



PLANNING COMMISSION

KAAINA S. HULL, CLERK OF COMMISSION

GLEND A NOGAMI STREUFERT, CHAIR
HELEN COX, VICE CHAIR
FRANCIS DEGRACIA, MEMBER

RECEIVED

- The Planning Commission Meeting will be at:

26 FEB 18 P1:12

**Līhu'e Civic Center, Moikeha Building
Meeting Room 2A-2B
4444 Rice Street, Līhu'e, Kaua'i, Hawai'i**

OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUAI

- 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.

SUBDIVISION COMMITTEE MEETING NOTICE AND AGENDA

**Tuesday, February 24, 2026
8:30 a.m. or shortly thereafter
Līhu'e Civic Center, Moikeha Building
Meeting Room 2A-2B
4444 Rice Street, Līhu'e, Kaua'i, Hawai'i**

RECEIVED

26 FEB 18 P1:12

OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUAI

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. MINUTES of the meeting(s) of the Subdivision Committee

1. December 09, 2025
2. January 13, 2026

E. RECEIPT OF ITEMS FOR THE RECORD

F. UNFINISHED BUSINESS

G. NEW BUSINESS (For Action)

1. Final Subdivision Map Approval

- a. Subdivision Application No. S-2026-1
Hōkūala Resort Subdivision 1
Tower Kaua'i Lagoons Sub 1, LLC.
Proposed 10-Lot Consolidation and Re-subdivision into 16-Lots
TMKs: (4) 3-5-004: 100 to 109
Kalapakī, Līhu'e, Kaua'i

1) Subdivision Report pertaining to this matter.
- b. Subdivision Application No. S-2026-2
Hōkūala Resort Subdivision 1A
**2014 Tower Kaua'i Lagoons Golf, LLC. / Tower Kaua'i Lagoons Land, LLC. /
Tower Kaua'i Lagoons Sub 7, LLC.**
Proposed 2-Lot Consolidation and Re-subdivision into 15-Lots
TMKs: (4) 3-5-001: 027 and 168
Kalapakī, Līhu'e, Kaua'i

1) Subdivision Report pertaining to this matter.

H. EXECUTIVE SESSION

Pursuant to Hawaii Revised Statutes Sections 92-4 and 92-5(a)(4), the purpose of this executive session is to consult with the County's legal counsel on questions, issues, status and procedural matters. This consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Commission and the County as they relate to the following matters:

1. Subdivision Application No. S-2026-1
Hōkūāla Resort Subdivision 1
Tower Kauaʻi Lagoons Sub 1, LLC.
Proposed 10-Lot Consolidation and Re-Subdivision into 16-Lots
TMKs: (4) 3-5-004: 100 - 109
Kalapakī, Līhuʻe, Kauaʻi
2. Subdivision Application No. S-2026-2
Hōkūāla Resort Subdivision 1A
2014 Tower Kauaʻi Lagoons Golf, LLC. / Tower Kauaʻi Lagoons Land, LLC. / Tower Kauaʻi Lagoons Sub 7, LLC.
Proposed 2-Lot Consolidation and Re-Subdivision into 15-Lots
TMKs: (4) 3-5-001: 027 and 168
Kalapakī, Līhuʻe, Kauaʻi

I. ADJOURNMENT

KAUA'I PLANNING COMMISSION
SUBDIVISION COMMITTEE MEETING
December 09, 2025
DRAFT

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

The following Commissioners were present:

Mr. Gerald Ako
Ms. Glenda Nogami Streufert
Mr. Jerry Ornellas

Excused or Absent

The following staff members were present: Planning Department - Director Ka'aina Hull, Planning Department, Staff Planner Kenny Estes, Planning Secretary Shanlee Jimenez, Staff Services Supervisor Leila Kim; Office of the County Attorney – Deputy County Attorney Laura Barzilai, Office of Boards and Commissions – Support Clerk Lisa Oyama.

Discussion of the meeting, in effect, ensued:

CALL TO ORDER

Deputy County Attorney Laura Barzilai: Here you go.

Planning Director Ka'aina Hull: We're go? Okay.

Subdivision Committee Chair Gerald Ako: I'm sorry. Okay, now we're good.

ROLL CALL

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

Commissioner Jerry Ornellas: Here.

Mr. Hull: Commissioner Streufert?

Commissioner Glenda Nogami Streufert: Here.

Mr. Hull: Chair Ako?

Chair Ako: Here.

Mr. Hull: You have a quorum, Mr. Chair. 3:0.

APPROVAL OF AGENDA

Mr. Hull: Next, would be the Approval of the Agenda. We have no recommended changes to the agenda.

Chair Ako: You have the agenda in front of you. Ready to approve the agenda.

Ms. Streufert: I move to approve the agenda as written.

Mr. Ornellas: Second.

Chair Ako: Okay, we have a motion and a second. All those in favor say aye. Aye (unanimous voice vote). All those opposed. The agenda is approved. 3:0.

MINUTES of the meeting(s) of the Subdivision Committee

Mr. Hull: Next, would be the minutes for September 23rd, 2025.

Chair Ako: You also have the minutes in front of you.

(Audio was cut off).

Ms. Streufert: Second.

Chair Ako: Okay, we got a motion and a second for the minutes.

Ms. Barzilai: Do we have minutes?

Chair Ako: No, we don't.

Mr. Hull: Oh, I'm sorry.

Ms. Barzilai: There are no minutes.

Mr. Hull: Looking at the Planning Commission (inaudible).

Chair Ako: I'm sorry.

Mr. Hull: My apologies.

Chair Ako: Creatures of habit.

RECEIPT OF ITEMS FOR THE RECORD (None)

UNFINISHED BUSINESS

Mr. Hull: Next, we go into Unfinished Business.

Preliminary Subdivision Map Approval

Subdivision Application No. S-2025-1
Sueoka Store Expansion Project
SMK, Inc.
Proposed 11-Lot Consolidation into 1-Lot
TMKs: (4) 2-8-008: 020, 022 - 029, 034, 035
Koloa, Kaua'i

- 1) Subdivision Report pertaining to this matter.

Mr. Hull: And we have no members of the public signed up to testify for this agenda item. Is there any member of the public that would like to speak on this agenda item? Seeing none, I'll turn it over to Kenny for the staff report.

Staff Planner Kenny Estes: Good morning, Chair, and members of the Subdivision Committee. I'll summarize the report for the record.

Mr. Estes read the Summary, Project Data, Project Description and Use, Additional Findings, Preliminary Evaluation, and Preliminary Conclusion sections of the Director's Report for the record (on file with the Planning Department).

Chair Ako: Thank you. We have questions for Mr. Estes? Seeing none, do we have anybody from the applicant that would like to add?

Ms. Maren Arismendez: Good morning. Maren Arismendez from Esaki Surveying, here on behalf of the owners. They worked with Public Works to come to an understanding that works both with the development that they are planning and the County's concerns, so they would like to respectfully request tentative approval at this time.

Chair Ako: Any questions?

Ms. Streufert: I have a question. There are two round-a-bouts that are potentially scheduled for this area. One by Maluhia Road and Kōloa Road, and the other one by Kōloa and Po'ipū Road, which are going to be very close together, and essentially abut the Sueoka parking lot. Is there any...do you know when the, when the anticipated plan of this is going to, or not the plan, but when it's anticipated that they would actually start or if they're going to start?

Ms. Arismendez: Well, the Po'ipū one intersection, that's a county lead project, and I think that one should be ready any day now, it's plans have been approved and that one's closer to construction start. This one would take a little longer since there's only a conceptual plan that's been worked out with county, we still have to go through construction plan development and approval with county, it's a little farther behind schedule.

Ms. Streufert: I just wanted to make sure that you were aware of all of those. Okay, thank you.

Chair Ako: Do we have any other questions? If not, are we ready for the question?

Ms. Barzilai: Motion.

Chair Ako: If we can have a motion on this.

Mr. Hull: Kenny provided the recommendation. We are recommending Preliminary Map Subdivision Approval.

Chair Ako: Yeah. Can I have a motion?

Mr. Ornellas: I move to approve Subdivision Map Application No. S-2025-1.

Ms. Streufert: Second.

Chair Ako: Okay, we got a motion and a second. Any other comments, concerns? If not, Mr. Clerk, if we can have a roll call vote, please.

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

Mr. Ornellas: Aye.

Mr. Hull: Commissioner Streufert?

Ms. Streufert: Aye.

Mr. Hull: Chair Ako?

Chair Ako: Aye.

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

Ms. Arismendez: Thank you.

NEW BUSINESS (For Action)

Preliminary Subdivision Map Approval

Subdivision Application No. S-2026-4

Peggy R. Medeiros, and Michael B. & Milaine H. Medeiros Trust

Proposed 2-Lot Subdivision

TMK: (4) 2-7-005: 014

'Oma'o Homesteads, Koloa, Kaua'i

- 1) Subdivision Report pertaining to this matter.

Mr. Hull: I don't have any members of the public signed up to testify on this agenda item. Is there any member of the public that would like to testify? Seeing none, I'll turn it back over to Kenny.

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

Mr. Estes read the Summary, Project Data, Project Description and Use, Additional Findings, Preliminary Evaluation, and Preliminary Conclusion sections of the Director's Report for the record (on file with the Planning Department).

Chair Ako: Thank you, Kenny. Do we have any questions for the staff on this? Okay. Do we have an applicant that would like to add?

Ms. Arismendez: Good morning. Maren Arismendez from Esaki Surveying, here on behalf of the owners. They have read the report. They agree with the conditions that are available at this time and would like to request tentative approval.

Chair Ako: Do we have any questions for the applicant? If not, thank you. So, at this time I'll entertain a motion.

Ms. Streufert: I move to approve Application No. S-2026-4, for a Preliminary Subdivision Approval.

Mr. Ornellas: Second.

Chair Ako: We got a motion; we got a second. Any other questions, concerns before this? If not, Mr. Clerk, if we can have a roll call vote, please.

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

Mr. Ornellas: Aye.

Mr. Hull: Commissioner Streufert?

Ms. Streufert: Aye.

Mr. Hull: Chair Ako?

Chair Ako: Aye.

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

Ms. Arismendez: Thank you.

Chair Ako: Thank you.

Mr. Hull: Next, we have.

Subdivision Application No. 5-2026-5
Herbert H. Nishida, Barbara S. Nishida, David H. Nakamura
Proposed 5-Lot Subdivision
TMK: (4) 4-4-015: 017
Kapa'a Homesteads, Kapa'a, Kaua'i

- 1) Subdivision Report pertaining to this matter.

Mr. Hull: I also don't have any members of the public signed up to testify on this item. Is any member of the public wanting to testify on this item? You can approach the microphone. Seeing none, I'll turn it back over to Kenny.

Mr. Estes: I'll summarize the report.

Mr. Estes read the Summary, Project Data, Project Description and Use, Additional Findings, Preliminary Evaluation, and Preliminary Conclusion sections of the Director's Report for the record (on file with the Planning Department).

Chair Ako: We have any questions for Mr. Estes?

Mr. Ornellas: Yes, I have a question. It's a five-lot subdivision. What would be the total number of residential dwelling units allowed?

Mr. Estes: Currently as a the current subdivision layout, they would qualify for nine dwelling units, which includes the existing house on along Kamalu Road. That's with the current subdivision layout. But the total, the property with being 19 acres would qualify for 11 lots, I mean, 11 dwelling units.

Mr. Ornellas: Okay. So, I'm asking because of this letter from the housing agency is requirement.

Mr. Estes: Sorry. So, currently the would the applicant would not be subject to the housing requirements as the property currently right now with the proposed subdivision layout, they would qualify for nine dwelling units.

Mr. Ornellas: Thank you, Kenny.

Chair Ako: Thank you, Commissioner Ornellas.

Ms. Streufert: Could I ask a question? Is one access enough for nine units?

Mr. Estes: So, as stated in the subdivision report, access to the lots...so because Kamalu Road is a connector road, per the subdivision ordinance, we should limit access off of that road. So, as proposed, we would require that the access be for all four lots be as a...through a common access easement on lots one and four, which...sorry on lots two and three, which are the two rear flag lots.

Ms. Streufert: But there's only going to be one access, if there were, as Commissioner Ornellas was saying, if there are nine units, there still going to be only one access to all the nine units from the road...

Mr. Estes: Correct.

Ms. Streufert: ...Kamalu Road.

Mr. Estes: Yeah.

Ms. Streufert: And that's sufficient, do you think?

Mr. Estes: Yeah. So, as proposed right now, access off one access would be sufficient for nine units. But if the subdivision or if the lots were to be further subdivided, then we would require a roadway lot to serve the new lots.

Ms. Streufert: Thank you.

Chair Ako: Okay. Thank you. Do we have a representative that would like to add to this?

Ms. Arismendez: Good morning, Maren Arismendez from Esaki Surveying. I just wanted to add on the access that the other comment from Public Works says that a maximum of three driveways for the proposed subdivision. There's an existing house, so that would keep its existing access for Lot 5, Parcel 1.B. and then one new one for the new...for the rest of the new lots.

Mr. Estes: So the...

Ms. Arismendez: That's comment 2.D.

Mr. Estes: Yeah. So, we can work that out with, in discussions during the tentative process with the Planning Department, the Department of Public Works Engineering Division, and the applicant on resolving access off of Kamalu Road.

Chair Ako: Any other questions for the applicant? If not, thank you. And with that, if we can entertain a motion.

Mr. Ornellas: I move to approve the map of Subdivision Application No. S-2026-5.

Ms. Streufert: Second.

Chair Ako: We got a motion and a second. Any other questions? If not, Mr. Clerk.

Mr. Hull: Motion to approve. Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Commissioner Streufert?

