

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



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

April 13, 2026

Public testimony received by the Planning Department as of April 13, 2026, 9:00 am for the April 14, 2026, Planning Commission meeting regarding the following item:

- G.2.a. CLASS IV ZONING PERMIT (Z-IV-2026-13), USE PERMIT (U-2026-10) and SPECIAL PERMIT (SP-2026-5) to conduct a guided agricultural tour operation involving Unit 71 of the Moloa'a Hui I Condominium, on a parcel situated along the makai side of Kuhio Highway in Moloa'a, approximately 1,000 feet east of the Ko'olau Road/Kūhiō Highway intersection, immediately adjacent to the Green Earth composting facility, further identified as Tax Map Key: (4) 4-9-009:012 (Por.), and affecting a portion of a larger parcel containing 281+ acres = JOSEPH SCHWARTZ. [Director's Report Received, 2/24/2026; Hearing Postponed, 3/10/2026].**



Kauai Kunana Dairy
4552 Kapuna Road – Kilauea, Kaua'i, Hawaii 96754
(808) 828-0095

April 10, 2026

County of Kaua'i Planning Commission
County of Kaua'i Planning Department
4444 Rice Street
Suite 473
Lihue, HI 96766

**RE: CLASS IV ZONING PERMIT (Z-IV-2026-13) USE PERMIT (U-2026-10) and
SPECIAL PERMIT (SP-2026-5)**

Aloha mai Kākou members of the Planning Commission,

I am writing on behalf of my family as owners of Unit 83 in the Moloa'a Hui Lands I. Our farm and homestead is approximately 100 yards from the entry to the property that would be the benefit from these permits.

Our family has been farming on Kaua'i since 1979, and we acquired our Moloa'a property in 2012 where we own 6.75 acres. We have built a family residence on the property, and we actively farm tropical fruit trees and diverse vegetable crops. The Moloa'a farm and our dairy farm property in Waipake provide the livelihood for our multi-generation farming family.

While we whole-heartedly support the operation of guided agricultural tours as a means for farms to create income and promote agriculture, we do have some concerns about this particular application. Since the present owners acquired the property, the activity on the property has not been confined to agriculture and farm tours. Periodically throughout the year, the owners host musical events for which they charge attendance fees. These events last well into the late hours of the night and include loud music and increased noise and traffic. The noise is very upsetting for the entire neighborhood and is not in line with agricultural use of the property. There is also a preponderance of alcohol and drug consumption in the neighborhood during these events, and the police have been called several times.

We ask that these permits should not be approved without stipulation that the above-described activities are not part of any permits given for agricultural tours. We also feel that the dates and times for ag tours should be provided to the neighborhood as a common courtesy for the neighbors.

Mahalo nui for all of your work for the community,

Louisa Wooton and the Wooton 'Ohana

DEPARTMENT OF PLANNING

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

April 13, 2026

Public testimony received by the Planning Department as of April 13, 2026, 9:00 am for the April 14, 2026, Planning Commission meeting regarding the following item:

G.2.c. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2026-5) to allow construction of a new single-family residence and associated site improvements on a parcel situated on the makai side of Kūhiō Highway in Wainiha, approximately 400 feet west of the Alealea Road/ Kūhiō Highway intersection, further identified as 5-7436 F Kuhio Highway, Tax Map Key: (4) 5-8-010:025, Unit 1 containing a total area of 18,129 square feet = **ZONA URDINA, LLC.**

County of Kauai Planning Commission
4444 Rice Street, Suite A473,
Lihue, Hawaii, 96766
planningdepartment@kauai.gov
SMA(U)-2026-5
4/12/2026

To Planning Commission Chair Ako, Vice Chair Cox and Commissioners,
Re: Zona Urdina LLC SMA(U)2026-5
5-7436F Kuhio Highway,
Hanalei, Kauai, Hawaii, 96714

I support SMA(U)2026-5 contingent on modifications and conditions added to require an AIS and approved BTP to protect historic sites and burials.

