



PLANNING COMMISSION

KAAINA S. HULL, CLERK OF COMMISSION

GERALD AKO, CHAIR
HELEN COX, VICE CHAIR
FRANCIS DEGRACIA, MEMBER
JERRY ORNELLAS, MEMBER
LORI OTSUKA, MEMBER
GLENDA NOGAMI STREUFERT, MEMBER

RECEIVED

26 FEB 18 P1:12

OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUAI

- The Planning Commission Meeting will be at:

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

- Oral testimony will be taken on specific agenda items, at the public meeting location indicated on the meeting agenda.
- Written testimony indicating your 1) name or pseudonym, and if applicable, your position/title and organization you are representing, and 2) the agenda item that you are providing comment on, may be submitted on any agenda item in writing to planningdepartment@kauai.gov or mailed to the County of Kaua'i Planning Department, 4444 Rice Street, Suite 473, Līhu'e, Hawai'i 96766. Written testimony received by the Planning Department at least **24 hours prior** to the meeting will be posted as testimony to the Planning Commission's website prior to the meeting (<https://www.kauai.gov/Government/Boards-and-Commissions/Planning-Commission>). Any testimony received after this time will be retained as part of the record, but we cannot assure the Commission will receive it with sufficient time for review prior to the meeting.

IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF BOARDS & COMMISSIONS AT (808) 241-4917 OR ADAVIS@KAUAI.GOV AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST. UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.

PLANNING COMMISSION MEETING NOTICE AND AGENDA

Tuesday, February 24, 2026

9:00 a.m. or shortly thereafter

Līhu'e Civic Center, Moikeha Building

Meeting Room 2A-2B

4444 Rice Street, Līhu'e, Kaua'i, Hawai'i

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OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUAI

SWEARING IN OF NEW PLANNING COMMISSION MEMBER

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

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

1. December 9, 2025.

E. RECEIPT OF ITEMS FOR THE RECORD

F. COMMITTEE REPORTS

1. Subdivision Committee Report.
 - 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 – 109, Kalapakī, Līhu'e, Kaua'i
 - 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

G. HEARINGS AND PUBLIC COMMENT

1. **Continued Agency Hearing**
 - a. None for this meeting.

2. New Agency Hearing

- a. **CLASS IV ZONING PERMIT (Z-IV-2026-8) and VARIANCE PERMIT (V-2026-2)** involving a 20-lot subdivision, to allow a deviation from the requirement relating to the construction of curbs, gutters, and sidewalks for residential subdivision, for parcels immediately adjacent to the Koloa Estate Subdivision, situated along the western side of Lopaka Paipa Boulevard in Koloa, further identified as Tax Map Keys: (4) 2-6-014:041 & 046; 2-6-015:005, and containing a total area of 6.064 acres = **MAKAI KOLOA LLC**. [Director's Report Received, 1/28/2026; Hearing Postponed, 2/10/2026].
 1. Director's Report Pertaining to this Matter.
 2. Transmittal of Agency Comments to Planning Commission.
- b. **SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2026-4)** to allow construction of a new single-family residence and associated site improvements on a parcel situated on the mauka side of Kūhiō Highway in Wainiha, approximately 350 feet west of the Alamihi Road/ Kūhiō Highway intersection, further identified as Tax Map Key: (4) 5-8-011:024 containing a total area of 5,940 square feet = **TIMOTHY J. QUINN**. [Hearing Postponed, 2/10/2026].
 1. Director's Report Pertaining to this Matter.
 2. Transmittal of Supplemental Information to Planning Commission.
 3. Transmittal of Agency Comments to Planning Commission.
- c. **CLASS IV ZONING PERMIT (Z-IV-2026-10) and VARIANCE PERMIT (V-2026-3)** involving a 18-lot subdivision, to allow a deviation from the requirement relating to the construction of curbs, gutters, and sidewalks for residential subdivision, for a parcel situated along the makai side of Ala Kukui'ula in the Kukui'ula Master Plan Community, approximately ¾-mile west of its intersection with Ala Kalanikaumaka, further identified as Tax Map Key: (4) 2-6-023:040, and containing a total area of 114.47 acres = **BBCP KUKUIULA DEVELOPMENT LLC**. [Director's Report Received, 1/28/2026; Hearing Postponed, 2/10/2026].
 1. Director's Report Pertaining to this Matter.
 2. Transmittal of Agency Comments to Planning Commission.
- d. **CLASS IV ZONING PERMIT (Z-IV-2026-11), USE PERMIT (U-2026-8) and SPECIAL PERMIT (SP-2026-3)** to conduct a guided agricultural tour operation involving a 5.4 mile excursion and associated improvements on parcels situated on the mauka side of Kaumualii Highway in Puhi, approximately 1,100 feet north of the Kaumualii Highway/Nuhou Street intersection, further identified as Tax Map Keys: (4) 3-4-001:002 (Por.), 3-4-005:003 (Por.), 3-8-018:002 & 003, and containing a project area of approximately 8.98 acres = **KILOHANA EXPEDITIONS INC. (KEI)** [Director's Report Received, 1/28/2026; Hearing Postponed, 2/10/2026].
 1. Director's Report Pertaining to this Matter.
 2. Transmittal of Public Testimony to Planning Commission.

