaiian rights.

Accordingly, the proposed zoning amendment represents a measured update to the CZO that recognizes apiaries as a legitimate land use while balancing agricultural interests, neighborhood compatibility, and the protection of the public health, safety, and welfare.

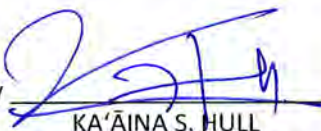
X. PRELIMINARY RECOMMENDATION

Based on the foregoing evaluation and conclusions, it is recommended that Zoning Amendment ZA-2026-8 be **APPROVED**, subject to the following revisions. (See Exhibit "B")

1. Retain the existing definition of "Livestock" in Section 8-1.5 because the proposed definition is unnecessary given that the ordinance establishes "Apiary" as a separate defined land use with its own operational standards.
2. Consolidate the proposed apiary operational standards into a single subsection entitled "Apiary Operations" within Section 8-1.4.
3. Incorporate additional flyover barrier standards based upon consultation with the University of Hawai'i Kaua'i Community College Apiary Program Research Associate to promote compatibility with surrounding land uses.

By 
ROMIO IDICA
Planner

Approved & Recommended to Commission:

By 
KA'AINA S. HULL
Director of Planning

Date: 7/22/2026

EXHIBIT “A”

ORDINANCE NO. _____

BILL NO. 2997?

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 8,
KAUA'I COUNTY CODE 1987, AS AMENDED,
RELATING TO APIARIES AND BEEKEEPING**

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. Findings and Purpose. Bees play a vital role in supporting mankind, agriculture, and native ecosystems by pollinating food crops. In addition, they provide useful products, such as honey, wax, and queen bees, because Hawai'i's tropical weather, climate, and diverse plant life provide optimal conditions for year-round breeding of queen bees. Queen bees are exported to assist with ensuring a more genetically diverse, adaptive and resilient global bee stock. Supporting year-round bee activity by planting non-invasive seasonal flowers and species suitable to the regional climate.

The purpose of this Ordinance is to promote beekeeping in Kaua'i County by establishing generally accepted apiary management practices for sound and sustainable beekeeping practice and adding apiaries to the list of allowable uses in various zoning districts. Nothing in this article is intended to conflict with any State or Federal law.

SECTION 2. Chapter 8, Section 8-1.5 (Definitions), Kaua'i County Code 1987, as amended, is hereby amended by adding new definitions to be appropriately inserted and to read as follows:

“Africanized honeybee” means all life stages of the animal subspecies *Apis mellifera scutellata* or *Apis mellifera adansonii*.

“Animals” unless provided otherwise, include but are not limited to those animals that are customary and usual pets such as dogs, cats, rabbits, birds, and other beasts which are maintained on the premises of a dwelling unit and kept by the resident of a dwelling unit solely for personal enjoyment and companionship, such as, without limitation, for a hobby, for legal sporting activities and for guarding of property. Animals shall also include honeybees and exclude aviary game birds and fish as defined in Hawai'i Revised Statutes.

“Apiary” means a site where one or more colonies of bees and beehives are kept and maintained.

"Bee" or "honeybee" means all life stages of the common domesticated honeybee European subspecies Apis Mellifera. This definition does not include wasps, hornets, African subspecies, or Africanized hybrids.

"Beekeeper" means a person who intentionally owns, operates, maintains, possesses or otherwise is in charge of an apiary.

"Colony" means an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.

"Flyover barrier" means a solid wall, fence, or dense vegetation, or combination thereof, that encourages honeybees to fly over rather than through the barrier.

"Hive" means a container or receptacle housing a bee colony and includes moveable frame structures to facilitate the colony's development.

"Livestock" means all animals generally associated with farming, which are raised or kept for food and other agricultural purposes. Such animals include swine, cattle, horses, goats, sheep, chickens, ducks, geese, turkey, and other poultry, rabbits, and bees."

SECTION 3. Chapter 8, Section 8-2.4 (Table of Uses), Kaua'i County Code 1987, as amended, is hereby amended by adding a new subsection 8-2.4(y), to be appropriately inserted and to read as follows:

Table 8-2.4 Table of Uses		ZONING DISTRICT										
Sec.	USE	Residential		Commercial			Industrial			AG	O	UNV
		R-1 to R-6	R-10 to R-20	RR	CN	CG	IL	IG				
8-2.4(y)	Apiary	P	P	P	P	P	P	P	P	P	P	

SECTION 4. Chapter 8, Section 1.4, Kaua'i County Code 1987, as amended, is hereby amended by establishing a new subsection 8-1.4(j) – 8-1.4(n) to be appropriately inserted and to read as follows:

"(j) A Beekeeper shall:

- (1) Inspect their apiary and implement measures to prevent and mitigate nuisance activities, ensuring the health of the apiary and public health and safety;
- (2) Maintain colonies in hives with removable frames, that are kept weatherproof and free from rot or infestation;

- (3) Maintain an adequate and accessible supply of fresh water on-site, including landing sites for the honeybees to drink from;
- (4) Protect hives from bright lights at night;
- (5) Manage colonies to prevent swarming; and
- (6) Practice fire safety when using a bee smoker and ensure the smoker is completely extinguished following use.
- (k) Nuisance complaints, such as aggressive bee behavior or other activity that disrupts or impedes public health and safety, shall be filed with the Vector Control Branch of the State Department of Health.
- (l) Detection of Africanized honeybees shall be reported to the State Department of Agriculture.
- (m) There shall be no more than fifteen (15) honeybee hives on any lot less than twenty thousand (20,000) square feet; provided that, upon application, the Director may authorize a greater amount of hives on a lot if the Director finds in writing that the number of additional hives will not impair the purposes of this section.
- (n) No honeybee hive shall be located within twenty-five (25) feet of any property line except where a flyover barrier is situated between a honeybee hive and the property line, then the honeybee hive shall not be located within fifteen (15) feet from the property line."

SECTION 5. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 6. Ordinance material to be repealed is bracketed. New Ordinance material is underscored. When revising, compiling, or printing this Ordinance for inclusion in the Kaua'i County Code 1987, as amended, the brackets, bracketed material, and underscoring shall not be included.

SECTION 7. This Ordinance shall take effect upon its approval.

Introduced by:

A handwritten signature in black ink, appearing to read 'Addison Bulosan', written in a cursive style.

ADDISON BULOSAN

A handwritten signature in black ink, appearing to read 'Fern Holland', written in a cursive style.

FERN HOLLAND

DATE OF INTRODUCTION:

Līhu'e, Kaua'i, Hawai'i

V:\BILLS\2024-2026 TERM\PDB - Apiaries and Beekeeping (AB_FH) JY_ss.docx

EXHIBIT “B”

ORDINANCE NO. _____

BILL NO. _____

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 8,
KAUA'I COUNTY CODE 1987, AS AMENDED,
RELATING TO APIARIES AND BEEKEEPING**

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. Findings and Purpose. Bees play a vital role in supporting mankind, agriculture, and native ecosystems by pollinating food crops. In addition, they provide useful products, such as honey, wax, and queen bees, because Hawai'i's tropical weather, climate, and diverse plant life provide optimal conditions for year-round breeding of queen bees. Queen bees are exported to assist with ensuring a more genetically diverse, adaptive and resilient global bee stock. Supporting year-round bee activity by planting non-invasive seasonal flowers and species suitable to the regional climate.

The purpose of this Ordinance is to promote beekeeping in Kaua'i County by establishing generally accepted apiary management practices for sound and sustainable beekeeping practice and adding apiaries to the list of allowable uses in various zoning districts. Nothing in this article is intended to conflict with any State or Federal law.

SECTION 2. Chapter 8, Section 8-1.5 (Definitions), Kaua'i County Code 1987, as amended, is hereby amended by adding new definitions to be appropriately inserted and to read as follows:

"Africanized honeybee" means all life stages of the animal subspecies *Apis mellifera scutellata* or *Apis mellifera adansonii*.

"Animals" unless provided otherwise, include but are not limited to those animals that are customary and usual pets such as dogs, cats, rabbits, birds, and other beasts which are maintained on the premises of a dwelling unit and kept by the resident of a dwelling unit solely for personal enjoyment and companionship, such as, without limitation, for a hobby, for legal sporting activities and for guarding of property. Animals shall also include honeybees and exclude aviary game birds and fish as defined in Hawai'i Revised Statutes.

"Apiary" means a site where one or more colonies of bees and beehives are kept and maintained.

“Bee” or “honeybee” means all life stages of the common domesticated honeybee European subspecies *Apis Mellifera*. This definition does not include wasps, hornets, African subspecies, or Africanized hybrids.

“Beekeeper” means a person who intentionally owns, operates, maintains, possesses or otherwise is in charge of an apiary.

“Colony” means an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.

“Flyover barrier” means a solid wall, fence, or dense vegetation, or combination thereof, that encourages honeybees to fly over rather than through the barrier.

“Hive” means a container or receptacle housing a bee colony and includes moveable frame structures to facilitate the colony’s development.

“Livestock” means all animals generally associated with farming, which are raised or kept for food and other agricultural purposes. Such animals include swine, cattle, horses, goats, sheep, chickens, ducks, geese, turkey, and other poultry, rabbits, and bees.”

SECTION 3. Chapter 8, Section 8-2.4 (Table of Uses), Kaua‘i County Code 1987, as amended, is hereby amended by adding a new subsection 8-2.4(y), to be appropriately inserted and to read as follows:

“

Table 8-2.4 Table of Uses		ZONING DISTRICT									
Sec.	USE	Residential		Commercial			Industrial				
		R-1 to R-6	R-10 to R-20	RR	CN	CG	IL	IG	AG	O	UNV
8-2.4(y)	Apiary	P	P	P	P	P	P	P	P	P	P

”

SECTION 4. Chapter 8, Section 1.4, Kaua‘i County Code 1987, as amended, is hereby amended by establishing a new subsection 8-1.4(j) – 8-1.4(n) to be appropriately inserted and to read as follows:

“(j) Apiary Operations. Apiary operations shall comply with the following requirements: A Beekeeper shall:

(1) A Beekeeper shall:

(1) (A) Inspect their apiary and implement measures to prevent and mitigate nuisance activities, ensuring the health of the apiary and public health and safety;

- ~~(2)~~ (B) Maintain colonies in hives with removable frames, that are kept weatherproof and free from rot or infestation;
- ~~(3)~~ (C) Maintain an adequate and accessible supply of fresh water on-site, including landing sites for the honeybees to drink from;
- ~~(4)~~ (D) Protect hives from bright lights at night;
- ~~(5)~~ (E) Manage colonies to prevent swarming; and
- ~~(6)~~ (F) Practice fire safety when using a bee smoker and ensure the smoker is completely extinguished following use.
- ~~(k)~~ (2) Nuisance complaints, such as aggressive bee behavior or other activity that disrupts or impedes public health and safety, shall be filed with the Vector Control Branch of the State Department of Health.
- ~~(l)~~ (3) Detection of Africanized honeybees shall be reported to the State Department of Agriculture.
- ~~(m)~~ (4) There shall be no more than fifteen (15) honeybee hives on any lot less than twenty thousand (20,000) square feet; provided that, upon application, the Director may authorize a greater amount of hives on a lot if the Director finds in writing that the number of additional hives will not impair the purposes of this section.
- ~~(n)~~ (5) No honeybee hive shall be located within twenty-five (25) feet of any property line except where a flyover barrier is situated between a honeybee hive and the property line, then the honeybee hive shall not be located within fifteen (15) feet from the property line.
- (6) Flyover barrier shall:
 - (A) Be located no more than five (5) feet of and directly in front of the hive entrance;
 - (B) Have a minimum height of six (6) feet above existing grade;
 - (C) Extend at least two (2) feet beyond each side of the hive or groups of hives it serves;
 - (D) Consists of a solid wall, fence, dense vegetation, hedge, screening, or combination thereof that effectively obstruct

the horizontal flight path of departing bees from the hive entrance and redirects bee flight upward before reaching adjacent property boundaries or pedestrian areas; and

(E) Shall be maintained in good condition at all times to ensure continued effectiveness;

(F) Where vegetation is used as a flyover barrier, initial planting may be installed at a minimum height of four (4) feet, provided the vegetation is expected to reach a minimum height of six (6) feet within twenty-four (24) months of installation and is maintained to provide continuous screening.

(G) A single flyover barrier may serve multiple hives.

SECTION 5. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 6. Ordinance material to be repealed is bracketed. New Ordinance material is underscored. When revising, compiling, or printing this Ordinance for inclusion in the Kaua'i County Code 1987, as amended, the brackets, bracketed material, and underscoring shall not be included.

SECTION 7. This Ordinance shall take effect upon its approval.

Introduced by:

ADDISON BULOSAN

FERN HOLLAND

DATE OF INTRODUCTION:

Līhu‘e, Kaua‘i, Hawai‘i

V:\BILLS\2024-2026 TERM\PDB - Apiaries and Beekeeping (AB_FH) JY_ss.docx

KAAINA S. HULL
Director of Planning
County of Kaua'i
4444 Rice Street Suite A473
Līhu'e, Hawai'i 96766
khull@kauai.gov
808-241-4050

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF KAUAI
STATE OF HAWAII

In the matter of:

Non-Conforming Use Certificate
TVNCU #4193 (Sea Song/Makana
Pomaika'i), **and** Special Permit SP-
2012-8, 4101 Pali Moana, Tax Map
Key (4) 5-2-004: 96-1, Kilauea,
Kauai.

Elizabeth Freeman, permittee

Tax Map Key (TMK): (4) 5-2-004: 096-
1

PLANNING DIRECTOR KAAINA S.
HULL'S PETITION TO REVOKE
APPLICANT ELIZABETH FREEMAN
NON-CONFORMING USE
CERTIFICATE TVNCU #4193 AND
SPECIAL PERMIT SP-2012-8 AND
ISSUE AN ORDER TO SHOW CAUSE
AND SET HEARING; MEMORANDUM
IN SUPPORT OF PETITION;
DECLARATION OF KAAINA S. HULL;
NOTICE OF MEETING; CERTIFICATE
OF SERVICE

MEETING:
Tuesday, August 11, 2026 at 9:00
a.m.

**PLANNING DIRECTOR KAAINA S. HULL'S PETITION TO REVOKE APPLICANT
ELIZABETH FREEMAN NON-CONFORMING USE CERTIFICATE TVNCU #4193 and
SPECIAL PERMIT SP-2012-8
AND ISSUE AN ORDER
TO SHOW CAUSE AND SET HEARING**

I.I.

AUG 11 2026

Comes now Kaaina S. Hull, duly appointed Director of Planning of the County of Kaua'i (hereinafter referred to as "Director"), and hereby petitions this Honorable Commission to revoke the existing non-conforming short term vacation rental certificate and Planning Commission approved Special Permit to Elizabeth Freeman. Provisional permit (NCU #4193-P) certification was approved by the Planning Department on August 5, 2011 after satisfying the requirements of Ordinance No. 904. The Planning Directors Report was issued on November 29, 2011 and on January 10, 2012 the Planning Commission approved the Special Permit with conditions of approval. The Director requests the Commission issue an Order to Show Cause to Elizabeth Freeman and set a hearing with the Commission on **Tuesday, August 11, 2026** at 9:00 a.m at the Līhu'e Civic Center, Pi'ikoi Meeting Room, 4444 Rice Street, Līhu'e, Kaua'i, Hawai'i. This petition is filed pursuant to Chapter 12 of the Rules of Practice and Procedures of this Commission.

DATED: Līhu'e, Hawai'i, May 12, 2026.



KAAINA S. HULL
Director of Planning
County of Kaua'i

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF KAUAI

STATE OF HAWAII

In the matter of:

Non-Conforming Use Certificate
TVNCU #4193 (Sea Song/Makana
Pomaika'i), **and** Special Permit SP-
2012-8, 4101 Pali Moana, Tax Map
Key (4) 5-2-004: 96-1, Kilauea,
Kauai.

Elizabeth Freeman, permittee

Tax Map Key (TMK): (4) 5-2-004: 096-
1

PLANNING DIRECTOR KAAINA S.
HULL'S PETITION TO REVOKE
APPLICANT ELIZABETH FREEMAN
NON-CONFORMING USE
CERTIFICATE TVNCU #4193 AND
SPECIAL PERMIT SP-2012-8 AND
ISSUE AN ORDER TO SHOW CAUSE
AND SET HEARING; MEMORANDUM
IN SUPPORT OF PETITION;
DECLARATION OF KAAINA S. HULL;
NOTICE OF MEETING; CERTIFICATE
OF SERVICE

MEETING:
Tuesday, August 11, 2026 at 9:00
a.m.

MEMORANDUM IN SUPPORT OF PETITION

WHEREAS, the short term vacation rental use was properly registered with the Planning Department of the County of Kauai's "TVR Registration and NCU Form" on 9/30/08, and approved on 8/5/2011, and the Special Permit approved by the Planning Commission on January 10, 2012, for an existing 2 bedroom, 2 ½ bedroom/bath single family transient vacation rental. Applicant has renewed timely since then.

WHEREAS, individual and separate website advertising for the property now reflects additional accessory structures on the property now available as individual short

approval of the Special Permit. No expansion of use or conversion for additional structures on the property for vacation rental use has ever been sought as required by the Special Permit.

WHEREAS, the advertised website platforms are “VRBO, “Pure Kauai” and “Jean and Abbott Properties”.

WHEREAS, the Department has confirmed the website advertising for the expansion of use and inclusion of additional structures on the property, future commitments based on the applicant’s calendar, and previous use of the cottages based on comments from users of the property.

WHEREAS, the Director, based on the foregoing, believes there is reasonable cause to determine the existence of a unapproved short term vacation rental units being advertised and operated on the property in conjunction with the legal TVRNCU certificate.

NOW THEREFORE, the Director prays upon this Honorable Commission that it take the following actions:

1. Pursuant to the Planning Commission Rules of Practice and Procedure Section 1-12-5 confirm the finding of the Director there is reasonable cause to believe that the Applicant has not met its obligation to satisfy conditions of approval agreed upon for the certificate in 2011.
2. Pursuant to Section 1-12-6 of the Rules of Practice and Procedures of this commission, order the issuance of an Order to Show Cause in a form compliant with Section 1-12-6(b).

3. Order the Clerk of the Commission to issue the Order to Show Cause to Elizabeth Freeman for the unpermitted expansion of use and operation of illegal vacation rental units in conjunction with a legal TVNCU certificate.
4. Set the hearing with the Commission on **Tuesday, August 11, 2026** at 9:00 a.m at the Lihue Civic Center, Pi'ikoi Meeting Room, 4444 Rice Street, Līhu'e, Kaua'i, Hawai'i.

Dated: Līhu'e, Hawai'i, May 12, 2026.



KAAINA S. HULL

Director of Planning
County of Kaua'i

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF KAUAI
STATE OF HAWAII

In the matter of:

In the matter of:

Non-Conforming Use Certificate
TVNCU #4193 (Sea Song/Makana
Pomaika'i), **and** Special Permit SP-
2012-8, 4101 Pali Moana, Tax Map
Key (4) 5-2-004: 96-1, Kilauea,
Kauai.

Elizabeth Freeman, permittee

Tax Map Key (TMK): (4) 5-2-004: 096-
1

DECLARATION OF KAAINA S. HULL

DECLARATION OF KAAINA S. HULL

I, KAAINA S. HULL, under the penalty of perjury, hereby state the following is true and accurate to the best of my knowledge and belief:

1. I am the duly appointed Director of Planning for the County of Kaua'i.
2. Attached as Exhibit "A", is a true and correct copy of the Planning Department of the County of Kauai Investigation report dated April 29, 2026. This report contains copies of the website advertising, pictures, and the Planning Commission approval letter for the Special Permit with conditions of approval.
3. Attached as Exhibit "B" is a copy of the Planning Department Staff Report recommending approval of #4193 Special Permit for the requested 2 bedroom 2 ½ bathroom vacation rental. This report contains the plot plan,

floor plan and elevations of the single family residential structure subject of the application and staff analysis.

Declarant further sayeth naught.

DATED: Līhu'e, Hawai'i, May 12, 2026.



KAAINA S. HULL

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF KAUAI
STATE OF HAWAII

In the matter of:

Non-Conforming Use Certificate
TVNCU #4193 (Sea Song/Makana
Pomaika'i), **and** Special Permit SP-
2012-8, 4101 Pali Moana, Tax Map
Key (4) 5-2-004: 96-1, Kilauea,
Kauai.

Elizabeth Freeman, permittee

Tax Map Key (TMK): (4) 5-2-004: 096-
1

NOTICE OF MEETING

TO: Elizabeth Freeman
PO Box 298
Kilauea, HI 96754

NOTICE IS HEREBY GIVEN that a meeting on PLANNING DIRECTOR KAAINA
S. HULL'S PETITION TO REVOKE APPLICANT ELIZABETH FREEMAN NON-
CONFORMING USE CERTIFICATE TVNCU #4193 AND SPECIAL PERMIT SP-2012-8
FOR SHORT TERM VACATION RENTAL USE, ISSUE ORDER TO SHOW CAUSE,
APPOINT HEARINGS OFFICER, AND SET HEARING will come before the Planning
Commission on **Tuesday, August 11, 2026** at 9:00 a.m. Lihu'e Civic Center, Planning
Commission Meeting Room, 4444 Rice Street, Lihu'e, Kaua'i, Hawai'i.

DATED: Lihu'e, Hawai'i, May 12, 2026.


KAAINA S. HULL

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF KAUAI
STATE OF HAWAII

In the matter of:

Non-Conforming Use Certificate
TVNCU #4193 (Sea Song/Makana
Pomaika'i), **and** Special Permit SP-
2012-8, 4101 Pali Moana, Tax Map
Key (4) 5-2-004: 96-1, Kilauea,
Kauai.

Elizabeth Freeman, permittee

Tax Map Key (TMK): (4) 5-2-004: 096-
1

I HEREBY CERTIFY that a copy of the foregoing document was duly served on
the following party by placing the same in the Certified United States mail with return
receipt, postage prepaid, on the date specified below:

Elizabeth Freeman
PO Box 298
Kilauea, HI 96754

I HEREBY CERTIFY that a copy of the foregoing document was also emailed on
the following parties, to: freeperson@mac.com; phil@purekauai.com;

DATED: Līhu'e, Hawai'i, May 12, 2026.



KAAINA S. HULL

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR
REIKO MATSUYAMA, MANAGING DIRECTOR

INVESTIGATION REPORT

DATE/TIME: 4/29/2026 12:30 PM

TYPE: TVR Complaint Case

Tax Map Key: 520040960001

Land Area: 130680

Property Address: 0 KILAUEA, HI 96754

District: Hanalei

Zoning: Agriculture (A)

PROPERTY OWNER

MANAGER/LESSEE

NAME: FREEMAN, ELIZABETH A TRUST NAME:

ADDRESS: PO BOX 298

ADDRESS:

KILAUEA, HI 96754

PHONE:

LOG# Insp -2026-134

ADVERTISEMENT :

Private Estate on 12 lush acres, ocean views, path to beach, main house plus two guest cottages!

ADVERTISED PLATFORMS:

Vrbo, Pure Kauai, Jean & Abbott Properties

NATURE OF COMPLAINT:

SP-2012-8 approved by Planning Commission on January 12, 2011, operating in violation of conditions of approval specifically:

Item # 19.