1. Retreat/ support for demolition

Applicants should be commended for being the first oceanfront landowners to retreat. This project is the first removal of structures too close to the ocean. The applicant's state:

The previous buildings on the project area were decades old, dilapidated buildings for which the applicants received demolition permits. I strongly support the demolition and retreat of the existing dilapidated structures.

2. Conditions should be added to SMA approval to require 100% Archaeologic Inventory Study (AIS) and approved Burial Treatment Plan before building permits can be issued to avoid adverse effects on significant historic sites and burials.

Knowing if and where burials are located provides the possibility for the applicant to redesign elements of the structure where Iwi are located and make educated choices. Applicants are remiss in the failure to include an Archaeologic Inventory Study (AIS) despite acknowledging the likely presence of additional Iwi in the application.

See attached March 20, 1991 letter from SHPD administrator Don Hubbard Historic Preservation Review Concerns, which includes TMK 5-8-10: 25

...we believe that an Archaeological Inventory Survey would be needed on these properties, and quite possibly mitigation work would be needed prior to any construction in the area. Otherwise, any construction clearly could have "adverse effect" on significant historic sites and burials.

HSPD has apparently not yet responded to the PD Agency Request for Comments for SMA(U)-2026-5. Thirty-five years ago, HSPD highlighted development in this area needs an AIS to the Planning Department. Any approval of this proposed SMA development should have an AIS requirement to protect known significant historic resources. Amend Condition #4, the BSC does not identify the presence or extent of burials.

#4. The Applicant shall complete the Burial Site Component (BSC) in coordination with SHPD to identify the presence, extent, and significance of iwi kupuna within the project area.

should be changed to

#4 The Applicant shall complete the Archaeological Inventory Study to identify the presence, extent, and significance of iwi kupuna and historic sites within the project area and complete the Burial Site Component (BSC) and Burial Treatment Plan(BTP) in coordination with SHPD.

The Application acknowledges the recent discovery of iwi on the property

Section VII. ARCHAEOLOGY states *The State Historic Preservation Division (SHPD) is now reviewing County of Kauai permits for demolition of two very old structures on this parcel. When human remains were previously discovered, as discussed in the preceding section, there was a determination to preserve the remains in place. Due to the potential for encountering additional subsurface historic finds, SHPD has requested archaeological monitoring be conducted during the project and an Archaeological Monitoring Plan (AMP) be submitted for review prior to permit issuance.*

Note: this SHPD recommendation is for the Iwi Kupuna discovered during demolition of the existing structures,

not the new building project that is the subject of this SMA application.

Page 44, Relevant Information from Other Cultural and Archaeological Studies states:

It is important to note that in 2024, two iwi kūpuna were revealed in the project area during excavations for footings in the project area and designated State Inventory of Historic Places (SIHP) # - 02480.111 ...

As of June 2025, and the writing of this analysis, the SHPD-requested Burial Site Component (BSC) for the project area has commenced but is still pending completion by the contractor. The revelation of iwi kūpuna in the study area articulates with additional revelations nearby. Numerous - at least 11 - additional iwi kūpuna were also revealed in the sandy coastal sediments the west of the project area, with additional concentrations reported to the SHPD east of the project area. These occurrences replicate a well-established pattern of Hawaiian ancestral burials in sandy sediments (in addition to many, many other kinds of places and spaces) that is a reality throughout the archipelago.

The information presented in the SMA application acknowledges more burials likely will be revealed, but applicants fail to protect these historic sites and burials before being disturbed during construction. The application only includes monitoring and finishing the Burial Site Component (BSC), (which was required for the previously disturbed Iwi found here, not this application). The Directors Preliminary Recommendations #4-13 address the issue of historic preservation. But without requiring an AIS be done first, these conditions cannot protect Iwi Kupuna and this known historic site appropriately. Please add a condition requiring an AIS and approved Burial Treatment Plan before building permits may be issued consistent with the knowledge that there are significant historic sites and burials present here as in the adjacent properties.