3. **Continued Public Hearing**

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

4. **New Public Hearing**

- a. None for this meeting.

H. **CONSENT CALENDAR**

1. **Status Reports**

- a. None for this meeting.

2. **Director's Report for Project(s) Scheduled for Agency Hearing**

- a. **CLASS IV ZONING PERMIT (Z-IV-2026-12), USE PERMIT (U-2026-9) and SPECIAL PERMIT (SP-2026-4)** to construct and operate a solar utility facility on lands located on the mauka side of Kaumualii Highway in Makaweli, directly across of the Makaweli Post Office facility, further identified as Tax Map Keys: (4) 1-7-006:006 (Por.) and 010 (Por.), and containing a project area of approximately 269 acres = **KAAWANUI SOLAR LLC.**

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

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

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

- c. **Amendment to SPECIAL MANAGEMENT AREA USE PERMIT SMA(U)-92-5, CLASS IV ZONING PERMIT Z-IV-92-22, USE PERMIT U-92-23, and VARIANCE PERMIT V-92-6** to allow renovations that would accommodate a mixed-use facility containing a banking operation, community event space, retail uses, and five (5) apartment units, and to allow deviations from the commercial development standards involving the existing facility on a parcel situated on the makai side of Kuhio Highway in Kapaa Town, further identified as Tax Map Keys: (4) 4-5-012:021, 022 & 043, and containing a total area of 26,998 square feet = **KAUAI FEDERAL CREDIT UNION.**

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

3. **Class III Zoning Permits**

- a. None for this meeting.

I. GENERAL BUSINESS MATTERS

1. Clerk of the Commission's Recommendation to Refer Appeals of the Planning Director's First Notice of Violation[s] for the operation of a Commercial Retreat in the Open Zone District, and Eight (8) Notice of Violation & Order to Pay Fines for the reestablishment of a Homestay Operation on the property located outside of a designated Visitor Destination Area, ***Cheryl Cowden Schenck on behalf of Kauai Kai Diamonds Irrevocable Trust***, Tax Map Key (4)49012005, Kapaa, Kauai, received on October 20, 2025, for referral to Boards & Commission as Contested Case File No. **CC-2026-2**. [Deferred, 12/9/2025; Postponed, 2/10/2026].
 - a. Cheryl Cowden Schenck, Kauai Kai Diamonds Irrevocable Trust's Appeal of Orders of Violation of Violation:
 - Order 1 (Date referenced in Notice)
 - Order 2 (Alleged infraction on December 3, 2024)
 - Order 3 (Alleged infraction on September 23, 2025)
 - Order 4 (Alleged infraction on September 24, 2025)
 - Order 5 (Alleged infraction on September 25, 2025)
 - Order 6 (Alleged infraction on September 26, 2025)
 - Order 7 (Alleged infraction on September 27, 2025)
 - Order 8 (Alleged infraction on September 28, 2025)
 - Order 9 (Alleged infraction on September 29, 2025)
 - Order 10 (Alleged infraction on September 30, 2025)
 - b. Transmittal of Additional Information to Planning Commission.
2. Request for time extension of **SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2021-8)** for the development of an affordable housing project involving the construction of seventeen (17) housing units containing 8 duplexes and a single-family residence, and associated site improvements involving 2 parcels in Waipōuli, located along the makai side of Kūhiō Highway in the vicinity of property identified as 4-870 Kūhiō Highway, further known as Tax Map Keys: 4-3-009:051 & 071, and containing a total area of 36,861 square feet = ***Kaua'i Habitat for Humanity***.
 - a. Director's Report Pertaining to this Matter.
3. Clerk of the Commission's Recommendation to Refer Appeal of the Planning Director's Cease and Desist and Forfeiture of TVRNCU #4219 and Special Permit SP-2011-13 (The Sugar House) for the Failure to timely renew by November 25, 2025, ***We Belong LLC***, 3525 Anini Road, TMK: 53004029, Kilauea, Kauai, appeal dated December 19, 2025, for referral to Boards & Commission as Contested Case File No. **CC-2026-6**.
 - a. Appeal of TVR-NCU Renewal Cancellation (12/18/2025) from Hally Lazo, Kauai Island Vacations, INC.