Ms. Streufert: Aye.

Mr. Hull: Chair Ako?

Chair Ako: Aye.

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

Ms. Arismendez: Thank you.

Mr. Hull: The last item we have.

Subdivision Application No. 5-2026-6
Lot 5 of Ho'oluana At Kohea Loa, Phase 1
Visionary, LLC.
Proposed 2-Lot Subdivision
TMK: (4) 3-7-003: 032
Hanama'ulu, Lihu'e, Kaua'i

- 1) Subdivision Report pertaining to this matter.

Mr. Hull: I have one person signed up to testify. Tommy Ouye. But Tommy, are you representing the applicant? Tommy, I have you signed up to testify as a member of the public, but are you representing the applicant? Okay, we'll bring you guys up after. Is there anyone else that would like to testify on this agenda item as a member of the public? Seeing none, I'll turn it back over to Kenny.

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

Mr. Estes read the Summary, Project Data, Project Description and Use, Additional Findings, Preliminary Evaluation, and Preliminary Conclusion sections of the Director's Report for the record (on file with the Planning Department).

Chair Ako: You have a recommendation for us? No.

Mr. Estes: Department is recommending Preliminary Subdivision...

Chair Ako: Oh. Thank you. Any questions for staff?

Ms. Streufert: Since this is the intent is to put half of this property or approximately half of it to the county for a future community park and the other half of it for shared parking for the Department of Education, State Department of Education, have both, are both county and state agencies on board to accept it?

Mr. Estes: Currently we're still...comments are still pending from those agencies, but the applicant could probably explain their discussions with both agencies on the dedication of both lots.

Ms. Streufert: Okay.

Chair Ako: Okay. If not, do we have a representative from the applicant? Good morning.

Mr. William Eddy: Good morning. My name is William Eddy. I'm with Kodani and Associates Engineers, and we are one of Grove Farms consultants for the project. I'm sorry. Visionary LLC is the owner of the parcel, which we call Lot 5 and that would be Lot 5 of the Kohea Loa large lot subdivision. And Visionary is a subsidiary of Grove Farm Company, and there are representatives of Grove Farm Company here today if you have any real specific questions for them. Otherwise, I'll let the rest of our team introduce themselves.

Ms. Elshae Largusa: Good morning. My name is Elshae Largusa. I'm with Kodani and Associates Engineers.

Mr. Tommy Ouye: Tommy Ouye. Tommy Ouye Land Surveying, LLC.

Mr. Eddy: If you allow, maybe try to answer some of the questions or provide a little bit of background for the proposed two lot subdivision. The lot was created, Lot 5 was created with the Koheha Loa large lot subdivision, which I believe got final...somewhere around 2010 or something, maybe later 2012. And as part of the subdivision agreement and also part of earlier zoning applications, zoning change applications, that the property was originally agricultural zone. And then in the 90's it got a zoning amendment to bring it into the state urban zone. And at the time, the State Department of Education imposed conditions for the subdivision. And one of those conditions was that the owner would set aside property for expansion of King Kaumuali'i Elementary School. So, that was really the beginning of the, of this process. And at the time, it wasn't entirely clear what, what that expansion would look like. So, we weren't able to create a specific, specific lot for that expansion at that time. And so, there was, Lot 5 was created. And then further on in the timeline, the county and Grove Farm entered into agreement that would allow for land to be set aside for a community center. And so, that agreement is, has been in place for a number of years. And the agreement is that Grove Farm will be dedicating that lot, which in this application is Lot 5.A and the DOE lot is 5.B. And so quite a bit of time has been expired since the beginning of this works, but there has been, to let you folks know coordination between DOE and the County of Kaua'i and the owner. So, to answer your question, Commissioner, there, I can tell you that there is general agreement that the DOE is satisfied with the shape of the lot, the layout as proposed, as well as the county. The DOE intends to use their lot as drop off, pickup location for the school and also parking and the county originally was looking at a community center, but as of late their ideas have kind of morphed and they're finding what they really need is, is really just open play field space. So, the latest that we've heard from the county and it's under the jurisdiction of the Department of Parks and Recreation, would be that they would likely want to develop that lot into just an open grassy field, because they feel that that's their biggest need at this time. And maybe it's kind of a lower cost alternative too without having to invest in a, in a building such as the community center. So, that that brings us up to today.

Ms. Streufert: So, this is more of a fulfillment of all of the agreements over the years to do this.

Mr. Eddy: Yes, it is.

Ms. Streufert: Okay. I just wanted to know that. I think it's commendable that it's going to be used for a community center or community playground, and also for overflow parking for the school, but I just wanted to make sure that everybody is on board to accept it, if this, you know, when this happens. But thank you for the explanation.

Chair Ako: Any other questions that we have? No, we're good. Okay. Thank you very much for coming. Okay. With that, we ready to entertain a motion?

Mr. Ornellas: I move to approve the map of Subdivision Application No. S-2026-6.

Ms. Streufert: Second.

Chair Ako: Okay, we got a motion and a second. Any further comments or concerns? If not, Mr. Clerk, if we can have a roll call vote please.

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

Mr. Ornellas: Aye.

Mr. Hull: Commissioner Streufert?

Ms. Streufert: Aye.

Mr. Hull: Chair Ako?

Chair Ako: Aye.

Mr. Hull: Motion passes, Mr. Chair. 3:0. With that we have no further items on the subdivision meeting agenda.

EXECUTIVE SESSION (None)

ADJOURNMENT

Chair Ako: There will be no other items on the agenda. We move for a motion to adjourn.

Ms. Streufert: I move to adjourn.

Mr. Ornellas: Second.

Chair Ako: It's been moved and seconded. All those in favor to adjourn, say aye. Aye (unanimous voice vote). Those opposed. The Subdivision Committee meeting is adjourned at 8:57. 3:0.

Chair Ako adjourned the meeting at 8:57 a.m.

Respectfully submitted by:

_____*Lisa Oyama*_____

Lisa Oyama,
Commission Support Clerk

() Approved as circulated (date of meeting approved).

() Approved as amended. See minutes of _____ meeting.

KAUA'I PLANNING COMMISSION
SUBDIVISION COMMITTEE MEETING
January 13, 2026
DRAFT

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

The following Commissioners were present:

Mr. Gerald Ako
Ms. Glenda Nogami Streufert
Mr. Jerry Ornellas

Excused or Absent

The following staff members were present: Planning Department - Director Ka'aina Hull, Planning Department, Staff Planner Kenny Estes, Planning Secretary Shanlee Jimenez, Staff Services Supervisor Leila Kim; Office of the County Attorney – Deputy County Attorney Laura Barzilai, Office of Boards and Commissions – Support Clerk Lisa Oyama.

Discussion of the meeting, in effect, ensued:

CALL TO ORDER

Subdivision Committee Chair Gerald Ako: Good morning. Today is Tuesday, January 13th, 2026. It is 8:30 a.m. and I'd like to call to order the meeting of the Subdivision Committee of the Planning Commission. With that, Mr. Clerk.

ROLL CALL

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

Commissioner Glenda Nogami Streufert: Here.

Mr. Hull: Commissioner Ornellas?

Commissioner Jerry Ornellas: Here.

Mr. Hull: Chair Ako?

Chair Ako: Here.

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

Chair Ako: Thank you.

APPROVAL OF AGENDA

Mr. Hull: Next up is Approval of the Agenda. The department just has one typographical error and that's the minutes should reflect December 9th, 2025.

Chair Ako: No. November 10th.

Ms. Barzilai: Ka'aina, the attachment...

Mr. Hull: Oh, it is November 10th.

Ms. Barzilai: ...is November 10.

Mr. Hull: I apologize.

Ms. Barzilai: No. No problem. Our last meeting was December 9th, but I...

Mr. Hull: I apologize. That is not a typographical error. No adjustment to the agenda is necessary.

Chair Ako: Okay.

Ms. Streufert: I move to approve the agenda.

Mr. Ornellas: Second.

Chair Ako: Okay. We have a motion, it's been seconded. Seeing no other questions, all those in favor of the approval of the minutes of November 10th, 2025, say aye. Aye (unanimous voice vote). All those opposed? The minutes have been approved. 3:0.

RECEIPT OF ITEMS FOR THE RECORD (None)

Mr. Hull: Next, we have no Receipt of Items for the Record.

UNFINISHED BUSINESS (None)

Mr. Hull: No Unfinished Business.

NEW BUSINESS (For Action)

Preliminary Subdivision Map Approval

Subdivision Application No. S-2026-7

David A. and Jody K. Stillwell Joint Revocable Trust, Et Al.

Proposed 2-Lot Subdivision

TMK: (4) 2-7-004: 007

Koloa, Kaua'i

1) Subdivision Report pertaining to this matter.

Mr. Hull: We don't have anybody signed up to testify as a member of the public. Are there any members of the public that would like to testify on this agenda item? Seeing none, I'll turn it over to Kenny.

Staff Planner Kenny Estes: Good morning, Chair, and members of the Subdivision Committee. I'll summarize the report for the record.

Mr. Estes read the Summary, Project Data, Project Description and Use, Additional Findings, Preliminary Evaluation, and Preliminary Conclusion sections of the Director's Report for the record (on file with the Planning Department).

Chair Ako: Thank you. Mr. Estes. We have any questions for our planner? If not, do we have anybody in the audience from the...that would like to testify on behalf of applicant? Please.

Mr. William Eddy: Good morning, Commissioners.

Chair Ako: Morning.

Mr. Eddy: My name is William Eddy. I'm with Kodani & Associates Engineers. We're the consultants for the Stilwell Family.

Ms. Elshae Largusa: Good morning. My name is Elshae Largusa, with Kodani & Associates.

Ms. Jody Stillwell: Good morning. My name is Jody Stilwell, property owner.

Mr. Eddy: You can explain your reason for wanting to (inaudible).

Ms. Stillwell: Okay. First of all, thank you for giving me the opportunity to speak with you. My husband and I own a another lot, two lots down from the said lot that we're speaking of. We have lived there for 52 years, bought the property and have lived there for 52 years, raised our children there, and Rob and Joyce, the other owners, they would come every summer. He was a principal and she was a school teacher, have summers off, they would come every year and spend the summers with us, always hoping to retire there. In 2012, we had the opportunity to buy the lot that we're speaking of, and we did. His dream was to build a home there, which he has, and my daughter also lives on that lot, and to simplify our family matters, we respectfully request that the lot be divided into two. Thank you.

Chair Ako: Questions, comments for the applicant? Seeing none, I thank you very much for coming.

Ms. Largusa: Thank you.

Chair Ako: Okay. If not, we already have a recommendation from our planner. Any other questions or concerns for this applicant? If not, we can entertain a motion.

Mr. Ornellas: Move to approve Subdivision Map Application No. S-2026-7.

Chair Ako: We have a motion.

Ms. Streufert: Second.

Chair Ako: Motion and seconded. Any other comments on this? Okay. If not, Mr. Clerk, if you can take a roll call vote please.

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

Ms. Streufert: Aye.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Chair Ako?

Chair Ako: Aye.

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

EXECUTIVE SESSION (None)

Mr. Hull: With that, we have no further subdivision items for the agenda and ready for...we have no further subdivision items on the agenda and ready for adjournment.

ADJOURNMENT

Chair Ako: Okay. So, with that, I just want to say thank you to Mr. Estes for doing just a great job for leading this Subdivision Committee. I think you and your staff have made it very, very, very manageable for us over here as members doing our job and, and to all the committee members and good job. With that, I can entertain a motion to adjourn.

Ms. Streufert: I move to adjourn the sub committee.

Mr. Ornellas: Second.

Chair Ako: We got a motion, we got a second. All those in favor say aye. Aye (unanimous voice vote). All those opposed. The meeting is adjourned. 3:0.

Chair Ako adjourned the meeting at 8:38 a.m.

Respectfully submitted by:

_____*Lisa Oyama*_____

Lisa Oyama,
Commission Support Clerk

() Approved as circulated (date of meeting approved).

() Approved as amended. See minutes of _____ meeting.

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



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

SUBDIVISION REPORT

I. SUMMARY

Action Required by Planning Commission: Consideration of Subdivision Application No. S-2026-1 that involves a ten (10) lot consolidation and re-subdivision into sixteen (16) lots.

Subdivision Permit No. Application No. S-2026-1

Name of Applicant(s) TOWER KAUAI LAGOONS SUB 1, LLC.