DESCRIPTION OF INVESTIGATION

1. RESEARCH ONLINE ADVERTISEMENTS FOR SHORT TERM RENTALS & RETREATS:

A. On April 2, 2026, research identified online advertisement on VRBO

<https://www.vrbo.com/3248241>

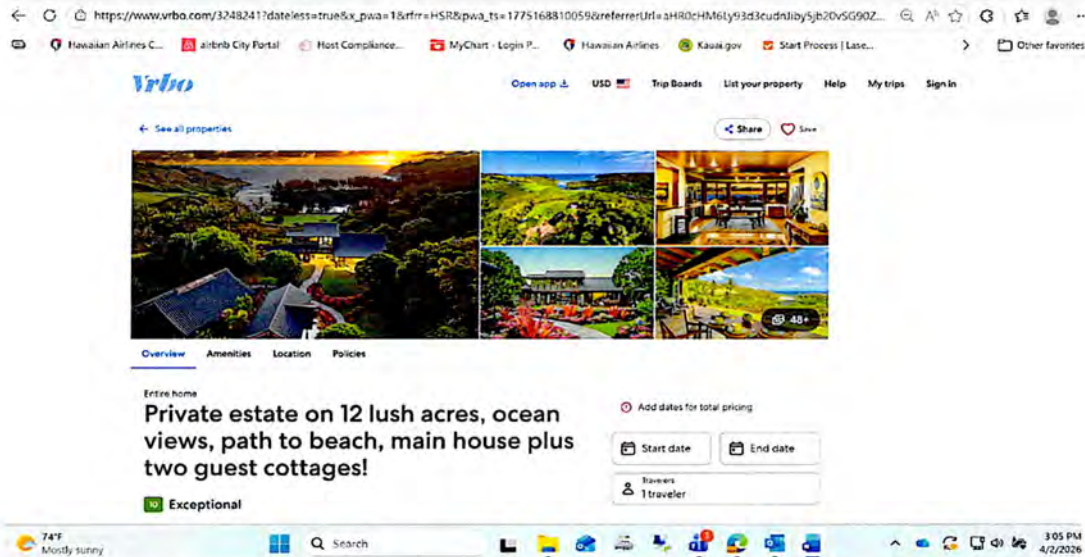
“Private estate on 12 lush acres, ocean views, path to beach, main house plus two guest cottages!”

Hosted by: Phil Jones – Pure Kauai

[Private estate on 12 lush acres, ocean views, path to beach, main house plus two guest cottages!](#)

Property #3248241

EXHIBIT "A"



About this property:

- Main residence, two detached guest bungalows, and a garden bathhouse
- Every reservation through Pure Kauai is assigned a dedicated host/concierge
- The rate adjusts according to the number of guests and number of residences opened for your stay.
- Up to 4 guests: Access to the two-bedroom Main House
- Up to 6 guests: Main House + one private guest cottage.
- Up to 8 guests: Main House + two guest cottages
- TVNC - 4193
- TA-150-436-2496-01 GE-150-436-2496-01
- Host: Phil Jones – Pure Kauai
- \$2,440 – 5,211 per night

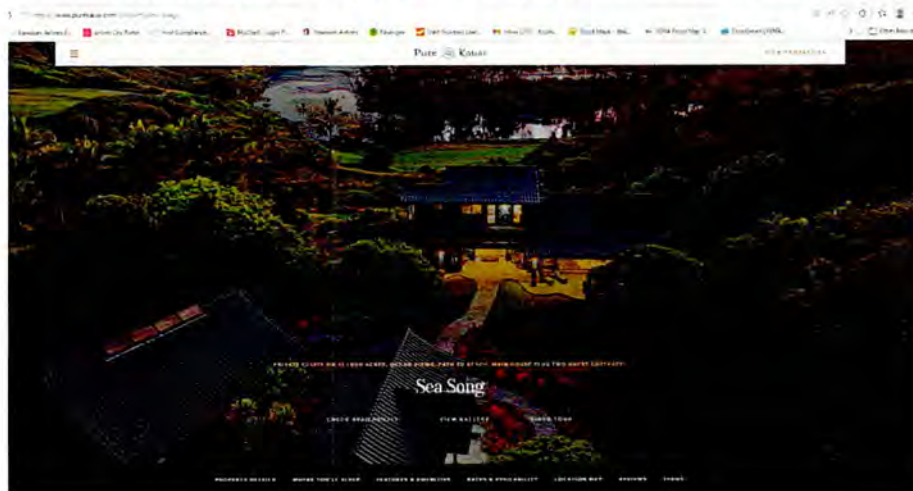
(EXHIBIT A)

B. On April 4, 2026, researched and clipped website site advertisement on:

Pure Kauai

[Sea Song | Pure Kauai](#)

Private Estate on 12 Lush Acres, Ocean Views, Path to Beach, Main House Plus Two Guest Cottages!



Advertisement:

- Bedroom #1 King Bed
- Bedroom #2 Queen Bed
- Bedroom #3 The Cottage Queen Bed
- Bedroom #4 The Garden Room Queen Bed
- Nightly Price From: \$1,600 to 8,257
- Minimum Stay: 5 Nights



Advertised Site Map identifying building Types:

- The Main House – Living Room + Master Bedroom + Bath + Kitchen + Guest Bedroom + Bath
- The Bath House
- The Cottage - Bedroom + Kitchenette + Bath
- The Garden Room – Bedroom + Bath

License

- TVNC-4193

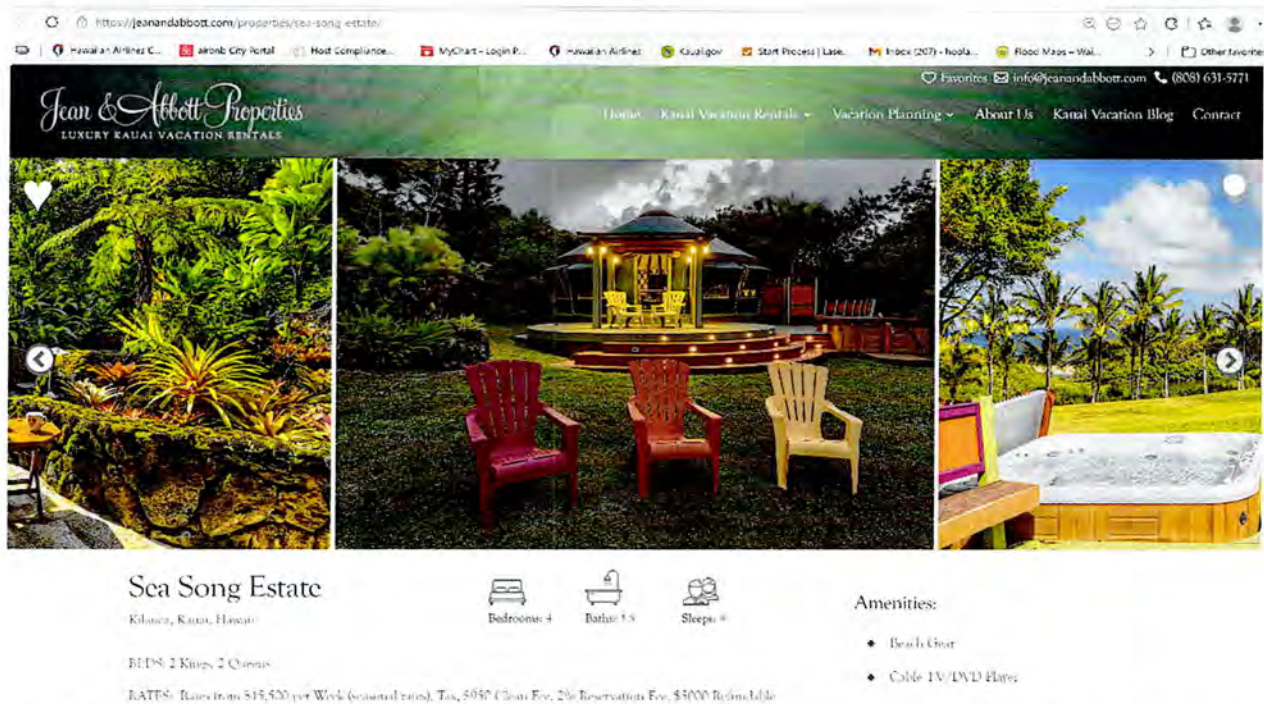
(EXHIBIT B)

C. On April 13, 2026, researched and clipped website site advertisement on:

Jean & Abbott Properties

Sea Song Estate

[Sea Song Kahili Kilauea Rental | Jean & Abbott Properties](#)



Site plan advertised on Jean & Abbott Properties depicts an additional yurt/greenhouse structure not identified in the SP-2012-8 approval records reviewed during this investigation.

(EXHIBIT C)

2. **PICTOMETRY:**

To verify the location of the property, research was conducted by using Pictometry [CONNECTExplorer™ \(eagleview.com\)](http://CONNECTExplorer™(eagleview.com)) A patented aerial survey technique for producing oblique georeferenced imagery of building and locations on the ground.

By matching the exterior photos of the transient vacation rental shown on the websites with imagery provided on Pictometry TMK 520040960001 I was able to verify the structure was one and the same.

(EXHIBIT D)

3. **QPUBLIC.net – Kauai County Real Property Division:**

I proceeded to cross check the address and Tax Map Key Number 520040960001 with Real Property Division records at: [qPublic.net - Kaua'i County, HI - Search \(schneidercorp.com\)](http://qPublic.net - Kaua'i County, HI - Search (schneidercorp.com)) I was then able to identify and confirm the property owner's name, location address, and mailing address.

- Location Address: Unit A Seacliff Plantation 3.0 AC
- Owner Name: Freeman, Elizabeth A Trust
- Mailing Address: PO Box 298 Kilauea, HI 96754
- Owner-Occupied Mixed-Use

(EXHIBIT E)

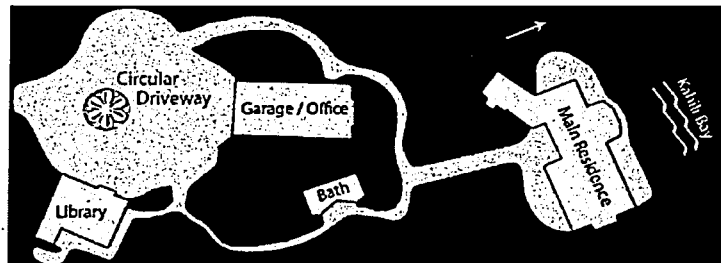
4. PLANNING DEPARTMENT SPECIAL PERMIT SP-2012-8_APPROVAL:

- Approval Letter SP-2012-8
- Exhibit S of Application – “Freeman Property Permits”
- Copy of Sea Song web advertisement & property site plan submitted by owner’s rep.
- Copy of Exhibit ‘U’ of the Application Packet identifying a Yurt on the adjacent CPR Unit being advertised on Jean & Abbott Properties website

“Sea Song” at Kahili Bay

Located in Kilauea on Kauai’s beautiful North Shore this unrivaled 12 acre property features a masterfully designed and detailed Residence and Bungalows tucked into spectacular tropical gardens. Enjoy a short walk to the beautiful beach or relax on the gracious lanais.

The Estate is located minutes away from the best the North shore has to offer: Fine dining, shopping in scenic Kilauea and Hanalei Towns, world-class golf at the Princeville resort, surfing, hiking, kayaking and horseback riding.



THE PROPERTY

- ★ Private 12 acre ocean bluff Estate featuring lush, tropical gardens and breathtaking river, mountain and whitewater ocean views
- ★ A short 10 minute walk on the Beach Path to beautiful Rock Quarry Beach, Kahili Bay and the Estuary of the Kilauea River.
- ★ Lighted paths for evening strolls in the Garden
- ★ In season, coconuts and bananas from the garden
- ★ Quartzite pathways connecting the Main Residence and the 3 Bungalows set into the Tropical Gardens
- ★ Property overlooks Crater Hill and the Kilauea Point Fish and Wildlife Sanctuary

RESIDENCE

- ★ 2645 Square Feet of Living Area featuring dramatic ocean and garden views
- ★ Expensive floor to ceiling Teak Sliding doors
- ★ Quartzite covered lanais for dining, relaxing & enjoying the dramatic views
- ★ 2 Bedrooms / 3 Baths with spectacular ocean views.
- ★ 64" TV with Cable/ DVD/VCR combo in the Great Room with Home Theater surround sound: Includes CD player and iPod dock

★ Master Bedroom features the Oct Room with breathtaking views of the

<http://www.seasong.me/seasong.me/Ammenities.html>

2/12/12

Copy of website advertisement/site plan submitted in 2012 Application
(EXHIBIT F)

FINDINGS

1. Pursuant to Section 1-12-5 of the Planning Commission Rules of Practice and Procedure, there is reasonable cause to believe the property owner and/or operator failed to comply with conditions of approval associated with Special Permit SP-2012-8, approved by the Planning Commission on January 12, 2011.
2. The investigation confirmed that the subject property is being advertised and operated in a manner inconsistent with conditions of approval for SP-2012-8, including the following:
 - a. Online advertisements on VRBO, Pure Kauai, and Jean & Abbott Properties promote the use of multiple detached structures, including guest cottages, accessory rooms, and other agricultural-related structures, as accommodations associated with the transient vacation rental operation.
 - b. Advertisements specifically offer occupancy configurations utilizing the “Main House + one private guest cottage” and “Main House + two guest cottages,” indicating detached accessory structures are being advertised for transient vacation rental occupancy.
 - c. A site plan advertised on the Jean & Abbott Properties website depicts an additional yurt/greenhouse structure adjacent to the CPR unit. Exhibit ‘U’ of the Application packet identified a Yurt Greenhouse on the Adjacent CPR Unit, permit research identified a 1994 temporary housing registration and temporary electrical permit; however, no evidence was found granting approval for transient vacation rental use of the structure or its use as guest accommodations associated with SP-2012-8.
3. The above-described advertising and/or represented use appears inconsistent with the following conditions of approval for SP-2012-8:

Item No. 4:
“Any subsequent use, development, repair and/or improvement on the property requires Planning Department review and approval prior to such occurring.”

Item No. 19:
“The other agricultural related structures on the property shall not be used or advertised as accessory rooms for the transient vacation rental use of the main farm dwelling. They cannot be used or advertised independently of the main farm dwelling.”
4. Based upon the investigation, there is reasonable cause to believe the subject property is being advertised and/or operated in violation of conditions of approval associated with SP-2012-8 and applicable provisions of Chapter 8, Kaua‘i County Code.

VIOLATIONS

§ 8-17.11 **Enforcement Against Illegal Transient Vacation Rentals.**

- (a) In addition to other penalties provided by law, including, but not limited to, Secs. 8-3.5(a) and 8-17.6, the Planning Commission Rules, as amended, the Planning Director, or any member of the public who has duly obtained standing pursuant to rules promulgated by the commission, may initiate proceedings to revoke or modify the terms of a Nonconforming Use Certificate pursuant to the Rules of Practice and Procedures of the Planning Commission, as amended. Violations of conditions of approval or providing false or misleading information on the application or in any information relating thereto at any time during the application process shall be grounds for revocation or cease and desist orders.

Sec. 8-3.1 Zoning Permits.

- (a) **When Required.** No person shall undertake any construction or development or carry on any activity or use, for which a Zoning Permit is required by this Chapter, or obtain a Building Permit for construction, development, activity or use regulated by this Chapter, without first obtaining the required Zoning Permit.

s/Joan Ludington

(EXHIBIT A)

VRBO

Clipped on 4/2/2026

[Travel: Vacations, Cheap Flights, Airline Tickets & Airfares](#)

Private Estate on 12 lush acres, ocean views,
path to beach, main house plus two guest
cottages!

among lush acreage or perched with panoramic coastal views. Kilauea offers a slower rhythm, an authentic slice of island life rooted in nature, community, and understated beauty.

The stairs towards the beach are located in front yard (20 yards to the bottom/private gate exit). Walk 50 yards or less to beach on local dirt road (no car traffic). Wade across river mouth to beach. One of the best beaches on the north shore often only used by local people who access it from the other side of the beach. Beach Name: Kahili (locally known as as Rock Quarries).

Sea Song is a true masterpiece of island living. Overlooking panoramic ocean, mountain, and river views, the property is composed of a main residence, two detached guest bungalows, and a garden bathhouse, all connected through lush, tropical gardens. The main residence features an airy living, dining, and kitchen area framed by handcrafted teak sliding doors that open seamlessly to the gardens and ocean beyond. Upstairs, the master suite offers a king bed and en suite bath with a soaking tub, while the guest room features a queen bed and en suite bath with shower. Each of the two guest bungalows includes a seating area, queen bed, and en suite bath with tub, providing privacy and comfort in a serene setting. A centrally located garden bathhouse with shower completes the experience. With custom stone and tile work that mirrors the surrounding landscape and a private path leading to the secluded beach where Kahili Bay meets the Kilauea River, Sea Song is a sanctuary of elegance, artistry, and pure tranquility. Sea Song is designed to flex based on your group size. The rate adjusts according to the number of guests and the number of residences opened for your stay. Up to 4 guests: Access to the two-bedroom Main House. Up to 6 guests: Main House + one private guest cottage. Up to 8 guests: Main House + two private guest cottages

Sea Song is designed to flex based on your group size. The rate adjusts according to the number of guests and the number of residences opened for your stay. Up to 4 guests: Access to the two-bedroom Main House. Up to 6 guests: Main House + one private guest cottage. Up to 8 guests: Main House + two private guest cottages

main house + two private guest cottages

Peak Seasons: March 15 - April 20, June 1 - Aug 31, Nov 18 - 30
Holiday Season: Dec 15 - Jan 10

- Our fees cover all of the following:
- Comprehensive Cleaning Services: Thorough cleans before your arrival and after your departure plus associated taxes, ensuring a pristine environment throughout your visit.
 - All processing and administrative fees plus associated taxes.
 - Trust and Safety Insurance: Insurance covering up to \$10,000 in damages, ensuring you can relax and enjoy your stay without worries.
 - Award-Winning Concierge Service: Access to our award-winning concierge team. Dedicated to delivering the world's best vacation experience, our team is here to cater to your every need, from booking exclusive experiences to ensuring your stay is nothing short of perfect.
 - Pool heat, mid-stay cleans, and additional accommodations (if applicable) are NOT included.

HI State Tax:
14% Transient Accommodations Tax (TAT)
4.712% General Excise Tax (GET)
3.9% Card Processing Fee

TVNC-4193

TA-150-436-2496-01
GE-150-436-2496-01

This home is located in the Tsunami Evacuation Zone. Please see detailed evacuation information located inside the front door of the home.

 Add dates for total pricing



Start date



End date



Travelers
1 traveler

\$2,440 avg per night

[Price details](#)

[Check availability](#)

[Contact host](#)

Property # 3248241

 Add dates for total pricing



Start date



End date



Travelers
1 traveler

\$2,440 avg per night

[Price details](#)

[Check availability](#)

[Contact host](#)

Property # 3248241

About the host

 **Phil Jones - Pure Kauai**
Host

10 Communication

10 Check-in process

0% Host cancellation rate

Languages: English

[Contact host](#)



VrboCare™ is included with every booking

If your stay goes sideways, we'll step in to help make it right.

[Discover VrboCare™ →](#)

[Add dates for total pricing](#)

 **Start date**

 **End date**

 **Travelers**
1 traveler

\$2,440 avg per night

[Price details](#)

[Check availability](#)

[Contact host](#)

Property # 3248241

Damage and incidentals

You will be responsible for any damage to the rental property caused by you or your party during your stay.

Important information

You need to know

Extra-person charges may apply and vary depending on property policy

Government-issued photo identification and a credit card, debit card, or cash deposit may be required at check-in for incidental charges

Special requests are subject to availability upon check-in and may incur additional charges; special requests cannot be guaranteed

Onsite parties or group events are strictly prohibited

Host has not indicated whether there is a carbon monoxide detector on the property; consider bringing a portable detector with you on the trip

Host has indicated there is a smoke detector on the property

Safety features at this property include a fire extinguisher and a deadbolt lock

Property Registration Number GE-150-436-2496-01, TA-150-436-2496-01, 520040960000

Overview

Amenities

Location

Policies

Kilauea, HI

View in a map >

Rock Quarry Beach

2 min drive

Hideaways Beach

19 min drive

Lihue, HI (LIH)

45 min drive

See all about this area >

Manage your booking faster when signed in

Sign in

Rooms & beds

4 bedrooms (sleeps 8)

Bedroom 1

1 King Bed

Bedroom 2

1 Queen Bed

Bedroom 3

1 Queen Bed

Bedroom 4

1 Queen Bed

4 bathrooms

Bathroom 1

Bathroom 2

Bathroom 3

Bathroom 4

Spaces

Save

Add dates for total pricing

Start date

→

End date

<

June 2026

>

S

M

T

W

T

F

S

S

M

T

W

T

F

S

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

Average nightly prices based on the minimum length of stay

Clear dates

Submit

Overview

Amenities

Location

Policies

Kilauea, HI

View in a map >

Rock Quarry Beach

2 min drive

Hideaways Beach

19 min drive

Lihue, HI (LIH)

45 min drive

See all about this area >

Manage your booking faster when signed in

Sign in

Rooms & beds

4 bedrooms (sleeps 8)

Bedroom 1

1 King Bed

Bedroom 2

1 Queen Bed

Bedroom 3

1 Queen Bed

Bedroom 4

1 Queen Bed

4 bathrooms

Bathroom 1

Bathroom 2

Bathroom 3

Bathroom 4

Spaces

Save

Add dates for total pricing

Start date

→

End date

<

August 2026

>

S

M

T

W

T

F

S

S

M

T

W

T

F

S

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

Average nightly prices based on the minimum length of stay

Clear dates

Submit

OverviewAmenitiesLocationPolicies

SaveCheck availability

X

Guest reviews

10/10

Exceptional

6 reviews

What guests liked

The property offers breathtaking views of the ocean, river, and sunrise, with a beautiful and comfortable setting. (3 reviews)

The gardens are lovingly maintained with beautiful flowers and plants, adding to the property's artistic charm. (2 reviews)

The property offers direct access to the beach with gentle waves and tradewinds. (1 reviews)

From real guest reviews summarized by AI.

Cleanliness

10

Check-in

10

Communication

10

Location

10

See more

All reviews

Q

Traveler type

Reviews with photos

Sort by Most relevant

10/10 Excellent

Kauai vacation

Met our expectations 100%

Liked: cleanliness, check-in, communication, location, listing accuracy

michael d.

Stayed 7 nights in Dec 2024

Verified review

10/10 Excellent

Magical

We loved our stay at Sea Song. It is the most lovingly built property we've seen -- from the details on the home to the colors of the flowers and plants it is truly a work of art.

Susan M.

Review from partner site

10/10 Excellent

President of Classic Wire Cut Company

Everything was perfect as usual!

Brett B.

Review from partner site

Guest reviews

Brett B.

Review from partner site

10/10 Excellent

Song of the Sea

This property is so very special. The views, gardens, birds (and rooster) and the construction of the home is a nature and art lovers dream - a true thrill to your senses! The short walk to the beach and river below were so much fun for our family. The location is perfect as we were able to step out for a new adventure daily and the surrounding beaches are stunning as well. Shopping and restaurants are a quick drive into town. We had the best time at Sea Song!

Carrie R.