3. Size of structure

As proposed in the SMA, land/lot coverage exceeds the allowable 10% coverage and **the structure should be required to be reduced in size to comply with allowable coverage.**

In the application, one of the consultees shared:

"Although we cannot dictate the style or size of the home, it is always nice to see a new resident create a small modest Hawaiian style home."

Sadly, the proposed structure is not small or modest or in keeping with the traditional style and character of homes in the area, but it definitely should not be permitted to exceed allowable land/lot limits.

The Directors Preliminary Report Page 5 states:

b. Land/Lot coverage: The amount of land coverage created for R-2 Open Zoning Districts including building and pavement, shall not exceed 10% or 3,000 s.f. maximum land/lot coverage.

The application Page 2 states:

The application Total lot coverage for this lot is 10.29 percent, or 3,638 square feet, which includes the dwelling, decks, concrete turnaround for the driveway, and all hard surfaces. The total lot size is 35,579 square feet. The size of the allowable structure should be reduced to no more than the allowable 10%. Additionally, the structure looks to be a multifamily multi pod structure rather than a single-family residence. Please add conditions for this structure to be limited to single-family-residential use only and prohibit multifamily use of the structure.

Thank you for your consideration of these changes.

Mahalo,



Caren Diamond

JOHN WAIHEE
GOVERNOR OF HAWAII

Mike

WILLIAM W. PATY, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
STATE HISTORIC PRESERVATION DIVISION
33 SOUTH KING STREET, 8TH FLOOR
HONOLULU, HAWAII 96813

DEPUTIES
KEITH W. AMUS
MANABU TAGOMORI
DAN T. KOCHI
AQUACULTURE DEVELOPMENT PROGRAM
AQUATIC RESOURCES CONSERVATION AND ENVIRONMENTAL AFFAIRS
CONSERVATION AND RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE HISTORIC PRESERVATION PROGRAM
LAND MANAGEMENT
STATE PARKS
WATER RESOURCE MANAGEMENT

COUNTY OF KAUAI
91 MAR 22 P 2
PLANNING DEPT.

March 20, 1991

Peter Nakamura
Planning Director
County of Kauai
4280 Rice Street
Lihue, Hawaii 96766

- Nakamura
- Moku
- Fernandez
- Hironaka
- Fujishima
- Tsuchiya
- Yamouchi
- Farnora
- Kashiwabara
- Yamashiro

Dear Mr. Nakamura:

**SUBJECT: Historic Preservation Review Concerns -- Permits for
TMK: 5-8-9: 26, 41-49, TMK: 5-8-10: 14-17, 24-25
Wainiha, Hanalei, Kauai**

We have received no permit applications from your department for review for this area. Now that a substantial subsurface habitation deposit and scattered burials have been discovered in the adjacent property (Tico TMK: 5-8-9: 25), we believe that this site (or similar sites) and associated burials are likely to be in the subject parcels as well. We believe that an archaeological inventory survey would be needed on these properties, and quite possibly, mitigation work would be needed prior to any construction in the area. Otherwise, any construction clearly could have an "adverse effect" on significant historic sites and burials.

Thus, our office would like the opportunity to review any permit applications for undertakings on these parcels, prior to permits being issued.

If you have any questions please call Ms. McMahon at 587-0006.

Sincerely,

**DON HIBBARD, Administrator
State Historic Preservation Division**

cc: Kauai Island Burial Council
Edward Ayau, DLNR

Romio Idica

From: Planning Department
Sent: Monday, April 13, 2026 6:22 AM
To: Romio Idica
Subject: FW: Agenda item G.2.c for 4/14 meeting

From: Administration Nā Hala o Naue <admin@nahalaonaue.org>
Sent: Sunday, April 12, 2026 12:38 PM
To: Planning Department <planningdepartment@kauai.gov>
Subject: Agenda item G.2.c for 4/14 meeting

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Aloha kākou

Regarding the SMA use permit for 5-7436 F Kuhio Highway, Tax Map Key: (4) 5-8-010:025, Nā Hala o Naue requests that the following condition be added based upon the knowledge of iwi kupuna found on this property and on both adjacent properties.