II. PROJECT INFORMATION

Map Title	Consolidation of Lots 100 to 109, Inclusive as shown on Kaua'i County Subdivision Number S-2008-24 portion of Royal Patent 4480 Land Commission Award 7713, Apana 2, Part 1 to V. Kamamalu and the Resubdivision of said Consolidation into Lot 1 to 16 Inclusive, and Cancellation of Easements E-1 to E-6 and Easements C, D, F, and G as Shown on County of Kaua'i Subdivision Map Number S-2008-24, and Easement UE-1, as Shown on County of Kaua'i Subdivision Map Number S-2010-11 at Kalapakī, Līhu'e, Kaua'i, Hawai'i.				
Tax Map Key(s):	3-5-004: 100 - 109	Area:	6.2 acres		
Zoning:	Residential District (R-4)				
State Land Use District(s):	Urban	General Plan Designation:	Resort / Golf Course		
AGENCY COMMENTS					
<input checked="" type="checkbox"/> COK Public Works	pending	<input type="checkbox"/> State DOT-Highways:			
<input checked="" type="checkbox"/> COK Water:	pending	<input checked="" type="checkbox"/> State Health:	07.28.2025		
<input checked="" type="checkbox"/> COK Housing:	pending	<input checked="" type="checkbox"/> DLNR – SHPD:	03.24.2024		
<input checked="" type="checkbox"/> COK Fire:	pending				
EXISTING ROAD RIGHT-OF-WAY(S)					
Road Name	Existing Width	Required Width	Pavement YES	NO	Reserve
Kāhilipulu Way (Private Roadway)	44 feet	44 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Ho'olaule'a Way (Private Roadway)	56 feet	56 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
APPLICABLE FEES					
Environmental Impact Assessment (EIA)	\$3,000.00				
Park Dedication	To be determined				

E.I.A.I.
FEB 24 2026

E.I.A.I.
AUG 12 2025

Appraisal Report Required	Yes
----------------------------------	-----

Date of Preliminary Map Acceptance:	July 8, 2025
Date of Director's Report:	July 30, 2025
Date of Public Hearing:	August 12, 2025
Deadline Date for PC to Take Action Pursuant to Section 9-3.4(b) of the K.C.C.:	October 6, 2025

III. EVALUATION

Project Description

The proposal involves a ten (10) lot consolidation and re-subdivision into fifteen (15) residential lots and one (1) roadway lot within the County Residential (R-4) zoning district. The project was originally a part of the Kaua'i Lagoons Resort Single-Family Subdivisions 1 and 4, previously processed through Subdivision Application No. S-2008-24, which received Final Subdivision Map Approval by the County of Kaua'i, Planning Commission on December 9, 2008. As represented by the Applicant, the updated subdivision layout will accommodate one-third acre lots as opposed to the half-acre to one-acre lots in the previous subdivision layout.

The preliminary subdivision layout indicates that access to Lots 7 - 14 will be through an access lot identified as Lot 16, which essentially serves as a roadway lot. Since Lot 16 is intended solely to provide access to these lots, it should have no residential density. The Applicant should also be made aware that since the application creates additional lots, an Environmental Impact Assessment (EIA) Fee and a Park Dedication Fee will be assessed, accordingly.

Previous Subdivision Applications

Upon review of the current subdivision proposal, it is noted that the proposal has been processed through two previous subdivision applications: Subdivision Application No. S-2022-9, which received Preliminary Subdivision Map Approval on May 10, 2022, but was subsequently terminated on September 12, 2023; and Subdivision Application No. S-2024-7, which received Preliminary Subdivision Approval on April 9, 2024.

In both instances, the subdivision applications expired as a final subdivision map or a request for an extension of time was not filed timely with the Planning Department prior to the expiration of the preliminary subdivision map approval, as required under Section 9-3.8(c)(1) of the Subdivision Ordinance, Kaua'i County Code. As a result, the Applicant has submitted a new subdivision application for the proposed development, which is now being processed through this current application.

Existing Permits

The subject project area was a part of a zoning amendment (ZA-2021-3) that reclassified approximately 14.2 acres of land situated within the County Residential (R-2) zoning district into the Residential (R-4) zoning district. The legislation was adopted by the Kaua'i County Council on December 15, 2021, and is referenced as Ordinance No. PM-2021-416.

In evaluating the project, it will be subject to the requirements that were imposed through the Planning Commission's action on August 11, 2009, involving SMA Use Permit SMA (U)-2005-08, Project Development Use Permit U-2005-26, Use Permit U-2005-25, Variance Permit V-2005-7, and Class IV Zoning Permit Z-IV-2005-30.

Additionally, on July 9, 2024, the Planning Commission approved Class IV Zoning Permit Z-IV-2024-7 and Variance Permit V-2024-3, to allow a deviation from the requirement to construct raised curbs and gutters along the subdivision's frontage and to allow the use of drainage swales in-lieu of the required curbs and gutters pursuant to Section 9-2.3(e)(3) of the Subdivision Ordinance, Kaua'i County Code. It should be noted that, as a condition of the approved permits, the Applicant is required to construct a sidewalk along the frontage of Subdivision 1. This sidewalk will provide pedestrian access along Kāhilipulu Way, which functions as a through road offering connectivity to other parts of the larger master planned area.

Native Hawaiian Traditional and Cultural Rights, Practices, and Resources

The Applicant has submitted an updated "Cultural Impact Assessment for Hōkūala Petition Area, Kalapakī Ahupua'a, Līhu'e District, Kaua'i TMKs: [4] 3-5-001:027 por., 168 por. and 177 and [4] 3-5-004:100-109," dated February 2022.

Cultural Surveys Hawaii, Inc. (CSH), contacted 29 Hawaiian organizations, agencies, and community members as well as cultural and lineal descendants in order to identify individuals with cultural expertise and/or knowledge of the project area and vicinity. Four parties responded and three parties met with CSH for a more in-depth interview. The concerns that were raised include: 1) protecting access for gathering, fishing, and recreation along the shoreline; 2) continuing to allow Kama'āina to traverse the shoreline; 3) traffic congestion on roads in the immediate vicinity of the project area; 4) establishing a walking and/or biking path out of the lane of traffic on one or both sides of the road that bisects the project; 5) access to walking paths in the vicinity of the project area may be restricted and locals will no longer have access to walking paths for exercising; and 6) concerns with the need for the Līhu'e Water Treatment Plant to be upgraded to accommodate a higher-density subdivision.

In evaluating the concerns noted above, gathering, fishing, and access rights will be minimally affected by this subdivision as access throughout the Hōkūala Resort Development will remain open to the public through its network roadway and public accesses.

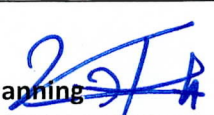

As represented, no culturally significant resources were identified in the project area and presently, there is no documentation or testimony indicating traditional and customary rights practiced in the immediate vicinity. There are no records of major trails running through the project area.

Based on the Applicant's consultation with kama'āina and community members, and evaluating historical information that was available to the department, the department finds that the proposed development should have no impact on any known Hawaiian traditional or customary practices for the following reasons:

- There are no known traditional or customary practices of native Hawaiians that are presently occurring within the Project Site.
- There are no known special gathering practices taking place within any portion of the Project Site.
- The Project will not detrimentally affect access to any streams; access to the shoreline or other adjacent shoreline areas; or gathering along any streams, the shoreline or in the ocean.
- There are no known religious practices taking place within the Project Site.
- There are no known pre-contact cultural or historic sites or resources located within the Project Site.
- There are no known burials within the Project Area.

Any unforeseen impacts to traditional and customary native Hawaiian rights, practices, and resources in the project area should be mitigated.

IV. RECOMMENDATION

TENTATIVE APPROVAL	FINAL APPROVAL
<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Denial	<input type="checkbox"/> Approval <input type="checkbox"/> Denial
Tentative Approval subject to all requirements as noted on the follow pages:	All conditions have been complied with
Director of Planning  Date 8/20/2025	Director of Planning  Date 2/18/2026

V. AGENCY REQUIREMENTS

1. Requirements of the Planning Department:
 - a. An updated preliminary title report for the existing lot shall be submitted to the Planning Department for review.
 - b. All existing and proposed easements, if any, shall be identified in the deed descriptions of the affected lots, draft copies of which shall be submitted to the Planning Department for review and approval.
 - c. Pursuant to Section 9-3.8(b) of the Subdivision Ordinance, Kaua'i County Code (1987), the Applicant shall submit to the Planning Department an electronic record (digitized format) of the final subdivision map(s) on disk for record keeping purposes prior to final subdivision approval.

- I
- d. Pursuant to Section 9-3.8 (c) of the Subdivision Ordinance, Kaua'i County Code, 1987, as amended, the Applicant shall file fifteen (15) copies of the subdivision final map with the Planning Department within one (1) year after approval of the preliminary subdivision map. If no filing is made, the approval of the preliminary subdivision map and construction plan shall become void unless an extension of time is granted by the Planning Commission.
 - e. The Applicant shall prepare and obtain construction plan approvals for the necessary road, water, drainage, electrical and telephone utilities and facilities, and either construct the same or post a surety bond for completion.
 - f. Relative to Condition 1.e., prior to final subdivision approval, the Applicant shall be subject to the requirements of Class IV Zoning Permit Z-IV-2024-7 and Variance Permit V-2024-3, that were approved by the County of Kaua'i Planning Commission July 9, 2024. The subject permits granted a deviation from the requirement to construct curbs and gutters along the frontage of Subdivision 1, allowing the use of drainage swales in lieu of the required curbs and gutters. In accordance with Condition 1 of the subject permits, the Applicant shall construct a sidewalk along the frontage of Subdivision 1 pursuant to Section 9-2.3(e)(3) of the Subdivision Ordinance, Kaua'i County Code, 1987, as amended.
 - g. Prior to final subdivision approval, the Applicant shall comply with the applicable conditions/requirements of SMA Use Permit SMA (U)-2005-08, Project Development Use Permit U-2005-26, Use Permit U-2005-25, Variance Permit V-2005-7, and Class IV Zoning Permit Z-IV-2005-30. The Applicant shall provide the department an updated status report on the compliance of the conditions.
 - h. The proposed subdivision is situated in close proximity to the Lihue Airport and will be impacted by the aircraft noise nuisances from this facility. As such, the subdivider shall establish covenants or disclosure documents to inform potential buyers within the project area that the proposed lots are subject to aircraft noise nuisances. Draft copies of the documents shall be submitted to the Planning Department for review and approval.
 - i. An Environmental Impact Assessment Fee of Three Thousand Dollars (\$3,000.00) shall be paid to the County of Kaua'i. (Six (6) additional lots @ \$500.00 each)
 - j. The Applicant shall pay a Park Dedication fee pursuant to Section 9-2.8 of the Kaua'i County Code Subdivision Ordinance. An appraisal report and price list shall be provided to the Planning Department to forward to the Real Properties Division to help calculate the fee amount.
 - k. The Applicant is made aware that the street designated within the subdivision must be officially named before the Department approves the construction plans. Street names should be in Hawaiian and be submitted to our Department for review and approval, along with a request letter and 12 maps (on 8½" x 14" paper). The maps

should be detailed such that emergency vehicles, police services, postal deliveries, etc., are able to locate the street. References to roadway, such as the highway and other surrounding roads, should be shown on the street-naming map.

- I. As represented on the preliminary subdivision map dated *Rev. November 1, 2024*, Lot 16 will serve as the primary access to Lots 7 - 14, since they do not have direct access onto a roadway. As such, there shall be no residential density assigned to Lot 16 since it is intended to serve as the primary access to the foregoing lots. This restriction shall be incorporated into the deed description of Lot 16, draft copies of which shall be submitted to the Planning Department for review and approval.
 - m. The subject subdivision proposal was previously reviewed through Subdivision Application No. S-2024-7 that was granted Preliminary Subdivision Map Approval by the Kaua'i Planning Commission on April 9, 2024. Presently, Subdivision Application No. S-2024-7 is considered expired since a final subdivision map or a request for an extension of time was not filed timely with the Planning Department prior to the expiration of the preliminary subdivision map, as required under Section 9-3.8(c)(1) of the Subdivision Ordinance, Kaua'i County Code. Therefore, prior to final subdivision approval, the Applicant shall provide a letter to the department formally requesting termination of Subdivision Application No. S-2024-7.
2. Requirements of the Department of Public Works (DPW):
 - a. The subdivider shall comply with the requirements of the Department of Public Works, if any, prior to final subdivision approval. The subdivider shall be notified upon receipt of their report.
3. Requirements of the Department of Water (DOW):
 - a. The subdivider shall comply with the requirements of the Department of Water, if any, prior to final subdivision approval. The subdivider shall be notified upon receipt of their report.
4. Requirements of the County Housing Agency:
 - a. The subdivider shall comply with the requirements of the County Housing Agency, if any, prior to final subdivision approval. The subdivider shall be notified upon receipt of their report.
5. Requirements of the County Fire Department:
 - a. The subdivider shall comply with the requirements of the County Fire Department, if any, prior to final subdivision approval. The subdivider shall be notified upon receipt of their report.

6. Requirements of the Department of Health (DOH):

General summary comments have been included for your convenience. However, these comments are not all-inclusive and do not substitute for review of and compliance with all applicable standard comments for the various DOH individual programs.

Clean Air Branch

1. All project activities shall comply with the Hawaii Administrative Rules (HAR), Chapters 11-59 and 11-60.1.
2. Control of Fugitive Dust: You must reasonably control the generation of all airborne, visible fugitive dust and comply with the fugitive dust provisions of HAR §11-60.1-33. Note that activities that occur near existing residences, businesses, public areas, and major thoroughfares exacerbate potential dust concerns. It is recommended that a dust control management plan be developed which identifies and mitigates all activities that may generate airborne and visible fugitive dust and that buffer zones be established wherever possible.
3. Underground Storage Tank Program – The State regulations for underground storage tanks are in HAR Chapter 11-280.1. These rules apply to the design, operation, closure, and release response requirements for underground storage tank systems, including underground tanks identified during construction.
4. Standard comments for the Clean Air Branch are at:
<https://health.hawaii.gov/epo/landuse/>.

Clean Water Branch

1. All project activities shall comply with the HAR, Chapters 11-53, 11-54, and 11-55. The following Clean Water Branch website contains information for agencies and/or project owners who are seeking comments regarding environmental compliance for their projects with HAR, Chapters 11-53, 11-54, and 11-55:
<https://health.hawaii.gov/cwb/clean-water-branch-home-page/cwb-standard-comments/>.

Hazard Evaluation & Emergency Response Office

1. A Phase I Environmental Site Assessment (ESA) and Phase II Site Investigation should be conducted for projects wherever current or former activities on site may have resulted in releases of hazardous substances, including oil or chemicals. Areas of concern include current and former industrial areas, harbors, airports, and formerly and currently zoned agricultural lands used for growing sugar, pineapple or other agricultural products.