Review from partner site

10/10 Excellent

Magical

We loved our stay at Sea Song. It is the most lovingly built property we've seen -- from the details on the home to the colors of the flowers and plants it is truly a work of art. The house is very comfortable and well equipped with everything one needs. The views of the ocean, river, and sunrise are uncomparanly breathtaking. Stay as long as you can. On top of the beauty, it is in a great location on the north shore making it very convenient to visit the island.

Susan M.

Review from partner site

10/10 Excellent

Beautiful, tranquil home in the most incredilbe location

We loved staying at Sea Song - what a gorgeous home and nothing can beat the tradewinds and the sounds of the gentle waves on the beach below. The home is well-appointed though there are some repairs and updates that need to be made. Also, to note, the path to the beach is not an easy one for small children or those who are not physically fit. The owner is very accessible and accommodating - she is lovely! Overall, we loved it and look forward to returning!

Shana G.

Review from partner site



Exterior





Dining



Exterior

Main Dwelling



Exterior



Primary Suite #1 - King Bed

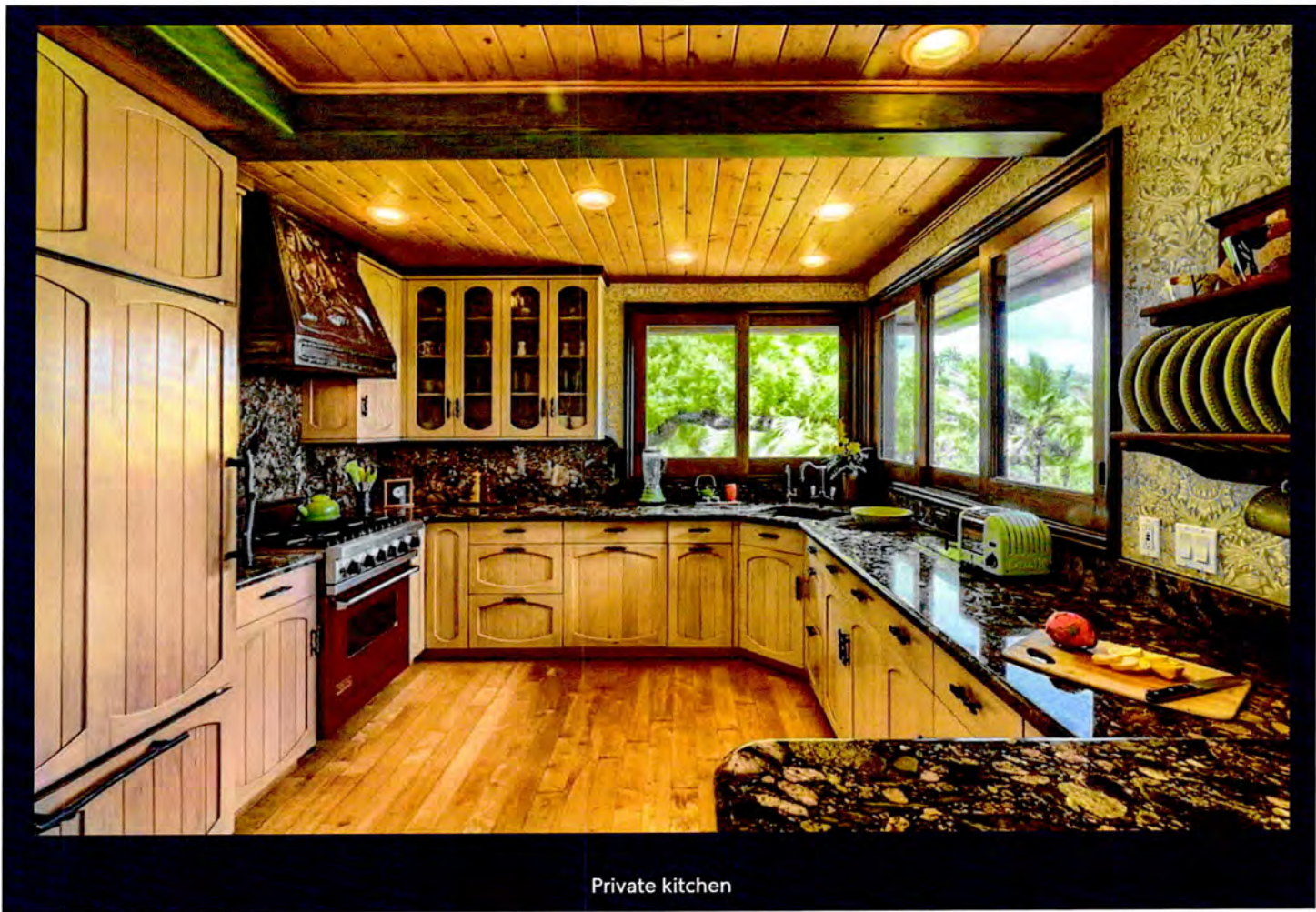


Main House:
Guest Bedroom

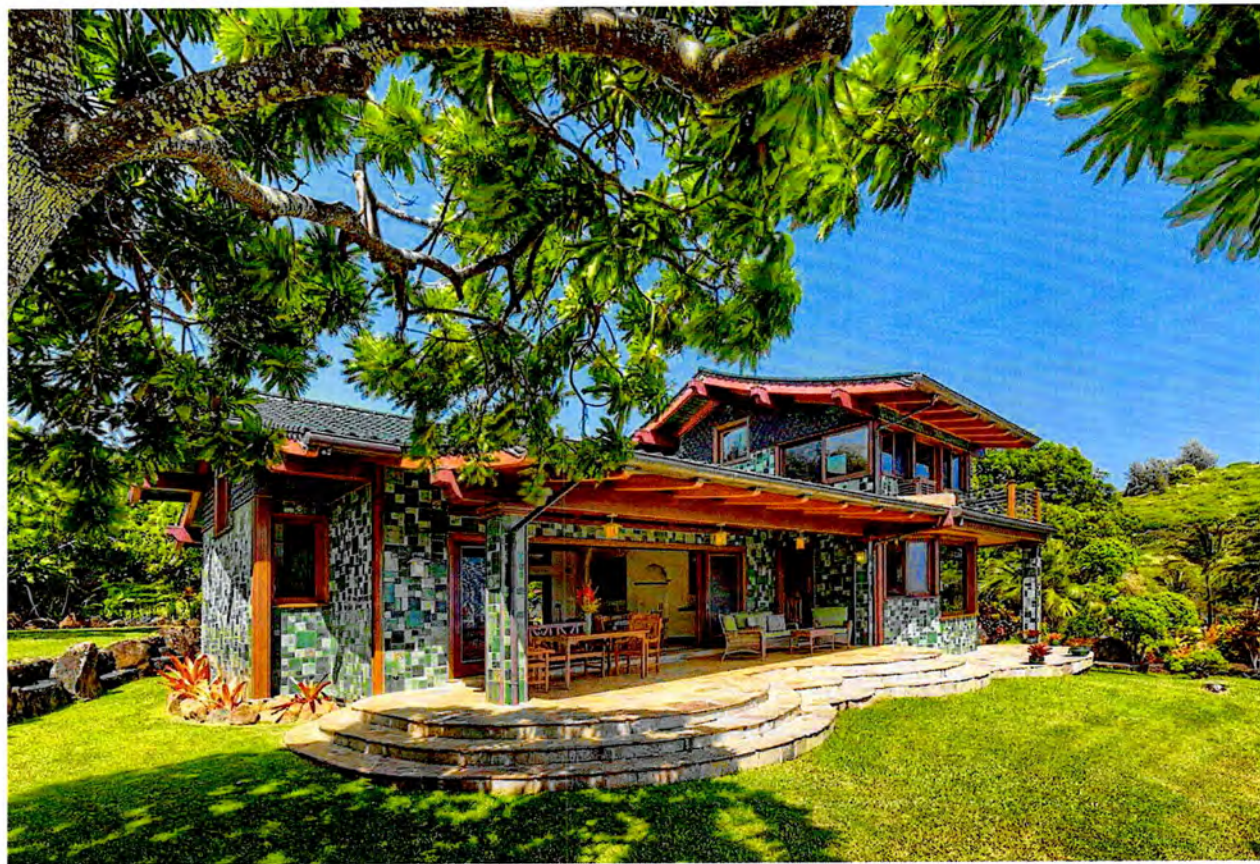
Bedroom #2 - Queen Bed



Living area



Private kitchen





Exterior



Bathroom



Bedroom #3 - The Cottage Queen Bed



The Garden Room

Bedroom #4 - The Garden Room Queen Bed





Property grounds

Pure Kauai
25 Years

Clipped On
4/6/2026

[Sea Song | Pure Kauai](#)

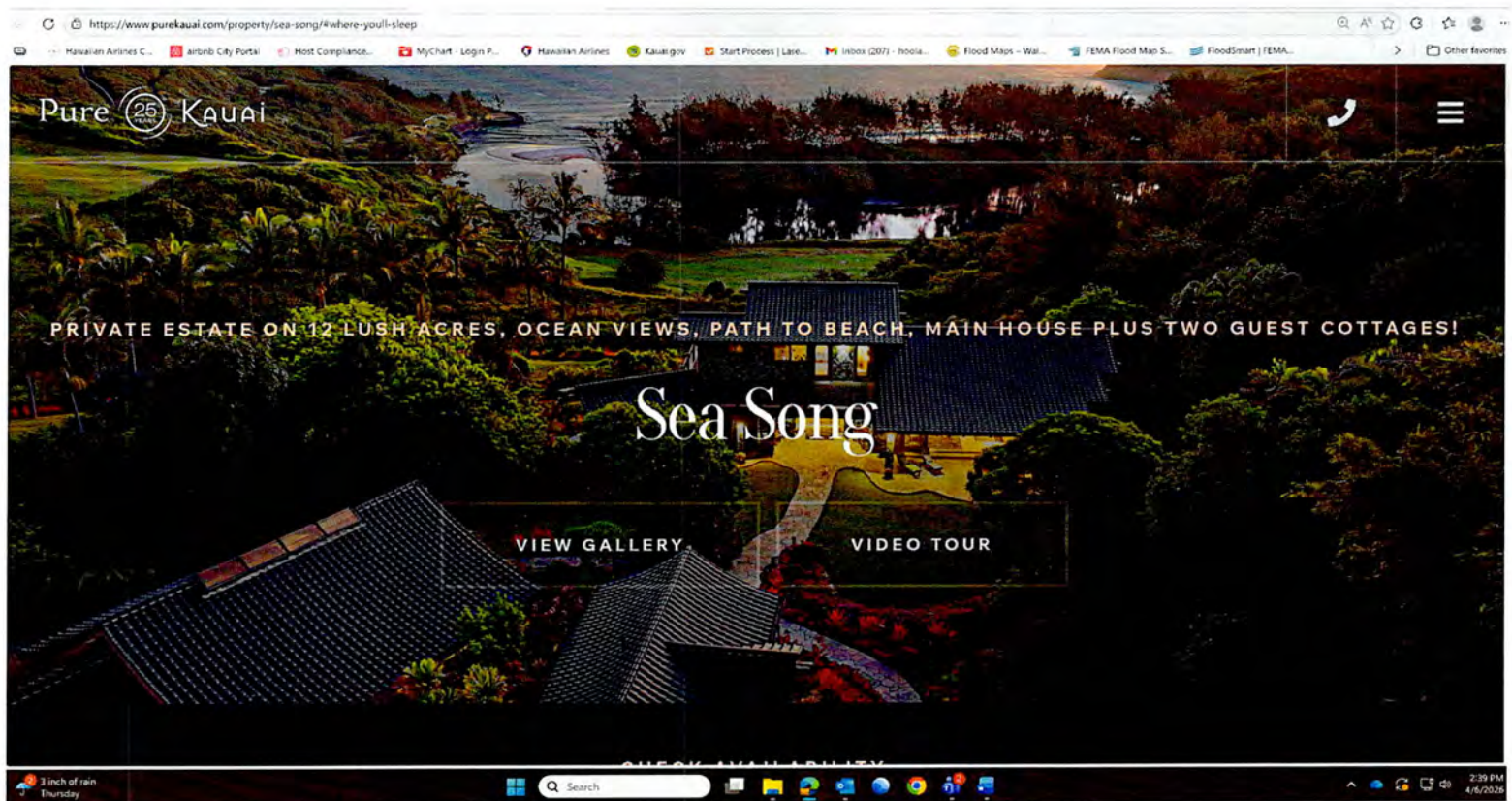
TMK: 520040960001

Elizabeth Freeman

Sea Song

—

Private Estate on 12 Lush Acres, Ocean Views,
Path to Beach, Main House Plus Two Guest
Cottages!



Pure 25 KAUAI

[VIEW PROPERTIES](#)

[PROPERTY DETAILS](#)

[WHERE YOU'LL SLEEP](#)

[FEATURES & AMENITIES](#)

[RATES & AVAILABILITY](#)

[LOCATION MAP](#)

[REVIEWS](#)

[TERMS](#)

8

GUESTS

4

BEDROOMS

4

BATHROOMS

Escape to this enchanting 12-acre estate with panoramic ocean, mountain, and river views. The main residence, guest bungalows, and bathhouse form a connected compound amid lush gardens. The great room with Teak sliding doors opens to the garden and ocean view. Custom stone and tile work reflects the natural beauty. Follow the private path to a secluded beach where Kahili Bay meets the Kilauea River. Experience tranquility at this breathtaking retreat, Sea Song.

[READ MORE](#)

Reserve Now

Nightly Price From:

\$1600

Rates vary by dates & season

Minimum Stay:

5 Nights

*Check-in



*Check-out



1 guests



*Email



PROPERTY DETAILS

WHERE YOU'LL SLEEP

FEATURES & AMENITIES

RATES & AVAILABILITY

LOCATION MAP

REVIEWS

TERMS



Bedroom #1
King Bed



Bedroom #2
Queen Bed

Reserve Now

Nightly Price From: **\$1600**

Rates vary by dates & season

Minimum Stay: **5 Nights**

*Check-in



*Check-out



1 guests



Rainy days ahead
78°F



Search



Main House:
Guest Bedroom



Bedroom #2



[PROPERTY DETAILS](#)

[WHERE YOU'LL SLEEP](#)

[FEATURES & AMENITIES](#)

[RATES & AVAILABILITY](#)

[LOCATION MAP](#)

[REVIEWS](#) [TERMS](#)



The Cottage



Bedroom #3

The Cottage Queen Bed



The Garden Room

Bedroom #4

The Garden Room Queen Bed

Reserve Now

Nightly Price From: **\$1600**

Rates vary by dates & season

Minimum Stay: **5 Nights**

*Check-in



*Check-out



1 guests



The Cottage



Bedroom #3

The Cottage Queen Bed



PROPERTY DETAILS WHERE YOU'LL SLEEP FEATURES & AMENITIES RATES & AVAILABILITY LOCATION MAP REVIEWS TERMS

April 2026							May 2026						
M	T	W	T	F	S	S	M	T	W	T	F	S	S
		1	2	3	4	5					1 \$2200	2	3
6	7	8	9	10	11	12	4	5	6	7	8	9	10
13	14	15	16	17	18 \$2200	19 \$2200	11 \$2200	12 \$2200	13 \$2200	14 \$2200	15 \$2200	16	17
20 \$2200	21 \$2200	22 \$2200	23 \$2200	24 \$2200	25 \$2200	26 \$2200	18	19	20	21	22	23	24
27 \$2200	28 \$2200	29 \$2200	30 \$2200				25	26	27	28 \$2903	29 \$2973	30 \$2989	31 \$2792

Nightly Price From: \$1600
Rates vary by dates & season

Minimum Stay: 5 Nights

*Check-in

*Check-out

1 guests

*Email

*Name

Phone

BOOK NOW

(808) 646-2856 info@purekauai.com

Taxes and fees are additional

[CLEAR DATES](#)



PROPERTY DETAILS WHERE YOU'LL SLEEP FEATURES & AMENITIES RATES & AVAILABILITY LOCATION MAP REVIEWS TERMS

June 2026							July 2026						
M	T	W	T	F	S	S	M	T	W	T	F	S	S
1 \$2667	2	3	4	5	6	7	1 \$3045	2 \$3267	3 \$3197	4 \$3182	5 \$3181		
8	9 \$3039	10 \$3048	11 \$3046	12 \$3506	13	14	6 \$3209	7 \$3334	8 \$3300	9 \$3273	10 \$3348	11 \$3378	12 \$3417
15	16	17	18	19	20	21 \$3271	13 \$3813	14 \$4698	15 \$4469	16 \$3819	17 \$4098	18 \$4445	19 \$3168
22 \$3345	23 \$3442	24 \$3589	25 \$3925	26 \$4000	27 \$3547	28 \$3529	20	21	22	23	24	25	26
29 \$3319	30 \$2980						27 \$3130	28 \$2889	29 \$3331	30 \$3348	31 \$3304		

Nightly Price From: \$1600
Rates vary by dates & season

Minimum Stay: 5 Nights

*Check-in

*Check-out

1 guests

*Email

*Name

Phone

BOOK NOW

(808) 646-2856 info@purekauai.com

Taxes and fees are additional

[CLEAR DATES](#)



PROPERTY DETAILS

WHERE YOU'LL SLEEP

FEATURES & AMENITIES

RATES & AVAILABILITY

LOCATION MAP

REVIEWS

TERMS

August 2026							September 2026						
M	T	W	T	F	S	S	M	T	W	T	F	S	S
					1	2		1	2	3	4	5	6
					\$3317	\$3428		\$2200	\$2200	\$2230	\$2452	\$2525	\$2503
3	4	5	6	7	8	9	7	8	9	10	11	12	13
\$3232	\$3288	\$3258	\$3206	\$3181	\$3067	\$3004	\$2310	\$2299	\$2276	\$2277	\$2240	\$2200	\$2200
10	11	12	13	14	15	16	14	15	16	17	18	19	20
\$2828	\$2744	\$2832	\$2842	\$2831	\$2791	\$2709	\$2229	\$2200	\$2200	\$2200	\$2200	\$2200	\$2200
17	18	19	20	21	22	23	21	22	23	24	25	26	27
\$2513	\$2497	\$2512	\$2568	\$2549	\$2586	\$2391	\$2200	\$2270	\$2434	\$2445	\$2451	\$2469	\$2373
24	25	26	27	28	29	30	28	29	30				
\$2300	\$2274	\$2292	\$2395	\$2336	\$2367	\$2200	\$2382	\$2369	\$2503				
31													
\$2200													

Taxes and fees are additional

[CLEAR DATES](#)

Nightly Price From: **\$1600**

Rates vary by dates & season

Minimum Stay: **5 Nights**

*Check-in



*Check-out



1 guests



*Email

*Name

Phone

[BOOK NOW](#)

(808) 646-2856

info@purekauai.com



PROPERTY DETAILS

WHERE YOU'LL SLEEP

FEATURES & AMENITIES

RATES & AVAILABILITY

LOCATION MAP

REVIEWS

TERMS

Rates & Availability

October 2026							November 2026						
M	T	W	T	F	S	S	M	T	W	T	F	S	S
			1	2	3	4							1
			\$2492	\$2550	\$2487	\$2539							\$2240
5	6	7	8	9	10	11	2	3	4	5	6	7	8
\$2955	\$2442	\$2642	\$2592	\$2808	\$2925	\$3027	\$2254	\$2215	\$2239	\$2437	\$2408	\$2428	\$2351
12	13	14	15	16	17	18	9	10	11	12	13	14	15
\$2894	\$3137	\$2958	\$3198	\$3118	\$2910	\$2637	\$2446	\$2641	\$2636	\$2761	\$2672	\$2632	\$2467
19	20	21	22	23	24	25	16	17	18	19	20	21	22
\$2658	\$2453	\$2417	\$2421	\$2455	\$2363	\$2272	\$2544	\$2519	\$2622	\$2769	\$2837	\$3007	\$3373
26	27	28	29	30	31		23	24	25	26	27	28	29
\$2281	\$2211	\$2239	\$2281	\$2362	\$2341		\$3467	\$3468	\$3400	\$3385	\$3422	\$3264	\$2933
							30						
							\$2566						

Reserve Now

Nightly Price From: **\$1600**

Rates vary by dates & season

Minimum Stay: **5 Nights**

*Check-in



*Check-out



1 guests



*Email

*Name

Phone

[BOOK NOW](#)



PROPERTY DETAILS

WHERE YOU'LL SLEEP

FEATURES & AMENITIES

RATES & AVAILABILITY

LOCATION MAP

REVIEWS

TERMS

November 2026							December 2026						
M	T	W	T	F	S	S	M	T	W	T	F	S	S
						1 \$2240		1 \$2541	2 \$2538	3 \$2438	4 \$2440	5 \$2357	6 \$2425
2 \$2254	3 \$2215	4 \$2239	5 \$2437	6 \$2408	7 \$2428	8 \$2351	7 \$2456	8 \$2461	9 \$2585	10 \$2551	11 \$2753	12 \$2787	13 \$2846
14 \$2646	10 \$2641	11 \$2636	12 \$2761	13 \$2672	14 \$2632	15 \$2467	14 \$3040	15 \$3181	16 \$3384	17 \$3700	18 \$4518	19 \$5365	20 \$6011
16 \$2544	17 \$2519	18 \$2622	19 \$2769	20 \$2837	21 \$3007	22 \$3373	21 \$7051	22 \$7019	23 \$8001	24 \$7352	25 \$8257	26 \$9001	27 \$9751
23 \$3467	24 \$3468	25 \$3400	26 \$3385	27 \$3422	28 \$3264	29 \$2933	28 \$9001	29 \$9751	30 \$10501	31 \$11251			
30 \$2566													

Nightly Price From: **\$1600**

Rates vary by dates & season

Minimum Stay: **5 Nights**

*Check-in

*Check-out

1 guests

*Email

*Name

Phone

Taxes and fees are additional

[CLEAR DATES](#)

[BOOK NOW](#)

(808) 646-2856

info@purekauai.com

Reviews



★★★★★

how very much I enjoyed working with you Jason and Pure Kauai. I appreciated your patience and expertise more than I can express. I hope you will welcome us back again we certainly would Love to come."

01/2026
PURE KAUAI GUEST

★★★★★

"The Sea Song property arranged for us by Pure Hawaii and the trip managed for us by Jason Bartenbach was absolutely perfect. We are a family of eight— Mom/Dad and our three 20-something kids and their

01/2026
PURE KAUAI GUEST

★★★★★

"Everything was perfect as usual!"