"The applicant shall have a 100% Archaeological Inventory Survey (AIS) performed to identify the presence, extent, and significance of iwi kupuna in the area, with any and all additional required SHPD documentation completed prior to any other ground disturbance on the property. GPR is also recommended."

We are unclear as to why the recently installed and fully compliant wastewater system must be moved for this project, and strongly recommend that the system be left in situ to avoid any unnecessary excavation. At minimum we would request a full explanation of why this is required.

SHPD determination letter for the demolition of existing construction on the property is still pending, so we are also unclear as to why the SMA use permit is being requested at this time.

Me ka mahalo,
Megan Wong and Sharon Gottfried for Nā Hala o Naue

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR

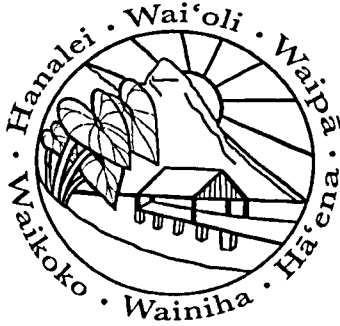


DEREK S.K. KAWAKAMI, MAYOR
REIKO MATSUYAMA, MANAGING DIRECTOR

April 13, 2026

Public testimony received by the Planning Department as of April 13, 2026, 9:00 am for the April 14, 2026, Planning Commission meeting regarding the following item:

- G.3.a. Proposed amendments to the Special Management Area (SMA) Rules and Regulations. [Director's Report Received, Hearing Continued, 1/13/2026; Hearing Continued, Deferred 2/24/2026].



Hanalei-Wainiha-Hā'ena Community Association
Post Office Box 1072
Hanalei, Hawaii 96714

April 13, 2026

County of Kauai Planning Commission
c/o County Planning Department
4444 Rice Street, Suite 473, Lihue, HI 96766

Re: Proposed Amendments to SMA Rules and Regulations (Agenda Item G.3)

Aloha Planning Commissioners,

The Board of Directors of the Hanalei-Wainiha-Hā'ena Community Association (HWHCA) commends the Planning Department for its work in updating the County's SMA Rules and Regulations ("SMA Rules"). We do, however, have major concerns regarding four important matters, which we urge the Planning Commission to address.

1. The proposed SMA Rules would substantially weaken the County's ability to regulate commercial activities in Hanalei Bay and other coastal areas.

The proposed SMA Rules would delete Section 19 of the existing SMA Rules and Regulations. Section 19 of the existing rules states the following:

"Section 19.0 Land-Based Activities Affecting Coastal Waters: No person shall be allowed to conduct any use, activity or operation on lands located within the Special Management Area, which may significantly impact coastal waters or related coastal resources, without first obtaining a Special Management Area permit pursuant to these Rules and Regulations. An application for a Special Management Area Permit filed under this section shall be subject to the review of the Director, Planning Department, and Planning Commission, and shall be evaluated for consistency with the objectives, policies, and guidelines of the Hawai'i Coastal Zone Management Act."

Section 19 of the existing rules was enacted specifically to enable the County to address the problems created by the state government's inadequate regulation of commercial boat tours and other commercial activities in Hanalei Bay in particular, and in Kauai's coastal waters in general.

Section 19 needs to be restored to the proposed SMA Rules, as the regulatory hole that could be created without Section 19 could seriously harm our communities when future proposals inevitably emerge to expand commercial activities in Kauai's coastal waters,

2. Development on rocky shoreline parcels should be subject to the same SMA scrutiny as development on all other shoreline parcels.