2. Standard comments for the Hazard Evaluation & Emergency Response Office are at: <https://health.hawaii.gov/epo/landuse/>.

Indoor and Radiological Health Branch

1. Project activities shall comply with HAR Chapters 11-39, 11-45, 11-46, 11-501, 11-502, 11-503, 11-504.
2. Construction/Demolition Involving Asbestos: If the proposed project includes renovation/demolition activities that may involve asbestos, the applicant should contact the Asbestos and Lead Section of the Branch at <https://health.hawaii.gov/irhb/asbestos/>.

Safe Drinking Water Branch

1. Agencies and/or project owners are responsible for ensuring environmental compliance for their projects in the areas of: 1) Public Water Systems; 2) Underground Injection Control; and 3) Groundwater and Source Water Protection in accordance with HAR Chapters 11-19, 11-20, 11-21, 11-23, 11-23A, and 11-25. They may be responsible for fulfilling additional requirements related the Safe Drinking Water program: <https://health.hawaii.gov/sdwb/>.
2. Standard comments for the Safe Drinking Water Branch can be found at: <https://health.hawaii.gov/epo/landuse/>.

Solid & Hazardous Waste Branch

1. Hazardous Waste Program - The state regulations for hazardous waste and used oil are in HAR Chapters 11-260.1 to 11-279.1. These rules apply to the identification, handling, transportation, storage, and disposal of regulated hazardous waste and used oil.
2. Solid Waste Programs - The laws and regulations are contained in HRS Chapters 339D, 342G, 342H and 342I, and HAR Chapters 11-58.1, and 11-282. Generators and handlers of solid waste shall ensure proper recycling or disposal at DOH-permitted solid waste management facilities. If possible, waste prevention, reuse and recycling are preferred options over disposal. The Office of Solid Waste Management also oversees the electronic device recycling and recovery law, the glass advanced disposal fee program, and the deposit beverage container program.
3. Underground Storage Tank Program - The state regulations for underground storage tanks are in HAR Chapter 11-280.1. These rules apply to the design, operation, closure, and release response requirements for underground storage tank systems, including unknown underground tanks identified during construction.

4. Standard comments for the Solid & Hazardous Waste Branch can be found at: <https://health.hawaii.gov/epo/landuse/>.

Wastewater Branch

The subject project is located within or near proximity to the County sewer system. All wastewater generated shall be disposed into the County Sewer system. All lots in the proposed project shall connect to the County sewer system.

By Revised Statute 11-62-31.1, if the parcel is less than 10,000 square feet, an individual onsite waste-water unit may be possible for future construction. Please contact Sina Pruder at DOH Waste-Water Branch at 808-586-4288 for further information. For comments, please email the Wastewater Branch at doh.wwb@doh.hawaii.gov.

Sanitation/ Local DOH Comments:

1. Noise may be generated during demolition and/or construction. The applicable maximum permissible sound levels, as stated in Title 11, HAR, Chapter 11-46, "Community Noise Control," shall not be exceeded unless a noise permit is obtained from the Department of Health.
2. According to HAR §11-26-35, No person, firm, or corporation shall demolish or clear any structure, place, or vacant lot without first ascertaining the presence or absence of rodents that may endanger public health by dispersal from such premises. Should any such inspection reveal the presence of rodents, the rodents shall be eradicated before demolishing or clearing the structure, site, or vacant lot. A demolition or land clearing permit is required prior to demolition or clearing.

Other

1. CDC—Healthy Places—Healthy Community Design Checklist Toolkit recommends that state and county planning departments, developers, planners, engineers, and other interested parties apply these principles when planning or reviewing new developments or redevelopment projects.
2. If new information is found or changes are made to your submittal, DOH reserves the right to implement appropriate environmental health restrictions as required. Should there be any questions on this matter, please contact the Department of Health, Kauai District Health Office at 808-241-3495.
7. 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 to determine mitigation measures.

8. Project construction workers and all other personnel involved in the construction and related activities of the project should be informed of the possibility of inadvertent cultural finds, including humans remains. In the event that any potential historic properties are identified during construction activities, all activities should cease in that area and the SHPD should be notified pursuant to HAR §13-280-3. In the event that *Iwi Kūpuna* (Native Hawaiian skeletal remains) are identified, all earth moving activities in the area should stop, the area cordoned off, and the SHPD notified pursuant to HAR §13-300.
9. In the event that *Iwi Kūpuna* and/or cultural finds are encountered during construction, cultural and lineal descendants of the area should be consulted to develop a reinterment plan and cultural preservation plan for proper cultural protocol, curation, and long-term maintenance.
10. The Applicant is advised that prior to and/or during construction and use additional conditions may be imposed by government agencies. Should this occur, the applicant shall resolve these conditions with the respective agency(ies).

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 12, 2025, 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 staff's report and recommendation as provided herein.

By 
KENNETH A. ESTES
Planner

LOT 5-A
TMK: (4) 3-5-001: 168

CONSOLIDATION OF
LOTS 100 TO 109 INCLUSIVE
AS SHOWN ON
COUNTY OF KAUAI SUBDIVISION MAP NUMBER 2008-24

Portion of Royal Patent 4480, Land Commission Award 7713,
Apana 2, Part 1 to V. Kamamalu

AND THE RESUBDIVISION OF SAID CONSOLIDATION INTO
LOT 1 TO 16 INCLUSIVE,

AND

CANCELLATION OF EASEMENTS E-1 TO E-6 AND
EASEMENTS C, D, F, AND G
AS SHOWN ON COUNTY OF KAUAI SUBDIVISION MAP NUMBER 2008-24,
AND EASEMENT UE-1, AS SHOWN ON
COUNTY OF KAUAI SUBDIVISION MAP NUMBER 2010-11

Kalapoke, Lihue, Kauai, Hawaii

Tax Map Key: (4) 3-5-004: 100 to 109 Inclusive

OWNER:

TOWER KAUAI LAGOONS SUB 1, LLC

Lot 2-A-1
Subdivision Map Number 2008-11
TMK: (4) 3-5-001: 027

NOTES:

1. All Coordinate based on Government Triangulation Station "KALEPA"
2. Existing Easement A and B are shown on County of Kauai Subdivision Map number 2008-11
3. LOT 16 (Access Lot) In favor of LOTS 7 to 14 inclusive.
4. Flood Zone X information taken from FEMA Insurance Rate Map, Panel 1500020329F FIRM Index Dated February 26, 2021

Tommy O' Land Surveyor LLC
3944 Kapena Street
Lihue, HI 96766



This work was prepared by me
or under my direct supervision
Thomas H. O'Land
Thomas H. O'
Licensed Professional Land Surveyor
Certificate Number 9033-LS
Expire on April 30, 2026



County of Kauai
Planning Department
4444 Rice St., Suite A473 Lihue, HI 96766
(808) 241-4050

JAN 15 '26 AM 10:21
PLANNING DEPT

FROM: Kaaina S. Hull, Director

Planner: Kenneth Estes

7/10/2025

SUBJECT: Subdivision S-2026-1
Tax Map Key: 3-5-004:100 to 109
Applicant: Tower Kauai Lagoons Sub 1, LLC.
Tower Kauai Lagoons Sub 1, LLC

TO:

- | | |
|--|---|
| <input type="checkbox"/> State Department of Transportation - STP | <input checked="" type="checkbox"/> County DPW - Engineering |
| <input type="checkbox"/> State DOT - Highways, Kauai (info only) | <input checked="" type="checkbox"/> County DPW - Wastewater |
| <input type="checkbox"/> State DOT - Airports, Kauai (info only) | <input type="checkbox"/> County DPW - Building |
| <input type="checkbox"/> State DOT - Harbors, Kauai (info only) | <input type="checkbox"/> County DPW - Solid Waste |
| <input checked="" type="checkbox"/> State Department of Health | <input type="checkbox"/> County Department of Parks & Recreation |
| <input type="checkbox"/> State Department of Agriculture | <input checked="" type="checkbox"/> County Fire Department |
| <input type="checkbox"/> State Office of Planning | <input checked="" type="checkbox"/> County Housing Agency |
| <input type="checkbox"/> State Dept. of Bus. & Econ. Dev. Tourism | <input type="checkbox"/> County Economic Development |
| <input type="checkbox"/> State Land Use Commission | <input checked="" type="checkbox"/> County Water Department |
| <input type="checkbox"/> State Historic Preservation Division | <input type="checkbox"/> County Civil Defense |
| <input type="checkbox"/> State DLNR - Land Management | <input checked="" type="checkbox"/> County Transportation Agency |
| <input type="checkbox"/> State DLNR - Forestry & Wildlife | <input type="checkbox"/> KHPRC |
| <input type="checkbox"/> State DLNR - Aquatic Resources | <input type="checkbox"/> U.S. Postal Department |
| <input type="checkbox"/> State DLNR - Conservation & Coastal Lands | <input type="checkbox"/> UH Sea Grant |
| <input type="checkbox"/> Office of Hawaiian Affairs | <input checked="" type="checkbox"/> Other: Office of Hawaiian Affairs (OHA) |

FOR YOUR COMMENTS (pertaining to your department) (Due Date 8/10/2025)

We have no further comments and recommend proceeding to final map.

Sincerely,

Digitally signed by Michael Moule
Date: 2026.01.15 08:07:59 -10'00'

Michael Moule, P.E.
Chief, Engineering Division



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

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

SUBDIVISION REPORT

TO: PLANNING DEPARTMENT
FROM: DEPARTMENT OF WATER

TMK: 3-5-004:100 to 109 NAME: Tower Kauai Lagoons Sub I, LLC SURVEYOR: Thomas H. Oi REPORT NO: S-2026-1

1. Tentative approval is recommended. ☐
Water Requirements are not affected. Tentative approval is recommended. ☐
2. All requirements have been fully met and; therefore, Final approval is recommended. ☒
3. Before final approval can be recommended, the subdivider must: ☐
 - A. Pay the Department of Water the following charges in effect at the time of receipt. At the present time, these charges include: ☐
 - 1) The Facilities Reserve Charge (FRC): ☐
5/8-inch = \$ ** ☐
 - 2) Payment to install one, service connections(s) at the fixed cost of \$ 2,850 . If the subdivider causes a delay in the service connection installation after one year since final map approval, the subdivider shall be charged the increase in the fixed cost, if any. ☐
 - 3) Deposit (the subdivider will either be billed or returned the difference between this deposit and the actual cost of construction of \$ ____ for construction by the Department of Water. ☐
 - B. Submit to the Department of Water a copy of the subdivider's permit to perform work upon a State highway from the State Highways Division ☐
 - C. Prepare and receive Department of Water's approval of construction drawings for the necessary water system facilities and either construct said facilities or post a performance bond for construction. These facilities shall also include: ☐
 - 1) The domestic service connection. ☐
 - 2) The fire service connection, if applicable. ☐
 - 3) The interior plumbing with appropriate backflow prevention device, if applicable. ☐
 - D. Prepare and convey to the Department of Water a Right-of-Entry and Temporary Grant of Easement for the purpose of construction, repair, maintenance and operation of the subdivision water system improvements installed in other than County-owned property. ☐
 - E. If a bond is filed, to secure final subdivision approval, the subdivider shall clearly letter the following on the approved construction plans, final subdivision map, and deeds: ☐

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

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

Jason Kagimoto

Jason Kagimoto, P.E.
Water Resources and Planning Section
Engineering Division

01/05/2026

Date

SUBDIVISION REPORT NO. S-2026-1



County of Kauai
Planning Department
4444 Rice St., Suite A473 Lihue, HI 96766
(808) 241-4050

FROM: Kaaina S. Hull, Director

Planner: Kenneth Estes

7/10/2025

SUBJECT: Subdivision S-2026-1
Tax Map Key: 3-5-004:100 to 109
Applicant: Tower Kauai Lagoons Sub 1, LLC.
Tower Kauai Lagoons Sub 1, LLC

TO:

- | | |
|--|---|
| <input type="checkbox"/> State Department of Transportation - STP | <input checked="" type="checkbox"/> County DPW - Engineering |
| <input type="checkbox"/> State DOT - Highways, Kauai (info only) | <input checked="" type="checkbox"/> County DPW - Wastewater |
| <input type="checkbox"/> State DOT - Airports, Kauai (info only) | <input type="checkbox"/> County DPW - Building |
| <input type="checkbox"/> State DOT - Harbors, Kauai (info only) | <input type="checkbox"/> County DPW - Solid Waste |
| <input checked="" type="checkbox"/> State Department of Health | <input type="checkbox"/> County Department of Parks & Recreation |
| <input type="checkbox"/> State Department of Agriculture | <input checked="" type="checkbox"/> County Fire Department |
| <input type="checkbox"/> State Office of Planning | <input checked="" type="checkbox"/> County Housing Agency |
| <input type="checkbox"/> State Dept. of Bus. & Econ. Dev. Tourism | <input type="checkbox"/> County Economic Development |
| <input type="checkbox"/> State Land Use Commission | <input checked="" type="checkbox"/> County Water Department |
| <input type="checkbox"/> State Historic Preservation Division | <input type="checkbox"/> County Civil Defense |
| <input type="checkbox"/> State DLNR - Land Management | <input checked="" type="checkbox"/> County Transportation Agency |
| <input type="checkbox"/> State DLNR - Forestry & Wildlife | <input type="checkbox"/> KHPRC |
| <input type="checkbox"/> State DLNR - Aquatic Resources | <input type="checkbox"/> U.S. Postal Department |
| <input type="checkbox"/> State DLNR - Conservation & Coastal Lands | <input type="checkbox"/> UH Sea Grant |
| <input type="checkbox"/> Office of Hawaiian Affairs | <input checked="" type="checkbox"/> Other: Office of Hawaiian Affairs (OHA) |

FOR YOUR COMMENTS (pertaining to your department) (Due Date 8/10/2025)

Kenneth

Wastewater Management Division (WMD) has no requirements for this subdivision.
Currently, Lihue WWTP has sufficient capacity to provide sewer treatment for the required additional sewer from 16 lots.