4. Planning Director Kaaina S. Hull's Petition to Revoke Applicant **Kimberly Bayless** Non-Conforming Use Certificate TVNCU #1108 (Hanalei Ohana), 5142 Weke Road, TMK: (4)5-5-002:18, Hanalei, Kauai and Issue an Order to Show Cause and Set Hearing.
 - a. Letter (2/6/2026) in response to the January 16, 2026, Petition to Revoke Non-Conforming Use Certificate TVNCU #1108 from Harvey L. Cohen, Attorney at Law on behalf of Ms. Kimberly Bayless.
 - b. Letter (2/12/2026) from Harvey L. Cohen, Attorney at Law requesting Ms. Bayless' appearance be waived at the 2/24/2026 Planning Commission meeting with the understanding and consent that, referral as a contested case, is the action that the Commission may take in Ms. Bayless' absence.

J. COMMUNICATIONS

1. None for this meeting.

K. UNFINISHED BUSINESS (For Action)

1. **CLASS IV ZONING PERMIT (Z-IV-2026-9) and PROJECT DEVELOPMENT USE PERMIT (PDU-2026-7)** to allow construction of a multi-family housing project and associated site improvements on a parcel situated along the makai side of the Weliweili Road/Waikomo Road intersection in Koloa, further identified as Tax Map Key: (4) 2-8-011:001 and containing a total area of 9.436 acres = **SK INVESTORS LLC**. [Director's Report Received, 12/23/2025; Hearing Closed, Deferred, 1/13/2026].
 - a. Director's Report Pertaining to this Matter.
 - b. Transmittal of Public Testimony to Planning Commission.
 - c. Transmittal of Agency Comments to Planning Commission.
 - d. Petitioners Friends of Maha'ulepu and Save Koloa's Petition to Intervene and, Alternatively for Denial of Applications; Declaration of Elizabeth Okinaka; Declaration of Bridget Hammerquist; Declaration of Llewelyn (Billy) Kaohelaui'i; Declaration of Gordon Labedz, M.D.; Declaration of Peg Ebata; Declaration of Laureen Naumu-Balocon; Declaration of Greg Iten; Exhibits "01"- "02"; Certificate of Service.
 - e. Transmittal of Supplement No. 1 to Application; Revised Exhibit "E" to Planning Commission.
 - f. Supplement #1 to the Director's Report Pertaining to this Matter.

L. NEW BUSINESS (For Action)

1. **CLASS IV ZONING PERMIT (Z-IV-2026-8) and VARIANCE PERMIT (V-2026-2)** involving a 20-lot subdivision, to allow a deviation from the requirement relating to the construction of curbs, gutters, and sidewalks for residential subdivision, for parcels immediately adjacent to the Koloa Estate Subdivision, situated along the western side of Lopaka Paipa Boulevard in Koloa, , further identified as Tax Map Keys: (4) 2-6-014:041 & 046; 2-6-015:005, and containing a total area of 6.064 acres = **MAKAI KOLOA LLC**. [Director's Report Received, 1/28/2026; Hearing Postponed, 2/10/2026].