05/2025
PURE KAUAI GUEST

Room Configuration

Main House

- ✓ Main residence with airy living / dining / kitchen
- ✓ Upstairs king master / en suite bath with tub
- ✓ Queen guest room / en suite bath with shower

Guest Bungalow #1

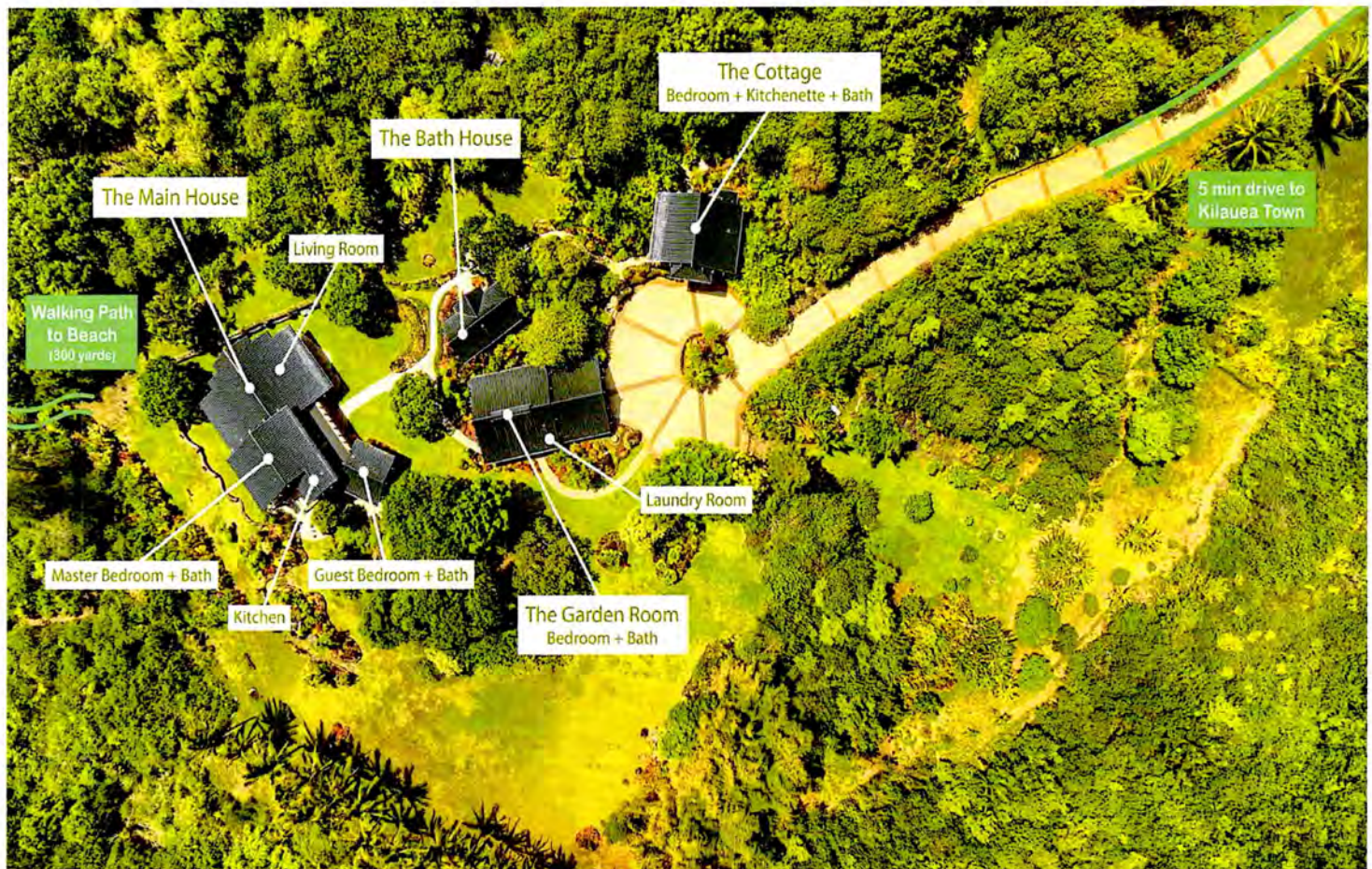
- ✓ Detached guest bungalow with seating area
- ✓ Queen bed / en suite bath with tub

Guest Bungalow #2

- ✓ Detached guest bungalow with seating area
- ✓ Queen bed / en suite half bath

Garden Bath House

- ✓ Showers centrally located on the property



Details, Terms & Conditions

Terms

10% non-refundable deposit due upon booking. Remaining balance due 90 days prior to arrival.
No refunds within 90 days of arrival.

Seasons

Peak Season: March 15 – April 20, June 1 – Aug 31, Nov 18 – 30
Holiday: Dec 15 – Jan 10

Pricing

Fees

Fees

Our fees cover all of the following:

- ✓ **Comprehensive Cleaning Services:** Thorough cleans before your arrival and after your departure plus associated taxes, ensuring a pristine environment throughout your visit.
- ✓ **Simplified Processing:** All processing and administrative fees plus associated taxes.
- ✓ **Trust and Safety Insurance:** Insurance covering up to \$10,000 in damages, ensuring you can relax and enjoy your stay without worries
- ✓ **Award-Winning Concierge Service:** Access to our award-winning concierge team. Dedicated to delivering the world's best vacation experience, our team is here to cater to your every need, from booking exclusive experiences to ensuring your stay is nothing short of perfect.

Pool heat, mid-stay cleans, and additional accommodations (if applicable) are NOT included.

Taxes

HI State Tax:

Pool heat, mid-stay cleans, and additional accommodations (if applicable) are NOT included.

Taxes

HI State Tax:

14% Transient Accommodations Tax (TAT), 4.712% General Excise Tax (GET)

3.9% Administrative Processing Fee

Documents

[SAFETY & COMFORT LETTER \(PDF\)](#)

License

TVNC-4193

Jean & Abbott Properties

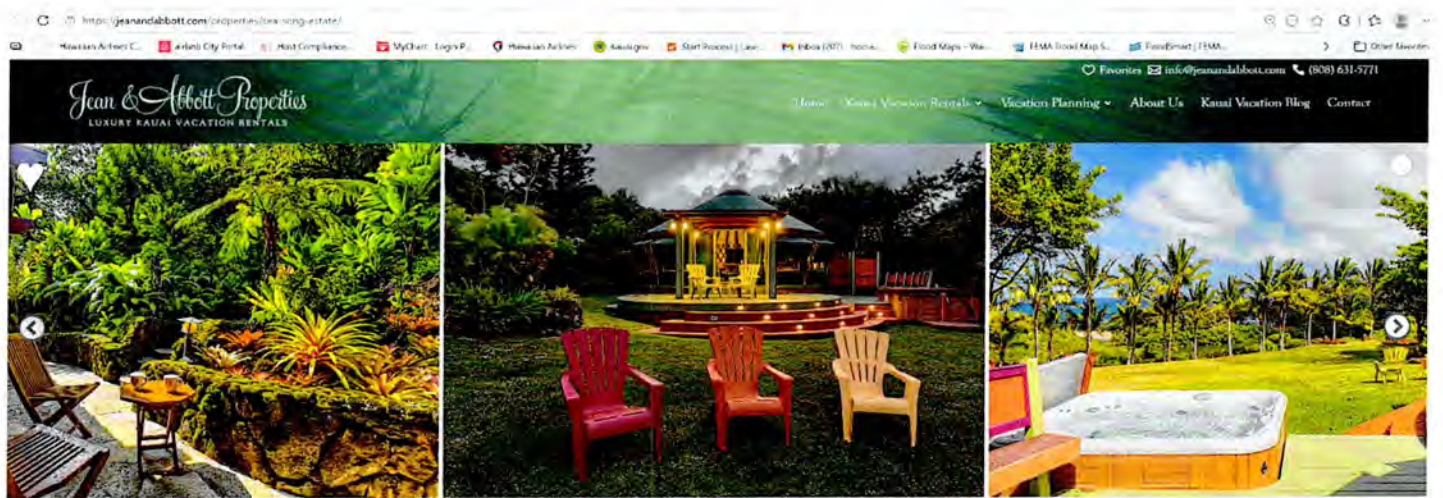
Clipped On
4/13/2026

[Sea Song Kahili Kilauea Rental | Jean & Abbott Properties](#)

TMK: 520040960001

Elizabeth Freeman

Sea Song Estate



Sea Song Estate

Kilauea, Kailua, Hawaii



Bedrooms: 4



Bathrooms: 5.5



Sleeping: 8

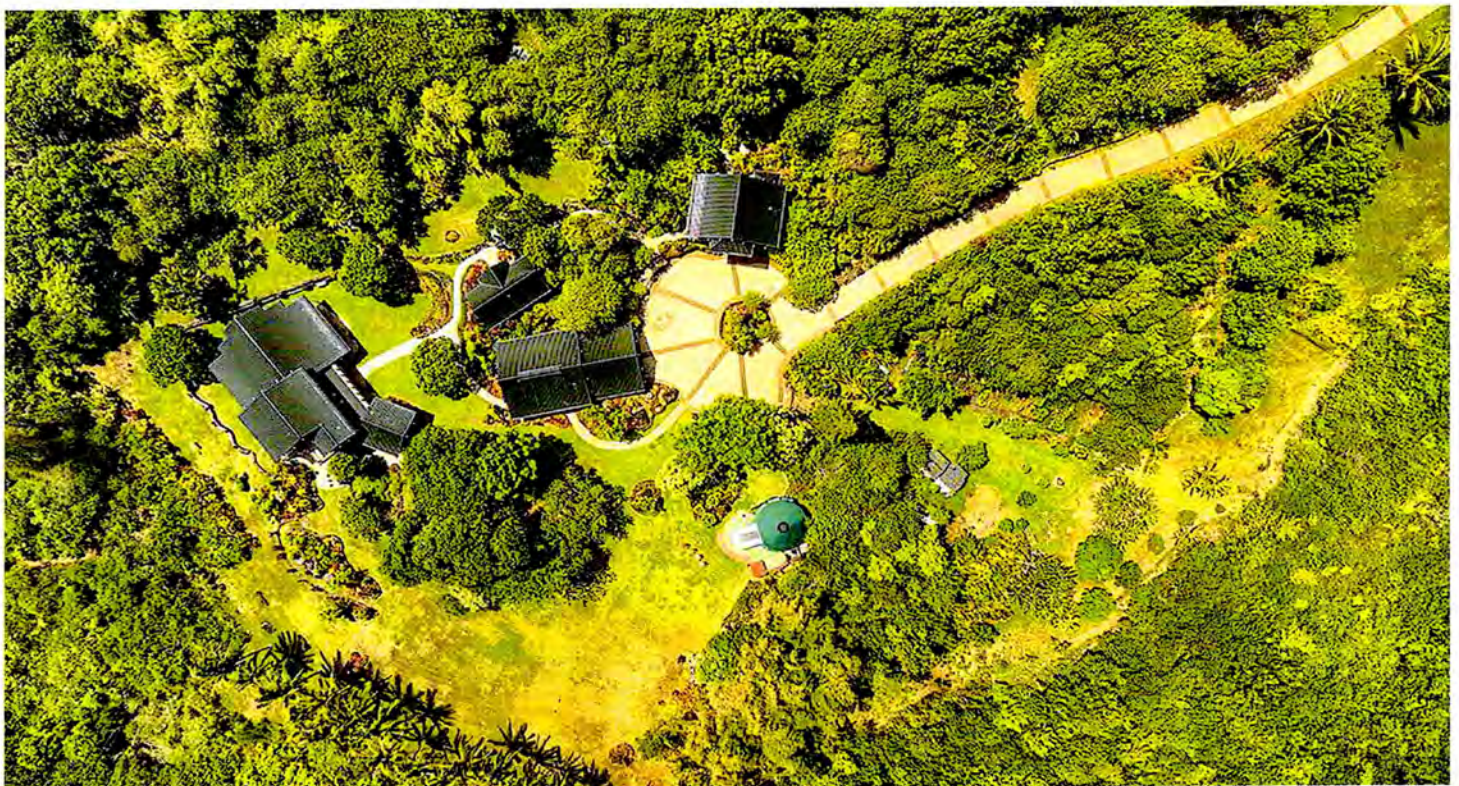
Amenities:

- Beach Chair
- Cable TV/DVD Player
- Fully Equipped Chef's Kitchen
- Gas Grill (BBQ)
- Good Entry

RENTS: 7 Kings, 2 Queens

RAJES: Rates from \$15,500 per Week (General excise Tax, 5.9% Clean Fee, 2% Reservation Fee, \$2500 Reasonable Security Deposit)

KILAUEA KAILUA VACATION RENTAL Welcome to Sea Song, a truly one-of-a-kind luxury Kailua vacation rental tucked away along the breathtaking coastline of Kilauea on Kailua's North Shore. Surrounded by lush tropical gardens and overlooking sweeping views, mountains, and turquoise blue, this private island retreat offers an unforgettable blend of ocean, nature, and authentic Hawaiian beauty.





(EXHIBIT B)

Online Research
Pictometry

Explorer.eagleview.com

<https://explorer.eagleview.com/>

https://explorer.eagleview.com/index.php

Hawaiian Airlines C...airbnb City PortalHost Compliance...MyChart - Login P...Hawaiian AirlinesKauai.govStart Process | Lase...Inbox (207) - hoola...Flood Maps - Wal...FEMA Flood Map S...FloodSmart | FEMA...

CONNECTEXPLORER

Auto (Oblique)Dates: LatestImage 1 of 809/04/2023

An aerial photograph showing a large, irregularly shaped property outlined in blue. The property is surrounded by dense green forest and some cleared areas. There are several buildings and structures within the property, including what appears to be a large house and some smaller outbuildings. The surrounding area includes more forest, some open fields, and a road or path running along the right side.

Search

Search by PARCELS + CPR:

520940960001

Search results (1)

parcel

parcel: 520940960001

taxlots: 3

owner: FREEMAN, ELIZABETH

alias: SEA SONG VACAT

cdsue: 52094096

Area: 123132.4 Square Feet

Perimeter: 2103.6 Feet

https://explorer.eagleview.com/index.php

Hawaiian Airlines C...airbnb City PortalHost Compliance...MyChart - Login P...Hawaiian AirlinesKauai.govStart Process | Lase...Inbox (207) - hoola...Flood Maps - Wal...FEMA Flood Map S...FloodSmart | FEMA...

CONNECTEXPLORER

Auto (Oblique)Dates: LatestImage 1 of 809/04/2023

An aerial photograph showing a large, irregularly shaped property outlined in blue. The property is surrounded by dense green forest and some cleared areas. There are several buildings and structures within the property, including what appears to be a large house and some smaller outbuildings. The surrounding area includes more forest, some open fields, and a road or path running along the right side.

Search

Search by PARCELS + CPRs:

520940960001

Search results (1)

parcel

parcel: 520940960001

taxlots: 3

owner: FREEMAN, ELIZABETH A TRUST

alias: SEA SONG VACATION RENTAL

cdsue: 52094096

Area: 123132.4 Square Feet

Perimeter: 2103.6 Feet

(EXHIBIT C)

Online Research
Real Property Assessment Division
<https://qpublic.schneidercorp.com/>
TMK: 520040960001



Information



County of Kaua'i, HI
4444 Rice Street, Suite A-454
Lihue, Hawaii 96766

Parcel Information

Parcel Number (TAX MAP KEY) 520040960001
Location Address 4101 PALI MOANA PL
KILAUEA HI 96754
Project Name SEA SONG VACATION RENTAL
Tax Classification OWNER-OCCUPIED MIXED-USE
(Note: This is for tax purposes only. Not to be used for zoning.)
Neighborhood Code 5114-5
Legal Information UNIT A SEACLIFF PLANTATION 3.0 AC
Zoning AG
Non Taxable Status
Land Area (acres) 3.0000
Land Area (approximate sq ft) 130,680
Living Units 2

[View Map](#)

Owner Information

Owner Names
FREEMAN, ELIZABETH A TRUST Fee Owner

Mailing Address
[FREEMAN, ELIZABETH A TRUST](#)
PO BOX 298
KILAUEA HI 96754

Generate Owner List by Radius

Vacant/Unimproved properties will not return in queried list when no permit has as yet been issued on those Addresses where "Use Address From: Property" is checked.

Distance:

100 Feet

Use Address From:

☒ Owner ☐ Property

Select export file format:

Address labels (5160)

☒ Show All Owners

☐ Show Parcel ID on Label

Skip Labels 0

International mailing labels that exceed 5 lines are not supported on the Address labels (5160).
For International addresses, please use the xlsx, csv or tab download formats.

Download

Assessment Information

☒ Show Historical Tax Years

Columns

Year	Property Class	Total Market Value	Total Property Assessed Value	Total Property Exemption	Total Net Taxable Value
2026	OWNER-OCCUPIED MIXED-USE	\$7,505,900	\$5,120,800	\$260,000	\$4,860,800

Assessment Notices

[2026 \(PDF\)](#)
[2025 \(PDF\)](#)
[2024 \(PDF\)](#)
[2023 \(PDF\)](#)
[2022 \(PDF\)](#)
[2021 \(PDF\)](#)
[2020-10 \(PDF\)](#)
[2019-10 \(PDF\)](#)

Online Assessment Notices will include one PDF per parcel for each class. For multi-owner copies please contact rpassessment@kavai.gov.

Improvement Information

Building Number 1
Year Built 1998
Eff Year Built
Living Area 1,746

Bedrooms 0
Full Bath 1
Half Bath 1
Percent Complete

Building Number 2
Year Built 1998
Eff Year Built
Living Area 2,922

Bedrooms 3
Full Bath 3
Half Bath 1
Percent Complete

Sketches



Building 1



Building 2

[Print Sketches](#)

Other Building and Yard Improvements

Description CARPORT OPEN WOOD FLOOR
Quantity 1
Year Built 2000

Area 452
Percent Complete

Description CARPORT OPEN WOOD FLOOR
Quantity 1
Year Built 2000

Area 200
Percent Complete

Description FRAME UTILITY SHED
Quantity 1
Year Built 2000

Area 300
Percent Complete

Description METAL DECK RAILING
Quantity 1

Area 92
Percent Complete

Permit Information

Date	Permit Number	Reason	Permit Amount
10/24/2008	0800002049	SOLAR	\$8,000
8/7/2008	9900003016R	SHEDS	\$5,000
6/25/2008	9900003015R	ALTERATION	\$12,100
6/25/2008	9900003014R	ALTERATION	\$50,000
6/12/2008	9900002452R	Conversion to/from Dwelling	\$158,300
6/12/2008	9800000859R	ADDITION	\$25,000
6/12/2008	963296R	OTHER	\$20,300
6/12/2008	9600003467R	AG BUILDING	\$161,700
6/12/2008	9600003297R	GARAGE	\$159,000
6/12/2008	9600003295R	STORAGE	\$52,400
6/12/2008	9600001778R	WORK SHOP	\$44,700
6/12/2008	9500002996R	WORK SHOP	\$136,900
4/14/2000	9900002452	Conversion to/from Dwelling	\$158,300
4/5/2000	9900003015	ALTERATION	\$12,100
4/5/2000	9900003014	ADDITION	\$50,000
9/1/1998	9800000859	BATHROOM	\$25,000
4/4/1997	9600003467	Office Building	\$161,700
4/4/1997	9600003297		\$159,000
4/4/1997	9600003295	BATH HOUSE	\$72,700
2/12/1996	9500002996	WORK SHOP	\$136,900

Conveyance Information

(EXHIBIT D)

PLANNING DEPARTMENT SPECIAL
PERMIT SP-2012-8

Approval Letter SP-2012-8

Exhibit S of Application – “Freemen Property Permits”

Copy of Sea Song Web Advertisement 2012

Exhibit ‘U’ Yurt Greenhouse Permit

Bernard P. Carvalho, Jr.
Mayor



Michael A. Dahilig
Director of Planning



Gary K. Heu
Managing Director

Dee M. Crowell
Deputy Director of Planning

PLANNING DEPARTMENT
County of Kaua'i, State of Hawai'i

4444 Rice Street, Suite A-473, Lihue, Hawai'i 96766
TEL (808) 241-4050 FAX (808) 241-6699

JAN 12 2011

Elizabeth Freeman dba Makana Pomaikai LLC
c/o Stephen W. Long & Associates, Inc.
P.O. Box 223459
Princeville, Hawaii 96722

Subject: Special Permit SP-2012-8
Tax Map Key 5-2-4: 96 (A), Kilauea, Kauai
Elizabeth Freeman dba Makana Pomaikai LLC, applicants

At its meeting held on January 10, 2012 the Planning Commission amended and approved the applicant's request for a Special Permit to continue its non-conforming use of a single family residential unit in Kilauea for transient vacation rental purposes. Approval is subject to the following conditions:

1. This permit is not evidence of compliance with any and all pertinent zoning and use regulations of the County of Kaua'i.
2. This permit does not bear upon any subsequent annual renewal of the certificate or inspection of the property by the Planning Department and/or any other government agency as may be necessary.
3. The owner or lessee who has obtained a non-conforming use certificate under this section shall apply with the Planning Department to renew the NCU certificate annually no later than one month prior to the date of issuance of the NCU certification. Application Forms can be found online at www.kauai.gov.
4. Any subsequent use, development, repair and/or improvement on the property requires Planning Department review and approval prior to such occurring.
5. This approval for the use of the Transient Vacation Rental is being permitted at this time; however, other CZO violations on the property or structure not necessarily connected to the TVR use must be remediated to the satisfaction of the Planning Department. Further, the agency comments, concerns and recommendations must be resolved and be complied with and/or addressed prior to any consideration for renewal of this permit.

An Equal Opportunity Employer

6. The property and operation is subject to the applicable provisions of § 8-17 of the Kaua'i County Code, in particular those provisions adopted by Ordinances No. 864, 876, and/or 904. Section 8-17.11(a) also states the following:

Violations of conditions of approval or providing false or misleading information on the application or in any information relating thereto at any time during the application process shall be grounds for revocation or cease and desist orders.

7. The applicant, its successors and/or permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by the subject Special Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this Special Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00) to cover against any and all claims or demands for property damage, personal injury and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the applicant of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this permit, or as a result of a natural disaster. A copy of a policy shall be submitted to the Department within ninety (90) calendar days from the date of the granting of the Special Permit. Failure to renew this certificate and to provide the County Planning Department with a renewal certificate shall result in the implementation of condition #6 above.
8. This Special Permit shall be renewed every year commencing from the date of Planning Commission approval by the Planning Director or his designee. The renewal application shall be submitted to the Department no less than 30 days prior to the date of expiration. The renewal application shall discuss compliance with the conditions of approval, and any issues that may have arisen. If the renewal request is submitted late, then the use shall cease until the Planning Commission renders a decision on this matter. If a denial of the renewal request is to be recommended, such matter shall be brought to the Planning Commission.
9. If historical/cultural remains such as archaeological artifacts, charcoal deposits or human burials are found at any time during any subsurface work on the property, the applicant shall stop work in the immediate area, and shall contact the State Historic Preservation Division (SHPD) at (808)241-3690 and the Planning Department, to determine appropriate action.
10. To respect the neighboring residential properties and for the safety of the visitors:
- All vehicular parking related to this use and property including maintenance vehicles shall be accommodated on the subject property at all times. On-street parking shall not be permitted at anytime.
 - Guests shall be informed that elevated noise activities or amplified music shall not be permitted after 10.00 p.m.

These limitations shall be incorporated in the compulsory "Safety for You and Your Neighbors" and "Welcome and Notice" posted within the dwelling, and within any and all contracts and advertisements for use of the structure from the date of this approval. Copies of these documents shall be provided to the Department.