A handwritten signature in blue ink, appearing to read "Donald Fujimoto".

Donald Fujimoto, CE, PE
Chief, Wastewater Management Division



STATE OF HAWAII
DEPARTMENT OF HEALTH
3040 Umi St. Lihue
Hawaii 96766

FEB 28 2025 4:51
PLANNING DEPT

DATE: July 28, 2025

TO: To whom it may concern

FROM: Ellis Jones
District Environmental Health Program Chief

SUBJECT: RESPONSE_Tower Kauai Lagoons Sub_S-2026-1

In most cases, the District Health Office will no longer provide individual comments to agencies or project owners to expedite the land use review and process.

Agencies, project owners, and their agents should apply Department of Health "Standard Comments" regarding land use to their standard project comments in their submittal. Standard comments can be found on the Land Use Planning Review section of the Department of Health website: <https://health.hawaii.gov/epo/landuse/>. Contact information for each Branch/Office is available on that website.

Note: Agencies and project owners are responsible for adhering to all applicable standard comments and obtaining proper and necessary permits before the commencement of any work.

General summary comments have been included for your convenience. However, these comments are not all-inclusive and do not substitute for review of and compliance with all applicable standard comments for the various DOH individual programs.

Clean Air Branch

1. All project activities shall comply with the Hawaii Administrative Rules (HAR), Chapters 11-59 and 11-60.1.
2. Control of Fugitive Dust: You must reasonably control the generation of all airborne, visible fugitive dust and comply with the fugitive dust provisions of HAR §11-60.1-33. Note that activities that occur near existing residences, businesses, public areas, and major thoroughfares exacerbate potential dust concerns. It is recommended that a dust control management plan be developed which identifies and mitigates all activities that may generate airborne and visible fugitive dust and that buffer zones be established wherever possible.

3. Standard comments for the Clean Air Branch are at:
<https://health.hawaii.gov/epo/landuse/>

Clean Water Branch

1. All project activities shall comply with the HAR, Chapters 11-53, 11-54, and 11-55. The following Clean Water Branch website contains information for agencies and/or project owners who are seeking comments regarding environmental compliance for their projects with HAR, Chapters 11-53, 11-54, and 11-55:
<https://health.hawaii.gov/cwb/clean-water-branch-home-page/cwb-standardcomments/>.

Hazard Evaluation & Emergency Response Office

1. A Phase I Environmental Site Assessment (ESA) and Phase II Site Investigation should be conducted for projects wherever current or former activities on site may have resulted in releases of hazardous substances, including oil or chemicals. Areas of concern include current and former industrial areas, harbors, airports, and formerly and currently zoned agricultural lands used for growing sugar, pineapple or other agricultural products.
2. Standard comments for the Hazard Evaluation & Emergency Response Office are at:
<https://health.hawaii.gov/epo/landuse/>.

Indoor and Radiological Health Branch

1. Project activities shall comply with HAR Chapters 11-39, 11-45, 11-46, 11-501, 11-502, 11-503, 11-504.
2. Construction/Demolition Involving Asbestos: If the proposed project includes renovation/demolition activities that may involve asbestos, the applicant should contact the Asbestos and Lead Section of the Branch at <https://health.hawaii.gov/irhb/asbestos/>.

Safe Drinking Water Branch

1. Agencies and/or project owners are responsible for ensuring environmental compliance for their projects in the areas of: 1) Public Water Systems; 2) Underground Injection Control; and 3) Groundwater and Source Water Protection in accordance with HAR Chapters 11-19, 11-20, 11-21, 11-23, 11-23A, and 11-25. They may be responsible for fulfilling additional requirements related the Safe Drinking Water program:
<https://health.hawaii.gov/sdwb/>.
2. Standard comments for the Safe Drinking Water Branch can be found at:
<https://health.hawaii.gov/epo/landuse/>.

Solid & Hazardous Waste Branch

1. Hazardous Waste Program - The state regulations for hazardous waste and used oil are in HAR Chapters 11-260.1 to 11-279.1. These rules apply to the identification, handling, transportation, storage, and disposal of regulated hazardous waste and used oil.
2. Solid Waste Programs - The laws and regulations are contained in HRS Chapters 339D, 342G, 342H and 342I, and HAR Chapters 11-58.1, and 11-282. Generators and handlers of solid waste shall ensure proper recycling or disposal at DOH-permitted solid waste management facilities. If possible, waste prevention, reuse and recycling are preferred options over disposal. The Office of Solid Waste Management also oversees the

electronic device recycling and recovery law, the glass advanced disposal fee program, and the deposit beverage container program.

3. Underground Storage Tank Program – The state regulations for underground storage tanks are in HAR Chapter 11-280.1. These rules apply to the design, operation, closure, and release response requirements for underground storage tank systems, including unknown underground tanks identified during construction.
4. Standard comments for the Solid & Hazardous Waste Branch can be found at:
<https://health.hawaii.gov/epo/landuse/>.

Wastewater Branch

By Revised Statute 11-62-31.1 If the parcel is less than 10,000sq feet, an individual onsite waste-water unit may not be possible for future construction. Please contact DOH waste-water branch at 808-586-4288 for further information. For comments, please email the Wastewater Branch at doh.wwb@doh.hawaii.gov.

Sanitation / Local DOH Comments:

1. Noise may be generated during demolition and/or construction. The applicable maximum permissible sound levels, as stated in Title 11, HAR, Chapter 11-46, "Community Noise Control," shall not be exceeded unless a noise permit is obtained from the Department of Health.
2. According to HAR §11-26-35, No person, firm, or corporation shall demolish or clear any structure, place, or vacant lot without first ascertaining the presence or absence of rodents that may endanger public health by dispersal from such premises. Should any such inspection reveal the presence of rodents, the rodents shall be eradicated before demolishing or clearing the structure, site, or vacant lot. A demolition or land clearing permit is required prior to demolition or clearing.

Other

1. [CDC - Healthy Places - Healthy Community Design Checklist Toolkit](#) recommends that state and county planning departments, developers, planners, engineers, and other interested parties apply these principles when planning or reviewing new developments or redevelopment projects.
2. If new information is found or changes are made to your submittal, DOH reserves the right to implement appropriate environmental health restrictions as required. Should there be any questions on this matter, please contact the Department of Health, Kauai District Health Office at 808-241-3492.

Ellis Jones

Ellis Jones

District Environmental Health Program Chief
Office Phone: (808) 241-3326

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

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

March 24, 2024

Ka'āina S. Hull, Director
County of Kaua'i
Planning Department
4444 Rice Street, Suite A-473
Līhu'e, Hawai'i 96766
planningdepartment@kauai.gov

Dear Mr. Hull:

SUBJECT: **HRS Chapter 6E-42 Historic Preservation Review –
Subdivision Application – S-2024-7
Hokuala Resort Subdivision 1
Kahilipulu Way, Kalapaki, Līhu'e – Subdivision, re-subdivision, cancellation
Owner's Name: Tower Kauai Lagoons Sub 1, LLC
Kalapaki Ahupua'a, Puna District, Island of Kaua'i
TMK: (4) 3-5-004:100-109**

IN REPLY REFER TO:
Project No.: 2024PR00069
Doc. No.: 2403LS10
Archaeology

MAR 28 '24 PM 4:23
PLANNING DEPT

This letter provides the State Historic Preservation Division's (SHPD's) HRS 6E-42 review of the proposed consolidation of Lots 100 to 109, inclusive as shown on Kauai County Subdivision S-2008-24 and the re-subdivision of said consolidation into Lots 1 to 16 inclusive, and cancellation of Easements E-1 to E-6, inclusive, and C, D, F, and G as shown on Kauai Subdivision Map Number 2008-24 and portions of Easement UE-1 as shown on Kauai Subdivision Map Number 2010-11 at Kihilipulu Way, Kalapaki. In addition, the owners plan to do improvements relating to the construction of necessary road, water, drainage, electrical and telephone utilities, and facilities. The SHPD received the project submittal on January 18, 2024, which included a County of Kaua'i Planning Department Subdivision Application, construction plans, and photos of the project area. The subject property totals ~6.232 acres.

A review of our records indicates that the SHPD accepted an archaeological inventory survey report (Bell et al. 2006) titled *Archaeological Inventory Survey for the Proposed Līhu'e Airport Improvements, Hanamā'ulu and Kalapaki Ahupua'a, Puna District, Island of Kaua'i*, TMKs: (4) 3-5-001: por. 005, 008, 102, 160 and (4) 4-7-002: por. 001 (Log No. 2006.4304, Doc No. 0612NM15) on December 29, 2006 (Log No. 2006.4304, Doc No. 0612NM15). The 175-acre AIS project area included a portion of the current project area and resulted in the identification of a single historic property, remnants of a former piggery (Site 50-30-08-3958). The site is not located near the project area. The USDA soil survey (Foote et. al 1972) identifies the majority of the soils within the project area as Lihue silty clay, 0 to 8 percent slopes (LhB), with a small portion that includes Lihue gravelly silty clay, 0 to 8 percent slopes (LIB). Low potential exists for historic properties to be present in the current project area.

Based on the information provided, the SHPD's **determination is no historic properties affected** for the current project. Pursuant to HAR §13-284-7(e), when the SHPD agrees that the action will not affect any significant historic properties, this is the SHPD's written concurrence and historic preservation review ends. The HRS 6E historic preservation review process is ended. The permit issuance process may continue.

Please attach to permit: In the unlikely event that subsurface historic resources, including human skeletal remains, structural remains, cultural deposits, artifacts, sand deposits, or sink holes are identified during the demolition and/or construction work, cease work in the immediate vicinity of the find, protect the find from additional disturbance, and contact the State Historic Preservation Division, at (808) 692-8015.

Mr. Hull
March 24, 2024
Page 2

Please contact Susan A. Lebo, Archaeology Branch Chief, at Susan.A.Lebo@hawaii.gov, for any matters regarding archaeological resources or this letter.

Aloha, *Alan Downer*

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

cc: Kenneth Estes, kestes@kauai.gov

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



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

SUBDIVISION REPORT

I. SUMMARY

Action Required by Planning Commission: Consideration of Subdivision Application No. S-2026-2 that involves a two (2) lot consolidation and re-subdivision into fifteen (15) lots.

Subdivision Permit No. Application No. S-2026-2

Name of Applicant(s) 2014 TOWER KAUAI LAGOONS GOLF, LLC. / TOWER KAUAI LAGOONS LAND, LLC. / TOWER KAUAI LAGOONS SUB 7, LLC.

II. PROJECT INFORMATION

Map Title	Consolidation of Lot 2-A-1 as shown on Kaua'i County Subdivision File No. S-2019-11 and Lot 5-A as shown on Kaua'i County Subdivision File No. S-2008-24 being a portion of Royal Patent 4480, Land Commission Award 7713, Apana 2, Part 1 to V. Kamamalu and the Resubdivision of Said Consolidation into Lots 2-A, 5-A-1, and Lots 1 to 13 Inclusive at Kalapakī, Līhu'e, Kaua'i, Hawai'i.				
Tax Map Key(s):	3-5-001: 027 and 168	Area:	384.027 Acres		
Zoning:	Residential District (R-4) / Open (O)				
State Land Use District(s):	Urban / Agricultural / Conservation	General Plan Designation:	Resort / Golf Course		
AGENCY COMMENTS					
<input checked="" type="checkbox"/> COK Public Works	pending	<input type="checkbox"/> State DOT-Highways:			
<input checked="" type="checkbox"/> COK Water:	pending	<input checked="" type="checkbox"/> State Health:	07.28.2025		
<input checked="" type="checkbox"/> COK Housing:	pending	<input checked="" type="checkbox"/> DLNR – SHPD:	07.09.2022		
<input checked="" type="checkbox"/> COK Fire:	pending				
EXISTING ROAD RIGHT-OF-WAY(S)					
Road Name	Existing Width	Required Width	Pavement YES	NO	Reserve
Kāhilipulu Way (Private Roadway)	44 feet	44 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Ho'olaule'a Way (Private Roadway)	56 feet	56 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
APPLICABLE FEES					
Environmental Impact Assessment (EIA)	5,500.00				
Park Dedication	To be determined				
Appraisal Report Required	Yes				

G.I.B.I.
FEB 24 2026

Date of Preliminary Map Acceptance:	July 8, 2025
Date of Director's Report:	July 30, 2025
Date of Public Hearing:	August 12, 2025
Deadline Date for PC to Take Action Pursuant to Section 9-3.4(b) of the K.C.C.:	October 6, 2025

III. EVALUATION

Project Description

The proposal establishes thirteen (13) residential lots and two (2) remnant lots within the Hōkūala Resort master planned area. The primary intent of the proposal is to carve out and subdivide a portion of land identified as Hōkūala Resort Subdivision 1A.

Previous Subdivision Applications

Upon review of the current subdivision proposal, it is noted that the proposal has been processed through two previous subdivision applications: Subdivision Application No. S-2022-10, which received Preliminary Subdivision Map Approval on May 10, 2022, but was subsequently terminated on September 12, 2023; and Subdivision Application No. S-2024-8, which received Preliminary Subdivision Approval on April 9, 2024.

In both instances, the subdivision applications expired as a final subdivision map or a request for an extension of time was not filed timely with the Planning Department prior to the expiration of the preliminary subdivision map approval, as required under Section 9-3.8(c)(1) of the Subdivision Ordinance, Kaua'i County Code. As a result, the Applicant has submitted a new subdivision application for the proposed development, which is now being processed through this current application.

