

PLANNING COMMISSION

KAAINA S. HULL, CLERK OF COMMISSION

FRANCIS DEGRACIA, CHAIR
GERALD AKO, VICE CHAIR
JERRY ORNELLAS, MEMBER

RECEIVED

- 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

'24 AUG -7 P12 :02

OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUI

- 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, August 13, 2024

8:30 a.m. or shortly thereafter

Līhu'e Civic Center, Moikeha Building

Meeting Room 2A-2B

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

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

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

1. June 04, 2024

E. RECEIPT OF ITEMS FOR THE RECORD

F. UNFINISHED BUSINESS

G. NEW BUSINESS (For Action)

1. Preliminary Subdivision Map Approval

- a. Subdivision Application No. S-2024-10
Lima Ola Phase 2 Subdivision
County of Kaua'i Housing Agency
Proposed 4-Lot Consolidation and Resubdivision into 70-Lots
TMK: (4) 2-1-013: 044, 052, 053, and 055
'Ele'ele, Kaua'i

- 1) Subdivision Report pertaining to this matter.

2. Preliminary Subdivision Extension Request

- a. Subdivision Application No. S-2023-4
Kukui'ula Parcel J1-A Subdivision
BBCP Kukui'ula Development, LLC.
Proposed 18-Lot Subdivision
TMK: (4) 2-6-023: 040
Kōloa (Makai), Kōloa, Kona, Kaua'i

- 1) Subdivision Report pertaining to this matter.

G. NEW BUSINESS (For Action) Continued

2. Preliminary Subdivision Extension Request (continued)

- b. Subdivision Application No. S-2024-1
Jiro Yukimura Trust and Jennie T. Yukimura Trust
Proposed 4-Lot Subdivision
TMK: (4) 3-7-006: 002
Hanamā'ulu, Līhu'e, Kaua'i

- 1) Subdivision Report pertaining to this matter.

H. EXECUTIVE SESSION

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

- 1. Subdivision Application No. S-2024-10
Lima Ola Phase 2 Subdivision
County of Kaua'i Housing Agency
Proposed 4-Lot Consolidation and Resubdivision into 70-Lots
TMK: (4) 2-1-013: 044, 052, 053, and 055
'Ele'ele, Kaua'i
- 2. Subdivision Application No. S-2023-4
Kukui'ula Parcel J1-A Subdivision
BBCP Kukui'ula Development, LLC.
Proposed 18-Lot Subdivision
TMK: (4) 2-6-023: 040
Kōloa (Makai), Kōloa, Kona, Kaua'i
- 3. Subdivision Application No. S-2024-1
Jiro Yukimura Trust and Jennie T. Yukimura Trust
Proposed 4-Lot Subdivision
TMK: (4) 3-7-006: 002
Hanamā'ulu, Līhu'e, Kaua'i

1) ADJOURNMENT

KAUA'I PLANNING COMMISSION
SUBDIVISION COMMITTEE MEETING
June 04, 2024
DRAFT

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

The following Commissioners were present:

Mr. Gerald Ako
Mr. Francis DeGracia
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; 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 Francis DeGracia: Good morning. The time is 8:30. I'd like to call to order the Subdivision Committee meeting for Tuesday, June 4, 2024. Roll call, please, Mr. Clerk.

ROLL CALL

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

Commissioner Gerald Ako: Here.

Mr. Hull: Commissioner Ornellas?

Commissioner Jerry Ornellas: Here.

Mr. Hull: Chair DeGracia?

Mr. DeGracia: Here.

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

D.1.

Aug. 8, 2024

Chair DeGracia: Thank you.

APPROVAL OF AGENDA

Mr. Hull: Next up would be the Approval of the Agenda. The Department doesn't have any recommended changes for the agenda.

Mr. Ako: I so move to approve the agenda for the Subdivision Committee meeting for Tuesday, June 4, 2024.

Mr. Ornellas: Second.

Chair DeGracia: Commissioners, motion on the floor is to approve the agenda as is. We'll take a voice vote. All in favor, say aye. Aye (unanimous voice vote). Opposed. Hearing none, motion carries. 3:0.

MINUTES of the meeting(s) of the Subdivision Committee

Mr. Hull: Next, we have the Minutes of the Subdivision Committee meeting minutes March 12, 2024, April 9, 2024.

Chair DeGracia: Okay.

Mr. Ako: I so move to approve the minutes of the Subdivision Committee meetings for March 12, 2024, and for April 9, 2024.

Mr. Ornellas: Second.

Chair DeGracia: Commissioners, motion on the floor is to approve the minutes of March 12, 2024, and April 9, 2024. We'll take a voice vote. All in favor, say aye. Aye (unanimous voice vote). Opposed. Hearing none, motion carries. 3:0.

RECEIPT OF ITEMS FOR THE RECORD (None)

Mr. Hull: Next, we have no Receipt of Items for the Record, however we did receive testimony that was past the 24-hour deadline for us to be able to bundle it for a packet for you folks as well as well past the seven-day deadline to get it within the formal agenda packet. Hawai'i Revised Statutes has been amended to allow for some allowances for these new transmittals that come in at a later hour. Laura Barzilai, our attorney, will be digesting how we implement that in future meetings, but as of yet, we haven't gotten the policy in place, so I believe the Chair wants to take 10-minutes for the Commissioners to review the testimony that came in within that 24-hour mark.

Chair DeGracia: Thank you. We'll take a 10-minute recess, reconvening in 10 minutes.

The Committee went into recess at 8:32 a.m.
The Committee reconvened from recess at 8:42 a.m.

Chair DeGracia: Thank you for your patience. I'd like to call the Subdivision Committee meeting back to order.

NEW BUSINESS (For Action)

Mr. Hull: Thank you, Chair. Going into New Business for action.

Preliminary Subdivision Map Approval

Subdivision Application No. S-2024-9

Inouye Family Trust, et al.

Proposed 2-Lot Boundary Adjustment

TMK: (4) 2-3-018: 015 and 036

Kalaheo, Koloa, Kaua'i

- 1) Subdivision Report pertaining to this matter.

Mr. Hull: Before I go into it. Is there anybody in the public that would like to testify on this agenda item? We don't have any signed up but if anybody would like to testify and the Inouye Family Trust Subdivision application. Seeing none, I'll turn the subdivision report over to Kenny at this time.

Staff Planner Kenny Estes: I'll go over the report for the record.

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

Chair DeGracia: Thank you. Commissioners, any questions for the department? At this time, is there anybody in the, would like to come up on behalf of the applicant?

Ms. Maren Arismendez: Good morning.

Chair DeGracia: Good morning.

Ms. Arismendez: Maren Arismendez from Esaki Surveying here on behalf of the owners. We have reviewed the tentative part one, I guess letter, and accept the conditions and we are looking forward to working with the department to clarify the issue.

Chair DeGracia: Thank you. Commissioners. Any questions for the applicant?

Mr. Ornellas: I have a question. So, where is the applicant now as far as determining that they are indeed (inaudible) record?

Ms. Arismendez: I been doing record searches through Bureau of Conveyances as far back as I can go is a book and page number from, I believe 1970 or 1972, unfortunately, the only online records available are from 1973 forward, so I have to follow up with Bureau of Conveyances to see the procedure to get earlier records. I've also reached out to real property tax to get copies of the subdivisions for portions of the original lot that were subdivided to see how the remaining portions are referenced.

Mr. Ornellas: Thank you.

Chair DeGracia: Commissioners, any further questions? Hearing none, I'll entertain a motion.

Mr. Hull: I'll just add real quick on this one. I just can't help myself. This is a lot within the residential district. It is a family lot in which they're moving the boundary line to incorporate 1,000 square feet into the other lot. There is no added density. There will be no development out of this, but this applicant is required to go through what will probably be two to three years of public hearings and Planning Commission processes. There are some, I would say, op eds and articles that were recently published on a state law that allows these type of applications to be done ministerially and at a much quicker rate. And again, this is just one in which is literally 1000 square feet. We'll be giving a briefing on that state law and administrative rules to that effect, but as we battle and deal with the housing crisis, being able to do these somewhat in a much more efficient manners, it somewhat behooves us all. I couldn't help myself on that, sorry.

Chair DeGracia: Thank you. Commissioners looks like we should be ready for a motion.

Mr. Ornellas: I move for approval of Subdivision Map Application No. S-2024-9, with conditions as outlined in the agency requirements in the subdivision report.

Mr. Ako: Second.

Chair DeGracia: Okay. Commissioners motion on the floor is to approve this agenda item with conditions outlined in the subdivision report. We'll take a roll call vote, Mr. Clerk.

Mr. Hull: Roll call. Commissioner Ako?

Mr. Ako: Aye.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Chair DeGracia?

Chair DeGracia: Aye.

Mr. Hull: Motion passes. 3:0.

Chair DeGracia: Thank you.

Ms. Arismendez: Thank you.

Mr. Hull: Next, we have Agenda Item G.2.

Preliminary Subdivision Extension Request

Subdivision Application No. S-2017-6
Moloa'a Valley Homeowners, LLC.

Proposed 7-Lot Subdivision
TMK: (4) 4-9-011: 013
Kawaihau, Kaua'i

- 1) Transmittal of Public Testimony to Planning Commission.
- 2) Subdivision Report pertaining to this matter.

Mr. Hull: Before I turn it over to Kenny, we do have some members of the public signed up to testify. The first person assigned to testify on this agenda item is Gregg Winston.

Mr. Gregg Winston: Morning, everybody. My name is Gregg Winston. I've been a resident for decades here...

Mr. Hull: If you could take a seat, Sir, and you've got three minutes for testimony.

Mr. Winston: Pardon me?

Mr. Hull: You've got three minutes for testimony.

Mr. Winston: Okay. Can I sit?

Mr. Hull: By all means, yes.

Mr. Winston: Thank you. Anyway, my name is Gregg Winston. I've been a decades long resident on Kaua'i, and I've been over the years involved in real estate development, so I think that created the very first Residential CPR on a R4 Zoning in Kapa'a in like the 1980's. I think I've done, as principle, three separate CPR's, intention being that because of the subdivision process, you know what you couldn't create two separate deeds in making money off of development in that manner, so the CPR process, according to my values, has always been to circumvent the solution. Anyway, regarding this subdivision, I'm in favor of the subdivision wholeheartedly. I'm in favor of the people that live on the property to be able to build their home and live there, but then I have some concerns about what it might do to the neighborhood, the surrounding neighborhood, open zoning districts, some concerns, so a lot has changed since 2017, when the preliminary subdivision approval was granted. So much has changed in the demographics of our island. The prices of land. The housing crisis, and so I would, I would say that rather than extending their permit that's taken so long since so much has changed, I would say to let them go back to the drawing board and see if they can maybe move some of the potential up to 50 homes, some of that access up to Kuhio Highway instead of up to 50 homes worth of traffic going off of Moloa'a Road, which will impact in neighborhood, major. And then also I would consider because as far as I know I could be wrong the county has the ability to have the developer made concessions. How about if it's up to 50 homes, give the 21 CPR owners their home, let them have it, and then create 30 workforce homes maybe up by the highway and there's so many solutions that can be met by taking this back to the drawing board involving the community, which was not, I don't think it really aware of or involved in the subdivision application and then make it something that's pono for everybody that will enhance our community and will help people be on their land and build their homes, grow some great food. And also, I didn't notice in anything if there was a survey done for archaeological or cultural sites. I know that that Moloa'a Valley is beautiful, is historical, there's terraces along the river, and so there's some things that with

community involvement, there's no problems only solutions. So, I'd like to see a pause, like to see this happen to benefit community in the neighborhood. Thank you for your time. Thank you for your consideration. Aloha.

Mr. Hull: Thank you.

Chair DeGracia: Thank you.

Mr. Hull: Next, we have signed up to testify as Kristina Carrillo-Bucaram, I hope I pronounced that right.

Ms. Kristina Carrillo-Bucaram: Hello. Thank you.

Mr. Hull: If you can state your name for the record and you have three minutes for testimony.

Ms. Carrillo-Bucaram: Thank you so much for allowing me to speak. My name is Kristina Carrillo-Bucaram and I'm a homeowner in Moloa'a. I trust you've received the petition I submitted and in this brief testimony, I'd like to make requests on behalf of my community and the now over 160 signatures presented for the following, if this development is to be extended. The most important factor is to be considered for those of us living in the area, and the most important point of concern right now is the infrastructure of Moloa'a and creating a foundation that can support 21 to 52 new homes. Our home is directly adjacent to where all this would be taking place, and so we as homeowners have seen a lot of traffic accidents, you can understand, so we request that you please take into action, helping us to find a way to offset not just the incoming traffic and the crowding, but also the extra pollution and runoff that will affect our very small bay, that's already very crowded and Moloa'a Bay is the most polluted stream on the island now. Other neighbors have stepped up to try and speak on this. Please create the needed roads or drainage or safety precautions to be able to support this new development for the other neighbors that will be affected. We also believe that a better density plan for this project can help support our neighborhood and if possible, we would like for those to be considered and in addition, we would like to request that if possible, the entrance to the neighborhood can be reconsidered and moved, because the dirt road juncture on Ko'olau Road cannot support all of the potential traffic that 21 to 50 new homes would create, and we would request more community involvement, not just from the developers as well, because it will greatly affect everyone in the neighborhood. There is a bigger picture at hand that will impact everyone in the area and when the dust settles and the lots are sold because a majority of them are already pending for sale or already on the market for sale and new houses are built, we ask that you please consider the ramifications for the rest of the neighborhood community who will remain here in Moloa'a and our community intention is to find the best quality of life for everyone and we hope we can find a positive solution for all. Thank you.

Mr. Hull: Thank you for your testimony.

Chair DeGracia: Thank you.

Mr. Hull: Last up we have is Susan, I believe it says Paulson, Paulson.

Ms. Susan Paulson: Aloha. My name is Susan Paulson, and I've lived Kaua'i 10 years, and Maui 10 years and I have a total love for the 'aina and Moloa'a Bay in particular is home to a lot of the endangered monk seals, which we know is like there's less than a few 100 left on the planet, and so they live down in the oceans off of Moloa'a Bay and there's also a lot of albatross that come and live there. So, there's really a special ecosystem for the animals. And I just would like to ask consideration for respecting that life, because that life really helps keep the island alive, as we all know, Kaua'i is a very sacred place. There's no place where I get on the planet and it's a really, really special place to be. So, I think in consideration with everything that being built, but we need to take into consideration the sacredness of the land and the ecosystem that's here and really work to keep the waterways clean and also you have to make sure that people feel safe where they're at too, like the roads, because Moloa'a is a very windy road and it's not super well done. It needs a lot more infrastructure if there's going to be more building and stuff, so mahalo.

Mr. Hull: Thank you for your testimony. We don't have anybody else signed up for this agenda item but is there any member of the public that hasn't signed up but would like to testify on this agenda item. If so, you may approach the microphone. Seeing none, I'll turn it over to Kenny for the Director's Report pertaining to this extension request.

Mr. Estes: I'll summarize the Director's Report.

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

Chair DeGracia: Okay. Commissioners, any questions further the department at this time? Okay, at this time...

Mr. Hull: I think I'll just address cause I think there's, from the public testimony, there's some concern about the proposal in particular the impacts and overall the infrastructure inadequacy of the site to possibly handle the subdivision. For the testifiers that they've been given, points are definitely noted and understandable what's before the commission is just an extension request, it's not the actual subdivision approvals, it's just whether or not they can extend it. And as the primary purpose of a subdivision is to ensure that if subdivided all of the lands respective infrastructure be it roads, be it water via wastewater, are upgraded in a manner that can handle that additional development rights. So, that's essentially what the applicant is going, should the Planning Commission grant extension today, the applicant is still working to ensure that infrastructure is adequately handled and there still will be a subsequent public hearing, should they be able to come back with that. So, for clarification points on that.

Mr. Ako: If I can follow up on that, Mr. Chair.

Chair DeGracia: Sure.

Mr. Ako: One of the concerns comments that came up was rather than granting the extension was to take it back to the drawing board and start all over again. Does that mean that if we don't grant the extension, take it back to means to revoke the permit?

Mr. Hull: It's not a revocation of, oh sorry, you could in theory revoke the subdivision's tentative approval because it's past the original deadline, but the applicant pursuant to subdivision, the

subdivision ordinance would have the right to resubmit the exact same plans for review and shouldn't meet the dimension standards laid out in the Comprehensive Zoning Ordinance. This body would be essentially required to approve to give tentative approval to this preliminary rendering, so you know whether or not the applicant wants to take some of this into consideration to consult with some of these concerns raised by the neighboring condominium property regime. It's kind of on them really as far as what the (inaudible) authority of the commission is, again, it's not, and I think a lot of members of public, and a lot of people, see the Planning Commission as always, reviewing use permits to determine compatibility and the subdivision process isn't a compatibility of higher intensification of use per say, it literally is the standards that the commission can operate within our, for the first tentative approval, does it meet the dimension requirements set in the CZO and if it meets the dimensional requirements set in the CZO, the commissioner (inaudible) required to approve it because it meets those standards and then subsequent to that tentative approval, then the applicant needs to work with all the respective infrastructure agencies to ensure that they meet wastewater, water, drainage, roads, all those requirements, so the commission functions in the subdivision process really is a clearing house. It doesn't have much of a discretionary authority over these applications, should they meet all those standards. And that's why there's a public process to this and I think to a certain degree, whether or not the landowner wants to meet some of these concerns being raised by the public, it kind of is on them because once they meet the requirements set in the CZO, there's not much discretion that this body has to stray beyond discretionary requirements, if you will.