2. **SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2026-4)** to allow construction of a new single-family residence and associated site improvements on a parcel situated on the mauka side of Kūhiō Highway in Wainiha, approximately 350 feet west of the Alamihi Road/ Kūhiō Highway intersection, further identified as Tax Map Key: (4) 5-8-011:024 containing a total area of 5,940 square feet = **TIMOTHY J. QUINN. [Hearing Postponed, 2/10/2026].**
3. **CLASS IV ZONING PERMIT (Z-IV-2026-10) and VARIANCE PERMIT (V-2026-3)** involving a 18-lot subdivision, to allow a deviation from the requirement relating to the construction of curbs, gutters, and sidewalks for residential subdivision, for a parcel situated along the makai side of Ala Kukui'ula in the Kukui'ula Master Plan Community, approximately ¾-mile west of its intersection with Ala Kalanikaumaka, further identified as Tax Map Key: (4) 2-6-023:040, and containing a total area of 114.47 acres = **BBCP KUKUIULA DEVELOPMENT LLC. [Director's Report Received, 1/28/2026; Hearing Postponed, 2/10/2026].**
4. **CLASS IV ZONING PERMIT (Z-IV-2026-11), USE PERMIT (U-2026-8) and SPECIAL PERMIT (SP-2026-3)** to conduct a guided agricultural tour operation involving a 5.4 mile excursion and associated improvements on parcels situated on the mauka side of Kaumualii Highway in Pūhi, approximately 1,100 feet north of the Kaumualii Highway/Nuhou Street intersection, further identified as Tax Map Keys: (4) 3-4-001:002 (Por.), 3-4-005:003 (Por.), 3-8-018:002 & 003, and containing a project area of approximately 8.98 acres = **KILOHANA EXPEDITIONS INC. (KEI) [Director's Report Received, 1/28/2026; Hearing Postponed, 2/10/2026].**

M. EXECUTIVE SESSION

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

1. Subdivision Application No. S-2026-1
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 – 109, Kalapakī, Līhu'e, Kaua'i
2. 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
3. **CLASS IV ZONING PERMIT (Z-IV-2026-8) and VARIANCE PERMIT (V-2026-2)** involving a 20-lot subdivision, to allow a deviation from the requirement relating to the construction of curbs, gutters, and sidewalks for residential subdivision, for parcels immediately adjacent to the Koloa Estate Subdivision, situated along the western side of Lopaka Paipa Boulevard in Koloa, , further identified as Tax Map Keys: (4) 2-6-014:041 & 046; 2-6-015:005, and containing a total area of 6.064 acres = **MAKAI KOLOA LLC. [Director's Report Received, 1/28/2026; Hearing Postponed, 2/10/2026].**

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5. **CLASS IV ZONING PERMIT (Z-IV-2026-10) and VARIANCE PERMIT (V-2026-3)** involving a 18-lot subdivision, to allow a deviation from the requirement relating to the construction of curbs, gutters, and sidewalks for residential subdivision, for a parcel situated along the makai side of Ala Kukui'ula in the Kukui'ula Master Plan Community, approximately ¾-mile west of its intersection with Ala Kalanikaumaka, further identified as Tax Map Key: (4) 2-6-023:040, and containing a total area of 114.47 acres = **BBCP KUKUIULA DEVELOPMENT LLC**. [Director's Report Received, 1/28/2026; Hearing Postponed, 2/10/2026].
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7. **CLASS IV ZONING PERMIT (Z-IV-2026-12), USE PERMIT (U-2026-9) and SPECIAL PERMIT (SP-2026-4)** to construct and operate a solar utility facility on lands located on the mauka side of Kaumualii Highway in Makaweli, directly across of the Makaweli Post Office facility, further identified as Tax Map Keys: (4) 1-7-006:006 (Por.) and 010 (Por.), and containing a project area of approximately 269 acres = **KAAWANUI SOLAR LLC**.
8. **CLASS IV ZONING PERMIT (Z-IV-2026-13), USE PERMIT (U-2026-10) and SPECIAL PERMIT (SP-2026-5)** to conduct a guided agricultural tour operation involving Unit 71 of the Moloa'a Hui I Condominium, on a parcel situated along the makai side of Kuhio Highway in Moloa'a, approximately 1,000 feet east of the Ko'olau Road/Kūhiō Highway intersection, immediately adjacent to the Green Earth composting facility, further identified as Tax Map Key: (4) 4-9-009:012 (Por.), and affecting a portion of a larger parcel containing 281+ acres = **JOSEPH SCHWARTZ**.
9. **Amendment to SPECIAL MANAGEMENT AREA USE PERMIT SMA(U)-92-5, CLASS IV ZONING PERMIT Z-IV-92-22, USE PERMIT U-92-23, and VARIANCE PERMIT V-92-6** to allow renovations that would accommodate a mixed-use facility containing a banking operation, community event space, retail uses, and five (5) apartment units, and to allow deviations from the commercial development standards involving the existing facility on a parcel situated on the makai side of Kuhio Highway in Kapaa Town, further identified as Tax Map Keys: (4) 4-5-012:021, 022 & 043, and containing a total area of 26,998 square feet = **KAUAI FEDERAL CREDIT UNION**.