11. The Planning Commission reserves the right to revise, add, or delete conditions of approval in order to address or mitigate unforeseen impacts the project may create, or to revoke the permits through the proper procedures should adverse impacts occur that cannot be mitigated.
12. The applicant, its successors and assigns, shall indemnify, defend and hold the County of Kauai harmless from and against any loss, liability, claim or demand for property damage, personal injury or death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit. This indemnification agreement shall be submitted for approval by the Planning Department within 30 days from the date of approval of the Special Permit and shall be recorded at the Bureau of Conveyances or Land Court within 60 days of approval by the Department. A recorded copy shall be provided to the Department.
13. The applicant is on notice that this property sits within the State Agricultural District, and adjacent parcels may engage in intensive farming and the subject parcel may experience noise, fugitive dust, and other environmental impacts associated with good farming practices. The applicant shall notify any TVR tenant of potential impacts associated with adjacent farming, and to refrain from calling or reporting such activity to governmental authorities.
14. As previously recommended by these agencies for TVR uses:
 - Fire Department: a multi purpose ABC fire extinguisher be mounted near an exit, an emergency escape plan be mounted behind the main door with emergency phone numbers and information about natural disasters. Smoke alarms in accordance with the building code shall be installed. Driveways should be maintained to provide emergency vehicle access and, if an entry gate is utilized, access shall be provided for emergency services with a Knox rapid entry system.
 - Water Department: Applicant is made aware that water service will be limited to the existing water meter serving this parcel. Request for additional water meters or increase in water meter size will be dependent on the adequacy of the source, storage, and transmission facilities existing at that time.
15. These conditions of approval shall be recorded at the Bureau of Conveyances or Land Court within 60 days of approval by the Planning Commission. A recorded copy shall be provided to the Department within 30 days of Recordation.
16. Should any property interest in the subject property be transferred or sold, the Planning Commission shall be notified prior to the closing of the sale.

17. The Transient Vacation Non-Conforming registration number and site address shall also be reflected on any advertising. A copy of the advertising reflecting this condition shall be submitted to the Planning Department within 30 days of the approval of this Special Permit.
18. No other commercial use of the property shall be permitted unless approved by the Planning Commission . (ie, weddings & parties other than by registered guests, commercial retail or rental of items other than ag related produce grown on the property, commercial filming, etc.)
19. The other agricultural related structures on the property shall not be used or advertised as accessory rooms for the transient vacation rental use of the main farm dwelling. They cannot be used or be advertised independently of the main farm dwelling.
20. Applicant shall discuss and resolve the applicable agency comments with the appropriate government agency prior to the renewal of this permit, and provide documentation of such.
21. The Planning Commission delegates authority to the Planning Director to ensure non-encroachment of agriculture or improvements on abutting properties.
22. No further enlargement, alterations or expansion of the existing residence shall be permitted unless authorized by the Planning Commission.
23. The Planning Commission reserves the right to request the establishment of an agricultural easement on the subject property in favor of the County of Kauai should at the time of permit renewal the agricultural effort on the property be determined to be unsatisfactory, or revoke the subject permit due to this lack of effort.

Should there be any questions relative to the above, please contact planner Michael Laureta at 241-4071.


MICHAEL A. DAHILIG
Director of Planning

C: Public Works Department, Engineering
 Water Department
 State Department of Health
 Fire Department
 Finance Department – Real Property Division
 County Council

Freeman Property Permits : History

1. Single Family Residence (Main House)

a) conversion to SFR 99.2452 / Approved 6.12.08

b) originally permitted as "WORKSHOP"

workshop = 99.2996 approved 6.12.08

2. Garage / Office / Utility Room

a) garage / office 96.3297 approved 6.12.08

b) garage / office addendum - 99.3014 approved 6.25.0
(this added a Bathroom to the office)

3. Bath / Storage 96.3296 / approved 6.12.08

(Also known as farm workers bath)

4. Farm Office / Library

a) orig permit 96.3467 approved 6.12.08

b) bathroom addition 98.0859 approved 6/12/08

c) changed window & added Bar SINK: 99.3015
approved 6.25.085. Bath house: Never built 96.0000 3295

"Sea Song" at Kahili Bay

Nestled on a spectacular ocean bluff, this exquisitely designed residence offers guests an opportunity to enjoy one of Kauai's most breathtaking ocean, mountain and river views. Situated amidst lush tropical gardens, this 12 acre estate is a 10 minute walk down the beach path to one of Kauai's most secluded and scenic beaches.

Great care was taken in the design and construction of this remarkable home. "Japanese Mission Tropical" and "Arts and Crafts Goes Gauguin" are two references to its unique architectural style. Built as a labor of love over time with the help of many of Kauai's finest craftsmen, Sea Song at Kahili Bay reflects the patience, originality and attention to detail that are the hallmark of all great residences.

Beautiful materials, fine woods, stone and extraordinary tiles are highlighted by a unique blend of tropical colors; nature's "garden palette" is truly reflected inside and out. The dramatic colors of the Great Room's high-beamed ceiling coupled with the custom-made Teak sliding doors perfectly frame one of Kauai's most beautiful ocean and river panoramas. In fact, every room in the Main Residence affords guests stunning ocean views.

The Main Residence and charming Bungalows are joined by meandering stone paths surrounded by exotic orchids, gingers, heliconias, and other colorful ornamentals. Royal Palms, Kukui Nut, Tonga Taboo, Coconuts and Rainbow Shower Trees provide a swaying canopy of light and color and are home to many of Kauai's delightful songbirds. Unwind on the spacious ocean and garden lanais or take a leisurely stroll through the lovely gardens to your own ocean view hot tub.

From the expansive windows in each room one can watch the ever-changing estuary of the Kilauea River as it flows into Kahili Bay. At this "one-of-a-kind" estate, each day is an opportunity to enjoy ocean breezes, fragrant flowers and the song of the sea. From glorious sunrises to dazzling moonrises and star filled nights, Sea Song at Kahili Bay offers guests a peaceful, serene, joyful and enchanting experience.

“Sea Song” at Kahili Bay

Located in Kilauea on Kauai's beautiful North Shore this unrivaled 12 acre property features a masterfully designed and detailed Residence and Bungalows tucked into spectacular tropical gardens. Enjoy a short walk to the beautiful beach or relax on the gracious lanais.

The Estate is located minutes away from the best the North shore has to offer:

Fine dining, shopping in scenic Kilauea and Haalei Towns, world-class golf at the Princeville resort, surfing, hiking, kayaking and horseback riding.



THE PROPERTY

- ★ Private 12 acre ocean bluff Estate featuring lush, tropical gardens and breathtaking river, mountain and whitewater ocean views
- ★ A short 10 minute walk on the Beach Path to beautiful Rock Quarry Beach, Kahili Bay and the Estuary of the Kilauea River.
- ★ Lighted paths for evening strolls in the Garden
- ★ In season, coconuts and bananas from the garden
- ★ Quartzite pathways connecting the Main Residence and the 3 Bungalows set into the Tropical Gardens
- ★ Property overlooks Crater Hill and the Kilauea Point Fish and Wildlife Sanctuary

RESIDENCE

- ★ 2645 Square Feet of Living Area featuring dramatic ocean and garden views
- ★ Expansive floor to ceiling Teak Sliding doors
- ★ Quartzite covered lanais for dining, relaxing & enjoying the dramatic views
- ★ 2 Bedrooms /3 Baths with spectacular ocean views.
- ★ 64" TV with Cable/ DVD/VCR combo in the Great Room with Home Theater surround sound; includes CD player and iPod dock

★ *Additional Photos and Information on this Estate are available on the website*

COUNTY OF KAUAI - OFFICE OF RECOVERY PERMITTING

DATE PRINTED: 11/10/99 15:07:39

EXHIBIT 'U' YURT
GREENHOUSE
ON ADJACENT
KPR UNIT

__MK: (4)5-02-04:096	STRUCTURE: 1T
----------------------	---------------

REVISED: DEMOLITION: ADDENDUM:

PREREG.#: REG.#: T100169 PERMIT #:
PREREG. DATE: REG. DATE: 3/10/94 TYPE: TEMP HOUSING
PERMIT DATE: 3/30/94 P/U DATE: 4/05/94

SITE ADDRESS: PALI MOANA PLACE
SITE ADDRESS2:
CITY ZIP: KILAUEA, HI 96754

OWNER APPLICANT: ✓
2NDARY APPLICANT:

OWNER NAME AND ADDRESS
LAST: FREEMAN
FIRST: ELIZABETH
ADD1: PO BOX 1140
ADD2:
CITY: HANAIEI HI 96714
PHONE: 828-1144

SECONDARY NAME AND ADDRESS

SECONDARY TYPE:

	IN DATE	OUT DATE	EMP#	COMMENTS
PLANNING:		PENDING		
HEALTH:		PENDING		
ENGINEERING:		PENDING		
BUILDING:		PENDING		

REPAIR TYPE:	RRNS	RRST	RBLD	ADTN	ALTR	RWALL	EOONLY	PONLY	OTHER	WORK DONE BY
SMA	FLOOD	SP	HBLD	VIOL	NCBLD	DEV	>50%	ZONING	EST. VALUE	

CONTRACTOR LICENSE #'s	DATE PERMIT ISSUED	OTHER PERMIT #	PERMIT DATE	PERMIT TYPE
BUILDING:				
ELECTRICAL:		94-10,000,737	4/11/94	TEMP ELEC
PLUMBING:				

NOTES: 4/11/94-TEMP ELEC ISSUED TO BARNES ELEC-C16134-LB
THS/SINGLE FAMILY

INSPECTION DETAILS

TMK: (4)5-02-04:096	STRUCTURE: 1T
---------------------	---------------

LOG #: 57960 INSP TYPE: ELE/TEMPORARY POWER DATE REQ: 4/15/94
DATE INSP: 4/15/94 RESULT: PASS TIME INSP:
INSP ID: 2125 CODE CITED: DESC:
COMMENTS: FAXED KE 4/18/94,CS ISSUE STICKER. DENNA. BARNES ELEC. 828-1451 BB



DEPARTMENT OF PLANNING
County of Kaua'i – State of Hawai'i

PERMIT APPLICATION REPORT

Director's Report: Transient Vacation Rental in the State Land Use Agricultural District

APPLICATION AT A GLANCE
Supplemental Report #1

APPLICATION NUMBER	Special Permit SP-2012-8
APPLICANT NAME	Elizabeth Freeman dba Makana Pomaikai LLC, Stephen W. Long, applicant's representative
OWNERSHIP INFORMATION	The property is comprised of a two (2) unit CPR, which are both owned by the applicant. Unit A is 3.0 acres in size, and is subject of this application. Overall parcel size is 11.0 acres.
REASON FOR REQUEST	Special Permit required pursuant to Chapter 205 of Hawaii Revised Statutes and Chapter 13 of the Rules of Practice and Procedures of the Planning Commission
PROJECT DESCRIPTION	Special Permit for a 2 bedroom, 2 ½ bathroom single family transient vacation rental located on land designated State land use "Agricultural" District. Provisional non-conforming use certification (NCU# 4193-P, SEE Exhibit 1) issued by the Planning Department on August 5, 2011 after satisfying the requirements of Ord. No. 904, §8-17.10(d) and (e).
HEARING HISTORY	Director's Report of November 29, 2011
DEADLINES	
Date of complete application	August 5, 2011
Hearing date	November 29, 2011
Max. 60 days after acceptance of completed Appl.	n/a – extension of time granted
Max. 210 days for decision making	March 2, 2012
Additional public hearing dates	1/24/2012, 2/14/12, 2/28/12,

EXHIBIT "B"

D. S. a.
JAN 10 2011

NOTIFICATION REQUIREMENTS**(Sec. 8-19.6 (d)).**

The applicant shall notify at least 85% of the property owners of all parcels within 300 ft. from the nearest point of the premises involved in the application, the proposed use and corresponding public hearing date.

Yes. Affidavit of Mailing dated November 9, 2011 submitted to the Planning Department on November 17, 2011

LOCATION:	Seacliff Plantation subdivision, Kilauea. Approximately 2700 ft. east of the Iwalani Lane and Palimoana road intersection. SEE Exhibit 2.
Tax Map Key	5-2-4: 96
Zoning	Open District "O"/Special Treatment-Resource "ST-R)
Area	3.0 acre Unit A size - 11.0 acre overall parcel size
State Land Use	Agricultural
General Plan	Agriculture
COMPLIANCE TO ORD. 904, Sec. 8-17.10(d) & (e). Applicant has provided records of occupancy and tax documents including:	
1. all relevant State of Hawaii general excise tax filings;	Yes
2. all relevant transient accommodations tax filings;	Yes
3. federal and/or State of Hawaii income tax returns for the relevant time period (prior to March 8, 2008)	Yes
4. reservations lists, and	Yes
5. receipts showing payment. Other reliable information may also be provided	Yes
Date TVR Provisional Permit issued	NCU #4193-P issued August 5, 2011
Special Permit requirements, Ord. 904, Sec.4 (d) (2) (C) 1. Ag dedication pursuant to COK Real property Ag dedication guidelines; or 2. Existing bona fide agricultural operation as shown by GET forms and/or Federal 1040 Schedule F filings; or, 3. Size, shape, topography, location or surroundings of the property, or other circumstances, did not allow an applicant to qualify for an ag dedication or inhibited intensive ag activities.	Applicant purchased property in 9/91 and obtained building permit approval in 7/08. However, Form 1040 Schedule F for 2006, 2007 and 2008 were provided. Additionally, an Agricultural dedication, from 1/1/2010 for a 10 year period now exists for the subject property. A total of 1.17 acres of the 3.0 acre unit is dedicated for agricultural purposes. A diversified agricultural use exists on the unit and overall property.
Agricultural activity property exists	Yes. CPR Unit A nursery has approximately 750 potted plants, the orchard consisting of 6 noni trees, numerous bananas and the garden grows organic chard, kale, eggplant, green pepper and sweet potato. On the entire parcel there are also over 40 coconut, 3 mango, 50 papaya and several avocado trees.

PROPERTY INSPECTION BY PLANNING DEPARTMENT

Yes, on November 14, 2011. All structures and uses exist via permit. No violations exist. SEE Exhibit 3

SOIL TYPES AND RATINGS	<u>Soil productivity.</u> The Detailed Land Classification-Island of Kaua'i, Land Study Bureau, Productivity ratings and descriptions, Map Panel 87, rates the soil on the property as "D-44" (on a scale of A (best) to E (worst). This soil is poorly suited for machine tillability, non-stony over 30" deep, 21-35% slopes, and well drained. <u>Soil type.</u> The Soil Survey of the Islands of Kaua'i, O'ahu, Maui, Moloka'i, and Lāna'i, State of Hawai'i, by the U.S. Department of Agriculture, Soil Conservation Service, map panels 25, identifies the soil on the subject property as LhD (Lihue silty clay, 15-25% slopes). Th LhD soil is used for sugarcane, pasture, pineapple, wildlife habitat, and woodlands.
---------------------------------	---

Soil productivity. The Detailed Land Classification-Island of Kaua'i, Land Study Bureau, Productivity ratings and descriptions, Map Panel 87, rates the soil on the property as "D-44" (on a scale of A (best) to E (worst). This soil is poorly suited for machine tillability, non-stony over 30" deep, 21-35% slopes, and well drained.

Soil type. The Soil Survey of the Islands of Kaua'i, O'ahu, Maui, Molokā'i, and Lāna'i, State of Hawai'i, by the U.S. Department of Agriculture, Soil Conservation Service, map panels 25, identifies the soil on the subject property as LhD (Lihue silty clay, 15-25% slopes). Th LhD soil is used for sugarcane, pasture, pineapple, wildlife habitat, and woodlands.

INTERNET ADVERTISING	No
----------------------	----

No

AGENCY COMMENTS	Attached
-----------------	----------

Attached

DISCUSSION

ADDITIONAL FINDINGS

Public hearing of November 29, 2011.

- No adverse public testimony from the surrounding neighborhood was submitted or received by the Department.
- Applicant reiterated the information contained in their application.
- There being no further discussion, the Hearings Officer closed the public hearing.

Application specific

The Special Permit Consideration for a Use within State Land Use "Agricultural" District.

The County of Kauai administers the State Land Use "Agricultural" District within the framework of the State land use law. State law and Land Use Commission rules limit uses in the agricultural district, most of them relating to agriculture, including mills and other processing facilities, but allowing non-agricultural uses provided they are deemed "unusual and reasonable."

Standard

On lots created by subdivisions approved after June 4, 1976, homes are required to be "farm Dwellings," or otherwise accessory to agriculture. However, for pre-June 4, 1976 subdivisions, the homes were "single family dwellings." Lot sizes for subdivisions in the Agricultural District are set by the County through zoning, but must be a minimum lot size of at least one acre by State law.

Pursuant to HRS §205-6, the legislature created a discretionary permitting process to facilitate allowing additional uses in the Agricultural District because of the narrow scope of activities listed in HRS §§ 205-2 and 205-4.5.

The "special permit" process allows for a wide range of other uses. A special permit can be issued for any "unusual and reasonable" use. A special permit can be analogous to a variance from the specific set of uses listed in HRS §§ 205-2 and 205-4.5. The Planning Commission implemented rules years ago to facilitate the special permit process. Chapter 13 of the Rules of the Practice and Procedure of the Planning Commission established five criteria to balance when reviewing a special permit application. Notably, the County Planning Commission rules are exactly the same as the LUC's rules for special permits.

For areas of 15 acres or less, the County Planning Commission is the authority charged with approving or disapproving a Chapter 205 Special Permit. For more than 15 acres, the special permit must be approved by both the County Planning Commission and the State Land Use Commission. Examples of special permits approved as "unusual and reasonable uses" are educational/cultural facilities (Kapa'a Middle School, Kaua'i Community College, Kahili Adventist School, Island School, Punana Leo, Kawaikini Charter School, Waipa Foundation, etc), churches (Church of the Pacific, New Hope, Calvary Chapel, Saiva Siddhantha, etc.), quarries and processing plants (Hanamaulu valley, Wahiawa valley, Princeville cement processing, etc), transient vacation rentals, bed-and-breakfast operations, airport (Princeville), cell phone towers, alternate energy facilities (solar and windmills), helicopter landing areas, sewage treatment and water tank facilities, electrical substations, etc.

As such, HRS § 205-6 authorizes the Counties and the LUC depending on the acreage of the proposed activity) to go beyond the delineated list of uses within the State Land Use "Agricultural" District.

General Plan. The County General Plan, updated in 2000, recognizes a need for alternative vacation rentals by its policy for "Alternative Visitor Accommodations," which reads as follows:

Standard

"4.2.8.2 Alternative Visitor Accommodations

- (a) The County of Kauai shall recognize alternative visitor accommodations, such as B&B's, vacation rentals, inns, cabins and retreat centers.
- (b) The County shall enact clear standards and permit processes for regulating alternative visitor accommodation structures and operations in Residential, Agriculture, Open, and Resort zoning districts.
- (c) County development standards and permit processes shall be scaled to the size and potential impact of the use....
- (d) Permitting processes should consider the cumulative impact that a large concentration of alternative visitor units can have on a residential neighborhood."

Ordinance No. 904. The Findings and Purpose section reads as follows:

Standard

The purpose of this bill aims to amend particular provisions of Ordinances 864 and 876 relating to previously implemented grandfathering provisions for existing, single-family transient vacation rentals outside the Visitor Destination Area ("VDA") boundaries. However, this bill maintains the prohibition concerning the commencement of any new single-family transient vacation rentals outside the VDAs if use was not established prior to March 7, 2008.

<i>The Council finds that this ordinance will comport with the County General Plan which emphasizes the need to "enact clear standards and permit processes for regulating alternative visitor accommodation structures and operations in Residential, Agricultural, Open, and Resort zoning districts." The Council further finds certain provisions of Ordinances 864 and 876 have served contrary to this policy.</i> <i>The County General Plan also entertains the possibility of alternative visitor accommodations, and "development standards and permit processes for regulating alternative visitor accommodation structures and operations in residential, Agricultural, Open, and Resort zoning districts" should be implemented through zoning.</i> <i>This ordinance will not invalidate non-conforming use certificates issued to single-family transient vacation rentals previous to the enactment of this ordinance. However, nonconforming use certificate holders will remain subject to a renewal process.</i> <u>TVR applications in Kilauea.</u> As of August 16, 2011, there are a total of 30 applications for TVR's in Kilauea, on SLUD "Agricultural" lands, out of approximately 81 total applications. The period in which to submit such applications sunset on August 16, 2011. <u>AGENCY COMMENTS:</u> See attached	Region specific
EVALUATION <u>Provisional permit.</u> In the consideration of the existing, non-conforming transient vacation rental use in the State Land Use "Agricultural" District, County of Kauai Ordinance's No. 864 (adapted 3/7/08), Ordinance No. 876 (adapted 1/24/09), and Ordinance No. 904 (adapted 8/16/10) were utilized. Specifically, Ordinance 904 established the requirements such an existing, non-conforming use would have to satisfy in order to first qualify for a provisional permit by the Planning Director. This provisional permit then permitted the TVR use to operate until such time the Planning Commission (or Land Use Commission if the property were larger than 15 acres) rendered a decision on their Special Permit application. As to the Provisional Permit issued by the Planning Director to the applicant on August 5, 2011, the applicant provided the following as specifically required by Ordinance No. 904: • Submitted its application within the 60 days of the effective date of Ordinance No. 904; • Properly established that the applicant had paid General Excise and Transient Accommodation taxes, as well as declared said income from the use on either State of Hawaii or Federal tax returns prior to March 8, 2008; • Provided reservations lists for the use prior to March 8, 2008; • Provided an analysis of the applicability of the State's 5-point Special Permit test; and • Was properly declaring that the property was dedicated for agricultural purposes,	Standard Applicant specific Ord. 904 required Ord. 904 required Ord. 904 required Ord. 904 required

distance between essential improvements, and providing the recommendations contained in this report are implemented and proper management of the property is provided.	
3. <i>The use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements, and police and fire protection;</i> Analysis: The TVR use of an existing residential unit at this location would not have a noticeable impact on local roads and streets, sewers, water, drainage, school improvements, and police and fire protection, or other public and private infrastructure systems and services.	Standard
4. <i>Unusual conditions, trends and needs have arisen since the district boundaries and rules were established;</i> Analysis: Kaua'i's economy has dramatically evolved since the establishment of the State land Use law in 1961. Tourism is now the largest economic driver in the County. While the tourism industry itself has evolved, from centralized and localized by large resorts and hotels that operate along the coastal areas of the island, the time-share industry, and now the transient vacation rental industry, has been part of a growing demand for more rustic and private accommodations on the island. This location is a prime "rustic" location that the movie industry has taken advantage of. Further, the County of Kauai General Plan also entertains the possibility of alternative visitor accommodation structures and operations in Residential, Agricultural, Open, and Resort zoning districts. <i>However</i>, § 4.2.6.2, County Policy and Zoning Regulations, states the following: "Specific development standards should be developed for multi-unit B&B's and SFVR's (single family vacation rentals) addressing at least the following factors: • Buffering of adjacent properties in order to prevent noise impacts and visual impacts. Related factors are the size of the property and the location of the visitor units relative to adjacent properties. • Access to adequate public roads. • Parking for employees and patrons. • Adequate wastewater treatment and disposal • The total number of vacation rentals in the area and the cumulative impacts on the neighborhood.	Standard
5. <i>The land upon which the proposed use is sought is unsuited for the uses permitted within the district.</i> Analysis. The subject property is suitable for agricultural purposes, and has been dedicated and is being used as such. The use of the existing residential unit for transient vacation rental purposes would not displace any agricultural activity from occurring. Staff does not anticipate any impacts to surrounding or abutting "Agricultural" districted lands or residential improvements on said lands providing the recommendations contained in this report are implemented and proper management of the property is provided. The subject property is being used for agricultural purposes. Chapter 15, Land Use	Site specific