Mr. Ako: Thank you for the clarification.

Chair DeGracia: Thank you. At this time, I'd like to invite the applicant or applicant's representative up.

Ms. Arismendez: Good morning, Maren Arismendez from Esaki Surveying.

Mr. Mark Freeman: Mark Freeman, Moloa'a Valley Homeowners Association.

Ms. Arismendez: Of course, would like to respectfully request the extension. The tentative conditions were extends for this subdivision and the owners have been working diligently to satisfy all of the conditions. The latest one is the construction plans, which I believe a draft version was submitted. It should be one of the last few conditions, so we're really getting close and that additional time would allow to get this subdivision to the hopefully finish line. So, as part of the conditions that they've satisfied has been a traffic study, let's see, traffic study drainage study so the flood setbacks have been set from Moloa'a Stream that would not allow any building within that setback. Additional conditions regarding utilities, we are going to be working on the utilities as far as electric and water. There will be no requirement for county water, and I believe they signed a waiver to the effect of also you signed, the owners have signed housing agreement to limit the density on the subdivision and water will be by lot, individual wastewater so that will be not required by county. He's also worked with the Fire Department to set the emergency vehicle access. So, we've been working with all the different agencies to make sure we satisfy all their conditions.

Mr. Hull: Quick question, Maren. So, with those agencies that you're working towards getting their signatory of approval, what is the limitation of density that they're restricting you to?

Ms. Arismendez: I think that the agreement that was signed...

Mr. Freeman: I can answer that question. So, I believe this zoning approves this property would in the open zoning for 25 home sites, and we've limited the density to 24 home sites and one guest house. So, we're not asking for anything beyond what the CZO requires. There's also a (inaudible), yeah, also I mentioned archaeological study was done. I think it was back in 2005, for the whole property, so that was done, flood study was done, the traffic study was done. We've been working diligently for the last 6-7 years to get all this completed and now the construction plans have been finalized and submitted to the Planning Commission. So, we're right down to not very much left really.

Chair DeGracia: Thank you. Commissioners, any questions for the applicant or the department? If there's no further questions, I'll entertain a motion.

Mr. Ako: Regarding Subdivision Application S-2012, I move to approve the extension request until May 9, 2025.

Mr. Ornellas: Second.

Chair DeGracia: Okay. Commissioners, motion on the floor is to approve Subdivision Application No. S-2017-6, tentative approval extension to May 9th, 2025. We'll take a roll call vote, Mr. Clerk.

Mr. Hull: Roll call, Mr. Chair. On the motion to grant the extension. Commissioner Ako?

Mr. Ako: Aye.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Chair DeGracia?

Chair DeGracia: Aye.

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

Ms. Arismendez: Thank you.

Mr. Freeman: Thank you.

Mr. Hull: We have no further items for this subdivision agenda, Chair

ADJOURNMENT

Chair DeGracia: Okay. Thank you. With that, I'll take a motion to adjourn.

Mr. Ako: So move to adjourn.

Chair DeGracia: Okay, I'll second. I'll take a voice vote. All in favor, say aye. Aye (unanimous voice vote). Oppose. Hearing none. Motion carries. Meeting is adjourned. 3:0.

Committee Chair DeGracia adjourned the meeting at 9:08 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-2024-10 that involves a four (4) lot consolidation and re-subdivision into seventy (70) lots.

Subdivision Permit No. Application No. S-2024-10

Name of Applicant(s) COUNTY OF KAUA'I HOUSING AGENCY

II. PROJECT INFORMATION

Map Title	Lima Ola Phase 2. Consolidation of Lots 44, 52, 53 and Roadway B Being Portion of Roayal Patent 4485, Land Commission Award 7712 Apana 5 to M. Kekuanaoa into Lots 1 through 68, Inclusive, and Roadway Lots B1 and B2 and Designation of Easements Au-1 Through AU-12 at 'Ele'ele, Kaua'i, Hawai'i.				
Tax Map Key(s):	2-1-013: 044, 052, 053, 055	Area:	21.1 Acres		
Zoning:	Residential District (R-6) / Project Development P-D				
State Land Use District(s):	Urban	General Plan Designation:	Residential Community		
AGENCY COMMENTS					
<input checked="" type="checkbox"/> COK DPW-Engineering	06.26.2024	<input checked="" type="checkbox"/> COK DPW-Wastewater:	06.26.2024		
<input checked="" type="checkbox"/> COK Water:	pending	<input checked="" type="checkbox"/> State DOT-Highways:	pending		
<input type="checkbox"/> COK Housing:		<input checked="" type="checkbox"/> State Health:	pending		
<input checked="" type="checkbox"/> COK Fire:	06.13.2024	<input checked="" type="checkbox"/> DLNR – SHPD:	pending		
EXISTING ROAD RIGHT-OF-WAY(S)					
Road Name	Existing Width	Required Width	Pavement YES	NO	Reserve
Kaumuali'i Highway	80 feet	80 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Kahunaone Street	56 feet	56 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
APPLICABLE FEES					
Environmental Impact Assessment (EIA):	Exempt				
Park Dedication:	N/A				
Appraisal Report Required:	No				

G.I.A.I.
 AUG 13 2024

Date of Preliminary Map Acceptance:	June 07, 2024
Date of Director's Report:	August 01, 2024
Date of Public Hearing:	August 13, 2024
Deadline Date for PC to Take Action Pursuant to Section 9-3.4(b) of the K.C.C.:	September 05, 2024

III. EVALUATION

Project Description

The proposal, known as Lima Ola Phase 2 Subdivision, establishes sixty-six (66) residential lots, two (2) roadway lots, and two (2) bulk lots within the Lima Ola Work Force Housing Project area. The subject property is located within the County Residential (R-6) zoning district and Project Development (P-D) zoning district.

The Lima Ola Workforce Housing Development aims to provide approximately 550 residential units, comprising of single-family, multi-family, and senior resident units. The Project was approved by the Kaua'i County Council on August 17, 2016, through Resolution No. 2016-53, under Hawai'i Revised Statute Section 201H-38. This statute allows affordable housing projects to receive exemptions from various government regulations relating to planning, zoning, and construction standards. As a result, the Lima Ola Workforce Housing Project is exempt from various development standards outlined in the County's Comprehensive Zoning Ordinance and Subdivision Ordinance. The intent of the proposal is to process the development through the County's subdivision process to facilitate the necessary infrastructure improvements for the subdivision and to ensure that the improvements are constructed to meet County standards. The Applicant is also seeking to obtain final subdivision map approval of the subdivision to officially establish the lots as lots of record.

Please refer to Council Resolution No. 2016-53, attached as Exhibit 'A', which outlines the exemptions the project has from the Kaua'i County Code, Comprehensive Zoning Ordinance and Subdivision Ordinance as specified in Exhibit 1 of the resolution.

The Project area went through a State Land Use Boundary Amendment that reclassified approximately 75 acres within the State Land Use Agricultural District to the Urban District. The legislation was approved by the State of Hawai'i Land Use Commission on July 24, 2017, and is referenced as Land Use Commission Docket No. A17-802. In evaluating the project, the proposed development will be subject to the applicable requirements of LUC Docket No. A17-802.

Surroundings and Access

The subject property is located in 'Ele'ele Town and is situated directly east of Kaua'i Habitat for Humanity's workforce housing project known as 'Ele'ele Iluna Subdivision. The development established one hundred and eight (108) residential lots within the County Residential (R-6) zoning district and State Land Use Urban District.

The surrounding parcels to the north, south and east are within the County Agriculture (Ag) zoning district and State Land Use Agricultural District. The parcels are agricultural fields that are currently being utilized as a commercial coffee farm.

The Lima Ola Project will have two main vehicular access points: a northern exit connecting to Kaumuali'i Highway and a southern exit connecting to Halewili Road. Additionally, the Lima Ola Project will be accessible via Mahea Road and Iluna Street, which are the interior roadways of the 'Ele'ele Iluna Subdivision. These roads provide additional connections to Kaumuali'i Highway and Halewili Road, respectively.

Park and EIA Fees

The Lima Ola Project will include a Community Park that will be situated on the southern end of the project (refer to the Conceptual Master Plan attached as Exhibit 'B').

The subdivision proposal is a government-sponsored housing project and therefore, is exempt from an Environmental Impact Assessment Fee pursuant to Section 11A-2.1 (c) of the Kaua'i County Code.

Native Hawaiian Traditional and Cultural Rights, Practices, and Resources

A Cultural Impact Assessment (CIA) (refer to Exhibit 'C') was conducted for the 75-acre project area as part of the Lima Ola Work Force Housing Development Environmental Assessment dated June 2016. The CIA describes the historic and traditional accounts associated with the Hanapēpē Ahupua'a as well as provides a summary of archaeological studies that have been conducted in the vicinity of the project area. The analysis also provides a summary of the consultation conducted.


Consultation was conducted via telephone, e-mail, personal interviews, and the U.S. Postal Service. Consultation was sought from Dr. Kamana'opono M. Crabbe, Chief Executive Officer, Office of Hawaiian Affairs; Hinano Rodrigues, State Historic Preservation Division, Maui; Kunane Aipolani, Chair, Kaua'i Island Burial Council; William Ho'ohuli, community member; Glenn K. Kapahu, community member; John Kruse, community member; Rhoda L. Libre, community member; Joseph P. Manini, community member; Leah Perreira, community member; Ronson K. Sahut, community member; Beryl Blaich, community member; Kuulei Santos, community member; and Wilma H. Holi, community member.

In addition, a Cultural Impact Assessment Notice was published on October 9, 10, and 13, 2013, in *The Honolulu Star-Advertiser* and in *The Garden Isle News*, which published on the same dates on Kaua'i, and November 2013 issue of the OHA newspaper, *Ka Wai Ola*. These notices requested information of cultural resources or activities in the area of the proposed project, stated the Tax Map Key (TMK) number, and where to respond with pertinent information.

Based on the information contained in the CIA, the department finds that the proposed development at its designated location should have no impact on any known Hawaiian traditional or customary practices for the following reasons:

- a. There are no known traditional or customary practices of Native Hawaiians that are presently occurring at the project site.
- b. There are no known special gathering practices taking place at the project site or within the vicinity of the project site.
- c. The Project should not detrimentally inhibit access to any streams; access to the shoreline or other adjacent shoreline areas; gathering along any streams, the shoreline or in the ocean.
- d. There are no known religious practices taking place within the project site.

IV. RECOMMENDATION

TENTATIVE APPROVAL	FINAL APPROVAL
<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Denied	<input type="checkbox"/> Approval <input type="checkbox"/> Denied
Tentative Approval subject to all requirements as noted on the follow pages:	All conditions have been complied with
 Director of Planning	Date 8/1/24 Director of Planning

V. AGENCY REQUIREMENTS

1. Requirements of the Planning Department:
 - a. The Applicant shall be subject to all applicable conditions/requirements of Land Use Commission (LUC) Docket No. A17-802, that was approved by the State of Hawai'i Land Use Commission on July 24, 2017.
 - b. An updated preliminary title report for the existing lot shall be submitted to the Planning Department for review.
 - c. 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.
 - d. 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.

- e. The Applicant shall prepare and obtain construction plan approvals for necessary road, water, drainage, electrical and telephone utilities and facilities, and either construct the same or post a surety bond for completion.
- f. The subdivider shall establish bus stops and shelters pursuant to Ordinance No. 406. The construction details and its location shall be resolved with the Planning Department and Department of Public Works prior to construction plan approval.
- g. The Applicant is made aware that the streets designated within the subdivision must be officially named before the Department approves the construction plans. Street names should be in Hawaiian and be submitted to our Department for review and approval, along with a request letter and 12 maps (on 8½" x 14" paper). The maps should be detailed such that emergency vehicles, police services, postal deliveries, etc., are able to locate the street. References to the roadway, such as the highway and other surrounding roads, should be shown on the street-naming map.

In addition, pursuant to Section 9-2.3 (g)(3)(D) of the Subdivision Ordinance, Kaua'i County Code (1987), streets that are a continuation of an existing street shall be given the same name as the existing street.

- 1) Proposed Roadway Lots B1 and B2 will be a continuation of Kahunaone Street and shall bear the same name as Kahunaone Street.

- h. The pole sections for all the double flag lots shall be designated as a common access/utility easement in favor of each other, and it shall be incorporated into the deed descriptions of the affected lots, draft copies of which shall be submitted to the Planning Department for review and approval.
- i. Pursuant to Section 9-2.9 (a) (2) of the Subdivision Ordinance, Kaua'i County Code, 1987, as amended, the subdivider shall work with the Planning Department and Department of Public Works to accommodate transit and public access ways within the development including pedestrian and bike facilities to enhance transit accessibility.
- j. 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.

2. Requirements of the Department of Public Works – Engineering Division:
 - a. The TMK shown on the subdivision map (TMK 2-1-001-054) doesn't exist. Please ensure that the correct TMK is on the map.
 - b. We would like to require semicircles indicating no access along both sides of Roadway Lot B2, for the entire length of the future street connecting to Kaumualii Highway, and along both sides of the entire length of the future street connecting from the street described above and the loop roadway in the subdivision, including the corner radii (refer to DPW-Engineering comments dated June 26, 2024).

3. Requirements of the Department of Public Works – Wastewater Division:

Per Wastewater Sewer Code, the following conditions are required prior to final subdivision:

**Article 7. Subdivisions; Administration, Management and Construction
Sec. 25-7.1 Cost of Construction.**

- (a) In every subdivision where sewers, sewage pumping station, force main, outfall and sewage treatment units are deemed necessary by the County and State Department of Health, the cost of constructing sewer works shall be borne by the subdivider. The subdivider shall install and pay for any extension of sewer mains necessary to connect the subdivision to the public sewer system. All subdivision sewer works and any necessary extension of sewer mains shall be designed and constructed in accordance with the current County standards and as required by the County Engineer.
- (b) Whenever, in order to provide for existing or future services beyond the boundaries of a subdivision, the County Engineer finds that the mains to be installed within the subdivision, or any main extension required to serve the subdivision should be of greater capacity or depth of laying than would be required to provide adequate service within such subdivision, the County Engineer will require the subdivider to make installations of such greater capacity or depth of laying. When the subdivider is required to install mains with greater capacity or depth of laying, the County will reimburse the subdivider the additional costs brought about by increasing the pipe sizes or depths of laying or the capacity of the pumping station, force main, outfall, or treatment plant to serve areas other than the subdivision as soon as practicable after the acceptance by the County of the completed work. Reimbursement will not be made to the subdivider where the additional capacity mains or sewer works will serve only areas under the same ownership as the subdivision under consideration. Before the subdivider enters into a contract where a reimbursement to the subdivider for additional costs of mains or other sewer works will be made, the County Engineer shall review and either approve or disapprove the contract. If the contract is disapproved, the subdivider shall revise the contract until its form and content is

acceptable to the County. After the installation has been completed and accepted by the County, the subdivider shall furnish the County Engineer with an affidavit itemizing the costs incurred by the subdivider in the installation of said mains or other sewage works. The additional costs subject to reimbursement shall be determined by the County Engineer. (Ord. No.901, June9, 2010)

Sec. 25-7.2 Approval of Plans.

All construction plans and specifications for sewage works shall be approved by the County Engineer. In the event that construction has not commenced within one(1) year after date of approval, the construction plans and specifications shall be resubmitted for reapproval. (Ord. No. 901, June 9, 2010)

Sec. 25-7.3 Inspection.

During the construction of all sewage works the County Engineer shall have access there to for inspection purposes and, if in his or her discretion, the County Engineer shall deem it advisable may require an inspector on the job continuously. At no time shall sewer work be backfilled or covered until the County Engineer has been notified and has given his or her approval after proper inspection and testing. If the work is not approved, it shall be repaired or removed and reconstructed, as directed by the County Engineer. (Ord. No. 901, June 9, 2010)

Sec. 25-7.4 Acceptance.