Virtually all shoreline parcels, including rocky shoreline parcels, are subject to coastal hazards of one type or another, and development on all shoreline parcels should therefore be subject to SMA permit scrutiny. But Section 2-1-A (“Guidance for definition of Development”) would potentially exclude rocky shoreline parcels from such scrutiny, leaving it to the Planning Director’s discretion to determine whether or not development on such parcels should be subject to the SMA Rules. In light of the high stakes and pressure that would be placed on the Planning Director to waive SMA scrutiny for major cliff-side development projects (such as development on the site of the former Hanalei Plantation Hotel), the potential for very harmful abuse of this discretion is high.

For these reasons, the following criterion should be added to Section 2-1-A(1)’s guidance for definition of Development: “all lands abutting the shore.”

3. Failure to meet the SMA Rules’ prescribed time limits for action should not be allowed to trigger harm to the public.

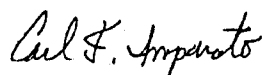
Section 4-2-B(4) proposes a draconian punishment - automatic approval of the SMA Use Permit application - for the Planning Director’s or Planning Commission’s failure to meet a deadline for action: That is clearly contrary to the public interest.

Regardless of whether the reason for a failure to meet one of the deadlines might be a staffing shortage, an administrative error or collusion between an applicant and the Planning Director or staff, harming the public by automatically approving an SMA Use Permit application cannot be justified. Section 10.0 of the existing SMA rules is far more reasonable: rather than automatic approval, it states that if the Planning Commission fails to act within 60 days of the conclusion of the public hearing, the application “will be automatically listed on the agenda for the next meeting of the Planning Commission.” Section 4-2-B(4) should be amended to prescribe that remedy, rather than automatic approval of the application.

4. The public must have the right to appeal Planning Director determinations.

Under Section 13 (Appeals), applicants would be the only parties who would be allowed to appeal Planning Director determinations in the administration of the SMA Rules to the Planning Commission. As the public’s right to appeal such determinations is clearly critical to protecting the public interest, Section 13 should be amended to explicitly acknowledge that members of the public have the right to appeal such Planning Director determinations.

Once again, we acknowledge that the lion’s share of the proposed major rewrite of the SMA Rules is highly creditable and deserves the Planning Commission’s approval. However, we believe that prior to granting such approval, the current draft needs to be amended to incorporate the recommendations made above.



Carl Imperato, President
Hanalei-Wainiha-Ha’ena Community Association



**SIERRA CLUB OF HAWAII'
KAUAI GROUP**

*MALAMA I KA HONUA
Cherish the Earth*

April 13, 2026

Attn: County Planning Commissioners
County of Kauai Planning Department
4444 Rice Street, Suite 473
Lihue, HI 96766

(Email: planningdepartment@kauai.gov)

RE: Concerns with Proposed Amendments to SMA Rules and Regulations
(Agenda Item 3.a. on April 14, 2026)

Aloha Planning Chair Ako and Commissioners:

We appreciate the opportunity to share our concerns and we take issue with the definition of "Development" as proposed in paragraph 1-7-G(2)(xvii) on page 4, that will exclude the:

xvii. Installation, maintenance, repair, and replacement of public pedestrian and bicycle facilities, including sidewalks, paths, bikeways, crosswalks, stairs, ramps, traffic control barriers, signs, signals, and associated improvements;

The County Multi-Use Path (Ke Ala Hele Makalae) serves as a good example, as it typifies the type of project that would be exempted under the aforementioned paragraph, although it clearly meets many of the functional criteria listed in the "Development" definition Part (1), including:

- i. Placement or erection of any solid material...
- iii. Change in the intensity of use of the land...
- iv. Change in the intensity of use or access thereto...
- v. Construction of any structure...

So, why is it appropriate to allow the County to exempt itself from complying with SMA requirements associated with such a major project within the SMA coastal lands?