Commission Rule — Chapter 12, Special Use Permits, allows for certain “unusual and reasonable” uses provided that these uses are consistent with the State’s Land Use Laws, objectives, and policies. The proposed use of an existing single family residence/farm dwelling will not produce significant impacts to adjacent agriculturally zoned properties and will benefit the island by offering alternative “eco-tourism” accommodations in Koloa available to both visitors and Kauai residents. The Planning Commission may impose such protective conditions as it deems necessary in the issuance of a special permit. The Planning Commission may establish, among other conditions, a reasonable time limit suited to establishing the particular use, and if appropriate, a time limit for the duration of the particular use, which shall be a condition of the special permit. Such conditions on the existing TVR could ensure that the owners of these entitlements, and their neighbors, would know what to expect from each other. Failure to abide by the conditions of approval could mean possible forfeiture of the use should complaints to the Department remain unresolved.	Standard
CONCLUSION Based on the foregoing findings and evaluation, it is concluded that the transient vacation rental use can comply with the requirements for the issuance of a Special Permit. Such an approval should be with the imposition of conditions of approval to address the use, and mitigate potential and/or anticipated impacts to the neighborhood. The approval of this Special Permit should be for a limited, one-year period in order to better gauge this, and other TVR proposals, in the neighborhood. This use needs to be strictly managed in order to prevent an “Animal House” type impact to the neighborhood from occurring. It is finally concluded that even though the Department has strong reservations about TVR uses outside the Visitor Destination Area, especially within the SLUD “Agricultural District,” the law must be paramount. Our recommendations were contemplated under the confines of the law, including Federal constitutional considerations concerning property rights and takings, the County’s Ordinance No. 904, the recommendations of the General Plan, and Chapter 13 of the Planning Commission’s Rules of Practice.	Standard
<u>RECOMMENDED ACTION BY COMMISSION:</u> Based on the foregoing evaluation and conclusion, it is recommended that Special Permit SP-2012-7 to Elizabeth Freeman dba Makana Pomaikai LLC be approved, subject to the following conditions: 1. This permit is not evidence of compliance with any and all pertinent zoning and use regulations of the County of Kaua’i. 2. This permit does not bear upon any subsequent annual renewal of the certificate or inspection of the property by the Planning Department and/or any other government agency as may be necessary. 3. The owner or lessee who has obtained a non-conforming use certificate under this section shall apply with the Planning Department to renew the NCU certificate annually no later than one month prior to the date of issuance of the NCU	Applicant specific Standard Standard Standard

certification. Application Forms can be found online at www.kauai.gov. 4. Any subsequent use, development, repair and/or improvement on the property requires Planning Department review and approval prior to such occurring. 5. This approval for the use of the Transient Vacation Rental is being permitted at this time; however, other CZO violations on the property or structure not necessarily connected to the TVR use must be remediated to the satisfaction of the Planning Department. Further, the agency comments, concerns and recommendations must be resolved and be complied with and/or addressed prior to any consideration for renewal of this permit. 6. The property and operation is subject to the applicable provisions of § 8-17 of the Kaua'i County Code, in particular those provisions adopted by Ordinances No. 864, 876, and/or 904. Section 8-17.11(a) also states the following: <i>Violations of conditions of approval or providing false or misleading information on the application or in any information relating thereto at any time during the application process shall be grounds for revocation or cease and desist orders.</i> 7. The applicant, its successors and/or permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by the subject Special Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this Special Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00) to cover against any and all claims or demands for property damage, personal injury and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the applicant of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this permit, or as a result of a natural disaster. A copy of a policy shall be submitted to the Department within ninety (90) calendar days from the date of the granting of the Special Permit. Failure to renew this certificate and to provide the County Planning Department with a renewal certificate shall result in the implementation of condition #6 above. 8. This Special Permit shall be renewed annually commencing from the date of Planning Commission approval by the Planning Director or his designee. The renewal application shall be submitted to the Department no less than 30 days prior to the date of expiration. The renewal application shall discuss compliance with the conditions of approval, and any issues that may have arisen. If the renewal request is submitted late, then the use shall cease until the Planning Commission renders a decision on this matter. If a denial of the renewal request is to be recommended, such matter shall be brought to the Planning Commission. 9. If historical/cultural remains such as archaeological artifacts, charcoal deposits or human burials are found at any time during any subsurface work on the property, the applicant shall stop work in the immediate area, and shall contact the State Historic Preservation Division (SHPD) at (808)241-3690 and the Planning Department, to determine appropriate action.	Standard Standard Standard Standard Standard Standard
---	---

10. To respect the neighboring residential properties and for the safety of the visitors: • All vehicular parking related to this use and property including maintenance vehicles shall be accommodated on the subject property at all times. On-street parking shall not be permitted at anytime. • Guests shall be informed that elevated noise activities or amplified music shall not be permitted after 10.00 p.m. These limitations shall be incorporated in the compulsory "Safety for You and Your Neighbors" and "Welcome and Notice" posted within the dwelling, and within any and all contracts and advertisements for use of the structure from the date of this approval. Copies of these documents shall be provided to the Department.	Standard
11. The Planning Commission reserves the right to revise, add, or delete conditions of approval in order to address or mitigate unforeseen impacts the project may create, or to revoke the permits through the proper procedures should adverse impacts occur that cannot be mitigated.	Standard
12. The applicant, its successors and assigns, shall indemnify, defend and hold the County of Kauai harmless from and against any loss, liability, claim or demand for property damage, personal injury or death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit. This indemnification agreement shall be submitted for approval by the Planning Department within 30 days from the date of approval of the Special Permit and shall be recorded at the Bureau of Conveyances or Land Court within 60 days of approval by the Department. A recorded copy shall be provided to the Department.	Standard
13. The applicant is on notice that this property sits within the State Agricultural District, and adjacent parcels may engage in intensive farming and the subject parcel may experience noise, fugitive dust, and other environmental impacts associated with good farming practices. The applicant shall notify any TVR tenant of potential impacts associated with adjacent farming, and to refrain from calling or reporting such activity to governmental authorities.	Standard
14. As previously recommended by these agencies for TVR uses: • Fire Department: a multi purpose ABC fire extinguisher be mounted near an exit, an emergency escape plan be mounted behind the main door with emergency phone numbers and information about natural disasters. Smoke alarms in accordance with the building code shall be installed. Driveways should be maintained to provide emergency vehicle access and, if an entry gate is utilized, access shall be provided for emergency services with a Knox rapid entry system. • Water Department: Applicant is made aware that water service will be limited to the existing water meter serving this parcel. Request for additional water meters or increase in water meter size will be dependent on the adequacy of the source, storage, and transmission facilities existing at that time.	Standard
15. These conditions of approval and agency comments shall be recorded at the Bureau	Standard

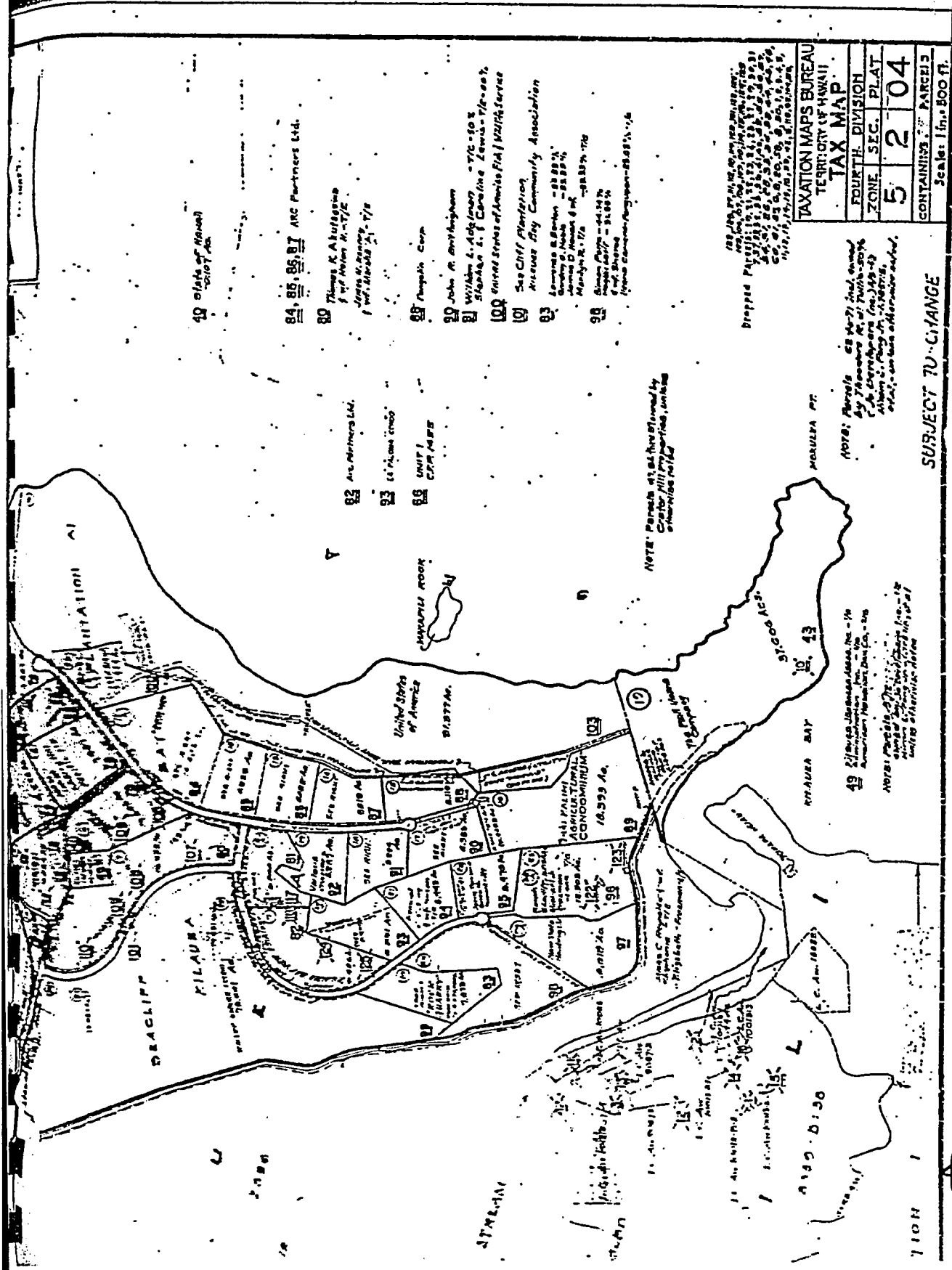
of Conveyances or Court within 60 days of approval by the Planning Commission. A recorded copy shall be provided to the Department within 30 days of Recordation.	
16. Should any property interest in the subject property be transferred or sold, the Planning Commission shall be notified prior to the closing of the sale.	Standard
17. The Transient Vacation Non-Conforming registration number and site address shall also be reflected on any advertising. A copy of the advertising reflecting this condition shall be submitted to the Planning Department within 30 days of the approval of this Special Permit.	Standard
18. No other commercial use of the property shall be permitted unless approved by the Planning Commission. (ie, weddings & parties other than by registered guests, commercial retail or rental of items other than ag related produce grown on the property, commercial filming, etc.)	Standard
19. The other agriculture related structures on the property shall not be used or advertised as accessory rooms for the transient vacation rental use of the main farm dwelling. They cannot be used or be advertised independently of the main farm dwelling.	Site specific
20. Applicant shall discuss and resolve the applicable agency comments with the appropriate government agency prior to the renewal of this permit, and provide documentation of such.	Standard
21. The Planning Commission delegates authority to the Planning Director to ensure non-encroachment of agriculture or improvements on abutting properties.	Standard
22. No further enlargement, alterations or expansion of the existing residence shall be permitted unless authorized by the Planning Commission.	Standard
23. The Planning Commission reserves the right to request the establishment of an agricultural easement on the subject property in favor of the County of Kauai should at the time of permit renewal the agricultural effort on the property be determined to be unsatisfactory, or revoke the subject permit due to this lack of effort.	Standard

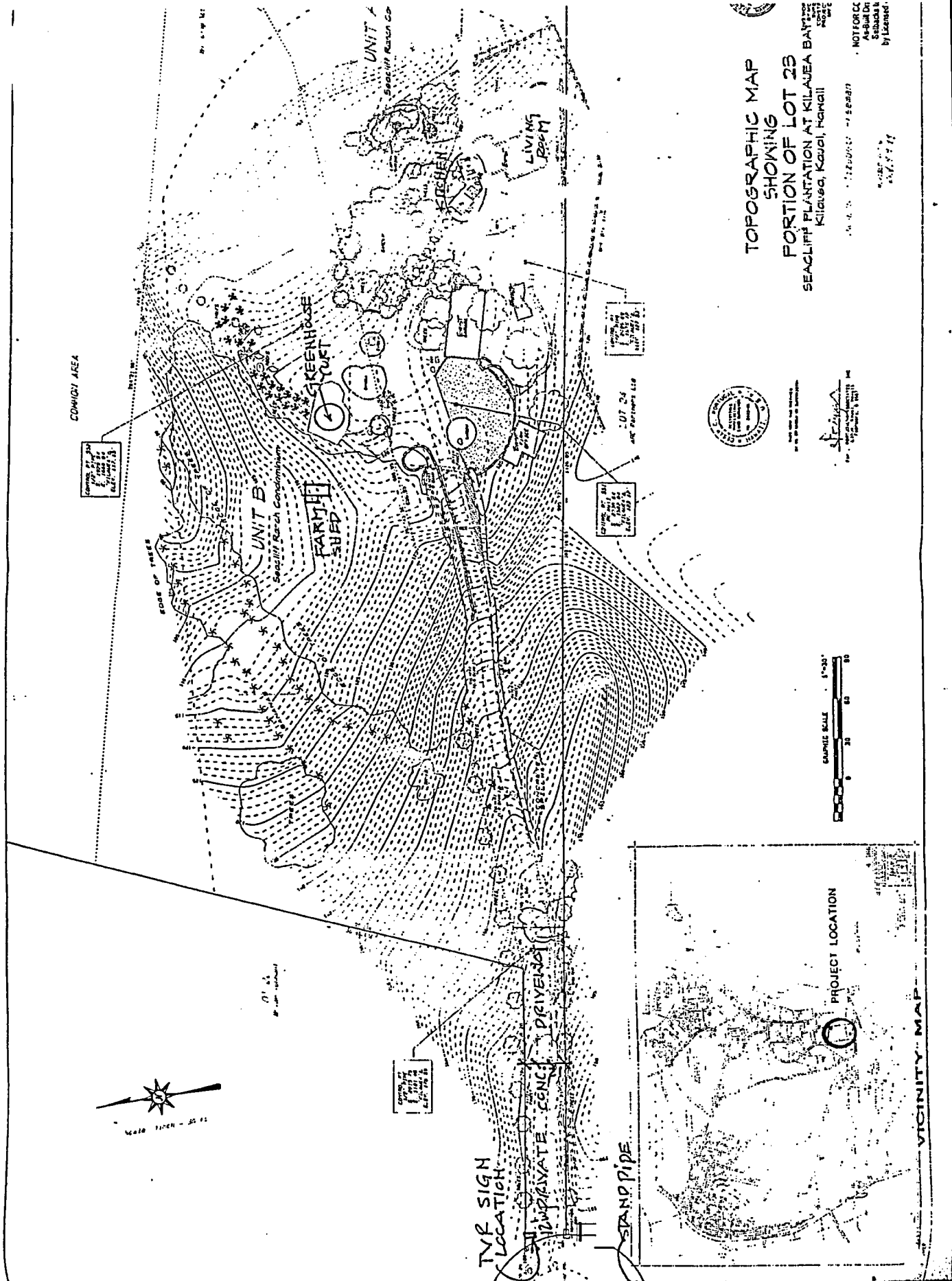
FORWARDED TO DIRECTOR ON _____ :

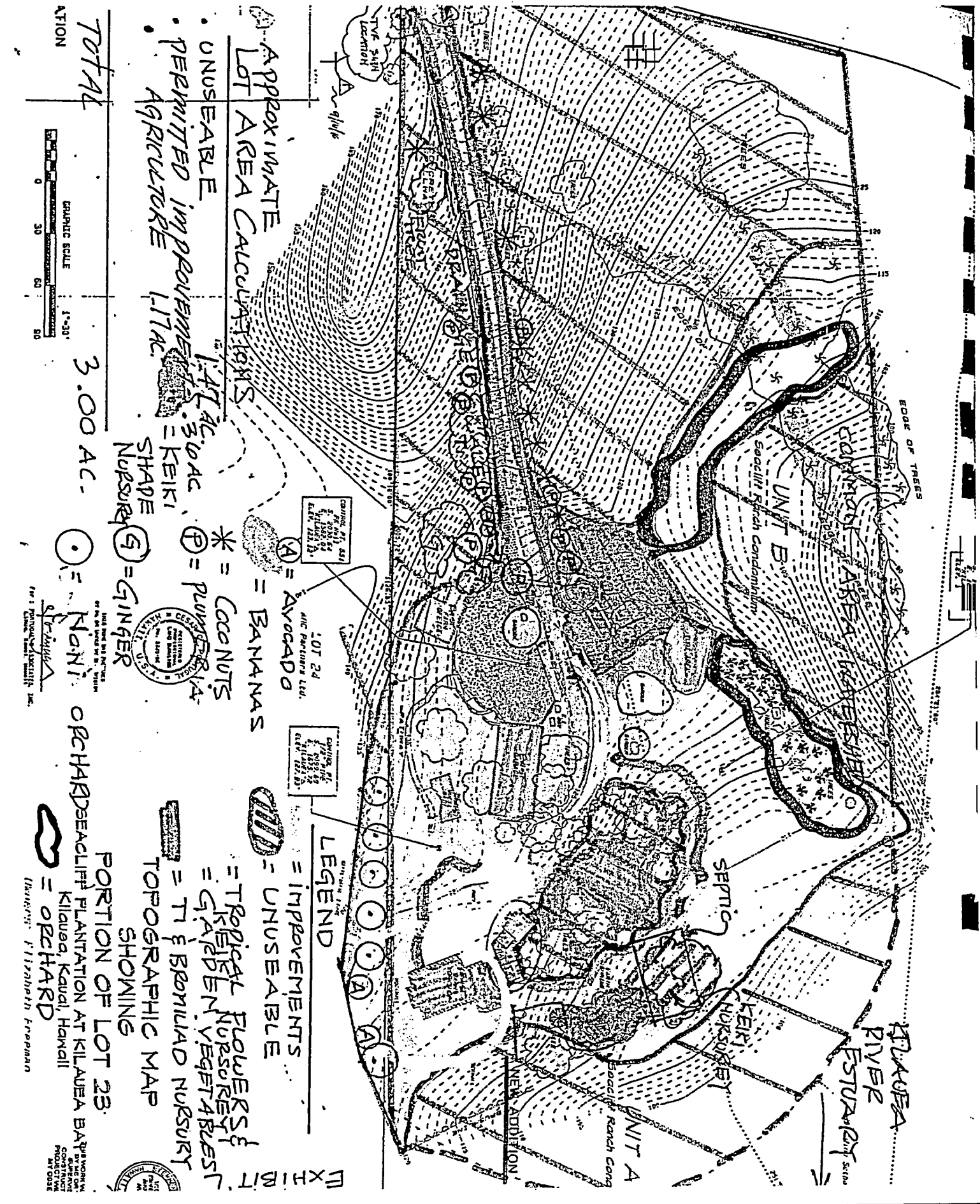
Michael Laureta
Planner

APPROVED AND RECOMMENDED TO
COMMISSION on 12/29/11 :

Michael A. Dahilig
Director of Planning







APPROXIMATE
 LOT AREA CALCULATIONS
 UNUSABLE 1.47 AC
 PERMITTED IMPROVEMENTS 3.00 AC
 AGRICULTURE 1.17 AC
 SHAPE NURSERY (5) = GINGER
 * = COCONUTS
 (P) = PLUM
 (A) = AVOCADO
 = BANANAS
 = IMPROVEMENTS
 = UNUSABLE
 = TROPICAL FLOWERS & KEIKI NURSERY
 = GARDEN VEGETABLES
 = TROPICAL NURSERY
 TOPOGRAPHIC MAP SHOWING
 PORTION OF LOT 23
 ORCHARD SEACLIFF PLANTATION AT KILAUEA BAY
 KILAUEA, KAUAI, HAWAII
 = ORCHARD
 THE HONOLULU LAND TRUST
 1000 KALANIAN'OLE AVENUE
 HONOLULU, HAWAII 96813
 PREPARED BY
 THE HONOLULU LAND TRUST
 1000 KALANIAN'OLE AVENUE
 HONOLULU, HAWAII 96813

TOTAL 3.00 AC
 GRAPHIC SCALE 1"=30'
 0 30 60 90

THE HONOLULU LAND TRUST
 1000 KALANIAN'OLE AVENUE
 HONOLULU, HAWAII 96813
 PREPARED BY
 THE HONOLULU LAND TRUST
 1000 KALANIAN'OLE AVENUE
 HONOLULU, HAWAII 96813

Bernard P. Carvalho, Jr.
Mayor



Michael A. Dahilig
Interim Director of Planning



Gary K. Heu
Managing Director

Dee M. Crowell
Deputy Director of Planning

PLANNING DEPARTMENT
County of Kauai, State of Hawaii
4444 Rice Street, Suite A-473, Lihu'e, Hawaii 96766
TEL (808) 241-4050 FAX (808) 241-6699

August 24, 2011

Pomaikai, LLC & Elizabeth Freeman
c/o Steve Long
P.O. Box 223459
Princeville, Hawaii 96722

Subject: Provisional Nonconforming Use Certificate NCU# 4193-P
Tax Map Key 5-2-4: 96, Kilauea, Kauai
Pomaikai LLC (Elizabeth Freeman), applicant

This is to acknowledge receipt of the additional and supplemental information received on August 2, 2011 for the non-conforming transient vacation rental (TVR) uses on the subject property.

Based on the information provided, as well as the requirements in Ordinance No, 904, the Planning Department finds your TVR application to be complete. Your Provisional Nonconforming Use Certificate (NCU-P), captioned above, is APPROVED as we are in receipt of 30 sets of your Special Permit application, the granting of an extension of time, and \$50.00 application fee.

The Special Permit is required to operate a TVR in the State Land Use "Agricultural" District. The NCU-P Certificate shall be valid only until the Planning Commission renders a decision on the Special Permit.

If the Planning Commission denies the Special Permit, then the NCU-P Certificate shall be deemed null and void, and the transient vacation rental use must cease.

If the Planning Commission approves the Special Permit, a Nonconforming Use (NCU) Certificate shall be issued, and the non-conforming TVR operation shall be subject to the conditions that may be imposed by the Planning Commission.

Please be advised that this NCU-P Certificate is not evidence of compliance with any and all pertinent zoning and use regulations of the State of Hawaii or County of Kauai. Furthermore, the certificate does not bear upon any subsequent nonconforming certificate renewal inspections of the property by the Planning Department.

The Department also reserves the authority to require additional information relating to the TVR use that may become necessary during the course of its Special Permit review.

Should you have any questions, please contact Michael Laureta, at (808)241-4050.

A handwritten signature in black ink, appearing to read "Dee M. Crowell", with a stylized, flowing script.