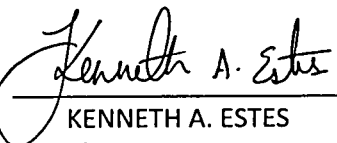
- (a) All sewage works found acceptable by the County Engineer to be maintained and operated as part of the public system and offered for conveyance to the County by the subdividers shall become the property of the County. Prior to final acceptance, the subdivider shall deliver to the County an affidavit itemizing the costs of these sewage works and a perpetual easement for all portions of the subdivision sewer system installed in other than publicly owned property. The subdivider shall also convey to the County fee simple title to all sites on which a pumping station or treatment plant is constructed by the subdivider as part of the public sewage works, together with easements for ingress and egress.
- (b) Final approval and acceptance of subdivision sewage works shall not be granted until the subdivider has settled all financial accounts with the County. Final approval by the County Engineer of the subdivision map shall not be granted until the subdivision sewage works are completed and approved, or a bond posted in lieu thereof, as provided in the Subdivision Ordinance, and all fees pursuant to Articles 11 and 12 of this Chapter have been paid for each new lot of the subdivision.(Ord. No. 901, June 9, 2010)

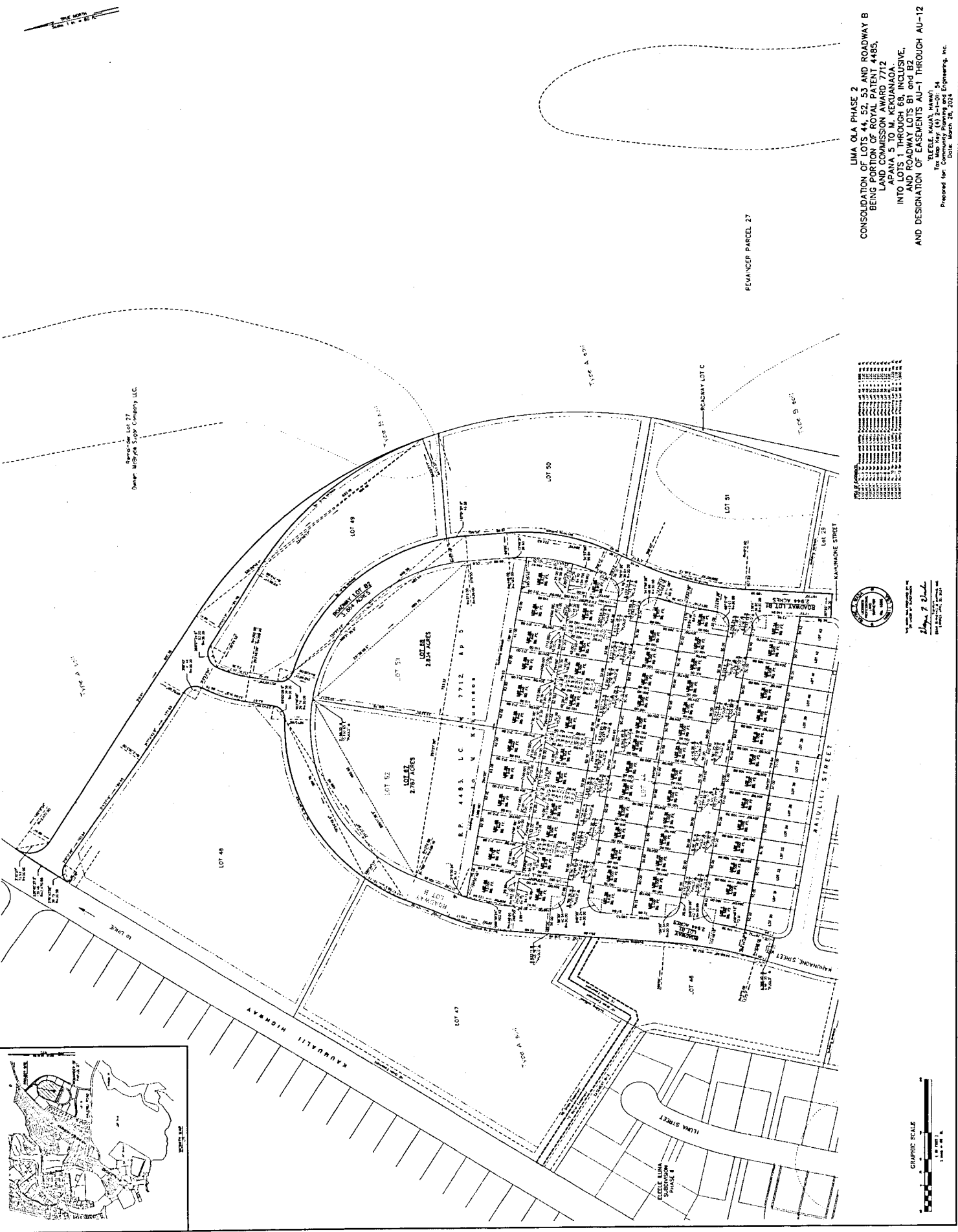
The subdivider shall also prepare and submit to the Wastewater Division a comprehensive engineering sewer report as per County of Kauai, Sewer Design Standards June 1973 1st Edition or any subsequent amendments.

4. 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.
5. Requirements of the State Department of Transportation (DOT):
 - a. The subdivider shall comply with the requirements of the State Department of Transportation, if any, prior to final subdivision approval. The subdivider shall be notified upon receipt of their report.
6. Requirements of the State Department of Health (DOH):
 - a. The subdivider shall comply with the requirements of the State Department of Health, if any, prior to final subdivision approval. The subdivider shall be notified upon receipt of their report.
7. Requirements of the State Historic Preservation Division (SHPD):
 - a. The subdivider shall comply with the requirements of the State Historic Preservation Division, if any, prior to final subdivision approval. The subdivider shall be notified upon receipt of their report.
8. 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.
9. 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 13, 2024, 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

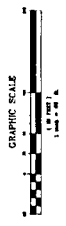


Owner: Hilschlag Sugar Company LLC

Lot No.	Area (Acres)	Notes
LOT 46	2.07	
LOT 47	2.07	
LOT 48	2.07	
LOT 49	2.07	
LOT 50	2.07	
LOT 51	2.07	
LOT 52	2.07	
LOT 53	2.07	
LOT 54	2.07	
LOT 55	2.07	
LOT 56	2.07	
LOT 57	2.07	
LOT 58	2.07	
LOT 59	2.07	
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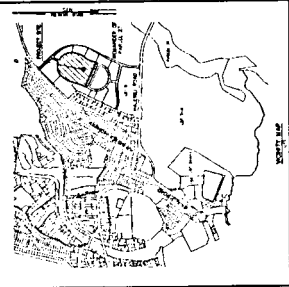
Scale: 1" = 100'



Prepared for: [Name]
 Date: March 28, 2024

LIAMA OLA PHASE 2
CONSOLIDATION OF LOTS 46, 47, 48, 49, 50, 51 AND ROADWAY B
BEING PORTION OF ROYAL PATENT 4465,
LAND COMMISSION AWARD 7712
APANA 5 TO M. KEKUAOAO.
INTO LOTS 1 THROUGH 68, INCLUSIVE,
AND ROADWAY LOTS B1 and B2
AND DESIGNATION OF EASEMENTS AU-1 THROUGH AU-12

TELELE KAUAI, HAWAII
 1000 W. KALEI AVE., SUITE 200
 KAPAA, HAWAII 96741
 Date: March 28, 2024



Vertical text on the right edge of the page, including 'DRAWN BY: [Name]', 'CHECKED BY: [Name]', and 'DATE: [Date]'.



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

FROM: Kaaina S. Hull, Director

Planner: Kenneth Estes

6/10/2024

SUBJECT: Subdivision S-2024-10:
 Lima Ola Ph.2 Consolidation of Lots 44, 52, 53, and Roadway B. Being portion of Royal Patent 4485, Land Commission Award 7712 Apana 5 to Kekuaaoa into Lots 1 through 68, Inclusive, and Roadway Lots B1 B2 Designation of Easements AU-1 Through AU-12.
 Tax Map Key: 210010540000
 Applicant: Count of Kauai Housing Agency
 Lima Ola Phase 2

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 checked="" 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 checked="" 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 type="checkbox"/> Other: |

FOR YOUR COMMENTS (pertaining to your department) 6/26/2024

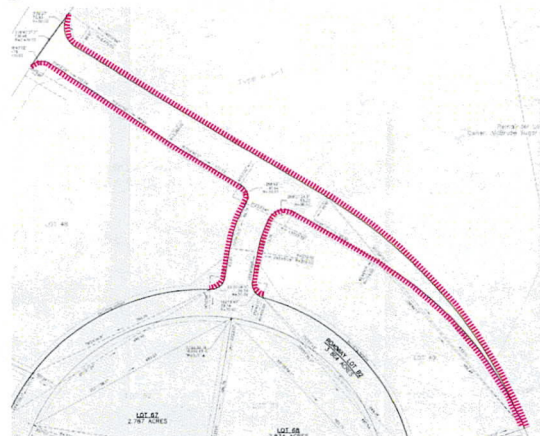
We have the following comments:

- The TMK shown on the subdivision map (TMK 2-1-001-054) doesn't exist. Please ensure that the correct TMK is on the map.
- We would like to require semicircles indicating no access along both sides of Roadway Lot B2, for the entire length of the future street connecting to Kaumuali'i Highway, and along both sides of entire length of the future street connecting from the street described above and the loop roadway in the subdivision, including the corner radii. See heavy dashed line in the image below.

Sincerely,

Digitally signed by Michael Moule
 Date: 2024.06.26 14:31:24 -10'00'

Michael Moule, P.E.
 Chief, Engineering Division



Kenneth Estes

From: Kenneth Estes
Sent: Wednesday, June 26, 2024 8:00 AM
To: Kaaina Hull
Cc: Dale Cua
Subject: RE: Subdivision S-2024-10 Lima Ola Ph2 TMK21010540

Got it. Thank you.

KE

From: Kaaina Hull <khull@kauai.gov>
Sent: Wednesday, June 26, 2024 7:54 AM
To: Kenneth Estes <kestes@kauai.gov>
Cc: Dale Cua <dcua@kauai.gov>
Subject: FW: Subdivision S-2024-10 Lima Ola Ph2 TMK21010540
Importance: High

From: Donald Fujimoto <dfujimoto@kauai.gov>
Sent: Wednesday, June 26, 2024 7:17 AM
To: Kaaina Hull <khull@kauai.gov>; Jodi Higuchi Sayegusa <jhiguchi@kauai.gov>
Cc: Donn Kakuda <dkakuda@kauai.gov>; Jason Coloma <jcoloma@kauai.gov>; Troy Tanigawa <ttanigawa@kauai.gov>; Adam Roversi <aroversi@kauai.gov>
Subject: Subdivision S-2024-10 Lima Ola Ph2 TMK21010540
Importance: High

Per **Wastewater Sewer Code**, the following conditions are required prior to final subdivision:

Article 7. Subdivisions; Administration, Management and Construction

Sec. 25-7.1 Cost of Construction.

(a) In every subdivision where sewers, sewage pumping station, force main, outfall and sewage treatment units are deemed necessary by the County and State Department of Health, the cost of constructing sewage works shall be borne by the subdivider. The subdivider shall install and pay for any extension of sewer mains necessary to connect the subdivision to the public sewer system. All subdivision sewage works and any necessary extension of sewer mains shall be designed and constructed in accordance with the current County standards and as required by the County Engineer.

(b) Whenever, in order to provide for existing or future services beyond the boundaries of a subdivision, the County Engineer finds that the mains to be installed within the subdivision, or any main extension required to serve the subdivision should be of greater capacity or depth of laying than would be required to provide adequate service within such subdivision, the County Engineer will require the subdivider to make installations of such greater capacity or depth of laying. When the subdivider is required to install mains with greater capacity or depth of laying, the County will reimburse the subdivider the additional costs brought about by increasing the pipe sizes or depths of laying or the capacity of the pumping station, force main, outfall, or treatment plant to serve areas other than the subdivision as soon as practicable after the acceptance by the County of the completed work.

Reimbursement will not be made to the subdivider where the additional capacity mains or sewage works will serve only areas under the same ownership as the subdivision under consideration.

Before the subdivider enters into a contract where a reimbursement to the subdivider for additional costs of mains or other sewage works will be made, the County Engineer shall review and either approve or disapprove the contract. If the contract is disapproved, the subdivider shall revise the contract until its form and content is acceptable to the County.

After the installation has been completed and accepted by the County, the subdivider shall furnish the County Engineer with an affidavit itemizing the costs incurred by the subdivider in the installation of said mains or other sewage works. The additional costs subject to reimbursement shall be determined by the County Engineer. (Ord. No.901, June9, 2010)

Sec. 25-7.2 Approval of Plans.

All construction plans and specifications for sewage works shall be approved by the County Engineer. In the event that construction has not commenced within one(1) year after date of approval, the construction plans and specifications shall be resubmitted for reapproval. (Ord. No. 901, June 9, 2010)

Sec. 25-7.3 Inspection.

During the construction of all sewage works the County Engineer shall have access there to for inspection purposes and, if in his or her discretion, the County Engineer shall deem it advisable may require an inspector on the job continuously. At no time shall sewer work be backfilled or covered until the County Engineer has been notified and has given his or her approval after proper inspection and testing. If the work is not approved, it shall be repaired or removed and reconstructed, as directed by the County Engineer. (Ord. No. 901, June 9, 2010)

Sec. 25-7.4 Acceptance.

(a) All sewage works found acceptable by the County Engineer to be maintained and operated as part of the public system and offered for conveyance to the County by the subdividers shall become the property of the County. Prior to final acceptance, the subdivider shall deliver to the County an affidavit itemizing the costs of these wage works and a perpetual easement for all portions of the subdivision sewer system installed in other than publicly owned property. The subdivider shall also convey to the County fee simple title to all sites on which a pumping station or treatment plant is constructed by the subdivider as part of the public sewage works, together with easements for ingress and egress.

(b) Final approval and acceptance of subdivision sewage works shall not be granted until the subdivider has settled all financial accounts with the County. Final approval by the County Engineer of the subdivision map shall not be granted until the subdivision sewage works are completed and approved, or a bond posted in lieu thereof, as provided in the Subdivision Ordinance, and all fees pursuant to Articles 11 and 12 of this Chapter have been paid for each new lot of the subdivision.(Ord. No. 901, June 9, 2010)

The subdivider shall also prepare and submit to the Wastewater Division a comprehensive engineering sewer report as per County of Kauai, Sewer Design Standards June 1973 1st Edition or any subsequent amendments.

Please feel free to contact me if you have any questions on our requested subdivision requirements.
Mahalo,

Donald M. Fujimoto PE, MBA
Chief, Wastewater Management Division
Department of Public Works, County of Kauai
4444 Rice Street, Suite 500
Lihue, HI 96766
(808) 241-4083



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

JUN 13 '24 AM 7:45
 PLANNING DEPT

FROM: Kaaina S. Hull, Director

Planner: Kenneth Estes

6/10/2024

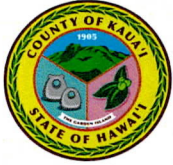
SUBJECT: Subdivision S-2024-10:
 Lima Ola Ph.2 Consolidation of Lots 44, 52, 53, and Roadway B. Being portion of Royal Patent 4485, Land Commission Award 7712 Apana 5 to Kekuanaoa into Lots 1 through 68, Inclusive, and Roadway Lots B1 B2 Designation of Easements AU-1 Through AU-12.
 Tax Map Key: 21010540000
 Applicant: Count of Kauai Housing Agency
 Lima Ola Phase 2

TO:

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| <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 |
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| <input type="checkbox"/> State Department of Agriculture | <input checked="" type="checkbox"/> County Fire Department |
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| <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 checked="" 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 type="checkbox"/> Other: |

FOR YOUR COMMENTS (pertaining to your department) (Due Date 6/10/2024)

Fire has no comments



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

FROM: Kaaina S. Hull, Director

Planner: Kenneth Estes

6/10/2024

SUBJECT: Subdivision S-2024-10:
Lima Ola Ph.2 Consolidation of Lots 44, 52, 53, and Roadway B. Being portion of Royal Patent 4485, Land Commission Award 7712 Apana 5 to Kekuanaoa into Lots 1 through 68, Inclusive, and Roadway Lots B1 B2 Designation of Easements AU-1 Through AU-12.
Tax Map Key: 21010540000
Applicant: Count of Kauai Housing Agency
Lima Ola Phase 2

RECEIVED

JUN 17 2024

County of Kauai
Transportation Agency

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 |
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| <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 checked="" 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 checked="" 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 type="checkbox"/> Other: |

JUL 22 '24 PM 3:13
PLANNING DEPT

FOR YOUR COMMENTS (pertaining to your department) (Due Date 6/10/2024)

7/18/2024

CTA HAS NO FURTHER COMMENT ON THIS PROJECT.

MAHALO!