Existing Permits

The subject project area was a part of a zoning amendment (ZA-2021-3) that reclassified approximately 14.2 acres of land situated within the County Residential (R-2) zoning district into the Residential (R-4) zoning district. The legislation was adopted by the Kaua'i County Council on December 15, 2021, and is referenced as Ordinance No. PM-2021-416.

In evaluating the project, it will be subject to the requirements that were imposed through the Planning Commission's action on August 11, 2009, involving SMA Use Permit SMA (U)-2005-08, Project Development Use Permit U-2005-26, Use Permit U-2005-25, Variance Permit V-2005-7, and Class IV Zoning Permit Z-IV-2005-30.

Additionally, on July 9, 2024, the Planning Commission approved Class IV Zoning Permit Z-IV-2024-8 and Variance Permit V-2024-4, to allow a deviation from the requirement to construct raised curbs, curbs, gutters, and sidewalks along the subdivision's frontage and to allow the use of drainage swales in-lieu of the required curbs and gutters pursuant to Section 9-2.3(e)(3) of the Subdivision Ordinance, Kaua'i County Code. It should be noted that, as a condition of the approved permits, the Applicant is required to pay a fee in lieu of the required sidewalk

construction equal to or greater than one hundred percent (100%) of the cost of constructing the sidewalk as determined by the County Engineer.

Native Hawaiian Traditional and Cultural Rights, Practices, and Resources

The Applicant has submitted an updated "Cultural Impact Assessment for Hōkūala Petition Area, Kalapakī Ahupua'a, Līhu'e District, Kaua'i TMKs: [4] 3-5-001:027 por., 168 por. and 177 and [4] 3-5-004:100-109," dated February 2022.

Cultural Surveys Hawaii, Inc. (CSH), contacted 29 Hawaiian organizations, agencies, and community members as well as cultural and lineal descendants in order to identify individuals with cultural expertise and/or knowledge of the project area and vicinity. Four parties responded and three parties met with CSH for a more in-depth interview. The concerns that were raised include: 1) protecting access for gathering, fishing, and recreation along the shoreline; 2) continuing to allow Kama'āina to traverse the shoreline; 3) traffic congestion on roads in the immediate vicinity of the project area; 4) establishing a walking and/or biking path out of the lane of traffic on one or both sides of the road that bisects the project; 5) access to walking paths in the vicinity of the project area may be restricted and locals will no longer have access to walking paths for exercising; and 6) concerns with the need for the Līhu'e Water Treatment Plant to be upgraded to accommodate a higher-density subdivision.

In evaluating the concerns noted above, gathering, fishing, and access rights will be minimally affected by this subdivision as access throughout the Hōkūala Resort Development will remain open to the public through its network roadway and public accesses.



As represented, no culturally significant resources were identified in the project area and presently, there is no documentation or testimony indicating traditional and customary rights practiced in the immediate vicinity. There are no records of major trails running through the project area.

Based on the Applicant's consultation with kama'āina and community members, and evaluating historical information that was available to the department, the department finds that the proposed development should have no impact on any known Hawaiian traditional or customary practices for the following reasons:

- There are no known traditional or customary practices of native Hawaiians that are presently occurring within the Project Site.
- There are no known special gathering practices taking place within any portion of the Project Site.
- The Project will not detrimentally affect access to any streams; access to the shoreline or other adjacent shoreline areas; or gathering along any streams, the shoreline or in the ocean.
- There are no known religious practices taking place within the Project Site.
- There are no known pre-contact cultural or historic sites or resources located within the Project Site.
- There are no known burials within the Project Area.

Any unforeseen impacts to traditional and customary native Hawaiian rights, practices, and resources in the project area should be mitigated.

IV. RECOMMENDATION

TENTATIVE APPROVAL	FINAL APPROVAL
<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Denial	<input type="checkbox"/> Approval <input type="checkbox"/> Denial
Tentative Approval subject to all requirements as noted on the following pages:	All conditions have been complied with
Director of Planning  Date 8/1/2021	Director of Planning  Date 2/18/2021

V. AGENCY REQUIREMENTS

1. Requirements of the Planning Department:
 - a. An updated preliminary title report for the existing lot shall be submitted to the Planning Department for review.
 - b. All existing and proposed easements, if any, shall be identified in the deed descriptions of the affected lots, draft copies of which shall be submitted to the Planning Department for review and approval.
 - c. Pursuant to Section 9-3.8(b) of the Subdivision Ordinance, Kaua'i County Code (1987), the Applicant shall submit to the Planning Department an electronic record (digitized format) of the final subdivision map(s) on disk for record keeping purposes prior to final subdivision approval.
 - d. Pursuant to Section 9-3.8 (c) of the Subdivision Ordinance, Kaua'i County Code, 1987, as amended, the Applicant shall file fifteen (15) copies of the subdivision final map with the Planning Department within one (1) year after approval of the preliminary subdivision map. If no filing is made, the approval of the preliminary subdivision map and construction plan shall become void unless an extension of time is granted by the Planning Commission.
 - e. The Applicant shall prepare and obtain construction plan approvals for the necessary road, water, drainage, electrical and telephone utilities and facilities, and either construct the same or post a surety bond for completion.

- f. Prior to final subdivision approval, the Applicant shall be subject to the requirements of Class IV Zoning Permit Z-IV-2024-8 and Variance Permit V-2024-4, that were approved by the County of Kaua'i Planning Commission July 9, 2024. The subject permits granted a deviation from the requirement to construct curbs, gutters, and sidewalks along the frontage of Subdivision 1A, allowing the use of drainage swales in lieu of the required curbs and gutters. In accordance with Condition 1 of the subject permits and pursuant to Section 9-2.3(e)(3) of the Subdivision Ordinance, Kaua'i County Code (1987), as amended, the Applicant shall pay a fee in lieu of the required sidewalk construction equal to or greater than one hundred percent (100%) of the cost of constructing the sidewalk as determined by the County Engineer.
- g. Prior to final subdivision approval, the Applicant shall comply with the applicable conditions/requirements of SMA Use Permit SMA (U)-2005-08, Project Development Use Permit U-2005-26, Use Permit U-2005-25, Variance Permit V-2005-7, and Class IV Zoning Permit Z-IV-2005-30. The Applicant shall provide the department an updated status report on the compliance of the conditions.
- h. The proposed subdivision is situated in close proximity to the Līhu'e Airport and will be impacted by the aircraft noise nuisances from this facility. As such, the subdivider shall establish covenants or disclosure documents to inform potential buyers within the project area that the proposed lots are subject to aircraft noise nuisances. Draft copies of the documents shall be submitted to the Planning Department for review and approval.
- i. An Environmental Impact Assessment Fee of Five Thousand Five Hundred Dollars (\$5,500.00) shall be paid to the County of Kaua'i.
- j. The Applicant shall pay a Park Dedication fee pursuant to Section 9-2.8 of the Kaua'i County Code Subdivision Ordinance. An appraisal report and price list shall be provided to the Planning Department to forward to the Real Properties Division to help calculate the fee amount.
- k. The Applicant is made aware that the street designated within the subdivision must be officially named before the Department approves the construction plans. Street names should be in Hawaiian and be submitted to our Department for review and approval, along with a request letter and 12 maps (on 8½" x 14" paper). The maps should be detailed such that emergency vehicles, police services, postal deliveries, etc., are able to locate the street. References to roadway, such as the highway and other surrounding roads, should be shown on the street-naming map.
- l. The subject subdivision proposal was previously reviewed through Subdivision Application No. S-2024-8 that was granted Preliminary Subdivision Map Approval by the Kaua'i Planning Commission on April 9, 2024. Presently, Subdivision Application No. S-2024-8 is considered expired since a final subdivision map or a request for an extension of time was not filed timely with the Planning Department prior to the expiration of the preliminary subdivision map approval, as required under Section

9-3.8(c)(1) of the Subdivision Ordinance, Kaua'i County Code. Therefore, prior to final subdivision approval, the Applicant shall provide a letter to the department formally requesting termination of Subdivision Application No. S-2024-8.

- m. The subdivider is informed that a portion of proposed Lot 2-A is located within the Special Management Area (SMA). Additional lots within the SMA or any new "Development," as defined in Section 1.4F of the SMA Rules and Regulations of the County of Kaua'i, may require an SMA Permit and if so, the applicant is subject to all applicable requirements/conditions of the SMA Permit.

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

- a. The subdivider shall comply with the requirements of the Department of Public Works, if any, prior to final subdivision approval. The subdivider shall be notified upon receipt of their report.

3. Requirements of the Department of Water (DOW):

- a. The subdivider shall comply with the requirements of the Department of Water, if any, prior to final subdivision approval. The subdivider shall be notified upon receipt of their report.

4. Requirements of the County Housing Agency:

- a. The subdivider shall comply with the requirements of the County Housing Agency, if any, prior to final subdivision approval. The subdivider shall be notified upon receipt of their report.

5. Requirements of the County Fire Department:

- a. The subdivider shall comply with the requirements of the County Fire Department, if any, prior to final subdivision approval. The subdivider shall be notified upon receipt of their report.

6. Requirements of the Department of Health (DOH):

General summary comments have been included for your convenience. However, these comments are not all-inclusive and do not substitute for review of and compliance with all applicable standard comments for the various DOH individual programs.

Clean Air Branch

- 1. All project activities shall comply with the Hawaii Administrative Rules (HAR), Chapters 11-59 and 11-60.1.

2. Control of Fugitive Dust: You must reasonably control the generation of all airborne, visible fugitive dust and comply with the fugitive dust provisions of HAR §11-60.1-33. Note that activities that occur near existing residences, businesses, public areas, and major thoroughfares exacerbate potential dust concerns. It is recommended that a dust control management plan be developed which identifies and mitigates all activities that may generate airborne and visible fugitive dust and that buffer zones be established wherever possible.
3. Underground Storage Tank Program – The State regulations for underground storage tanks are in HAR Chapter 11-280.1. These rules apply to the design, operation, closure, and release response requirements for underground storage tank systems, including underground tanks identified during construction.
4. Standard comments for the Clean Air Branch are at:
<https://health.hawaii.gov/epo/landuse/>.

Clean Water Branch

1. All project activities shall comply with the HAR, Chapters 11-53, 11-54, and 11-55. The following Clean Water Branch website contains information for agencies and/or project owners who are seeking comments regarding environmental compliance for their projects with HAR, Chapters 11-53, 11-54, and 11-55:
<https://health.hawaii.gov/cwb/clean-water-branch-home-page/cwb-standard-comments/>.

Hazard Evaluation & Emergency Response Office

1. A Phase I Environmental Site Assessment (ESA) and Phase II Site Investigation should be conducted for projects wherever current or former activities on site may have resulted in releases of hazardous substances, including oil or chemicals. Areas of concern include current and former industrial areas, harbors, airports, and formerly and currently zoned agricultural lands used for growing sugar, pineapple or other agricultural products.
2. Standard comments for the Hazard Evaluation & Emergency Response Office are at: <https://health.hawaii.gov/epo/landuse/>.

Indoor and Radiological Health Branch

1. Project activities shall comply with HAR Chapters 11-39, 11-45, 11-46, 11-501, 11-502, 11-503, 11-504.
2. Construction/Demolition Involving Asbestos: If the proposed project includes renovation/demolition activities that may involve asbestos, the applicant should contact the Asbestos and Lead Section of the Branch at <https://health.hawaii.gov/irhb/asbestos/>.

Safe Drinking Water Branch

1. Agencies and/or project owners are responsible for ensuring environmental compliance for their projects in the areas of: 1) Public Water Systems; 2) Underground Injection Control; and 3) Groundwater and Source Water Protection in accordance with HAR Chapters 11-19, 11-20, 11-21, 11-23, 11-23A, and 11-25. They may be responsible for fulfilling additional requirements related the Safe Drinking Water program: <https://health.hawaii.gov/sdwb/>.
2. Standard comments for the Safe Drinking Water Branch can be found at: <https://health.hawaii.gov/epo/landuse/>.

Solid & Hazardous Waste Branch

1. Hazardous Waste Program - The state regulations for hazardous waste and used oil are in HAR Chapters 11-260.1 to 11-279.1. These rules apply to the identification, handling, transportation, storage, and disposal of regulated hazardous waste and used oil.
2. Solid Waste Programs - The laws and regulations are contained in HRS Chapters 339D, 342G, 342H and 342I, and HAR Chapters 11-58.1, and 11-282. Generators and handlers of solid waste shall ensure proper recycling or disposal at DOH-permitted solid waste management facilities. If possible, waste prevention, reuse and recycling are preferred options over disposal. The Office of Solid Waste Management also oversees the electronic device recycling and recovery law, the glass advanced disposal fee program, and the deposit beverage container program.
3. Underground Storage Tank Program - The state regulations for underground storage tanks are in HAR Chapter 11-280.1. These rules apply to the design, operation, closure, and release response requirements for underground storage tank systems, including unknown underground tanks identified during construction.
4. Standard comments for the Solid & Hazardous Waste Branch can be found at: <https://health.hawaii.gov/epo/landuse/>.

Wastewater Branch

The subject project is located within or near proximity to the County sewer system. All wastewater generated shall be disposed into the County Sewer system. All lots in the proposed project shall connect to the County sewer system.

By Revised Statute 11-62-31.1, if the parcel is less than 10,000 square feet, an individual onsite waste-water unit may be possible for future construction. Please contact Sina Pruder at DOH Waste-Water Branch at 808-586-4288 for further

information. For comments, please email the Wastewater Branch at doh.wwb@doh.hawaii.gov.