DEE M. CROWELL
Deputy Director of Planning

INSPECTION REPORT

PROJECT: TVNC-4193, "Makana Pomaikai"
TMK: 5-2-004:096
ADDRESS 4101 Pali Moana Pl.
OWNER: Elizabeth A. Freeman TRUST

FINDINGS

DESCRIPTION OF PROPERTY

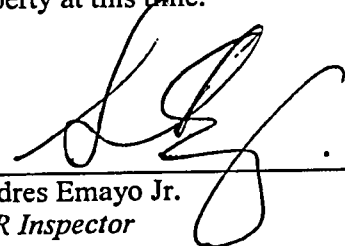
The TVR Registration and NCU Form application for the subject Single Family Resident is located at 4101 Pali Moana Pl., TMK: (4) 5-2-004:096.

- It is County Zoned O/STR with the State Land Use AG.
- The subject property is 12.503 Acres.
- Storage / Bath and storage addition,
Farm office / Library renovation,
Convert Barn to Farm Dwelling with kitchen and bedroom addition:
Permitted (Z-391-00) in 2/4/00.
- Garage / Lavatory: Permitted (Z-359-97) in 12/5/96.
- Workshop / Storage: Permitted (Z-199-96) in 10/6/95.
- Farm Building / Office: Permitted (Z-421-99) in 2/11/99.

On 11/14/11 at 12:00 pm a TVR application inspection was conducted by Inspector Emayo at which time Steve Long (owner representative) allowed entry and accompanied Inspector Emayo on entire inspection. Pictures are taken of inspection (attached).

- Picture set #1: Garage with utility in rear: Permitted Z-359-97.
- Picture set #2: Lavatory: Permitted (Z-359-97) in 12/5/96.
- Picture set #3: Farm Dwelling with kitchen and bedroom addition: Permitted (Z-391-00) in 2/4/00. The subject project has 2 Bedrooms, 2 Bathrooms and 1 Kitchen. At this time the construction and use of said structure represents the TVR submitted plans.
- Picture set # 4: Farm Building (Yurt used as Greenhouse): Permitted (Z-421-99) in 2/11/99.
- Picture set # 5: Workshop / Storage: Permitted (Z-199-96) in 10/6/95.
- Picture set # 6: Farm Office / Library: Permitted (Z-391-00) in 2/4/00.
- There is no other structure on the subject property at this time.
- See special permit application for AG use.

By



Andres Emayo Jr.
TVR Inspector

EXHIBIT 3

() COMPLAINT		(x) REGISTRATION INSPECTION	
BUS. NAME: Makana Pomaikai		UNIT/S:	TYPE: NCU
TMK:5-2-004:096	LAND AREA:12.503 aces		TV#: TVNC-4193
DIST: Hanalei	LOC: Kilauea		
ZONING: O/STR	OWNER: ELIZABETH A. FREEMAN TRUST		
SLUC DIST: AG	MNGR Co.		
LOG #	SITE ADDR: 4101 PALI MOANA PL.		
OWNER:		MANAGING COMPANY:	
NAME: ELIZABETH A. FREEMAN TRUST		NAME: Steve Long	
ADDR: PO BOX 298		ADDR:	
KILAUEA HI 96754			
PHONE:		PHONE: 652-8000	
WEB SITE:		WEB SITE:	
NATURE OF VIOLATION:			
verify compliance for TVR use			
INSPECTOR: Bambi			

[illegible]

TVNC-4193 "Makana Pomaikai"
Pic# 1 Garage / Utility
TMK 5-2-004:096 11/14/11



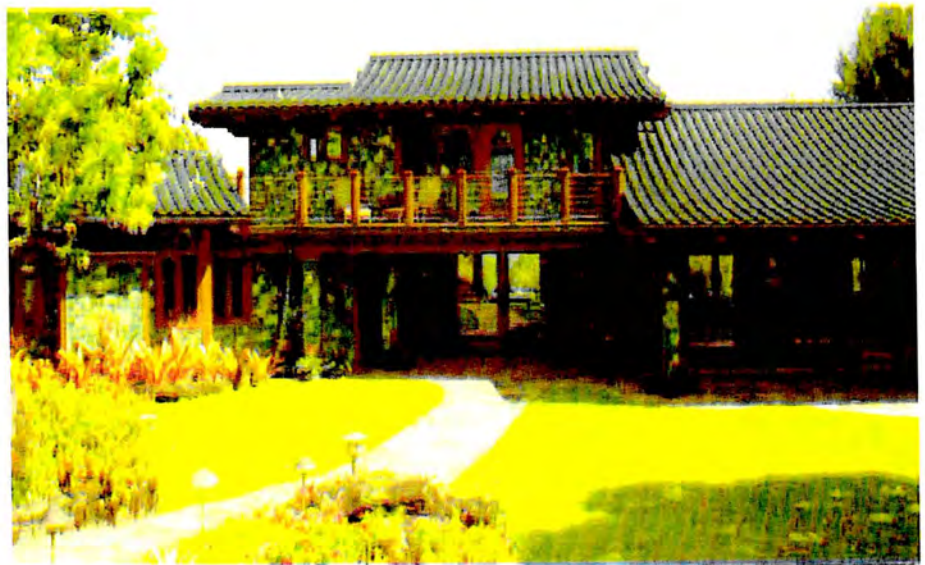
TVNC-4193 "Makana Pomaikai"

Pic# 2 Lavatory

TMK 5-2-004:096 11/14/11



TVNC-4193 "Makana Pomaikai"
Pic# 3 SFR (main)
TMK 5-2-004:096 11/14/11



TVNC-4193 "Makana Pomaikai"
Pic# 4 Yurt used as Greenhouse
TMK 5-2-004:096 11/14/11



TVNC-4193 "Makana Pomaikai"

Pic# 5 Workshop Storage

TMK 5-2-004:096 11/14/11



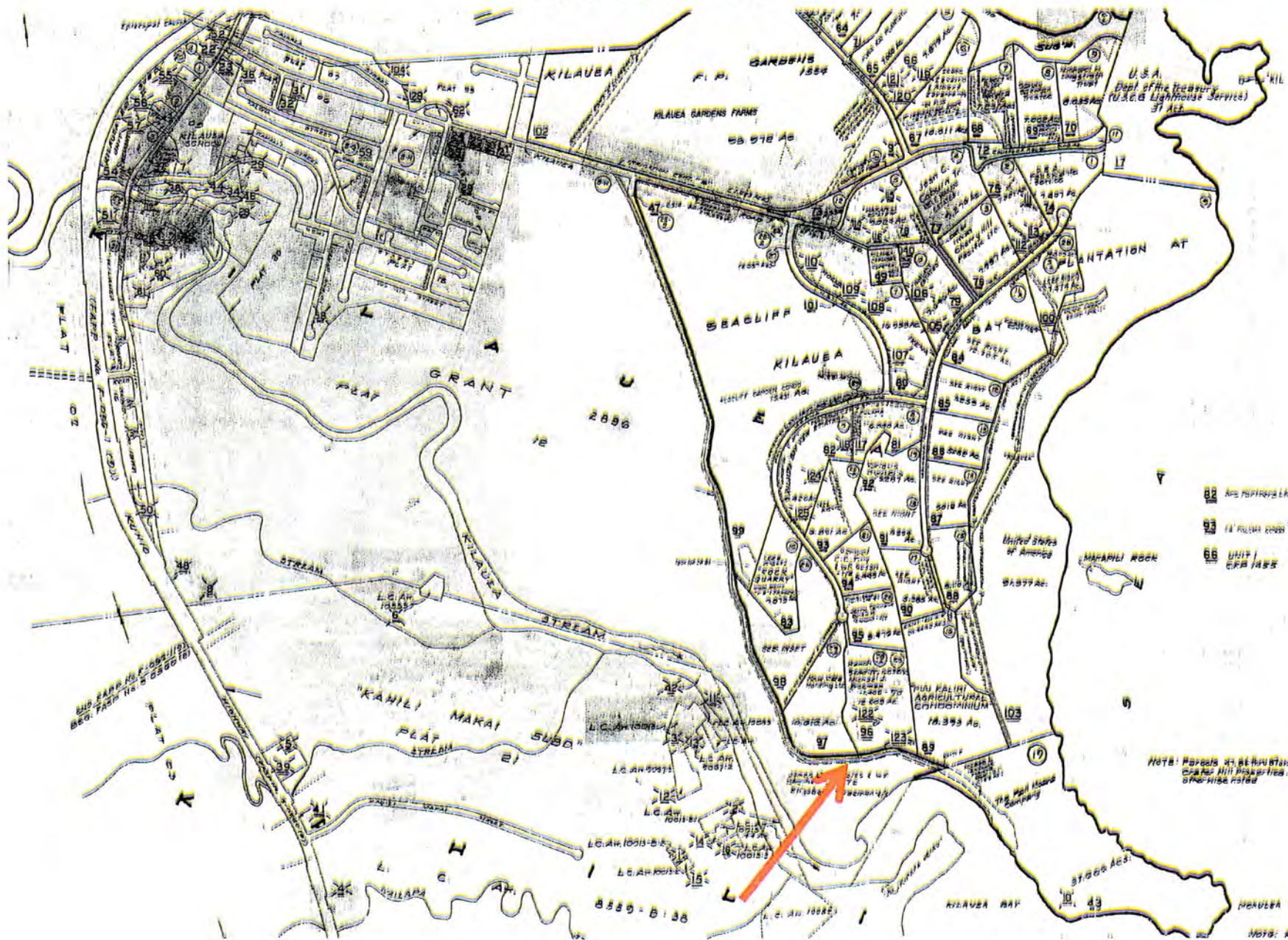
TVNC-4193 "Makana Pomaikai"

Pic# 6 Farm Office / Library

TMK 5-2-004:096 11/14/11



TMK 5-2-004:096

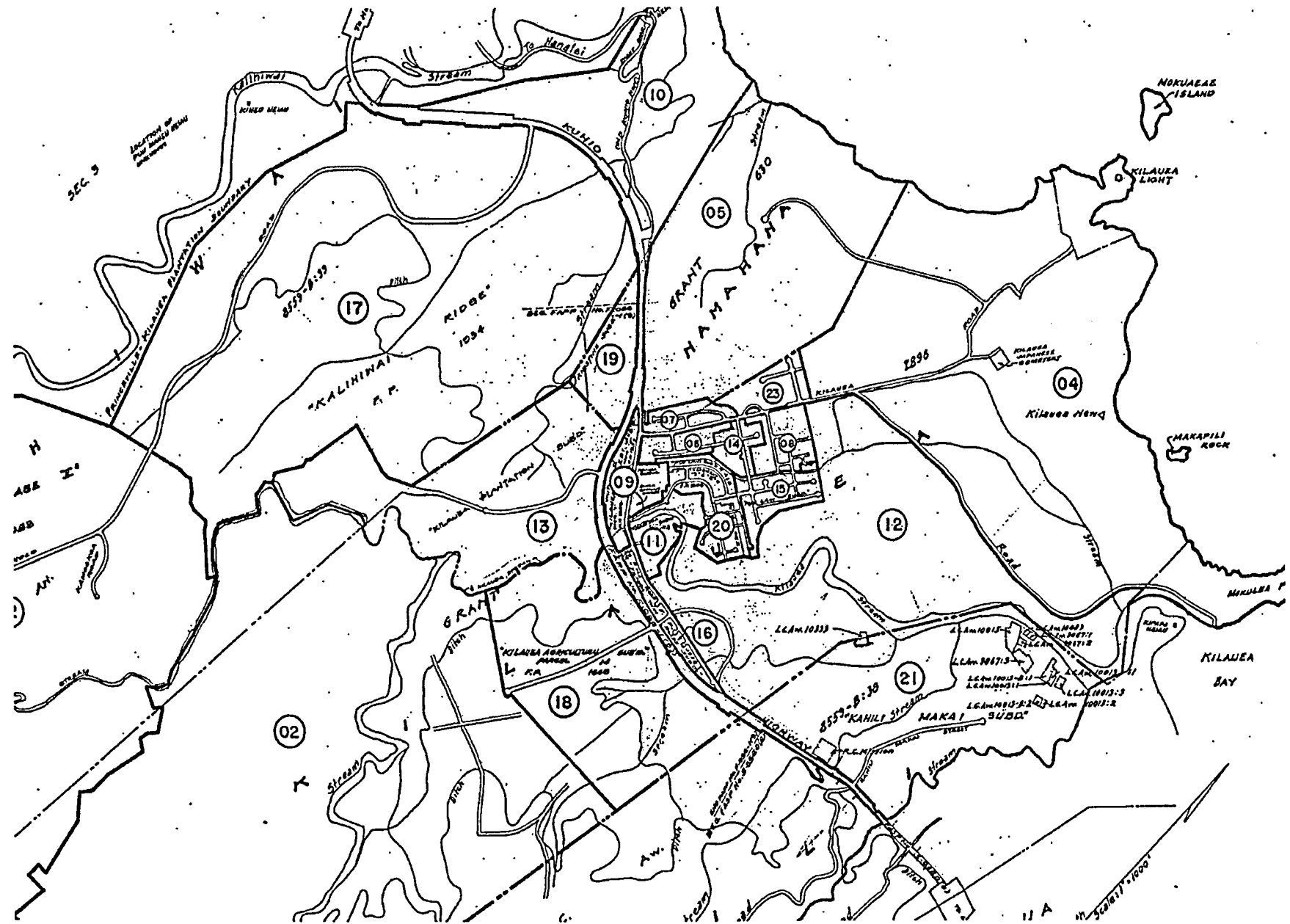


82 AC. PAPER 121A
93 1A KILAUEA CREEK
66 UNIT 1
C/FB 1955

NOTE: Papers at Kilauea Iki Crater Hill Properties, otherwise noted

KILAUEA I
NOTE: R

TMK 5-2-004:096



TMK: 4/5-2-004:096 TVNC-4193 Pictometry
10/8/08



TMK: 4/5- 04:096 TVNC-4193 Pictometry
10/8/08



10/7/08



TMK: 4/5-2-04:096 TVNC-4193 Pictometry

10/8/08



10/21/08





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

4398 PUA LOKE STREET, PO BOX 1706
LIHU'E, KAUAI, HAWAII 96766
PHONE: 808-245-5400 FAX: 808-245-5813

DATE: September 6, 2011

LU-UID #2984

TO: Planning Department
Ian K. Costa, Director (Mike Laureta)

SUBJECT: Special Permit SP-2012-8 for the Use of an Existing Single Family Residence for
Transient Vacation Rental Purposes, TMK: 5-2-04:096 = Elizabeth Freeman

DOW COMMENTS:

We have no objections to the proposed Special Permit Application SP-2012-8 for the Use of an Existing Single Family Residence for Transient Vacation Rental Purposes. Water service will be limited to the existing water meter serving the subject properties identified by TMK: (4) 5-2-04:096, CPR Unit A and TMK: (4) 5-2-04:096, CPR Unit B. Additional water meters or an increase in water meter size will be dependent on the adequacy of the source, storage, and transmission facilities existing at that time.

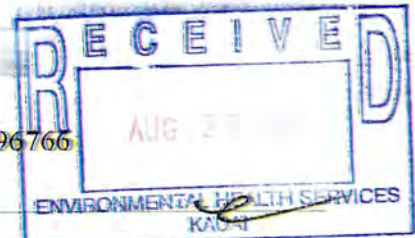
COUNTY OF KAUAI
11 SEP -8 10:53
PLANNING DEPT.

Gregg Fujikawa
Chief of Water Resources and Planning

Date

ED/GF:oo
SP-2012-8 Kiluaea, Elizabeth Freeman

COUNTY OF KAUAI
PLANNING DEPARTMENT
4444 RICE STREET, SUITE A473, LIHUE, HI 96766
(808) 241-4050



FROM: Michael A. Dahilig, Director (Mike)

Monday, August 15, 2011

SUBJECT: Special Permit SP-2012-8, Transient Vacation Rental, Single Family, Tax
Map Key:(4)5-2-4:96, Elizabeth Freeman

TO:

- | | |
|--|---|
| ☐ Department of Transportation - STP | ☒ DPW-Engineering |
| ☐ DOT-Highway, Kauai(info only) | ☐ DPW-Wastewater |
| ☐ DOT-Airports, Kauai (info only) | ☒ DPW-Building |
| ☐ DOT-Harbors, Kauai (info only) | ☐ DPW-SolidWaste |
| ☒ State Department of Health | ☐ Department of Parks & Recreation |
| ☐ State Department of Agriculture | ☒ Fire-Department |
| ☐ State Office of Planning | ☐ County Housing-Agency |
| ☐ State Dept. of Bus. & Econ. Dev. Tourism | ☐ County Economic Development |
| ☒ State Land Use Commission | ☐ KHPRC |
| ☒ State Historic Preservation Division | ☒ Water Department |
| ☐ DLNR- Land Management | ☐ Kauai Civil Defense |
| ☐ DLNR-Foresty & Wildlife | ☐ U.S. Postal Department |
| ☐ DLNR-Aquatic Resources | |
| ☐ DLNR- OCCL | |

FOR YOUR COMMENTS(pertaining to your department):

SEE COMMENTS ON ATTACHED SHEET

COUNTY OF KAUAI
11 SEP 15 13:57
PLANNING DEPT.

Date

9/13/11

for Gerald N. Takamura, Chief
District Environmental Health Program Kauai

This matter is scheduled for a public hearing before the County of Kauai Planning Commission
on at the Lihue Civic Center, Moikeha Building, Meeting Room
2A-2B, 4444 Rice Street, Lihue, Kauai, at 9:00 am or soon thereafter.

If we do not receive your agency comments within one (1) month from the date of this request, we
will assume that there are no objections to this permit request. Mahalo!

Special Permit Application No.: **SP-2012-8**

Applicant: **Elizabeth Freeman**

Based on our review of the application, we have the following environmental health concern for your consideration at this time.

1. The existing wastewater system is an approved system and is adequate to serve the existing dwelling. The wastewater system is designed for 1000 gallons per day and the flow shall not exceed design capacity.

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

Mike Laureta

From: Ron Darville
Sent: Wednesday, September 07, 2011 7:33 AM
To: Michael Dahilig; Mike Laureta
Cc: Doug Haigh
Subject: TVR's

The Building Division has reviewed the following Transient Vacation Rental requests and there are no objections. These requests have not been reviewed for outstanding permit violations.

Special Permit SP-2011-19
TMK (4)5-3-3:49
Steve & Eileen Kuljis

Special Permit SP-2011-33
TMK (4)5-3-4:30
Barnet & Julie Feinblum

Special Permit SP-2011-29
TMK (4)5-2-5:29(1)
Dali Hale LLC

Special Permit SP-2011-21
TMK (4)4-9-13:1
Aldo & Lisa Alberton

Special Permit SP-2011-31
TMK (4)5-3-4:25
Torey/Corey, LLC

Special Permit SP-2011-30
(4)5-3-4:25
Torey/Corey LLC

Special Permit SP-2012-12
TMK (4)5-2-10:21
Judy Walker

Special Permit SP-2012-4
TMK (4)2-4-3:23
Polu Mala LLC

Special Permit SP-2012-9
TMK (4)5-3-3:43
Larry & Joan Gehrke

Special Permit SP-2012-6
TMK (4)5-3-9:8
Clarum Corp.

Special Permit SP-2011-20
TMK (4)5-3-4:7
Michael Smith

Special Permit SP-2011-23
TMK (4)5-3-4:26
Mary Ellen Turk

Special Permit SP-2011-18
TMK (4)4-9-14:16
Gary & Apolonia Stice

Special Permit SP-2011-13
TMK (4)5-3-4:29
Linda Cuninngham

Special Permit SP-2011-12
TMK (4)5-1-5:37
Eleanor & Alan Arita

Special Permit SP-2011-14
TMK (4)5-3-4:26
Diane & Roy Garrison

Special Permit SP-2012-1
TMK (4)5-3-3:45
Michael Chandler

Special Permit SP-2012-3
TMK (4)5-1-5:28
Vard Stephen Hunt

Special Permit SP-2012-26
TMK (4)5-2-17:24
Howard Samuels

Special Permit SP-2012-37
TMK (4)5-2-5:32
Justin & Michelle Hughes, Co-Trustee

Special Permit SP-2012-25
TMK (4)5-3-4:18
Richard Adkins

Special Permit SP-2012-23
TMK (4)5-2-12:1
Neal & Barbara Beissert

Special Permit SP-2011-11
TMK (4)4-9-14:16
Paul & Cheri Gienger

Special Permit SP-2011-7
TMK (4)5-2-4:63
William & Sandra Strong

Special Permit SP-2013-21
TMK (4)5-1-5:15
Bruce & Cynthia Fehring

Special Permit SP-2012-19
TMK (4)5-2-4:80
Tomas Enstice

Special Permit SP-2012-18
TMK (4)5-2-12:1
Kilauea Investments LLC Scott Johnson

Special Permit SP-2011-22
TMK (4)4-9-13:1
Aldo & Lisa Albertoni

Special Permit SP-2012-16
TMK (4)5-2-10:29
Linda M. Saunders Trust

Special Permit SP-2012-14
TMK (4)5-1-5:122
Michael Larbig

Special Permit SP-2011-9
TMK (4)5-2-4:69
Sandy Saemann

Special Permit SP-2012-8
TMK (4)5-2-4:96
Elizabeth Freeman

Special Permit SP-2012-22
TMK (4)5-1-5:50
Terje Haakonsen

Special Permit SP-2012-20
TMK (4)4-9-13:24
Bob Orner

Special Permit SP-2011-32
TMK (4)2-8-5:20
Diane & Lindsay Faye

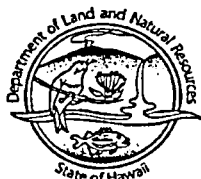
Special Permit SP-2011-15
TMK (4)5-1-5:47
Michael Testa

Special Permit SP-2012-17
TMK (4)5-3-9:6
Penny Hill Properties LLC

Special Permit SP-2012-10
TMK (4)5-2-5:34
Jungle Bee LLC

Ron Darville, Code Enforcement Officer
County of Kauai, Building Division
(808) 241-4877
rdarville@kauai.gov

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION
KAHUIHEWA BUILDING
601 KAMOKILA BLVD, KAPOLEI HI 96706

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
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
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

DATE: September 23, 2011

TO: Michael Dahilig
County of Kauai Planning Department
4444 Rice Street, Suite A473
Lihue, HI 96766

SUBJECT: Section 6E-42 Historic Preservation Review
Project: Special Permits for Transient Vacation Rental
Permit # Various - See Below
Owner: Various - See Below
Location: Various - See Below
Tax Map Key: Various - See Below

LOG: 20110923
DOC: 1109MA13

11 OCT -3 P2:21
PLANNING DEPT.

This letter is in response to Special Permits for Transient Vacation Rentals, which we received on September 1, 2011. The proposed undertakings request authorization to use existing structures as transient vacation rentals.

The following permit applications pertain to buildings which are less than fifty years of age, and therefore appear to not meet the criteria for listing in the Hawaii and National Registers of Historic Places.