Exhibit 'A'

(Council Resolution No. 2016-53)

COUNTY COUNCIL
COUNTY OF KAUAI

Resolution No. 2016-53

**RESOLUTION APPROVING
THE LIMA OLA WORKFORCE HOUSING PROJECT
PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES**

WHEREAS, the Kaua'i County Housing Agency ("Housing Agency") proposes the development of the Lima Ola Workforce Housing Project ("Project") and related improvements on approximately seventy-five (75) acres of County-owned land in 'Ele'ele, Kaua'i, Hawai'i, identified as Tax Map Key (4) 2-1-001:027; and

WHEREAS, the proposed project will provide up to five hundred fifty (550) affordable housing units for Kaua'i residents, providing single-family and multi-family units that are affordable to households earning from eighty percent (80%) and below to one hundred forty percent (140%) of the Kaua'i median household income; and

WHEREAS, the Project is being developed in four phases to provide needed affordable housing to meet the current and projected future demand for affordable housing supply; and

WHEREAS, on August 5, 2016, the Housing Agency submitted the 201H Exemption Application ("Application") for the Project to the Kaua'i County Council ("Council") requesting approval of the Project exemptions pursuant to Section 201H-38, Hawai'i Revised Statutes ("HRS"); and

WHEREAS, Section 201H-38, HRS, provides for the development of affordable housing, where housing projects may be exempt from all statutes, ordinances, charter provisions, and rules of any government agency relating to planning, zoning, construction standards for subdivisions, development and improvement of land, and the construction of dwelling units thereon; provided that the project meets minimum requirements for health and safety; and

WHEREAS, pursuant to Section 201H-38, HRS, the Council shall approve, approve with modification, or disapprove the Project exemptions by resolution within forty-five (45) calendar days after the Housing Agency has submitted the Application to the Council, which submittal occurred on August 5, 2016; and

WHEREAS, pursuant to Section 4.02 of the Charter of the County of Kaua'i, the Council is authorized to act by resolution; now, therefore,

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

1. Based upon the transmittals and the representations of the Housing Agency, the Council approves the Project exemptions as submitted to the Council on August 5, 2016, pursuant to Section 201H-38, HRS, provided that the Housing Agency shall comply to all statutes, ordinances, charter provisions, and rules of government agencies relating to planning, zoning, construction standards, for subdivisions, development and improvement of land, and the construction of units thereon, except for the requested Project exemptions specified in Exhibit "1," which is attached hereto and made a part hereof; and

2. The General Plan amendment, Preliminary Zoning Map, and Preliminary Subdivision Map for the Project shall be deemed approved by the Council if the final zoning and the final subdivision plans do not substantially deviate, as determined by the Housing Director, from the Preliminary Zoning Map and the Preliminary Subdivision Map submitted to the Council. Any substantial deviation from the Preliminary Zoning Map or the Preliminary Subdivision Map shall be submitted to the Council for prior approval. The Preliminary Zoning Map and the Preliminary Subdivision Map submitted in the Application shall constitute the zoning and subdivision plan for the Project.

BE IT FINALLY RESOLVED, that certified copies of this Resolution be transmitted to the County Engineer, the Planning Director, and the Housing Director.

Introduced by:



JOANN A. YUKIMURA
(By Request)

V:\RESOLUTIONS\2014-2016 TERM\Lima Ola 201h AMK:aa

	Aye	Opp	Excused	Recused
Chock	X			
Hooser	X			
Kagawa	X			
Kaneshiro	X			
Kuali'i	X			
Rapoza	X			
Yukimura	X			
Total	7	0	0	0

Certificate Of Adoption

We hereby certify that Resolution No. 2016-53 was adopted by the Council of the County of Kauai, State of Hawaii, Lihu'e, Kauai, Hawaii, on August 17, 2016.



County Clerk

Dated August 18, 2016



Chairman & Presiding Officer

Lima Ola Workforce Housing Development Requested Exemptions

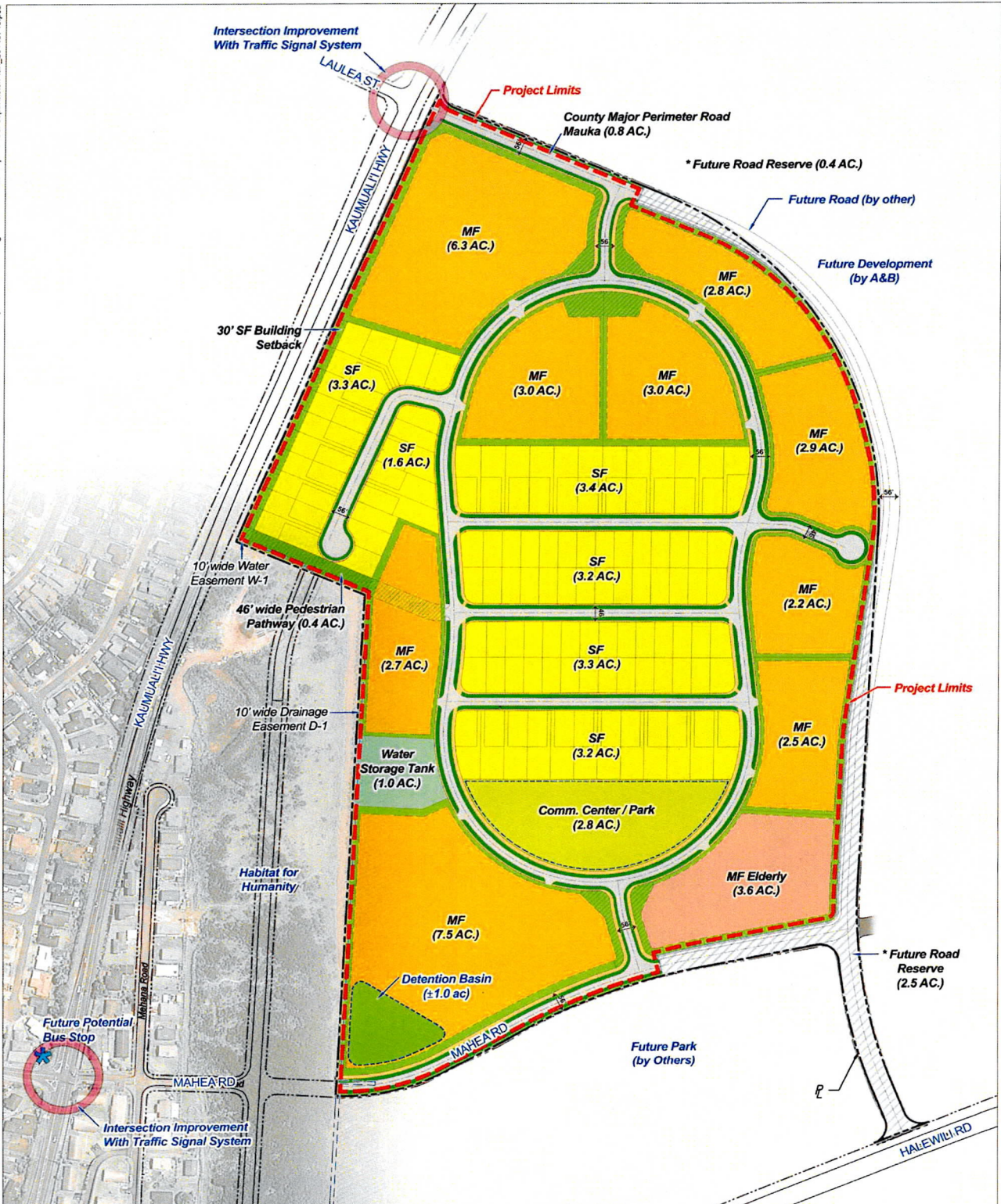
Kauai County Code (KCC) Current Requirement	Requested Exemption	Proposed Alternate Standard	Benefit
Title IV, KCC, Chapter 7, Article 3, Section 7-3.1, <u>General Plan</u> for the County of Kauai	Amendment to the General Plan is required to proceed with change to project area map designation	Project area map designation amended thru 201H-38 process, pursuant to Section 201H-38, HRS	Reduce time and decrease cost
Title IV, KCC, Chapter 8, Article 2, Section 8-2.2 (c), <u>Zoning Maps</u>	Changes in the boundary of any zoning district shall be by ordinance	Project zoned thru 201H-38 process, pursuant to Section 201H-38, HRS	Reduce time, decrease cost, and allow for the building of single-family and multi-family residential units and supporting infrastructure
Title IV, KCC, Chapter 8, Article 2, Section 8-2.4, <u>Uses and Structures in the Agriculture and Residential Zoning Districts That Require a Use Permit</u>	A Use Permit is necessary for proposed community center in either the Agriculture or Residential Zoning Districts	Proceed without Use Permit for proposed community center	Reduce time and decrease cost
Title IV, KCC, Chapter 8, Article 4, Section 8-4.4 (a), <u>Development Standards for Residential Structures Which Involve the Subdivision of Land</u> <i>Single Family Detached</i>	<ol style="list-style-type: none"> 1. Minimum Average Lot Size: 6,000 Sq. Ft. 2. No more than 20% of the lots in the proposed subdivision shall be less than 6,000 Sq. Ft. 3. Setback (Rear): Minimum of 15 Ft. 4. Minimum Lot Width: 45 Ft. 5. Pole Section of Flag Lot Width: Minimum of 15 Ft. 	<ol style="list-style-type: none"> 1. Minimum Average Lot Size: 5,500 Sq. Ft. 2. No more than 20% of the lots in the proposed subdivision shall be less than 5,000 Sq. Ft. 3. Setback (Rear): Minimum of 5 Ft. 4. Minimum Lot Width: 35 Ft. 5. Pole Section of Flag Lot Width: Minimum of 10 Ft. 	Maximize buildable land area
Title IV, KCC, Chapter 8, Article 4, Section 8-4.4 (b) <u>Development Standards for Residential Structures Which Involve the Subdivision of Land</u> <i>Single Family Attached</i>	<ol style="list-style-type: none"> 1. Minimum Average Lot Area: 3,000 Sq. Ft. 2. No Lot shall be less than 2,400 Sq. Ft. 3. No more than 40% of the lots in the proposed subdivision shall be less than 3,000 Sq. Ft. 4. Setback (Rear): Minimum of 15 Ft. 5. Minimum Lot Width: 24 Ft. 6. Minimum lot length shall not exceed four times its average width 	<ol style="list-style-type: none"> 1. Minimum Average Lot Area: 2,400 Sq. Ft. 2. No lot shall be less than 1,800 Sq. Ft. 3. No more than 40% of the lots in the proposed subdivision shall be less than 2,200 Sq. Ft. 4. Setback (Rear): Minimum of 5 Ft. 5. Minimum Lot Width: 20 Ft 6. Minimum Lot Length: 20 Ft 	Maximize buildable land area

Lima Ola Workforce Housing Development Requested Exemptions

Kauai County Code (KCC) Current Requirement	Requested Exemption	Proposed Alternate Standard	Benefit
Title IV, KCC, Chapter 8, Article 4, Section 8-4.4 (c), <u>Development Standards for Residential Structures Which Involve the Subdivision of Land</u> <i>Multi-Family</i>	<ol style="list-style-type: none"> 1. Minimum Lot Size: 10,000 Sq. Ft. 2. Setback (Rear): Minimum of 10 Ft. 3. Minimum Lot Width: 80 Ft. 4. Minimum Lot Length: The average length of any lot shall not exceed three times its average width 	<ol style="list-style-type: none"> 1. Minimum Lot Size: 8,000 Sq. Ft. 2. Setback (Rear): Minimum of 5 Ft. 3. Minimum Lot Width: 60 Ft. 4. Minimum Lot Length: The average length of any lot shall not exceed five times its average width 	Maximize buildable land area
Title IV, KCC, Chapter 8, Article 4, Section 8-4.5 (a) (4), <u>Standards of Development Applicable to all Residential Development</u>	A minimum of two (2) off-street parking spaces per dwelling unit shall be provided	A minimum of one and one (1) off-street parking spaces per dwelling unit shall be provided	Maximize buildable land area and encourage bike and multimodal transportation
Title IV, KCC Chapter 9, Article 3, Section 9-2.3 (e) (3), <u>Streets</u>	<p>Curbs, gutters, sidewalks on all proposed streets within or abutting the subdivision.</p> <p>If the requirement of sidewalks is waived, the developer shall be required to pay a fee in lieu of required sidewalk construction.</p>	<p>Install vegetated swales and pedestrian walkways on all proposed streets within or abutting the subdivision.</p> <p>All applicable fees waived</p>	Cost savings, increase green space, promote green sustainable features, and encourage healthy lifestyles with walkable and bikeable paths.
Title IV, KCC Chapter 9, Article 3, Section 9.3.2 (b), <u>Filing fees for Preliminary Subdivision Map Approval</u> and Section 9-3.7(c) <u>Construction Inspection fee</u>	Required fees	All applicable fees waived	Cost savings
Title IV, KCC Chapter 9, Article 2, Section 9-2.11, <u>Blocks</u>	Maximum block length of four hundred and fifty feet (450') in Residential Districts	Increase maximum block length to eight hundred feet (800') in Residential Districts	Maximize buildable area and cost savings

Exhibit 'B'

(Lima Ola Conceptual Master Plan)



LAND AREA SUMMARY	Acres	Units
Housing		
Single Family (Typical lot size: 5,000 - 7,000 SF.)	± 18.0	120 - 135
Multi Family	± 32.9	375 - 435
Elderly	± 3.6	35 - 50
Community Center / Park	± 2.8	-
Special Landscape Treatment	-	-
Water Storage Tank	± 1.0	-
Open Space / Common Area (Detention Basin, Pedestrian Corridor)	± 1.4	-
Vegetated Swale	(Acres Included in Roadway)	-
Bike/Pedestrian Path	(Acres Included in Roadway)	-
Roads		
County Major Perimeter Road - Mauka section (56' ROW)	± 0.8	-
Loop Collector Road (56' ROW)	± 6.4	-
Entry Road - Mauka and Makai (56' ROW)	± 0.7	-
Maheha Road (56' ROW)	± 1.2	-
Minor Road (46' ROW)	± 2.7	-
Future Road Reserve	± 3.5	-
TOTAL:	± 75.0	530 - 620
	ac.	units

Conceptual Master Plan
LIMA OLA DRAFT 07/15/14
 County of Kaua'i North
 Island of Kaua'i
 Linear Scale (in feet)
 0 100 200 400
 PBR HAWAII & ASSOCIATES, INC.

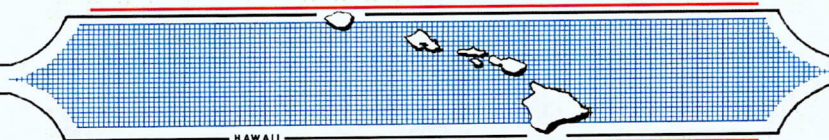
Source: Project boundaries provided by Community Planning & Engineering (2014-01-07). Original master plan provided by Kanara International and RM Bowll Corporation (March, 2012); Google Earth Pro (2014).
 Disclaimer: This graphic has been prepared for general planning purposes only and should not be used for boundary interpretations or other spatial analysis.

**A CULTURAL IMPACT ASSESSMENT
FOR A 75-ACRE PARCEL
HANAPĒPĒ AHUPUA`A, KONA DISTRICT
KAUA`I ISLAND, HAWAII
[TMK: (4) 2-1-001:054]**

Prepared by:
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and
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June 2014

Prepared for:
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SCIENTIFIC CONSULTANT SERVICES Inc.



1347 Kapiolani Blvd., Suite 408 Honolulu, Hawai'i 96814

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INTRODUCTION

At the request of Colette M. Sakoda, of Community Planning and Engineering, Inc., Scientific Consultant Services, Inc. (SCS), has prepared a Cultural Impact Assessment (CIA) for the proposed development and construction of the Lima Ola Work Force Housing Development Project to be located on approximately 75 acres of undeveloped land of land located in Hanapēpē Ahupua`a, Kona District, Kaua`i Island, Hawai`i [TMK: (4) 2-1-001:054] (Figures 1 through 3). Currently, the property owner and developer is the County of Kaua`i Housing Agency.

The Constitution of the State of Hawai`i clearly states the duty of the State and its agencies is to preserve, protect, and prevent interference with the traditional and customary rights of Native Hawaiians. Article XII, Section 7 (2000) requires the State to “protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by *ahupua`a* tenants who are descendants of Native Hawaiians who inhabited the Hawaiian Islands prior to 1778.” In spite of the establishment of the foreign concept of private ownership and western-style government, Kamehameha III (Kauikeaouli) preserved the peoples traditional right to subsistence. As a result in 1850, the Hawaiian Government confirmed the traditional access rights to Native Hawaiian *ahupua`a* tenants to gather specific natural resources for customary uses from undeveloped private property and waterways under the Hawaiian Revised Statutes (HRS) 7-1. In 1992, the State of Hawai`i Supreme Court, reaffirmed HRS 7-1 and expanded it to include, “native Hawaiian rights...may extend beyond the *ahupua`a* in which a Native Hawaiian resides where such rights have been customarily and traditionally exercised in this manner” (Pele Defense Fund v. Paty, 73 Haw.578, 1992).

Act 50, enacted by the Legislature of the State of Hawai`i (2000) with House Bill (HB) 2895, relating to Environmental Impact Statements, proposes that:

...there is a need to clarify that the preparation of environmental assessments or environmental impact statements should identify and address effects on Hawaii’s culture, and traditional and customary rights... [H.B. NO. 2895].