Sanitation/ Local DOH Comments:

1. Noise may be generated during demolition and/or construction. The applicable maximum permissible sound levels, as stated in Title 11, HAR, Chapter 11-46, "Community Noise Control," shall not be exceeded unless a noise permit is obtained from the Department of Health.
2. According to HAR §11-26-35, No person, firm, or corporation shall demolish or clear any structure, place, or vacant lot without first ascertaining the presence or absence of rodents that may endanger public health by dispersal from such premises. Should any such inspection reveal the presence of rodents, the rodents shall be eradicated before demolishing or clearing the structure, site, or vacant lot. A demolition or land clearing permit is required prior to demolition or clearing.

Other

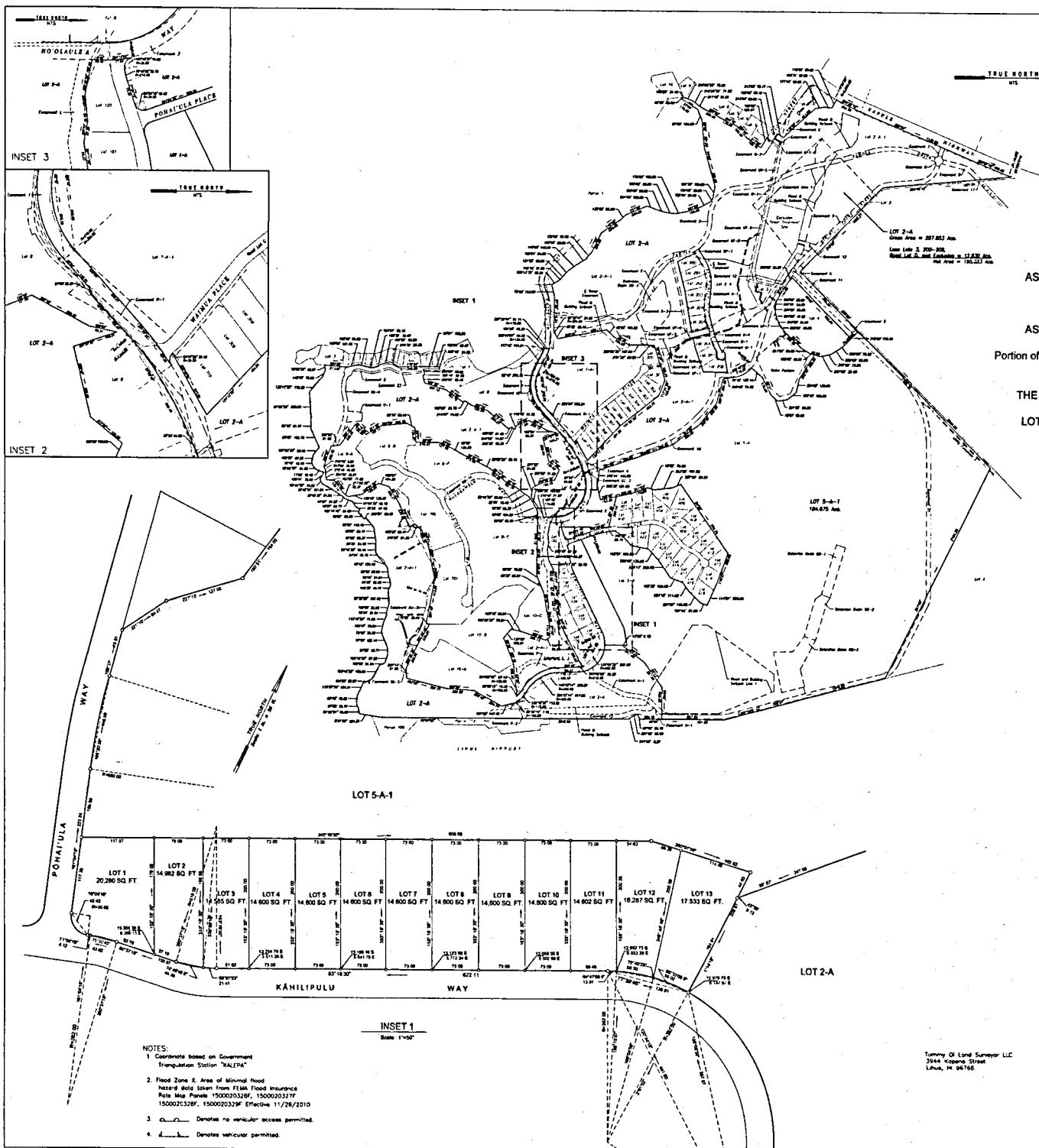
1. CDC—Healthy Places—Healthy Community Design Checklist Toolkit recommends that state and county planning departments, developers, planners, engineers, and other interested parties apply these principles when planning or reviewing new developments or redevelopment projects.
2. If new information is found or changes are made to your submittal, DOH reserves the right to implement appropriate environmental health restrictions as required. Should there be any questions on this matter, please contact the Department of Health, Kauai District Health Office at 808-241-3495.
7. 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 to determine mitigation measures.
8. Project construction workers and all other personnel involved in the construction and related activities of the project should be informed of the possibility of inadvertent cultural finds, including human remains. In the event that any potential historic properties are identified during construction activities, all activities should cease in that area and the SHPD should be notified pursuant to HAR §13-280-3. In the event that *Iwi Kūpuna* (Native Hawaiian skeletal remains) are identified, all earth moving activities in the area should stop, the area cordoned off, and the SHPD notified pursuant to HAR §13-300.

9. In the event that *Iwi Kūpuna* and/or cultural finds are encountered during construction, cultural and lineal descendants of the area should be consulted to develop a reinterment plan and cultural preservation plan for proper cultural protocol, curation, and long-term maintenance.
10. The Applicant is advised that prior to and/or during construction and use additional conditions may be imposed by government agencies. Should this occur, the applicant shall resolve these conditions with the respective agency(ies).

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 12, 2025, 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 staff's report and recommendation as provided herein.

By 
KENNETH A. ESTES
Planner



CONSOLIDATION OF
LOT 2-A-1
AS SHOWN ON KAUAI COUNTY SUBDIVISION
FILE NO. S-2019-11
AND
LOT 5-A
AS SHOWN ON KAUAI COUNTY SUBDIVISION
FILE NO. S-2008-24
Portion of Royal Patent 4480, Land Commission Award 7713,
Apana 2, Part 1 to V. Kamamalu
AND
THE RESUBDIVISION OF SAID CONSOLIDATION
INTO
LOTS 2-A, 5-A-1 AND LOTS 1 TO 13 INCLUSIVE

Kalapaki, Lihue, Kauai, Hawaii

Tax Map Key: (4) 3-5-001: 027 & 168

OWNERS:

Lot 2-A-1 Tower Kauai Lagoons Land, LLC
3770 ALA'OLI WAY
LIHUE HI 96756

Lot 5-A 2014 Kauai Lagoons Golf, LLC
3770 ALA'OLI WAY
LIHUE HI 96756

- NOTES:
1. Coordinate based on Government
Trangulation Station "KALEHA"
 2. Flood Zone X: Area of Minimal Flood
hazard data taken from FEMA Flood Insurance
Rate Map Panels 1500020328F, 1500020327F
1500020326F, 1500020329F Effective 11/28/2010
 3. Denotes no vehicular access permitted.
 4. Denotes vehicular access permitted.

Tommy O. Land Surveyor LLC
3944 Kapaemahu Street
LIHUE, HI 96756



This work was prepared by me
or under my direct supervision

Thomas H. O.
Licensed Professional Land Surveyor
Certificate Number 9033-LS
Expires on April 30, 2024



LOCATION MAP

**Hokuala Resort
Subdivision 1A
(S-2026-2)**



County of Kauai
Planning Department
4444 Rice St., Suite A473 Lihue, HI 96766
(808) 241-4050

JAN 15 '26 AM 10:21
PLANNING DEPT

FROM: Kaaina S. Hull, Director

Planner: Kenneth Estes

7/10/2025

SUBJECT: Subdivision S-2026-2
Tax Map Key: 35001:027 and 067
Applicant: 2014 Tower kauai Lagoons Golf, LLC. Et. Al.
2014 Tower Kauai Lagoons Golf, LLC. Et. Al.

TO:

- | | |
|--|---|
| <input type="checkbox"/> State Department of Transportation - STP | <input checked="" type="checkbox"/> County DPW - Engineering |
| <input type="checkbox"/> State DOT - Highways, Kauai (info only) | <input checked="" type="checkbox"/> County DPW - Wastewater |
| <input type="checkbox"/> State DOT - Airports, Kauai (info only) | <input type="checkbox"/> County DPW - Building |
| <input type="checkbox"/> State DOT - Harbors, Kauai (info only) | <input type="checkbox"/> County DPW - Solid Waste |
| <input checked="" type="checkbox"/> State Department of Health | <input type="checkbox"/> County Department of Parks & Recreation |
| <input type="checkbox"/> State Department of Agriculture | <input checked="" type="checkbox"/> County Fire Department |
| <input type="checkbox"/> State Office of Planning | <input checked="" type="checkbox"/> County Housing Agency |
| <input type="checkbox"/> State Dept. of Bus. & Econ. Dev. Tourism | <input type="checkbox"/> County Economic Development |
| <input type="checkbox"/> State Land Use Commission | <input checked="" type="checkbox"/> County Water Department |
| <input type="checkbox"/> State Historic Preservation Division | <input type="checkbox"/> County Civil Defense |
| <input type="checkbox"/> State DLNR - Land Management | <input checked="" type="checkbox"/> County Transportation Agency |
| <input type="checkbox"/> State DLNR - Forestry & Wildlife | <input type="checkbox"/> KHPRC |
| <input type="checkbox"/> State DLNR - Aquatic Resources | <input type="checkbox"/> U.S. Postal Department |
| <input type="checkbox"/> State DLNR - Conservation & Coastal Lands | <input type="checkbox"/> UH Sea Grant |
| <input type="checkbox"/> Office of Hawaiian Affairs | <input checked="" type="checkbox"/> Other: Office of Hawaiian Affairs (OHA) |

FOR YOUR COMMENTS (pertaining to your department) (Due Date 8/10/2025)

We have no further comments and recommend proceeding to final map.

Sincerely,

Digitally signed by Michael Moule
Date: 2026.01.15 08:06:03 -10'00'

Michael Moule, P.E.
Chief, Engineering Division



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

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

SUBDIVISION REPORT

TO: PLANNING DEPARTMENT
FROM: DEPARTMENT OF WATER

TMK: 3-5-001:027 & 3-5-001:067 NAME: 2014 Tower Kaua'i Lagoons Golf, LLC, Et Al SURVEYOR: Thomas H. Oi REPORT NO: S-2026-2

1. Tentative approval is recommended. ☐
- Water Requirements are not affected. Tentative approval is recommended. ☐
2. All requirements have been fully met and; therefore, Final approval is recommended. ☒
3. Before final approval can be recommended, the subdivider must: ☐
 - A. Pay the Department of Water the following charges in effect at the time of receipt. At the present time, these charges include: ☐
 - 1) The Facilities Reserve Charge (FRC): ☐

5/8-inch = \$ **
 - 2) Payment to install one, service connections(s) at the fixed cost of \$ 2,850 . If the subdivider causes a delay in the service connection installation after one year since final map approval, the subdivider shall be charged the increase in the fixed cost, if any. ☐
 - 3) Deposit (the subdivider will either be billed or returned the difference between this deposit and the actual cost of construction of \$ _____ for construction by the Department of Water. ☐
 - B. Submit to the Department of Water a copy of the subdivider's permit to perform work upon a State highway from the State Highways Division ☐
 - C. Prepare and receive Department of Water's approval of construction drawings for the necessary water system facilities and either construct said facilities or post a performance bond for construction. These facilities shall also include: ☐
 - 1) The domestic service connection.
 - 2) The fire service connection, if applicable. ☐
 - 3) The interior plumbing with appropriate backflow prevention device, if applicable.
 - D. Prepare and convey to the Department of Water a Right-of-Entry and Temporary Grant of Easement for the purpose of construction, repair, maintenance and operation of the subdivision water system improvements installed in other than County-owned property. ☐
 - E. If a bond is filed, to secure final subdivision approval, the subdivider shall clearly letter the following on the approved construction plans, final subdivision map, and deeds: ☐

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

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

Regina Reyes-Flores

Regina Reyes-Flores, P.E.,
Water Resources and Planning Section
Engineering Division

01/27/2026

Date

SUBDIVISION REPORT NO. S-2026-2



County of Kauai
Planning Department
4444 Rice St., Suite A473 Lihue, HI 96766
(808) 241-4050

FROM: Kaaina S. Hull, Director

Planner: Kenneth Estes

7/10/2025

SUBJECT: Subdivision S-2026-2

Tax Map Key: 35001:027 and 067

Applicant: 2014 Tower kauai Lagoons Golf, LLC. Et. Al.