SP-2011-07	William Strong	Kilauea	5-2-004-063
SP-2011-09	Sandy Saemann	Kilauea	5-2-004-069
SP-2011-11	Paul Gienger	Moloaa	4-9-014-016
SP-2011-12	Eleanor Arita	Kilauea	5-1-005-037
SP-2011-13	Linda Cunningham	Kalihiwai	5-3-004-029
SP-2011-14	Diane Garrison	Anini	5-3-004-026
SP-2011-15	Michael Testa	Kilauea	5-1-005-047
SP-2011-17	Faye Brenner	Kalaheo	2-4-002-020
SP-2011-18	Gary Stice	Moloaa	4-9-014-016
SP-2011-19	Steve Kuljis	Kilauea	5-3-003-049
SP-2011-20	Michael Smith	Anini	5-3-004-007
SP-2011-21	Aldo Alberton	Moloaa	4-9-013-001
SP-2011-22	Aldo Alberton	Moloaa	4-9-013-001
SP-2011-23	Mary Ellen Turk	Anini	5-3-004-026
SP-2011-29	Dali Hale	Namahana	5-2-005-029
SP-2011-30	Torey/Corey	Anini	5-3-004-025
SP-2011-31	Torey/Corey	Anini	5-3-004-025
SP-2011-32	Diane Faye	Koloa	2-8-005-020
SP-2011-33	Barnett Feinblum	Kilauea	5-3-004-030
SP-2012-01	Michael Chandler	Kalihiwai	5-3-003-045
SP-2012-03	Vard Stephen Hunt	Kilauea	5-1-005-028

SP-2012-04	Polu Mala	Kalaheo	2-4-003-023
SP-2012-06	Clarum Corp	Kalihiwai	5-3-009-008
SP-2012-08	Elizabeth Freeman	Kilauea	5-2-004-096
SP-2012-09	Larry Gehke	Kilauea	5-3-003-043
SP-2012-10	Jungle Bee	Namahana	5-2-005-034
SP-2012-12	Judy Walker	Kilauea	5-2-010-021
SP-2012-14	Michael Larbig	Kilauea	5-1-005-122
SP-2012-16	Linda M. Saunders	Kilauea	5-2-010-029
SP-2012-17	Penny Hill	Kilauea	5-3-009-006
SP-2012-18	Kilauea Investments	Kilauea	5-2-012-001
SP-2012-19	Thomas Enstice	Kilauea	5-2-004-080
SP-2012-20	Bob Orner	Kilauea	4-9-013-024
SP-2012-22	Terje Haakonsen	Kilauea	5-1-005-050
SP-2012-23	Neal Beissert	Kilauea	5-2-012-001
SP-2013-21	Bruce Fehring	Kahili	5-1-005-015

In reviewing this project the State Historic Preservation Division considered the information contained in the permit applications.

The State Historic Preservation Office believes that **no historic properties will be affected by the above undertakings.**

Any questions should be addressed to Lorraine Minatoishi, at (808) 942-7474 (office), (808) 285-1184 (cell) or lm@mahawaii.com.

Mahalo for the opportunity to comment.



Angie Westfall
Architecture Branch Chief, Hawaii Historic Preservation Division

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

TO: Mike A. Dahilig, Planning Director (Mike)

Date: Monday, August 15, 2011

SUBJECT: Special Permit SP-2012-08, Transient Vacation Rental, Single Family, Tax Map
Key: (4):5-2-004: 96, CPR Unit A, Elizabeth Freeman PW 09.11.143

TO:

11 DEC 19 13:06

☐ Department of Transportation – STP	☒ DPW - Engineering
☐ DOT- Highways, Kaua'i (info only)	☐ DPW - Wastewater
☐ DOT-Airports, Kaua'i (info only)	☒ DPW - Building
☐ DOT-Harbors, Kaua'i (info only)	☐ DPW - Solid Waste
☒ State Department of Health	☐ Department of Parks & Recreation
☐ State Department of Agriculture	☒ Fire Department
☐ State Office of Planning	☐ County Housing Agency
☐ State Dept. of Bus. Econ. Dev. Tourism	☐ County Economic Development
☒ State Land Use Commission	☐ KHPRC
☒ State Historic Preservation Division	☒ Water Department
☐ DLNR – Land Management	☐ Kaua'i Civil Defense
☐ DLNR – Forestry & Wildlife	☐ U. S. Postal Department
☐ DLNR – Aquatic Resources	
☐ DLNR – OCCL	

FOR YOUR COMMENTS (pertaining to your department:)

December 6, 2011

We reviewed the subject special permit application for the single family residence, CPR Unit A. We offer the following comments in regards to flooding and accessibility:

Based on panel number 060E of the Flood Insurance Rate Maps dated September 16, 2005, the subject single family residence is located in Zone X. Zone X is an area determined to be outside the 0.2% annual chance floodplain. We have no flood requirements for this flood zone.

As stated in the application, all stormwater runoff shall be subject to best management practices. The applicant **shall** maintain existing drainage flow patterns. No additional stormwater runoff is allowed to adversely impact natural drainage way, streams, or downstream properties.

No proposed construction or grading **shall** result from the use of the subject property as a transient vacation rental.

SP-2012-08, TMK: 5-2-004~~HHH~~, Elizabeth Freeman
December 6, 2011
Page 2

The application states guest parking is provided on-site. No parking shall occur within the Pali Moana Place right-of way.

If you have any questions or need additional information, please contact Wynne Ushigome at (808) 241-4890.

Very truly yours,


LARRY DILL, P.E.
County Engineer

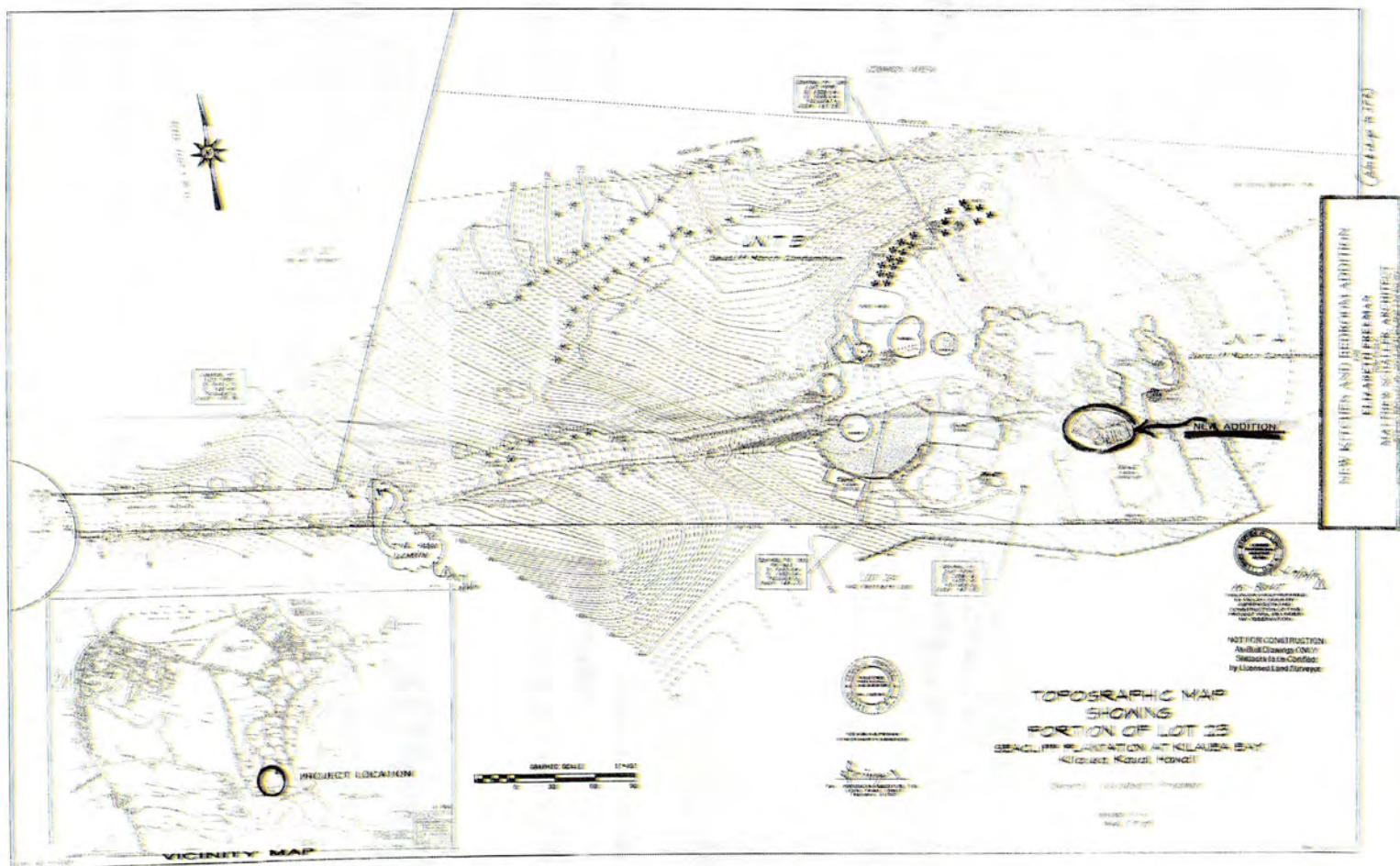
WK

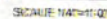
CY/WU/WK

cc: Design and Permitting

This matter is scheduled for a public hearing before the County of Kaua'i Planning Commission on _____, at the Līhu'e Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Līhu'e, Kaua'i, at 9:00 am or soon thereafter.

If we do not receive your agency comments within 1 month from the date of this request, we will assume there are no objections to this permit request. Mahalo!



[illegible]

PROJECT DATA

WORKSHEET: PROJECT DATA

PROJECT: [REDACTED]

DATE: [REDACTED]

TIME: [REDACTED]

LOCATION: [REDACTED]

STATUS: [REDACTED]

CONTACT: [REDACTED]

REMARKS: [REDACTED]



NEW KITCHEN AND BEDROOM ADDITION
FOR
ELIZABETH FREEMAN----- TMK 5-2-04 96
MATTHEW SCHALLER ARCHITECT
To ask for the plans, call 808-943-1111

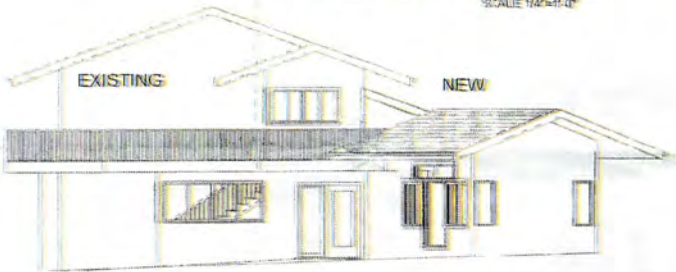
FLOOR PLANS

A-1



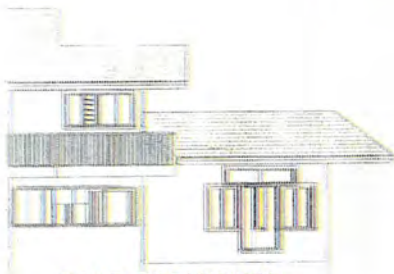
LEFT FRONT ELEVATION

SCALE 1/4"=1'-0"

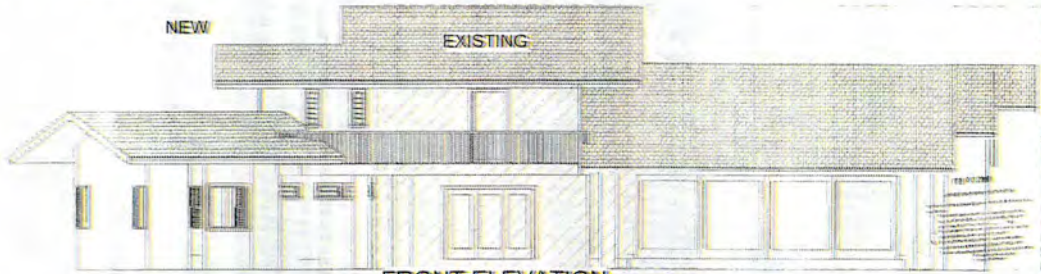


LEFT SIDE ELEVATION

SCALE 1/4"=1'-0"



REAR ELEVATION



FRONT ELEVATION

SCALE 1/4"=1'-0"

SECOND FLOOR ELECTRICAL

SCALE 1/4"=1'-0"

FIRST FLOOR ELECTRICAL

SCALE 1/4"=1'-0"



NEW KITCHEN AND BEDROOM ADDITION
 ELIZABETH FREEMAN
 MATTHEW SCHALLER ARCHITECT
 1100 1/2 MAIN ST. SUITE 100
 FARMINGTON, CT 06030

**EXTERIOR ELEVATIONS
 ELECTRICAL PLANS**

A-2

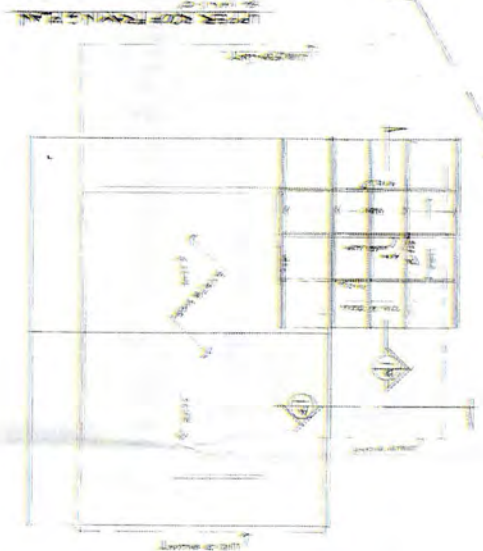
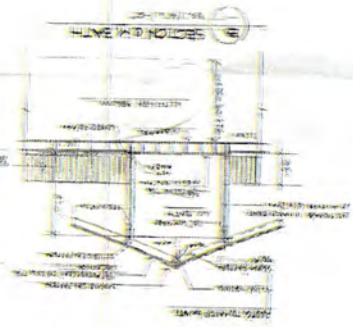
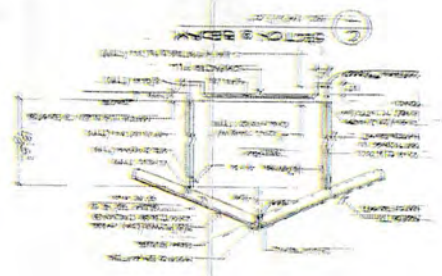
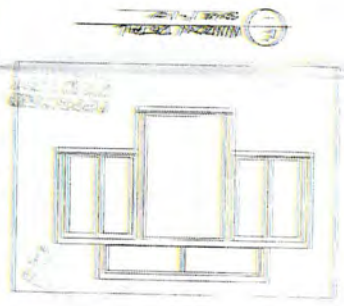
A-4

SECTIONS
DETAILS

NEW KITCHEN AND BEDROOM ADDITION
ELIZABETH FREEMAN
MATTIE SCHULTZ
MILWAUKEE, WIS.



NOTES:
1. ALL WORK TO BE DONE IN ACCORDANCE WITH THE SPECIFICATIONS AND CONDITIONS OF CONTRACT.
2. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION FURNISHED BY OTHERS.
3. THE ARCHITECT IS NOT RESPONSIBLE FOR THE CONSTRUCTION OF THE WORK.
4. THE ARCHITECT IS NOT RESPONSIBLE FOR THE MAINTENANCE OF THE WORK.
5. THE ARCHITECT IS NOT RESPONSIBLE FOR THE REPAIR OF THE WORK.
6. THE ARCHITECT IS NOT RESPONSIBLE FOR THE REMOVAL OF THE WORK.
7. THE ARCHITECT IS NOT RESPONSIBLE FOR THE DISPOSAL OF THE WORK.
8. THE ARCHITECT IS NOT RESPONSIBLE FOR THE STORAGE OF THE WORK.
9. THE ARCHITECT IS NOT RESPONSIBLE FOR THE TRANSPORTATION OF THE WORK.
10. THE ARCHITECT IS NOT RESPONSIBLE FOR THE INSTALLATION OF THE WORK.
11. THE ARCHITECT IS NOT RESPONSIBLE FOR THE OPERATION OF THE WORK.
12. THE ARCHITECT IS NOT RESPONSIBLE FOR THE DECOMMISSIONING OF THE WORK.
13. THE ARCHITECT IS NOT RESPONSIBLE FOR THE DEMOLITION OF THE WORK.
14. THE ARCHITECT IS NOT RESPONSIBLE FOR THE REDEMPTION OF THE WORK.
15. THE ARCHITECT IS NOT RESPONSIBLE FOR THE RECONSTRUCTION OF THE WORK.
16. THE ARCHITECT IS NOT RESPONSIBLE FOR THE REPAIR OF THE WORK.
17. THE ARCHITECT IS NOT RESPONSIBLE FOR THE MAINTENANCE OF THE WORK.
18. THE ARCHITECT IS NOT RESPONSIBLE FOR THE CONSTRUCTION OF THE WORK.
19. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION FURNISHED BY OTHERS.
20. THE ARCHITECT IS NOT RESPONSIBLE FOR THE CONSTRUCTION OF THE WORK.





McCORRISTON MILLER MUKAI MacKINNON LLP
ATTORNEYS AT LAW

July 9, 2026

Via Email

Joan Ludington
Mike Laureta
County of Kauai, Department of Planning
4444 Rice Street, Suite A473
Lihue, Hawaii 96766
jludington@kauai.gov
mllaureta@kauai.gov

SUBJECT: Zoning Violation For Illegal Transient Vacation Rental
PROPERTY: 4101 Pali Moana Pl Unit 1 Kilauea, HI 96754
Tax Map Key No. (4) 5-2-004-096-0001 (the "Property")

Ms. Ludington and Mr. Laureta:

As you may know, I represent Elizabeth A. Freeman ("**Ms. Freeman**"), Trustee of the Elizabeth A. Freeman Trust (the "**Trust**"), in matters pertaining to that certain Zoning Violation For Illegal Transient Vacation Rental issued to the Trust (the "**Violation**").

Enclosed are:

1. A true and correct copy of the First Notice of Violation issued to the Trust (the "**First Notice**")
2. A true and correct copy of the authorization executed by Ms. Freeman, evidencing that I have the authority to correspond on her behalf regarding this matter.

On behalf of Ms. Freeman, and by your recommendation, I hereby appeal the forfeiture and request a hearing on the matter.

If you have any questions or concerns, please do not hesitate to contact the undersigned (email: LL@m4law.com; phone: (808) 977-8015)

Very truly yours,

McCORRISTON MILLER MUKAI MacKINNON
LLP

Laurel K. S. Loo

cc: Client (via email)

I.I.A.

AUG 11 2026

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR
REIKO MATSUYAMA, MANAGING DIRECTOR

VIA CERTIFIED MAIL/EMAIL

FREEMAN, ELIZABETH A TRUST
PO BOX 298
KILAUEA, HI 96754

FIRST NOTICE OF VIOLATION

SUBJECT: ZONING VIOLATION FOR ILLEGAL TRANSIENT VACATION
RENTAL AT:
4101 PALI MOANA PL UNIT 1 KILAUEA, HI 96754
Tax Map Key: 520040960001

The Planning Department conducted an investigation of the subject property and verified violation(s) of Kaua'i County Code (KCC):

Chapter 8, Comprehensive Zoning Ordinance
Section 8-1.5 Definitions.

"Transient Vacation Rental" means a dwelling unit which is provided to transient occupants for compensation or fees, including club fees, or as part of interval ownership involving persons unrelated by blood, with a duration of occupancy of one hundred eighty (180) days or less

Sec. 8-3.5 Enforcement, Legal Procedures and Penalties.

(a) Enforcement, Legal Procedures and Penalties.

...

(2) It shall be the duty of the Planning Commission and Planning Director to enforce the provisions of this Chapter and it shall be the duty of all law enforcement officers of the County

...

(4) Any building or structure or other improvement or development set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this Chapter or any use of land contrary to the provisions of this Chapter shall be unlawful and a public nuisance. The County Attorney shall immediately commence an action or proceeding for the abatement, removal, or injunction thereof in the manner provided by law, and shall take such other steps, and shall apply to such courts as may have jurisdiction to grant relief that will

abate or remove such building, structure, improvement, development or use, and restrain and enjoin any person from setting up, erecting, building, maintaining, or using any such building, structure, improvement or development, or using any property contrary to the provisions of this Chapter.

(5) The remedies provided for in this Article shall be cumulative and not exclusive.

VIOLATION:

On April 29, 2026, Planning Inspector Joan Ludington through her investigation, verified that multiple detached accessory structures on the subject property are being used for Transient Vacation Rental purposes.

The use of detached accessory structures for transient occupancy is generally not permitted outside of the Visitor Destination Area (VDA) without a valid Non-Conforming Use Certificate that authorizes said structures to be used for vacation rental purposes. Therefore, the use of these detached accessory structures for Transient Vacation Rental purposes constitutes a violation.

In addition, under KCC Section 3.5, any improvement, development, or use of land contrary to the provisions of KCC Chapter 8 is unlawful and a public nuisance.

REMEDIAL ACTION REQUIRED:

Pursuant to KCC §8-3.5, you are directed to comply with the following requirements immediately:

- 1. Correct the violation and cease and desist the use of the detached accessory structures as Transient Vacation Rentals.**
- 2. Cancel all Transient Vacation Rental accommodation commitments for the detached accessory structures.**
- 3. Submit documentation demonstrating that all website advertisements have been revised to remove any offering of the detached accessory structures for Transient Vacation Rental use.**
- 4. Submit documentation demonstrating that all future commitments for use of the detached accessory structures as a Transient Vacation Rental have been terminated.**

In addition, pursuant to KCC §8-3.5, should you fail to rectify the violation, you are hereby notified of the following:

- 1. A fine of up to ten thousand dollars (\$10,000.00) may be imposed for the above noted violations.**
- 2. An additional civil fine of up to ten thousand dollars (\$10,000.00) per day for each day in which the violation persists.**
- 3. You may also be subject to criminal prosecution.**

Contact Joan Ludington of the Planning Department at (808) 241-4052, or at jludington@kauai.gov, within fifteen (15) calendar days upon receipt of this letter to provide a remedial action plan. Failure to do so provides us with no other alternative but to pursue enforcement action.

A handwritten signature in black ink, appearing to read 'KAAINA S. HULL', is written over a horizontal line.

KAAINA S. HULL
Director of Planning

AUTHORIZATION

Subject/Property:

Zoning Violation For Illegal Transient Vacation Rental located at 4101 Pali Moana Pl Unit 1 Kilauea, HI 96754 and more particularly identified as Tax Map Key No. (4) 5-2-004-096-0001

Land Owner:

Elizabeth A Freeman, Trustee of the Elizabeth A. Freeman Trust (the "Trustee")

Authorization:

The Trustee hereby authorizes the authorized agents identified below to act on the Trustee's behalf in filing and processing any and all petitions, appeals or other documents related to the subject identified above. This authorization includes, but is not limited to, communicating with any department, agency, board, or commission of the County of Kauai or the State of Hawaii on behalf of the Trustee.

Authorized Agents:

Laurel Loo
McCorriston Miller Mukai MacKinnon LLP
4463 Pahe'e Street, Suite 207
Lihue, Hawaii 96766
(808) 529-7300
Email: ll@m4law.com

Ian Jung
3135 Akahi Street, Suite A
Lihue, Hawaii 96766
(808) 245-4705
Email: ikj@kauai-law.com

Elizabeth A. Freeman Trust

Signed by:

906915183926476
Elizabeth A Freeman, Trustee