Articles IX and XII of the state constitution, other state laws, and the courts of the State impose on government agencies a duty to promote and protect cultural beliefs and practices, and resources of Native Hawaiians as well as other ethnic groups. Act 50 also requires state agencies and other developers to assess the effects of proposed land use or shore line developments on the

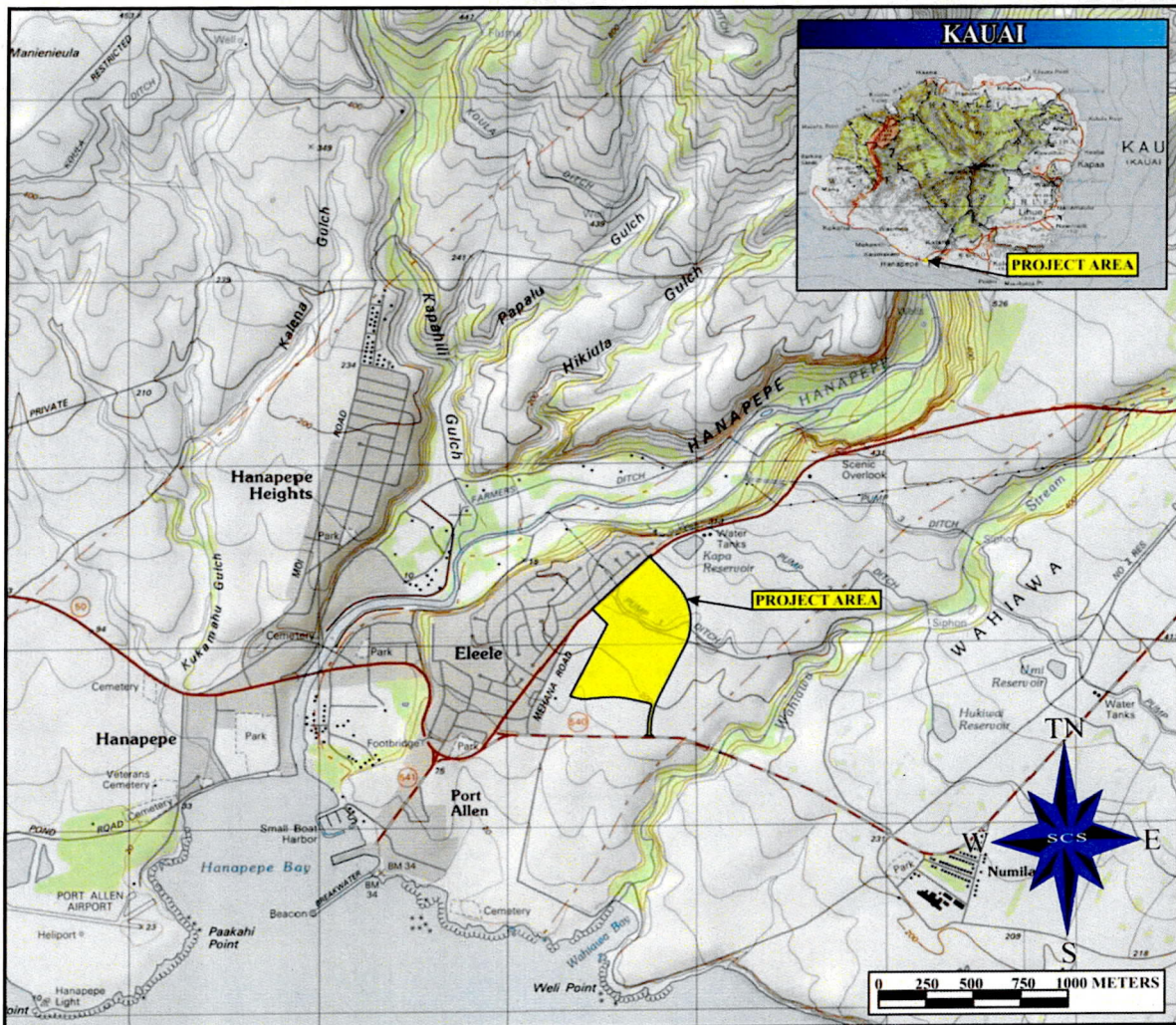


Figure 1: USGS Quadrangle (Hanapepe 1996) Map Showing Project Area Location.

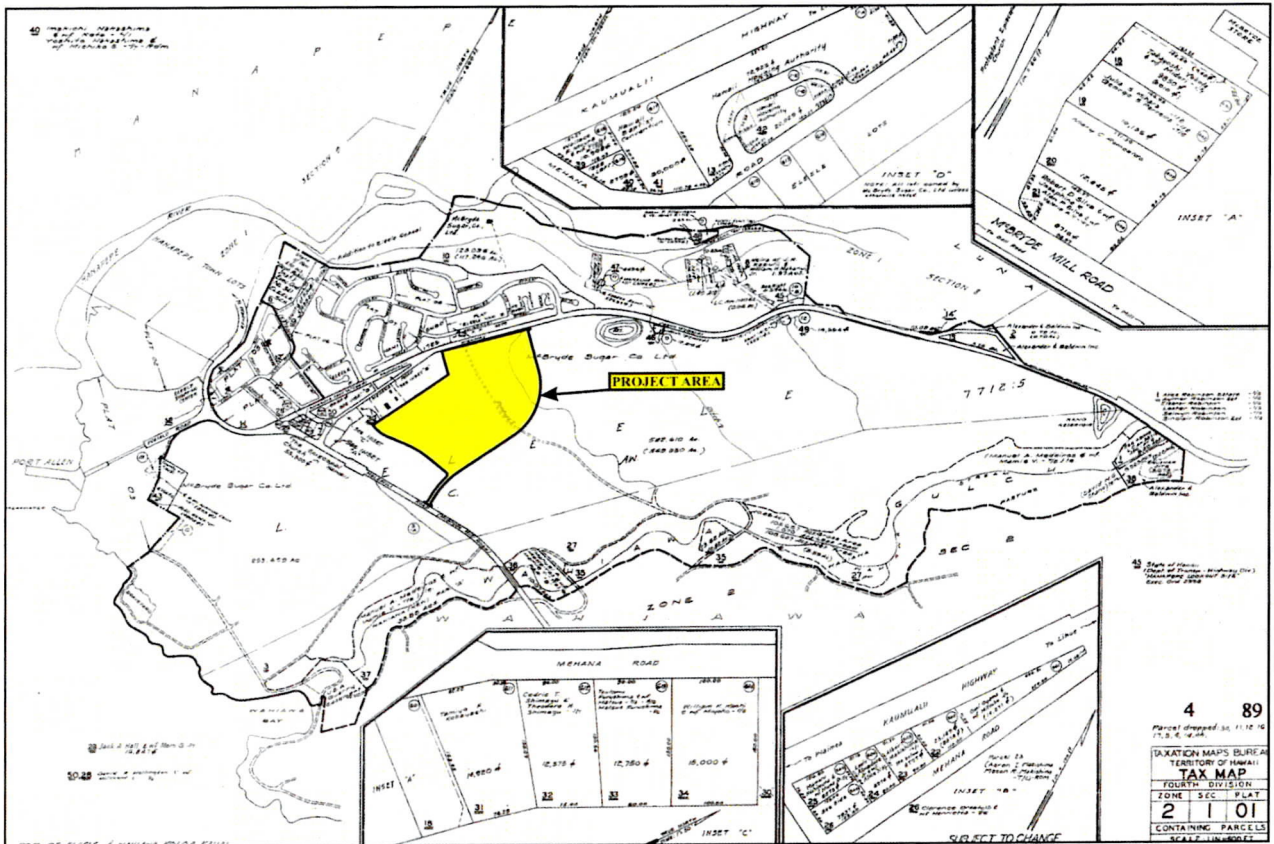


Figure 2: Tax Map Key [TMK: (4) 2-1-001] Showing Project Area Location.



Figure 3: Google Earth Image (2013) Showing Project Area Location.

“cultural practices of the community and State” as part of the HRS Chapter 343 (2001) environmental review process.

Act 50 re-defined the definition of “significant effect” to include “the sum of effects on the quality of the environment including actions impacting a natural resource, limit the range of beneficial uses of the environment, that are contrary to the State’s environmental policies . . . or adversely affect the economic welfare, social welfare or cultural practices of the community and State” (H.B. 2895, Act 50, 2000). Cultural resources can include a broad range of often overlapping categories, including places, behaviors, values, beliefs, objects, records, stories, etc. (H.B. 2895, Act 50, 2000).

Thus, Act 50 requires that an assessment of cultural practices and the possible impacts of a proposed action be included in Environmental Assessments and Environmental Impact Statements, and to be taken into consideration during the planning process. As defined by the Hawaii State Office of Environmental Quality Control (OEQC), the concept of geographical expansion is recognized by using, as an example, “the broad geographical area, e.g. district or *ahupua`a*” (OEQC 2012:12). It was decided that the process should identify ‘anthropological’ cultural practices, rather than ‘social’ cultural practices. For example, *limu* (edible seaweed) gathering would be considered an anthropological cultural practice, while a modern-day marathon would be considered a social cultural practice.

Therefore, the purpose of a Cultural Impact Assessment is to identify the possibility of on-going cultural activities and resources within a project area, or its vicinity, and then assessing the potential for impacts on these cultural resources. The CIA is not intended to be a document of in depth archival-historical land research, or a record of oral family histories, unless these records contain information about specific cultural resources that might be impacted by a proposed project.

According to the Guidelines for Assessing Cultural Impacts established by the Hawaii State Office of Environmental Quality Control (OEQC 2012:12):

The types of cultural practices and beliefs subject to assessment may include subsistence, commercial, residential, agricultural, access-related, recreational, and religions and spiritual customs. The types of cultural resources subject to assessment may include traditional cultural properties or other types of historic sites, both manmade and natural, which support such cultural beliefs.

The meaning of “traditional” was explained in *National Register Bulletin*:

Traditional” in this context refers to those beliefs, customs, and practices of a living community of people that have been passed down through the generations’, usually orally or through practice. The traditional cultural significance of a historic property then is significance derived from the role the property plays in a community’s historically rooted beliefs, customs, and practices. . . . [Parker and King 1990:1]

METHODOLOGY

This Cultural Impact Assessment was prepared as much as possible in accordance with the suggested methodology and content protocol in the Guidelines for Assessing Cultural Impacts (OEQC 2012:11-13). In outlining the “Cultural Impact Assessment Methodology”, the OEQC (2012:11) states that:

“...information may be obtained through scoping, community meetings, ethnographic interviews and oral histories...”

This report contains archival and documentary research, as well as communication with organizations having knowledge of the project area, its cultural resources, and its practices and beliefs. An example letter of inquiry is presented in Appendix A, copies of the posted notice and Affidavit are presented in Appendix B, an example follow-up letter of inquiry is presented in Appendix C, and responses to the inquiries are presented in their entirety in Appendix D. This Cultural Impact Assessment was prepared in accordance with the suggested methodology and content protocol provided in the Guidelines for Assessing Cultural Impacts (OEQC 2012:13), whenever possible. The assessment concerning cultural impacts may include, but not be limited to:

- A. A discussion of the methods applied and results of consultation with individuals and organizations identified by the preparer as being familiar with cultural practices and features associated with the project area, including any constraints or limitations which might have affected the quality of the information obtained.
- B. A description of methods adopted by the preparer to identify, locate, and select the persons interviewed, including a discussion of the level of effort undertaken.

- C. Ethnographic and oral history interview procedures, including the circumstances under which the interviews were conducted, and any constraints or limitations which might have affected the quality of the information obtained.
- D. Biographical information concerning the individuals and organizations consulted, their particular expertise, and their historical and genealogical relationship to the project area, as well as information concerning the persons submitting information or interviewed, their particular knowledge and cultural expertise, if any, and their historical and genealogical relationship to the project area.
- E. A discussion concerning historical and cultural source materials consulted, the institutions and repositories searched and the level of effort undertaken. This discussion should include, if appropriate, the particular perspective of the authors, any opposing views, and any other relevant constraints, limitations or biases.
- F. A discussion concerning the cultural resources, practices and beliefs identified, and, for resources and practices, their location within the broad geographical area in which the proposed action is located, as well as their direct or indirect significance or connection to the project site.
- G. A discussion concerning the nature of the cultural practices and beliefs, and the significance of the cultural resources within the project area affected directly or indirectly by the proposed project.
- H. An explanation of confidential information that has been withheld from public disclosure in the assessment.
- I. A discussion concerning any conflicting information in regard to identified cultural resources, practices and beliefs.
- J. An analysis of the potential effect of any proposed physical alteration on cultural resources, practices or beliefs; the potential of the proposed action to isolate cultural resources, practices or beliefs from their setting; and the potential of the proposed action to introduce elements which may alter the setting in which cultural practices take place.
- K. A bibliography of references, and attached records of interviews which were allowed to be disclosed.

If on-going cultural activities and/or resources are identified within the project area, assessments of the potential effects on the cultural resources in the project area and recommendations for mitigation of these effects can be proposed.

ARCHIVAL RESEARCH

Archival research focused on a historical documentary study involving both published and unpublished sources. These included legendary accounts of native and early foreign writers; early historical journals and narratives; historic maps, land records, such as Land Commission Awards, Royal Patent Grants, and Boundary Commission records; historic accounts, and previous archaeological reports.

INTERVIEW METHODOLOGY

Interviews are conducted in accordance with Federal and State laws, and guidelines, when knowledgeable individuals are able to identify cultural practices in, or in close proximity to, the project area. If they have knowledge of traditional stories, practices and beliefs associated with a project area or if they know of historical properties within the project area, they are sought out for additional consultation and interviews. Individuals who have particular knowledge of traditions passed down from preceding generations and a personal familiarity with the project area are invited to share their relevant information concerning particular cultural resources. Often people are recommended for their expertise, and indeed, organizations, such as Hawaiian Civic Clubs, the Island Branch of Office of Hawaiian Affairs (OHA), historical societies, Island Trail clubs, and Planning Commissions are depended upon for their recommendations of suitable informants. These groups are invited to contribute their input, and suggest further avenues of inquiry, as well as specific individuals to interview. It should be stressed again that this process does not include formal or in-depth ethnographic interviews or oral histories as described in the OEQC's *Guidelines for Assessing Cultural Impacts* (2012). The assessments are intended to identify potential impacts to on-going cultural practices, or resources, within a project area or in its close vicinity.

If knowledgeable individuals are identified, personal interviews are sometimes taped and then transcribed. These draft transcripts are returned to each of the participants for their review and comments. When information pertaining to traditional cultural practices is provided, a release form is signed by the informant, making the interview available for the study. When telephone interviews occur, a summary of the information is usually sent for correction and approval, or dictated by the informant and then incorporated into the document. If no cultural resource information is forthcoming and no knowledgeable informants are suggested for further inquiry, interviews are not conducted.

ENVIRONMENTAL SETTING

The Lima Ola project is on the south side of Kaua`i Island, between Hanapēpē and Kalāheo near the southern intersection of Kaumuali`i Highway, State Highway Road 50 and Halewili Road, State Road 540. This area is the beginning of the drier southwestern side of Kaua`i. The project is located on a south-sloping plain between the drainages of the Hanapēpē River and the Wahiawa Gulch. The slope is moderate and falls in a north/south direction from an elevation of 290 feet near Kapa Reservoir to 160 feet at Halewili Road. The 75-acre parcel is bounded by Kaumuali`i Highway to the northwest and west, Halewili Road to the south, and agricultural lands to the east and northeast.

SOILS

The land between Hanapēpē and Kalāheo including Wahiawa is part of the Koloa Volcanic Series. The base of the formation was formed 1.5 million years after the primary shield-building stage had ceased. The Koloa Volcanic Series, covered two thirds of the eastern side of the island. Numerous vents along with cinder and spatter cones and a small shield volcano exist within Kalāheo and Wahiawa Ahupua`a. Soil formation occurs rapidly upon volcanic ash deposits in the warm humid climates of Kaua`i lowlands. Long periods without volcanic activity allowed the surface to be cut by streams to form gullies and to weather away rock to form ravines (McDonald and Abbott 1970). Numerous intermittent and perennial streams bisect the environs of Kalāheo, Wahiawa and Hanapēpē Ahupua`a.

According to Foote *et al.* (1972:90; Map Sheet Number 14) the project area soil is associated with two soil types of Makaweli silty clay loam: Makaweli silty clay loam, 0 to 6 percent slopes (MgB) and Makaweli silty clay loam, 6 to 12 percent slopes (MgC). The Makaweli soil series consist of well-drained soils on gently sloping to steep uplands, with elevations ranging from nearly sea level to 500 feet. Annual rainfall amounts to 20 to 35 inches, where three-fourths accumulates between October and March. Makaweli silty clay loam (0%-6% slopes) occurs on the tops of broad interfluves, with a surface layer consisting of dusky-red silty clay loam and a subsoil of dusky-red, friable silt loam and silty clay loam that has prismatic and sub angular blocky structure. The substratum is soft, weathered basic igneous rock. Permeability is moderate, runoff is slow and the erosion hazard is slight. Makaweli silty clay loam on 6%-12% slopes is similar to the former soil type but has medium runoff and moderate erosion hazard. Both soils are typically used for irrigated sugarcane, pasture, and woodlands.