Consider the example of SMA(U)-2018-3 & Shoreline Setback Permit SSV-2018-1 for the Ke Ala Hele Makalae segment along the Coconut Plantation parcel in Waipouli. Thanks to the public hearing and the subsequent contested case, the Path was relocated 10-12 feet landward due to public scrutiny and photo documentation. Coastal hazards were avoided and public interest goals were met including:

- keeping man-made structures outside of the shoreline setback area and minimizing the use of variances; and
- retaining as much of the coastal resource in its natural state preserving its scenic qualities, visual corridors, and cultural resources within the Special Management Area.

Sierra Club of Hawai'i, Kauai Group | PO Box 3412, Lihue, Hawai'i 96766 | hi.sierraclub.org

Emailed correspondence reduces paper waste. If you do print this letter, please recycle. Mahalo.

Page 2

April 13, 2026

Sierra Club Kaua'i Group – Concerns with Proposed Amendments to SMA Rules and Regulations

Finally, we find it highly unlikely that either the Director or Planning Commission would make a finding against a project that was spearheaded by the County itself, as claimed in the following “Development” definition (page 5) provision:

provided that whenever the Director or Planning Commission finds that any excluded use, activity, or operation may have cumulative impact, or a significant environmental or ecological effect on a Special Management Area as detailed in SMA Rules Section 3-3, that use, activity, or operation shall be defined as “development” for the purpose of this part.

Without public hearings for projects such as “sidewalks, paths and bikeways” we risk siting these structures inappropriately in the Special Management Area (despite shoreline setback rules).

As the Shared-Use Path example clearly indicates, it is important that paragraph 1-7-G(2)(xvii) be revised so that the installation of sidewalks, paths and bikeways is not excluded from the definition of “Development.”

Mahalo for your consideration,



Rayne Regush
Executive Committee Co-Chair
Sierra Club, Kaua'i Group

cc: Ka'aina S. Hull, County Planning Director
Wayne Tanaka, Sierra Club Hawai'i Chapter

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



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

TRANSMITTAL OF SUPPLEMENTAL INFORMATION TO PLANNING COMMISSION

DATE: **April 13, 2026**

PERMIT NUMBER(S): **SMA(U)-2006-5, PDU-2006-7, Z-IV-2006-10**

APPLICANT(S): **COCONUT PLANTATION BEACH INVESTORS, LLC**

Attached for the Planning Commission's reference is supplemental information to project's application.

H.1.a.
APR 14, 2026

Coconut Plantation Beach Investors, LLC
1717 Akahi Street, Second Floor
Honolulu, HI 96819

April 10, 2026

Mr. Ka'āina S. Hull, Director
Kauai Planning Department
4444 Rice Street
Lihue, Hawaii 96766

**Re: SUPPLEMENT TO ANNUAL STATUS REPORT FOR COCONUT
PLANTATION BEACH INVESTORS, LLC**
Special Management Area Use Permit SMA(U)-2006-5
Project Development User Permit PDU-2006-7
Class IV Zoning Permit Z-IV-2006-10

For the Development of a 192 Apartment Hotel Complex within the Coconut Plantation
Resort at Waipouli, Kauai, Hawaii
TMK: 4-3-07: Parcel 27

OWNER: Coconut Plantation Beach Investors, LLC
PREVIOUS OWNER: Coconut Plantation Holdings, LLC

Dear Sir:

This supplements the 2026 Status Report dated January 13, 2026 for the above project.

Since submission of the 2026 Status Report, Coconut Plantation Beach Investors, LLC has entered into a purchase and sale agreement to sell the property to a buyer with closing before the end of the year. The buyer will be having an environmental phase 1 study and boundary survey done as well as possibly other items.

On behalf of Coconut Plantation Beach Investors, LLC, this supplement to the status report is hereby provided for your review and acceptance.

Sincerely,

Gary Oda

Gary Oda, President, RAM Corporation
Member, Coconut Plantation Beach Investors, LLC