10. Clerk of the Commission's Recommendation to Refer Appeals of the Planning Director's First Notice of Violation[s] for the operation of a Commercial Retreat in the Open Zone District, and Eight (8) Notice of Violation & Order to Pay Fines for the reestablishment of a Homestay Operation on the property located outside of a designated Visitor Destination Area, ***Cheryl Cowden Schenck on behalf of Kauai Kai Diamonds Irrevocable Trust***, Tax Map Key (4)49012005, Kapaa, Kauai, received on October 20, 2025, for referral to Boards & Commission as Contested Case File No. **CC-2026-2**. [Deferred, 12/9/2025; Postponed, 2/10/2026].
11. Request for time extension of **SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2021-8)** for the development of an affordable housing project involving the construction of seventeen (17) housing units containing 8 duplexes and a single-family residence, and associated site improvements involving 2 parcels in Waipōuli, located along the makai side of Kūhiō Highway in the vicinity of property identified as 4-870 Kūhiō Highway, further known as Tax Map Keys: 4-3-009:051 & 071, and containing a total area of 36,861 square feet = ***Kaua'i Habitat for Humanity***.
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14. **CLASS IV ZONING PERMIT (Z-IV-2026-9) and PROJECT DEVELOPMENT USE PERMIT (PDU-2026-7)** to allow construction of a multi-family housing project and associated site improvements on a parcel situated along the makai side of the Weliweili Road/Waikomo Road intersection in Koloa, further identified as Tax Map Key: (4) 2-8-011:001 and containing a total area of 9.436 acres = **SK INVESTORS LLC**. [Director's Report Received, 12/23/2025; Hearing Closed, Deferred, 1/13/2026].

N. ANNOUNCEMENTS

1. Topics for Future Meetings.

The following regularly scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter, on **March 10, 2026**. The Planning Commission anticipates this meeting to be held in-person at the Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Kauai, Hawaii. The Commission will announce its intended meeting method via an agenda electronically posted at least six days prior to the meeting date.

O. ADJOURNMENT



SPECIAL MANAGEMENT AREA (SMA) Minor Determinations

| Date (Action) | SMA Minor Permit number | Location (TMK) | Activity/ structure |
|-----------------------|-------------------------|-----------------------|--|
| 02.11.2026 (Approved) | SMA(M)-2026-19 | Keālia (4-7-007:023) | Construction/ Gazebo and path. |
| 02.13.2026 (Approved) | SMA(M)-2026-20 | Wainiha (5-8-008:026) | Construction/ Individual Wastewater System (IWS) |

Pursuant to Section 8-27.8 (6) of the Kaua'i County Code (1987), as amended, the following shoreline setback determinations by the Director are disclosed for purposes of public notification.

February 24, 2025

SHORELINE SETBACK DETERMINATIONS

| Application No. | Name of Applicant(s) | Property I.D. (Tax Map Key) | Location | Development/Reasons |
|------------------------|-----------------------------|------------------------------------|-----------------|--|
| SSD-2026-20 | John Murray Trust | 2-6-003:015 | Kōloa | Construction/ Single-family residence and associated site improvements. / Shoreline Certified 2/13/2025. |