VEGETATION

The project area has had a history of ranching and agricultural use that began with cattle ranching in the mid 1800's and transitioned to sugar cane cultivation in the late 1800's. Sugar production was prominent for the next one hundred years. Currently, the Lima Ola parcel is being used to grow coffee for Kauai Coffee. The coffee plants are mature and have been yielding coffee beans for a several decades. Aside from coffee, the current vegetation on the parcel consists of invasive weeds, grasses and *koa haole* (*Leucaena leucocephala*).

TRADITIONAL AND HISTORIC BACKGROUND

Kaua`i, the oldest and fourth largest of the eight main Hawaiian Islands (with land area equaling approximately 1,432 square kilometers), was formed from one great shield volcano (Macdonald *et al.* 1983:458-461). At one time, this vast volcano supported the largest caldera in the islands, horizontally extending 15 to 20 kilometers across. Mt. Wai`ale`ale, forming the central hub of the island, extends 1,598 meters (above mean sea level) amsl. Topographically, Kaua`i is a product of heavy erosion with broad, deep valleys and large alluvial plains.

Kaua`i is justifiably famous as the first landing place of Captain James Cook in January of 1778. Cook estimated a total population of the island of approximately 30,000, but this figure has been questioned by some (*e.g.*, Bennett 1931) as probably too high. Later estimates, based on U.S. Census data, put the early 19th century population of Kaua`i at approximately 10,000. In any case, compared with the other large islands, Kaua`i has witnessed relatively modest growth and development, with a modern population (c. 50,000) not much larger than these original figures.

Until very recently, the island has survived, in large part, on an agricultural economy, with commercial sugarcane, rice, and other crops supplanting the traditional taro in historic times. A concomitant influx of many diverse ethnic groups (including Japanese, Filipino, Chinese, and Euro-American) has also added to the modern character of the island. Much of the knowledge of traditional land use patterns is based on what was recorded at the time of, and shortly after, Western Contact. Early records (such as journals kept by travelers and missionaries), Hawaiian traditions that survived long enough to be written down, as well as, archaeological investigations have assisted in understanding the past.

PAST POLITICAL BOUNDARIES

Approximately 600 years ago (from the time of Mo`ilikukahi on O`ahu and based on a 25 year per-generation count), the native population had expanded throughout the Hawaiian Islands. Land was considered the property of the king or *ali`i `ai moku* (the *ali`i*, or chief, who eats the island/district), which he held in trust for the gods. The title of *ali`i `ai moku* ensured rights and responsibilities to the land, but did not confer absolute ownership. The king kept the parcels he wanted, his higher chiefs received large parcels from him and, in turn, distributed smaller parcels to lesser chiefs. The *maka`āinana* (commoners) worked the individual plots of land.

In general, several terms, such as *moku*, *ahupua`a*, *`ili* or *`ili`āina* were used to delineate various land sections. A district, or *moku*, appeared approximately B.P. 600 years, as the native population had expanded to a point where large political districts could be formed (Lyons 1875:29, Kamakau 1961:54, 55; Moffat and Fitzpatrick 1995:28). Kaua`i consisted of six *moku*; Kona, Puna, Ko`olau, Halele`a, Napali, and Waimea (*ibid*: 23). These districts contained smaller land divisions (*ahupua`a*) which customarily continued inland from the ocean and upland into the mountains. Extended household groups living within the *ahupua`a* were therefore, able to harvest from both the land and the sea. Ideally, this situation allowed each *ahupua`a* to be self-sufficient by supplying needed resources from different environmental zones (Lyons 1875:111). The *`ili`āina*, or *`ili*, were smaller land divisions and were next to importance to the *ahupua`a*. They were administered by the chief who controlled the *ahupua`a* in which it was located (*ibid*: 33; Lucas 1995:40). The *mo`o`āina* were narrow strips of land within an *`ili*. The land holding of a tenant or *hoa`āina* residing in an *ahupua`a* was called a *kuleana* (Lucas 1995:61). The proposed project area is located in the *ahupua`a* of Hanapēpē, meaning "crushed bay" (due to landslides) (Pukui *et al.* 1974:40).

TRADITIONAL SETTLEMENT PATTERNS

The Hawaiian economy was based on agricultural production and marine exploitation, as well as raising livestock and collecting wild plants and birds. Extended household groups settled in various *ahupua`a*. During pre-Contact times, there were primarily two types of agriculture, wetland and dry land, both of which were dependent upon geography and physiography. River valleys provided ideal conditions for wetland *kalo* (*Colocasia esculenta*) agriculture that incorporated pond fields and irrigation canals. Other cultigens, such as *kō* (sugar cane, *Saccharum officinarum*) and *mai`a* (banana, *Musa* sp.), were also grown and, where appropriate, such crops as *`uala* (sweet potato, *Ipomoea batatas*) were cultivated. This was the typical agricultural pattern seen during traditional times on all the Hawaiian Islands (Kirch and Sahlins 1992, Vol. 1:5, 119; Kirch 1985).

Many Hawaiian river valleys were defined by cultivation occurring in lower valley sections and on bends in the stream where alluvial terraces could be modified to take advantage of the stream flow (Kirch and Sahlins Vol. 2 1992:59; Earle 1978:31, 155). Although no longer in use, agricultural terraces were reported in the valley interiors around Hanalei. However, the alluvial plain was extensively cultivated and contained two irrigation systems, still functioning into the present time (Earle 1978:34.) Fishponds of the *loko-i`a-kalo* type were situated inland of Hanalei and Wai`oli Rivers (Kikuchi 1987). This type of fishpond not only supported the growing of *kalo* on small mounds (*pu`epu`e*) but, supported fish, crustacean, shellfish and some aquatic plants (see Kikuchi 1987). Along with the three deep valleys of the Halele`a District (Wainiha, Wai`oli, and Lumaha`i), Hanalei, formed one of the most agriculturally productive regions on Kaua`i (Handy and Handy 1972:419).

Coastal zones were utilized for acquiring marine resources and where habitation sites, burials, and ceremonial structures, often associated with fishing, were identified (Bennett 1931). Slightly inland of Hanalei Bay, was "...the preferred area for house sites," because of the coral sandy soils (Earle 1978:29). Hanalei Bay had no reliable ship anchorage for trading due to the susceptibility of the north coast's variable weather conditions and, therefore, never became a major port (Riznik 1987:2).

PRE-CONTACT PERIOD

During the pre-Contact Period, the *ahupua`a* of Hanapepe belonged to the district of Kona, the largest of Kaua`i's five traditional political districts. Hanapēpē Ahupua`a contains within its borders the third longest river on Kaua`i, Hanapēpē River, which originates on the slopes of Kawaikini and flows through a valley bordered on both sides by steep canyon walls. The prehistory of Hanapepe remains relatively enigmatic. From the few archaeological investigations of the Hanapepe area, it appears that the settlement pattern was typical of most Kaua`i locations. The pattern consisted of a well-utilized coastal region and by extension, use of the entire ahupua`a.

Nōmilu Fishpond and its surrounding environs are also associated with numerous legends. This area is "...said to have been made by Pele and guarded by Puhi-`ula (red eel) and Puhi-pakapaka (scaly eel), both supernatural eels" (Pukui *et. al.* 1974:166). Salt gathered from its saltpans was the finest and most desired salt in Kaua`i (Wichman 1998:35). Wichman (1998:35) states that, "[p]eople came in the summer to gather salt when the winds blew the salt across the surface of the pond to the edge of the pond." According to Pukui (*et. al.* 1974:166), when there

is volcanic activity on the Big Island, the smell of sulphur is carried by the wind to this area. So, after gathering salt, people placed the salt on leaves as offerings for Pele.

Handy and Handy (1972: 428) mention that Kukuiolono was a famous place in Kalāheo for sweet potato. Wichman (1998) also mentions that bird catching and feather collecting was practiced in the uplands.

Between Kalāheo and the Lima Ola parcel was the *ahupua`a* of Wahiawa, which is described in greater detail than its neighboring Kalāheo. According to Keahi Luahine, a *kama`aina* (native resident), in 1935 taro terraces extended all the way down the valley to the *muliwai* (inlet) (Handy and Handy 1972:428). Handy and Handy (*ibid*) describe Wahiawa, which was renowned for a particular variety of taro, as having an adequate water resource and wet land taro was planted more extensively in this region. Handy and Handy (*ibid*) also mention several springs, which watered terraces and *wauke* (paper mulberry) plantations. Houses and sweet potato plantations were situated above the terraces.

Handy and Handy (1972:428) observed terraces and houses above and below the present highway and abandoned terraces below the bridge on what is now ranchland. Bennett (1931:115) described upper Wahiawa as well, remarking on the extensive number of terraces for such a small area of land.

As for Hanapēpē, Bingham (1848) describes the valley as appearing, "...like an extensive, well watered plantation, interspersed with *kalo* beds and one hundred and forty cottages, and furnishes employment and sustenance to some seven hundred inhabitants."

Handy and Handy (1972: 429) paint a similar picture of the valley some one hundred and twenty years later when they explored the length of the valley. They observed mostly abandoned house sites and *lo`i* watered by abandoned *auwai*, and stated that "taro terraces are everywhere that the land is irrigable."

POST-CONTACT PERIOD

During the early 1800's the islands of Kaua`i and Ni`ihau were the last islands that remained outside the control of King Kamehameha. In 1810 King Kaumuali`i ceded his kingdom to Kamehameha the Great. This was done after Kamehameha had twice failed in his attempts to invade Kaua`i from Oahu. In 1821 Kaumuali`i was taken prisoner by Kamehameha's son,

Liholiho, Kamehameha II, and placed in exile on O'ahu. The following year *ali'i* from O'ahu and other islands arrived to rule Kaua'i. Kaumuali'i died in Honolulu in 1824 and Kauai's lands were given to these newcomer *ali'i*.

In May of 1824 on the plains of 'Ele'ele in the general area of the Lima Ola Project George Humehume, son of King Kaumuali'i, led supporters of King Kaumuali'i, in a revolt to regain control of Kaua'i from Kamehameha II. The attempt failed after a prolonged and lopsided battle on these plains. Liholiho (Kamehameha II) destroyed the Kaua'i army and for the next two weeks attempted kill all Kaua'i *ali'i*, and their family members. This event marked the end of Kaua'i as an independent kingdom uniting all the islands under Kamehameha II and suppressing the idea of Kaua'i as a "separate kingdom".

The *ahupua'a* of Hanapepe, meaning "crushed bay" (due to landslides), contained two underground storage tank (UST) removal project locations. During ancient times, the *ahupua'a* of Hanapepe belonged to the district of Kona, the largest of Kaua'i's five traditional political districts.

WAHI PANA

Kalāheo has surviving oral histories and several myths that suggest the importance of the area to its traditional occupants. Wichman (1998:33) writes that Kalāheo literally translates as "proud day" and begins at Kāhili peak and extends across the plains between Wahiawa and Lāwa'i, and has a proportionally higher rainfall than Wahiawa. The *ahupua'a* was renowned for the huge cinder cone that dominates the region and could be seen from all points within the Kona District from Māhā'ulepū to Kekaha (*ibid*). This cinder cone, Kukuiohono, the light of Lono, was a regionally recognized beacon for navigators within the near and offshore waters of Kona District. A signal fire was kept alight on top of the cone to act as a guide for canoe voyagers and fisherman (Wichman 1998: 33-34).

A notorious battle between Pele and her sister Nāmakaokaha'i at Nōmilu is credited with the creation of the fishpond. The legend is that while Pele was searching for a home on Kaua'i, Nāmakaokaha'i caught up with her at the spot that became Nōmilu. During the battle Pele kicked up dirt, which became the hill Kāpeku. She then caused this hill to erupt, which covered the plains of Wahiawa with rocks. Nāmakaokaha'i flooded the crater with water causing the pond Nōmilu to be formed (Wichman 1998: 35-36). As Pele departed, she turned two large *he'ehe'e* (eels) - Puhī'ula (red eel) and Puhīpakapaka (scaly eel)—into stone to guard the pond (Wichman 1998:36).

THE MĀHELE

The Māhele, the division of Hawaiian lands, introduced the concept of private property into Hawaiian society. The Māhele was initiated by The Organic Acts of 1845 and 1846. In 1848, commissioners of the Māhele instigated an extreme modification to traditional land tenure on all islands that resulted in a division of lands and a system of private ownership. The Māhele was based upon the principles of Western law. While a complex issue, many scholars believe that in order to protect Hawaiian sovereignty from foreign powers, Kamehameha III) was forced to establish laws changing the traditional Hawaiian society into that of a market economy (Kuykendall Vol. I 1938:145, footnote 47, *et passim*; Daws 1968:111; Kame'eleihiwa 1992:169–170, 176). The dramatic shift from a redistributive economy to a market economy resulted in drastic changes to land tenure, among other things. As a result, foreigners demanded private ownership of land to ensure their investments (Kuykendall Vol. I, 1938:145, *et passim*; Kame'eleihiwa 1992:178; Kelly 1983:45).

Once lands were made available and private ownership was instituted, native Hawaiians, including the *maka`āinana* (people of the land), were able to claim land plots upon which they had been cultivating and living. Oftentimes, foreigners were simply just given lands by the *ali`i*. However, commoners would often only make claims if they had first been made aware of the foreign procedures (*kuleana* lands, or land commission awards). These claims could not include any previously cultivated or currently fallow land, *okipu*, stream fisheries, or many other natural resources necessary for traditional survival (Kame'eleihiwa 1992:295; Kirch and Sahlins 1992). Awarded parcels were labeled Land Commission Awards (LCAs). If occupation could be established through the testimony of witnesses, the petitioners were issued a Royal Patent number and could then take possession of the property. Commoners claiming house lots in Honolulu, Hilo, and Lāhainā were required to pay commutation to the government before obtaining a Royal Patent for their awards (Chinen 1961:16).

Based on the map for TMK (4) 2-1-01, the project area composes a portion of a larger acreage that was awarded to M. Kekuanaoa under the LCA 7712, Apana 5 (Appendix E). To summarize the LCA in terms of archaeological resources across this vast LCA (only a small portion which composes the project area), empirical sites include *auwai*, fishpond, rice fields, stone walls or "stone fences", piles of stones, a cave, and cultivation areas. The large LCA extends from the coastline to the mountain tops and incorporates most, if not all, of the *ahupua`a*. The LCA lands were chiefly for grazing purposes as the lands were classified as "very stony," with some rice agricultural occurring in valleys in limited breadth (see Appendix E). Currently, the property owner and developer is the County of Kaua`i Housing Agency.

MCBRYDE SUGAR COMPANY

The namesake of the McBryde Sugar Co was Duncan McBryde. In the mid 1800s Duncan McBryde arrived from Dunoon, Argyleshire, Scotland and acquired land in Wahiawa and began to develop an extensive ranch. McBryde leased the Wahiawa lands from Kōloa to 'Ele'ele from Kauikeaouli (Kamahameha III) in 1857. In 1874 he purchased the land from the estate of Kamahameha V. He built his home at Brydeswood with his wife Elizabeth Amelia Moxley in the upper end of Wahiawa District. They had six children. Duncan McBryde died at the age of 52 in 1878 leaving Elizabeth a widow with six young children and the ranch. In 1886 Elizabeth acquired the *ahupua`a* of Lāwa`i from the estate of Queen Emma. Elizabeth McBryde managed and operated the ranch that stretched from 'Ele'ele to Kōloa until the founding of the McBryde Sugar Co. (Sandison 1956).

Walter McBryde, the second son of Duncan and Elizabeth McBryde, held various positions within the Hawai'i and local Kaua'i business communities, including being a representative to the legislature of the provisional government (Sandison 1956). He was involved in the initial organization of the McBryde Sugar and became the manager of Kaua'i Pineapple Co. in 1906, a subsidiary company of McBryde Sugar.

McBryde Sugar formed in 1889 was promoted by a group headed by B.F. Dillingham, who also created plantations at 'Ōla'a and Kīhei. The company was created by the merger of three families, the Smith family of Koloa Agricultural Company, the Dreiers of 'Ele'ele Plantation, begun in 1884, and the McBrydes vast Wahiawa Ranch.