2014 Tower Kauai Lagoons Golf, LLC. Et. Al.

TO:

- | | |
|--|---|
| <input type="checkbox"/> State Department of Transportation - STP | <input checked="" type="checkbox"/> County DPW - Engineering |
| <input type="checkbox"/> State DOT - Highways, Kauai (info only) | <input checked="" type="checkbox"/> County DPW - Wastewater |
| <input type="checkbox"/> State DOT - Airports, Kauai (info only) | <input type="checkbox"/> County DPW - Building |
| <input type="checkbox"/> State DOT - Harbors, Kauai (info only) | <input type="checkbox"/> County DPW - Solid Waste |
| <input checked="" type="checkbox"/> State Department of Health | <input type="checkbox"/> County Department of Parks & Recreation |
| <input type="checkbox"/> State Department of Agriculture | <input checked="" type="checkbox"/> County Fire Department |
| <input type="checkbox"/> State Office of Planning | <input checked="" type="checkbox"/> County Housing Agency |
| <input type="checkbox"/> State Dept. of Bus. & Econ. Dev. Tourism | <input type="checkbox"/> County Economic Development |
| <input type="checkbox"/> State Land Use Commission | <input checked="" type="checkbox"/> County Water Department |
| <input type="checkbox"/> State Historic Preservation Division | <input type="checkbox"/> County Civil Defense |
| <input type="checkbox"/> State DLNR - Land Management | <input checked="" type="checkbox"/> County Transportation Agency |
| <input type="checkbox"/> State DLNR - Forestry & Wildlife | <input type="checkbox"/> KHPRC |
| <input type="checkbox"/> State DLNR - Aquatic Resources | <input type="checkbox"/> U.S. Postal Department |
| <input type="checkbox"/> State DLNR - Conservation & Coastal Lands | <input type="checkbox"/> UH Sea Grant |
| <input type="checkbox"/> Office of Hawaiian Affairs | <input checked="" type="checkbox"/> Other: Office of Hawaiian Affairs (OHA) |

FOR YOUR COMMENTS (pertaining to your department) (Due Date 8/10/2025)

Kenneth

Wastewater Management Division (WMD) has no requirements for this subdivision.

Currently, Lihue WWTP has sufficient capacity to provide sewer treatment for the required additional sewer from 13 lots.

A handwritten signature in blue ink, appearing to read "Donald Fujimoto".

Donald Fujimoto, CE, PE
Chief, Wastewater Management Division



**STATE OF HAWAII
DEPARTMENT OF HEALTH**
3040 Umi St. Lihue
Hawaii 96766

FEB 9 '23 4:51 PM
PLANNING DEPT

DATE: July 28, 2025

TO: To whom it may concern

FROM: Ellis Jones
District Environmental Health Program Chief

SUBJECT: RESPONSE_2014 Tower Kauai Lagoons Golf_S-2026-2

In most cases, the District Health Office will no longer provide individual comments to agencies or project owners to expedite the land use review and process.

Agencies, project owners, and their agents should apply Department of Health "Standard Comments" regarding land use to their standard project comments in their submittal. Standard comments can be found on the Land Use Planning Review section of the Department of Health website: <https://health.hawaii.gov/epo/landuse/>. Contact information for each Branch/Office is available on that website.

Note: Agencies and project owners are responsible for adhering to all applicable standard comments and obtaining proper and necessary permits before the commencement of any work.

General summary comments have been included for your convenience. However, these comments are not all-inclusive and do not substitute for review of and compliance with all applicable standard comments for the various DOH individual programs.

Clean Air Branch

1. All project activities shall comply with the Hawaii Administrative Rules (HAR), Chapters 11-59 and 11-60.1.
2. Control of Fugitive Dust: You must reasonably control the generation of all airborne, visible fugitive dust and comply with the fugitive dust provisions of HAR §11-60.1-33. Note that activities that occur near existing residences, businesses, public areas, and major thoroughfares exacerbate potential dust concerns. It is recommended that a dust control management plan be developed which identifies and mitigates all activities that may generate airborne and visible fugitive dust and that buffer zones be established wherever possible.

3. Standard comments for the Clean Air Branch are at:
<https://health.hawaii.gov/epo/landuse/>

Clean Water Branch

1. All project activities shall comply with the HAR, Chapters 11-53, 11-54, and 11-55. The following Clean Water Branch website contains information for agencies and/or project owners who are seeking comments regarding environmental compliance for their projects with HAR, Chapters 11-53, 11-54, and 11-55:
<https://health.hawaii.gov/cwb/clean-water-branch-home-page/cwb-standardcomments/>.

Hazard Evaluation & Emergency Response Office

1. A Phase I Environmental Site Assessment (ESA) and Phase II Site Investigation should be conducted for projects wherever current or former activities on site may have resulted in releases of hazardous substances, including oil or chemicals. Areas of concern include current and former industrial areas, harbors, airports, and formerly and currently zoned agricultural lands used for growing sugar, pineapple or other agricultural products.
2. Standard comments for the Hazard Evaluation & Emergency Response Office are at:
<https://health.hawaii.gov/epo/landuse/>.

Indoor and Radiological Health Branch

1. Project activities shall comply with HAR Chapters 11-39, 11-45, 11-46, 11-501, 11-502, 11-503, 11-504.
2. Construction/Demolition Involving Asbestos: If the proposed project includes renovation/demolition activities that may involve asbestos, the applicant should contact the Asbestos and Lead Section of the Branch at <https://health.hawaii.gov/irhb/asbestos/>.

Safe Drinking Water Branch

1. Agencies and/or project owners are responsible for ensuring environmental compliance for their projects in the areas of: 1) Public Water Systems; 2) Underground Injection Control; and 3) Groundwater and Source Water Protection in accordance with HAR Chapters 11-19, 11-20, 11-21, 11-23, 11-23A, and 11-25. They may be responsible for fulfilling additional requirements related the Safe Drinking Water program:
<https://health.hawaii.gov/sdwb/>.
2. Standard comments for the Safe Drinking Water Branch can be found at:
<https://health.hawaii.gov/epo/landuse/>.

Solid & Hazardous Waste Branch

1. Hazardous Waste Program - The state regulations for hazardous waste and used oil are in HAR Chapters 11-260.1 to 11-279.1. These rules apply to the identification, handling, transportation, storage, and disposal of regulated hazardous waste and used oil.
2. Solid Waste Programs - The laws and regulations are contained in HRS Chapters 339D, 342G, 342H and 342I, and HAR Chapters 11-58.1, and 11-282. Generators and handlers of solid waste shall ensure proper recycling or disposal at DOH-permitted solid waste management facilities. If possible, waste prevention, reuse and recycling are preferred options over disposal. The Office of Solid Waste Management also oversees the

- electronic device recycling and recovery law, the glass advanced disposal fee program, and the deposit beverage container program.
3. Underground Storage Tank Program – The state regulations for underground storage tanks are in HAR Chapter 11-280.1. These rules apply to the design, operation, closure, and release response requirements for underground storage tank systems, including unknown underground tanks identified during construction.
 4. Standard comments for the Solid & Hazardous Waste Branch can be found at: <https://health.hawaii.gov/epo/landuse/>.

Wastewater Branch

By Revised Statute 11-62-31.1 If the parcel is less than 10,000sq feet, an individual onsite waste-water unit may not be possible for future construction. Please contact DOH waste-water branch at 808-586-4288 for further information. For comments, please email the Wastewater Branch at doh.wwb@doh.hawaii.gov.

Sanitation / Local DOH Comments:

1. Noise may be generated during demolition and/or construction. The applicable maximum permissible sound levels, as stated in Title 11, HAR, Chapter 11-46, "Community Noise Control," shall not be exceeded unless a noise permit is obtained from the Department of Health.
2. According to HAR §11-26-35, No person, firm, or corporation shall demolish or clear any structure, place, or vacant lot without first ascertaining the presence or absence of rodents that may endanger public health by dispersal from such premises. Should any such inspection reveal the presence of rodents, the rodents shall be eradicated before demolishing or clearing the structure, site, or vacant lot. A demolition or land clearing permit is required prior to demolition or clearing.

Other

1. [CDC - Healthy Places - Healthy Community Design Checklist Toolkit](#) recommends that state and county planning departments, developers, planners, engineers, and other interested parties apply these principles when planning or reviewing new developments or redevelopment projects.
2. If new information is found or changes are made to your submittal, DOH reserves the right to implement appropriate environmental health restrictions as required. Should there be any questions on this matter, please contact the Department of Health, Kauai District Health Office at 808-241-3492.

Ellis Jones

Ellis Jones

District Environmental Health Program Chief
Office Phone: (808) 241-3326

DAVID Y. IGE
GOVERNOR OF
HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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

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

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
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

July 19, 2022

Ka'āina S. Hull, Director
County of Kaua'i
Planning Department
4444 Rice Street, Suite A473
Līhu'e, Hawai'i 96766
khull@kauai.gov

IN REPLY REFER TO:
Project No. 2022PR00599
Doc. No. 2207DB06
Archaeology

Dear Mr. Hull:

**SUBJECT: HRS Chapter 6E-42 Historic Preservation Review –
County of Kaua'i Planning Department Subdivision Application – S-2022-10
Hōkūala Resort Subdivision 1A
Applicant: Gary Siracusa, Hōkūala Resort
Kalapakī Ahupua'a, Puna District, Island of Kaua'i
TMK: (4) 3-5-001:168 and 027**

This letter provides the State Historic Preservation Division's (SHPD's) HRS §6E-42 review of the County of Kaua'i Subdivision Application – S-2022-10 for the Hōkūala Resort Subdivision 1A, located in Līhu'e. The SHPD received the submittal on May 9, 2022 which included a County of Kauai Subdivision Application, a Subdivision Map, and an aerial photograph (Submission No. 2022PR00599.001). The project area comprises the entirety of the 4.6-acre parcel.

The project area is bounded by the golf course within the Hōkūala property. It is west of the Līhu'e Airport, northeast of the Hōkūala lagoon, south and east of Hōkūala Subdivision 4, and north of Kahilipulu Way. The project involves consolidation of Lot 2-A-1 (as shown on Kaua'i County Subdivision File No. S-2019-11) and Lot 5-A (as shown on Kaua'i County Subdivision File No. S-2008-24), being a portion of Royal Patent 4480, Land Commission Award 7713, Apana 2, Part 1 to V. Kamamalu, and subsequent re-subdivision into Lots 1-A, 2-A, and 5-A-1.

Groundwork will include grading and excavation for installation of subdivision improvements (e.g., necessary road, water, drainage, electrical and telephone utilities and facilities). Previous ground disturbing work within the project area and elsewhere within the Hōkūala Resort Property has included grading of the subdivision lots and excavation for existing infrastructure, access and roadways. Previous ground disturbance of the project area prior to the subdivision most likely consisted of various grubbing and grading activities associated with various uses of the property in the past, including extensive sugarcane cultivation.

A review of SHPD's records identified two archaeological inventory survey (AIS) reports on file for Kaua'i Lagoons Resort (Hammatt 1990, 2005). The Altizer and Hammatt (2014) AIS for the Nāwiliwili-Ahukini Bike Path depicts the Hammatt (1990) AIS as covering the current project area. The Hammatt (1990) AIS identified five historic properties: Ninini Heiau (SIHP Site #50-30-11-0100), an oval alignment (SIHP Site #50-30-11-0424), a shell midden indicative of a cultural layer (SIHP Site #50-30-11-0421), and two wall remnants (SIHP Site #50-30-11-0422 and #50-30-11-0423). All five sites are located along the shoreline east of Ninini Point. The report states that if development takes place within the coastal area, preservation and/or data recovery will be necessary. No historic properties were identified within the current project area. The Altizer and Hammatt (2014) AIS documented additional historic properties along the coast. They are well outside the current project area and will not be impacted. Other historic properties in the general vicinity, but significantly away from the current project area, include SIHP

Mr. Ka'aina S. Hull
July 19, 2022
Page 2

Site #50-30-11-0099 (Kuhiau Heiau), which covered an approximate 4-acre area but is now long since destroyed, and SIHP Site #50-30-11-01999 (Paukini Rock) located in Nawiliwili Bay.

Numerous projects and permits have been reviewed by SHPD within the subject TMKs. These include a letter dated April 27, 2008 (Log No. 2008.1434, Doc. No. 0804NM29) in which SHPD made a determination of "No historic properties affected" for multiple permits and work related to the Kauai Lagoons Resort Development, and a letter dated September 20, 2010 (Log No. 2010.2598, Doc. No. 1009MV17), in which SHPD made a determination of "No historic properties affected" for grading for the Kaua'i Lagoons Subdivision. Other related correspondence related to the Hōkūāla Development includes a letter dated November 29, 2021 (Project No. 2021PR00701, Doc. No. 2111DB11) in which SHPD had no objections to the Zoning Amendment for Subdivisions 1 and 1A. In a letter dated March 12, 2021 (Project No. 2020PR33566, Doc. No. 2103DB04), SHPD made a determination of "No historic properties affected" for a grading permit for the Hōkūāla Hotel adjacent to the Timbers Kaua'i Golf Course.

The USDA (Foote et. al 1972) identifies the soils within the project area as Lihue silty clay, 0 to 8 percent slopes (LhB), and Lihue gravelly silty clay, 0 to 8 percent slopes (LIB). Low to limited potential exists to encounter intact subsurface historic properties.

Based on project information provided, SHPD's determination is "**No historic properties affected**" for the current Hōkūāla Resort Subdivision 1A Application. Pursuant to HAR §13-284-7(e), when the SHPD agrees that the action will not affect any significant historic properties, this is the SHPD's written concurrence and historic preservation review ends. The historic preservation review process is ended. The permitting process may continue.

Please attach to permit and construction plans: In the unlikely event that subsurface historic resources, including human skeletal remains, structural remains, cultural deposits, artifacts, sand deposits, or sink holes are identified during the demolition and/or construction work, cease work in the immediate vicinity of the find, protect the find from additional disturbance, and contact the State Historic Preservation Division, at (808) 462-3225.

Please contact David Buckley, Kaua'i Lead Archaeologist, at (808) 462-3225 or at David.Buckley@hawaii.gov for questions regarding this letter.

Mahalo,

Alan Downer

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

cc: Kenny Estes, County of Kaua'i Planning Department, kestes@kauai.gov
Gary Siracusa, Hōkūāla, garys@hokualakauai.com