Kōloa Agricultural originated in 1870 in the western portion of the *ahupua`a* of Kōloa on land leased from the Knudsens. The Smiths grew cane on this land. The land was later conveyed by Mrs. Knudsen to the heirs of J.W. Smith. In 1896 said heirs conveyed their interests in the land to Koloa Agricultural Company. The Smiths also owned 750 acres of the land of 'Ōma'o. 'Ele'ele, the Dreiers plantation. In 1884 Bernice Pauahi Bishop sold the *'ili* of 'Ele'ele to Elizabeth McBryde and August Dreier. The plantation at 'Ele'ele had profited, and a mill was constructed at the village. The area now known as Port Allen was the original landing for the plantation. Dreier bought out Elizabeth McBryde's interest in the land in 1895. In 1899, Dillingham then bought out August Dreier for 500,000 dollars in cash for the 'Ele'ele Plantation.

Dillingham then issued 55,000 shares of stock to the McBryde family in consideration of the conveyance of nearly all of their Wahiawa land holdings and all the stock of the Koloa Agricultural, which they had come to acquire. Stocks were offered to the public and were quickly taken up. Once the establishment of the McBryde Sugar was completed, plans quickly moved ahead to develop the lands into a large plantation with the required infrastructure to create a successful and profitable plantation.

Immediate plans to clear the land and create an irrigation system ensued. Development costs were high, as the land needed extensive clearing and water had to be brought from great distances. It was during this early phase of development in 1909, that McBryde Sugar was acquired by Alexander and Baldwin Corp. It was during this initial phase of development and later in 1929 to 1933 during an improvement program that vast changes of the landscape occurred. Changes were made to the natural stream flow due to the creation of a reservoir system and a series of pipelines with associated ditches and dikes to distribute water across the landscape for large-scale commercial agriculture. Tunnels and wells were excavated within the floor of Hanapepe Valley and stream pumping plants were installed. These plants immediately proved inefficient and costly putting the plantation in debt in direct relation to high costs associated with pumping water from underground sources as the salt water lens was higher than predicted and fuel costs were high to operate the pumps.

In 1903, a fifty-year license for hydroelectric power from Wainiha stream was acquired by W.E. Rowell, an associate of McBryde Sugar (Figure 4). At this time Kaua'i Electric Co. was formed as a subsidiary of McBryde Sugar. The Wainiha Plant was built and established with a power line to the plantation in 'Ele'ele. Pumps were converted to electricity and fuel related costs dropped immediately. A vast system of reservoirs was created at this time with a combined holding capacity of 800 million gallons (Wilcox 1996). However, expenditure related to creating this infrastructure caused such financial burdens into the late 1920s that the plantation would not be able to operate and be profitable until a complete renovation occurred.

These financial challenges led to the creation of the improvement program carried out from 1929 to 1933. These improvements consisted of the construction of Alexander Reservoir with a storage capability of 810,000,000 gallons, the concrete lining of miles of the principle irrigation ditches on the plantation, replacement of inefficient machinery, and the construction of a hydroelectric plant. Due to the efficiency created by these improvements, the plantation was released of its debt obligations in 1932.

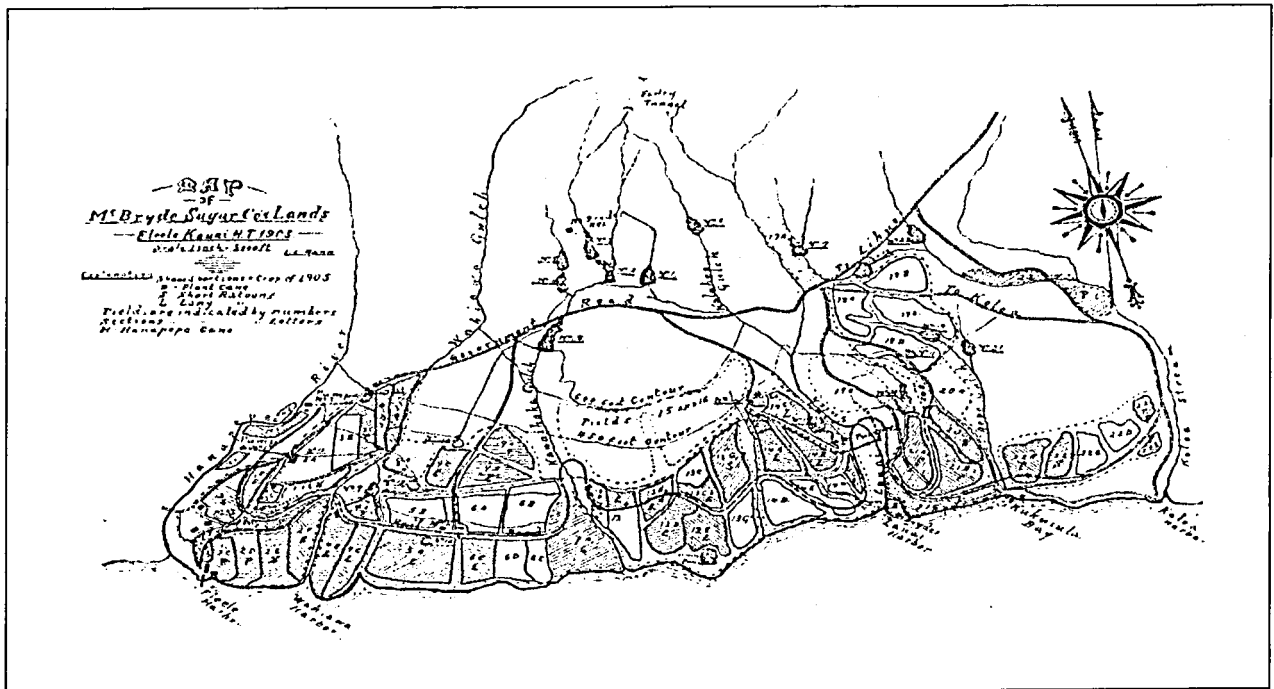


Figure 4: McBryde Plantation 1903 (Kaua'i Historical Society)

McBryde Sugar obtained additional subsidiary companies such as the Kaua'i Railway Company and Kaua'i Pineapple. The development of these companies brought additional land use changes to the area including the creation of a rail system connecting various points on the plantation to Port Allen and the development of truck farming on portions of the land. Infrastructure and remnants related to these modifications exist throughout the landscape. McBryde Sugar was also instrumental in development of Port Allan as a harbor with shipping facilities (Star Bulletin November 2, 1935). McBryde Sugar acquired a large portion of the Grove Farms sugar fields in 1974. During this last twenty years, sugar was supplemented with coffee. McBryde Sugar continued to operate until 1995 when it fell to economic pressures involved in growing sugar in Hawai'i. McBryde stopped producing sugar officially on July 1996 when the Koloa Mill was shut down for good. McBryde Sugar was terminated and replaced by Kaua'i Coffee Company, which continues to grow coffee to the present day.

ARCHAEOLOGY

The earliest documentation of archaeological sites in Kaua'i was recorded by Wendall C. Bennett (1931; Figure 5). Eleven sites (Bennett Sites 49-60) were identified in the *ahupua`a* of Hanapēpē. They are of various types including sand dune burials, *heiau*, house sites, terraced *lo`i*, and a possible fishing shrine. A table with location and short description follows. The archaeological sites identified during Bennett's (1931) study located in Hanapēpē Ahupua`a are listed in Table 1. Bennett's (1931) work in the area includes the *ahupua`a* of Wahiawa and Kalāheo which borders Wahiawa to the east, listed in Table 2. Bennett's work in Kalāheo Ahupua`a is presented in Table 3.

Bennett Sites 49 through 68 located on both sides of the project area may have influenced activities across the area but lacking any surviving surface features or unique resources SCS is forced to assume that this area was undeveloped during traditional times or the sites have been destroyed during the plantation era.

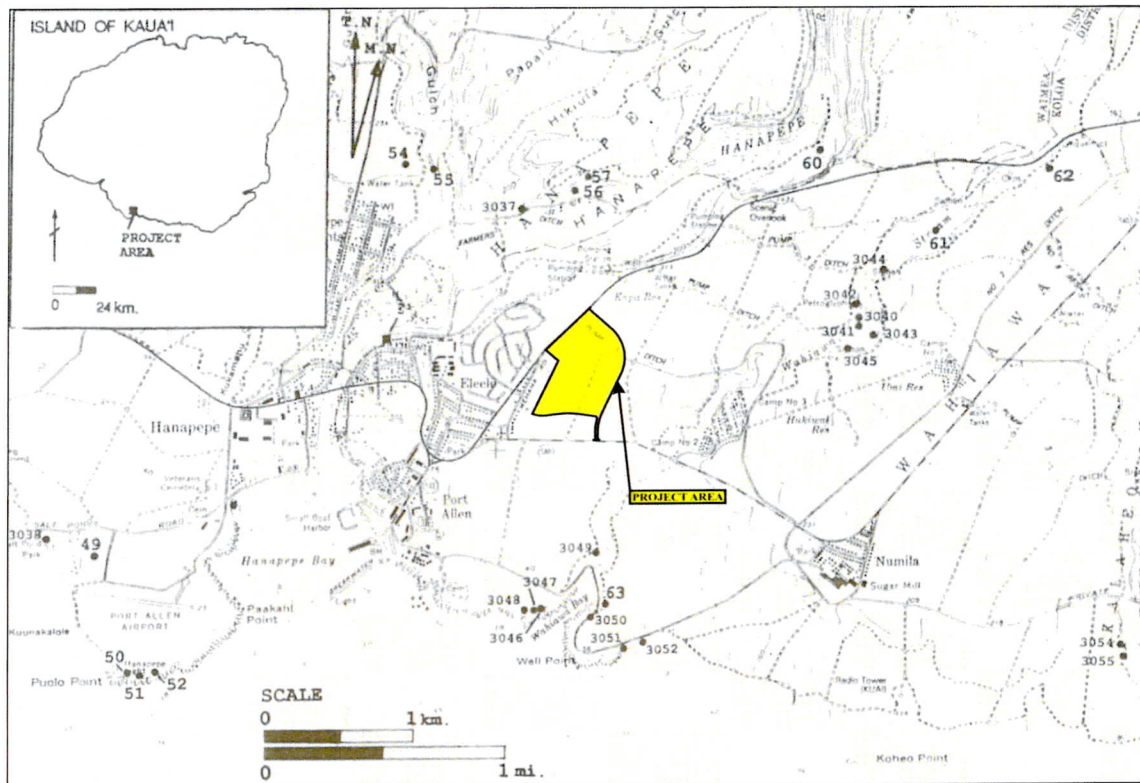


Figure 5: Previously Identified Archaeological Sites in the Ahupua'a of Hanapepe, Wahiawa and Kalāheo

Table 1: Sites Identified by Bennett (1931) Located in Hanapēpē Ahupua`a

Bennett Site #	Name / Type	Location	Bennett's Description	Condition
49	Salt Pan	Near Puolo Point	"...natural flat area on which sea water could evaporate"	NA Still in use
50	House sites	At Puolo Point	"...many house sites on the flat land near the salt pans, (Site 49)"	NA
51	Kauakahiuu Heiau	At Puolo Point	"A wall heiau of medium size at the shore, part of the walls still standing." 80 x 60 feet. "Kane and Kanaloa are its deities"	"site is now slightly marked by crumbled stones."
52	House site or fishing shrine	At Puolo Point Just east of Site 51.	"...front part of this structure rests on beach stones." Composed of three sections two paved with small beach pebbles and one with larger stones. Size approximately 35 by 27 feet irregular shape.	NA He was able to measure it so it must have been in fair condition.
53	Sand Burials	"In the sand on the northwest side of Hanapepe bay."	Burials in the sand	Today it is the Site of modern cemetery
54	Makole Heiau	"on Makole bluff"	Thrum describes it as "A small heiau of platform character on the side of the bluff destroyed in the sixties."	Thrum, "None of the walls could be found"
55	Pualu Heiau	East side of Kapahili Gulch, a quarter mile from the road.	"...a single platform, 142 by 50 feet, built up in the front 6 feet and backed by a wall 3 to 4 feet wide." "... whole structure paved with 3 to 4 inch stones but very much disturbed..."	NA
56	Akawai Heiau	"...at a place called Akowai on the steeply sloping side of a bluff."	Described by Thrum as, "a small paved heiau of about 50 feet square, in bad condition Destroyed about 1865."	"The site today includes a number of well-built house sites (Site 57) and a jumbled mass of walls said to have been the heiau."
57	House sites at Akowai	Near Site 56	"... three well paved house sites."	Unknown
58	Taro terraces	Manuahi Valley	"Like Site 60 this site is completely terraced for taro and contains similar house sites."	Unknown
59	Moloku Heiau	"... near the peak of Kuopoo ridge at its junction with Kahalau."	Described by Thrum as, "An open platform heiau in fair condition."	Fair
60	Taro terraces and house sites	"In Hanapepe Valley the taro terraces are everywhere that the land is irrigable."	"House types are of the usual type."	Taro is still being grown in the valley probably using many of the old loi.

Table 2: Sites Identified by Bennett (1931) Located in Wahiawa Ahupua`a

Bennett Site #	Name / Type	Location	Bennett's Description	Condition
61	Taro Terraces	Wahiawa Valley	"the remains of terraces are remarkable in places for their number." "There are platform house sites in the valley; burial caves and petroglyphs are also reported."	Unknown
62	Waipopili Heiau	"... on the bluff on the east side, a short on the distance seaward side of the government road."	Described by Thrum as "An oblong heiau of good size walls still standing."	Thrum continues, "... in clearing the fields of stone the heiau has been obscured so far as any plan is concerned."
63	Huhuakai Heiau	Wahulua Bay	Described by Thrum as "... [a] medium sized heiau; a portion of its walls may yet be seen. Class unknown."	Thrum, "Nothing that would identify it as a heiau now remains"

Table 3: Sites Identified by Bennett (1931) Located in Kalāheo Ahupua`a

Bennett Site #	Name / Type	Location	Bennett's Description	Condition
64	House sites	"in Kalaheo Gulch at the sea."	Most of the house sites are stone platforms 15 feet square. Some have low walls on three sides. There are fire places on some..."	Unknown.
65	Kahalekii Heiau	"on the western slope of Kukuioolono hill."	"The heiau is now completely destroyed, but Thrum describes it as "A square three terraced heiau of large size, with several divisions: was highwalled and paved; class unknown."	Unknown
66	Kukuioolono Heiau	"...on Kukuioolono Hill..."	"...now destroyed." Thrum's Description: "A large three terraced heiau, east section being 95 by 112 feet, mid-section 105 by 83 feet and west division 105 by 51 feet..."	Unknown
67	Fishpond salt pans, and taro terraces	Nomilu	"...large, natural, salt water pond with no artificial work done to it." There were salt pans, terraces, walls and perhaps a burial cave.	Most of these structures are probably still in tact as the area is off limits to the general public.
68	Kapoho Heiau	"...inland of from the fishpond at Nomilu, Kalaheo	"Thrum speaks of this structure as "a large heiau mauka of the fish-pond; destroyed some years ago. Portions of its division walls yet to be seen."	"So much changing has gone on in this region it is hard to say which of the rough stone walls remaining are the ones mentioned by Thrum.

William K. Kikuchi (1963) conducted an extensive archaeological survey of the Kona District of Kaua`i in 1963. Twenty-three sites were identified in Kalāheo Ahupua`a—many of which were individual components previously recorded as complexes by Bennett. Along the coast, a shelter cave (Site 25) near the western border of the *ahupua`a* at Lokoawa was

identified. Five sites (Sites 26–30) were identified at Kawaihaka Stream valley. These consist of a shelter cave, stone walls, house sites, a spring, and a historic tunnel. Five sites (Sites 31–35) were recorded along the coast between Nōmilu and Kawaihaka and include a fishing shrine, house sites, and shelter caves. Kikuchi recorded seven sites (Sites 36–42) at Nōmilu. These include Nōmilu Fishpond, walls, salt pans, a historic tunnel, and Kapoho Heiau (1963). Three sites (Sites 43–45) were recorded at the eastern *ahupua`a* boundary and include an enclosure, walls, and a fishing shrine. In the uplands, within the present day Kukuioolono park, Kikuchi rerecorded Kukuioolono Heiau (Site 66) and Kahaleki`i Heiau (Site 65), although no physical remnants of the sites exist (Kikuchi 1963).

In 2014, Scientific Consultant Services, Inc. conducted an Archaeological Inventory Survey of the subject property (Powell and Dega 2014, in preparation). During the survey, a single, historic plantation era site, designated as State Site 50-30-09-2219, was identified. The parcel has been active for sugar cane production since the late 1800s and at present, industrial-level coffee cultivation occurs on the parcel.

Other archaeological studies conducted in the area include a study by Folk and Hammatt (1991) who conducted inventory survey and testing of LCA 6647 in Kalāheo. The study produced negative results. The absence of cultural deposits was posited to be a result of modifications related to a proposed reservoir system that included the entire perimeter of LCA 6647. Additionally, Nancy McMahan (1988) conducted a survey within TMK 2-4-01:12. This study revealed the presence of historic earthen terraces related to pineapple cultivation.

Kukuioolono Park to the south and on the *makai* side of Kaumuali`i Highway contains an artifact display of broad diversity collected throughout the region during the plantation era by Walter McBryde, descendant of Duncan McBryde (founder of McBryde Sugar Company). This collection includes a phallic stone, Pohakuhunaahuula Stone, Pohakuawa Stone, and the Kaua`i Iki Stone. The large upright phallic stone was considered to be reverent to the fish god, Pohakuloa. This stone revered by the ancients was collected from its original location, at the junction of trails to the beach above McBryde Mill (Sandison 1956). Pohakuhunaahuula, the feather cloak stone is reputed to be associated with the *ali`i*, Ola. This artifact was relocated to the park from its original location near Brydeswood. During times of war, the *ali`i* hid the cloak under the rock and covered it with *`uala lau* as a form of camouflage (Sandison 1956).

Pohakuawa is a very large boulder with a large carved concave basin depression that holds a substantial volume of water. The density of the basalt slows the percolation process and

allows for the water to remain in the basin for long periods of time. The stone artifact was brought to the park from its original location, reportedly a mile west of Brydeswood on the trail to upper reaches of Wahiawa lands. The legends associated with the stone state that a fisherman stopped for the night at Pohakuawa and stored his catch of live *awa* in the cool waters of the stone draped with *`uala lua* to keep the stone cool and to prevent the fish from jumping out.

Kaua`i Iki is a large, boulder-shaped stone like the island of Kaua`i. This stone was relocated to the park from its original location in Wahiawa. The legend of the stone is that a Hawaiian family was clearing their *loi* of rocks when they came across this rock. Noticing its resemblance to the island of Kaua`i, they decided to leave it in place and gave it its name (Sandson 1956).

CONSULTATION

Consultation was conducted via telephone, e-mail, personal interviews, and the U.S. Postal Service. Consultation was sought from Dr. Kamana`opono M. Crabbe, Chief Executive Officer, Office of Hawaiian Affairs; Hinano Rodrigues, State Historic Preservation Division, Maui; Kunane Aipolani, Chair, Kaua`i Island Burial Council; William Ho`ohuli, community member; Glenn K. Kapahu, community member; John Kruse, community member; Rhoda L. Libre, community member; Joseph P. Manini, community member; Leah Perreira, community member; Ronson K. Sahut, community member; Beryl Blaich, community member; Kuulei Santos, community member; and Wilma H. Holi, community member.

In addition, a Cultural Impact Assessment Notice was published on October 9, 10, and 13, 2013, in *The Honolulu Star-Advertiser* and in *The Garden Isle News*, which published on the same dates on Kaua`i, and November 2013 issue of the OHA newspaper, *Ka Wai Ola* (see Appendix B). These notices requested information of cultural resources or activities in the area of the proposed project, stated the Tax Map Key (TMK) number, and where to respond with pertinent information. Based on the responses, an assessment of the potential effects on cultural resources in the project area and recommendations for mitigation of these effects can be proposed.

CULTURAL IMPACT ASSESSMENT INQUIRY RESPONSES

Analysis of the potential effect of the project on cultural resources, practices or beliefs, the potential to isolate cultural resources, maintain practices or beliefs in their original setting, and the potential of the project to introduce elements that may alter the setting in which cultural

practices take place is a requirement of the OEQC (2012:13). As stated earlier, this includes the cultural resources of the different groups comprising the multi-ethnic community of Hawai'i.

One response to SCS's request seeking information pertaining to traditional cultural practices conducted in the vicinity of the proposed development site was received from one individual, Sabra Kauka, Department of Education, Hawaiian Studies Coordinator, Kauai Complex. Mrs. Kauka's comments were received via e-mail dated March 12, 2014, and are summarized below (see Appendix D).

Sabra Kauka

Mrs. Kuaka stated that John Kruse gave her the SCS letter requesting information on cultural sites in the 75-acre Lima Ola Work Force Housing Development Project in Hanapēpē. Sabre Kauka, in turn, showed the SCS letter of inquiry to Kupuna Janet Kahalekomo, as she is the oldest link, in the Hawaiian Studies Kupuna program, to the Hanapēpē area, and she is quite knowledgeable. Kupuna Kahalekomo said that the area has been in either sugar cane or coffee production for her whole life. So any cultural sites that may have been there are long gone. Kupuna Kahalekoma, also, stated that Francis Ching surveyed the area in the 1950s and wrote a report.

SUMMARY

The "level of effort undertaken" to identify potential effect by a project to cultural resources, places or beliefs (OEQC 2012) has not been officially defined and is left up to the investigator. A good faith effort can mean contacting agencies by letter, interviewing people who may be affected by the project or who know its history, research identifying sensitive areas and previous land use, holding meetings in which the public is invited to testify, notifying the community through the media, and other appropriate strategies based on the type of project being proposed and its impact potential. Sending inquiring letters to organizations concerning development of a piece of property that has already been totally impacted by previous activity and is located in an already developed industrial area may be a "good faith effort". However, when many factors need to be considered, such as in coastal or mountain development, a good faith effort might mean an entirely different level of research activity.

In the case of the current undertaking, letters of inquiry were sent to individuals and organizations that may have knowledge or information pertaining to the collection of cultural resources and/or practices currently, or previously conducted in close proximity to the proposed development and construction of the Lima Ola Work Force Housing Development Project to be

located on approximately 75 acres of undeveloped land of land located in Hanapēpē Ahupua`a, Kona District, Kaua`i Island, Hawai`i [TMK: (4) 2-1-001:054].

Historical and cultural source materials were extensively used and can be found listed in the References Cited portion of the report. Such scholars as Samuel Kamakau, Martha Beckwith, Jon J. Chinen, Lilikalā Kame`eleihiwa, R. S. Kuykendall, Marion Kelly, E. S. C. Handy and E.G. Handy, Elspeth P. Sterling, and Mary Kawena Puku`i and Samuel H. Elbert and continue to contribute to our knowledge and understanding of Hawai`i, past and present. The works of these and other authors were consulted and incorporated in the report where appropriate. Land use document research was supplied by the Waihona `Aina Database (2012) and the Office of Hawaiian Affairs Papakilo Database (2013).

CULTURAL ASSESSMENT AND RECOMMENDATIONS

Analysis of the potential effect of the project on cultural resources, practices or beliefs, its potential to isolate cultural resources, practices or beliefs from their setting, and the potential of the project to introduce elements which may alter the setting in which cultural practices take place is also a suggested guideline of the OEQC (2012). Based on historical research, and no additional suggestion for contacts, analysis of the potential effect of the project on cultural resources, practices or beliefs, its potential to isolate cultural resources, practices or beliefs from their setting, and the potential of the project to introduce elements which may alter the setting in which cultural practices take place is a requirement of the OEQC (2012). As indicated by the responses received from the community, the project area has not been, and is not currently, used for traditional cultural purposes.

Based on the above research and the comments received from the community, it is reasonable to conclude that, pursuant to Act 50, the exercise of native Hawaiian rights, or any ethnic group, related to numerous traditional cultural practices including, gathering, access, cultivation, the use of traditional plants, *oli* (chanting) and *ha`a* (dancing), and making traditional tools (i.e., *poi* pounders, *poi* boxes), will not be impacted by the proposed undertaking.

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Dear:

In compliance with the State of Hawai'i Revised Statute (HRS) Chapter 343 Environmental Impact Statements Law, and in accordance with the State of Hawai'i Department of Health's Office of Environmental Quality Control (OEQC) Guidelines for Assessing Cultural Impacts as adopted by the Environmental Council, State of Hawai'i on November 19, 1997, Scientific Consultant Services, Inc. (SCS) is in the process of preparing a Cultural Impact Assessment (CIA) pertaining to the proposed 75-acre Lima Ola Work Force Housing Development Project in Hanapēpē Ahupua`a, Kona District, Island of Kaua`i, Hawai`i [TMK:(4)-2-1-001:054] (Figures 1 through 3).

According to the *Guidelines for Assessing Cultural Impacts* (Office of Environmental Quality Control, Nov. 1997):

The types of cultural practices and beliefs subject to assessment may include subsistence, commercial, residential, agricultural, access-related, recreational, and religious and spiritual customs... The types of cultural resources subject to assessment may include traditional cultural properties or other types of historic sites, both man-made and natural which support such cultural beliefs...

We are asking you for any information that you or other individuals have which might contribute to the knowledge of traditional cultural activities that were, or are currently, conducted in the vicinity of the project area. We are also asking for any information pertaining to traditional cultural activities or traditional rights which may be impacted by the proposed housing development. The results of the cultural impact assessment are dependent on the response and contributions made by individuals, such as yourself.

Enclosed are maps showing the proposed project areas. Please contact me at the Scientific Consultant Services, Honolulu, office at (808) 597-1182 or via e-mail (cathy@scshawaii.com) with any information or recommendations concerning this Cultural Impact Assessment.

Sincerely,

Cathleen Dagher
Senior Archaeologist

Cc:

Information requested by Scientific Consultant Services, Inc. (SCS) on cultural resources and traditional, or on-going, cultural activities on or near the proposed Lima Ola Housing Development Project, 'Elelele 'Ili, Kalaheo Ahupua'a, Kona District, Island of Kaua'i, Hawai'i [TMK: (4) 2-1-001:054]. Please respond within 30 days to Cathleen Dagher at (808) 597-1182.

(1456)

AFFIDAVIT OF PUBLICATION

IN THE MATTER OF
Legal Notice

STATE OF HAWAII)
) SS.
City and County of Honolulu)

Doc. Date: OCT 14 2013 # Pages: 1
 Notary Name: Patricia K. Reese First Judicial Circuit
 Doc. Description: Affidavit of
Publication
 Notary Signature: [Signature] Date: OCT 14 2013
 NOTARY PUBLIC
 PATRICIA K. REESE
 Comm. No. 88-467
 STATE OF HAWAII

Information requested by Scientific Consultant Services, Inc. (SCS) on cultural resources and traditional, or on-going, cultural activities on or near the proposed Lima Oia Housing Development Project, 'Ekelele III, Kalaheo Ahupua'a, Kona District, Island of Kaula, Hawaii (TMK: (4) 2-1-001:054). Please respond within 30 days to Cathleen Dagher at (808) 597-1182.
 (TGI565238 10/9, 10/10, 10/13/13)

Rose Rosales being duly sworn, deposes and says that she is a clerk, duly authorized to execute this affidavit of Oahu Publications, Inc. publisher of The Honolulu Star-Advertiser and MidWeek, that said newspapers are newspapers of general circulation in the State of Hawaii, and that the attached notice is true notice as was published in the aforementioned newspapers as follows:

Honolulu Star-Advertiser 0 times on:

Midweek Wed. 0 times on:

The Garden Island 3 times on: 10/9, 10/10, 10/13/13

And that affiant is not a party to or in any way interested in the above entitled matter.

Rose Rosales [Signature]

Subscribed to and sworn before me this 14th day

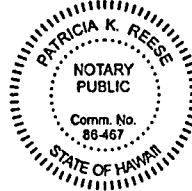
of Oct A.D. 2013

[Signature]
Patricia K. Reese, Notary Public of the First Judicial Circuit, State of Hawaii

My commission expires: Oct 07 2014

Ad # 0000565236

LN: _____



(1456)

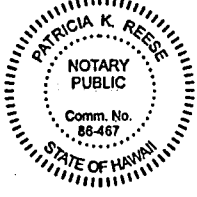
AFFIDAVIT OF PUBLICATION

IN THE MATTER OF
Legal Notice

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STATE OF HAWAII }
} SS.
City and County of Honolulu }

Doc. Date:	OCT 14 2013	# Pages:	1
Notary Name:	Patricia K. Reese	First Judicial Circuit	
Doc. Description:	Affidavit of		
Publication			
Notary Signature	<i>Patricia K. Reese</i>	Date	OCT 14 2013



Information requested by Scientific Consultant Services, Inc. (SCS) on cultural resources and traditional, or on-going, cultural activities on or near the proposed Lima Ota Housing Development Project, "Dalele" III, Kalaheo Ahupua'a, Kona District, Island of Kauai, Hawaii: (Title: (4) 2-001-054). Please respond within 30 days to Cathleen Dagher at (808) 597-1182.
(SAS5233 10/9, 10/10, 10/13/13)

Rose Rosales being duly sworn, deposes and says that she is a clerk, duly authorized to execute this affidavit of Oahu Publications, Inc. publisher of The Honolulu Star-Advertiser and MidWeek, that said newspapers are newspapers of general circulation in the State of Hawaii, and that the attached notice is true notice as was published in the aforementioned newspapers as follows:

Honolulu Star-Advertiser 3 times on:
10/09, 10/10, 10/13/2013

Midweek Wed. 0 times on:

_____ times on:

And that affiant is not a party to or in any way interested in the above entitled matter.

Rose Rosales

Subscribed to and sworn before me this 14th day

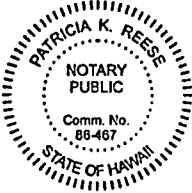
of Oct A.D. 2013

Patricia K. Reese, Notary Public of the First Judicial Circuit, State of Hawaii

My commission expires: Oct 07 2014

Ad # 0000565233

LN: _____



Dear:

This is our follow-up letter to our March 12, 2014 letter which was in compliance with the statutory requirements of the State of Hawai'i Revised Statute (HRS) Chapter 343 Environmental Impact Statements Law, and in accordance with the State of Hawai'i Department of Health's Office of Environmental Quality Control (OEQC) Guidelines for Assessing Cultural Impacts as adopted by the Environmental Council, State of Hawai'i, on November 19, 1997.

Scientific Consultant Services, Inc. (SCS) is in the process of preparing a Cultural Impact Assessment (CIA) pertaining to the proposed 75-acre Lima Ola Work Force Housing Development Project in Hanapēpē Ahupua`a, Kona District, Island of Kaua`i, Hawai'i [TMK:(4)-2-1-001:054].

According to the *Guidelines for Assessing Cultural Impacts* (Office of Environmental Quality Control, Nov. 1997):

The types of cultural practices and beliefs subject to assessment may include subsistence, commercial, residential, agricultural, access-related, recreational, and religious and spiritual customs...The types of cultural resources subject to assessment may include traditional cultural properties or other types of historic sites, both man made and natural which support such cultural beliefs...

We are asking you for any information that you or other individuals have which might contribute to the knowledge of traditional cultural activities that were, or are currently, conducted in the vicinity of the project area. We are also asking for any information pertaining to traditional cultural activities or traditional rights which may be impacted by the proposed housing development. The results of the cultural impact assessment are dependent on the response and contributions made by individuals, such as yourself.

Please contact me at the Scientific Consultant Services, Honolulu, office at (808) 597-1182 or via e-mail (cathy@scshawaii.com) with any information or recommendations concerning this Cultural Impact Assessment.

Sincerely,

Cathleen Dagher
Senior Archaeologist

Cc:



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
737 IWILEI ROAD, SUITE 200
HONOLULU, HAWAII 96817

HRD14/7084

May 2, 2014

Cathleen Dagher – Senior Archaeologist
Scientific Consultation Services, Inc.
1347 Kapi'olani Blvd., Suite 408
Honolulu, HI 96814

Re: Cultural Impact Assessment
Proposed 75-Acre Lima Ola Work Force Housing Development Project
Hanapēpē Ahupua'a, Kona District, Kaua'i Island
Tax Map Key: (4) 2-1-001:054

Aloha e Cathleen Dagher,

The Office of Hawaiian Affairs (OHA) is in receipt of your March 12, 2014 letter and most recent April 18, 2014 letter initiating consultation and seeking comments ahead of a cultural impact assessment for the proposed 75-acre Lima Ola Work Force Housing development project in Hanapēpē district. OHA has no comment specific to the above proposed project at this time.

We applaud your efforts to perform a cultural impact assessment. OHA does request assurances that should iwi kūpuna or Native Hawaiian cultural or traditional deposits be identified during ground altering activities related to this project, all work will immediately cease and the appropriate agencies will be contacted pursuant to applicable law. OHA would like to be notified and consulted if burials are found.

Thank you for initiating consultation at this early stage. Should you have any questions, please contact Kathryn Keala at 594-0272 or kathyk@oha.org.

'O wau iho nō me ka 'ōia'i'ō,

A handwritten signature in black ink, appearing to read "Kamana'opono M. Crabbe".

Kamana'opono M. Crabbe, Ph.D.
Ka Pouhana, Chief Executive Officer
Office of Hawaiian Affairs

KMC:kk

[Print](#) | [Close Window](#)

Subject: Lima Ola Work Force Housing Development Project
From: Sabra Kauka <sabrakauka@aol.com>
Date: Thu, Apr 03, 2014 12:05 am
To: "cathy@scshawaii.com" <cathy@scshawaii.com>
Janet Kahalekomo <Janet_Kahalekomo/ELEELE/HIDOE@notes.k12.hl.us>, Kunane Alpoalani
Cc: <kunane.alpoalani@navy.mil>, Ronson Keali'i Sahut <ronsonkealii@hotmail.com>, Beryl Blaich
<blaich@aloha.net>

Re. Your letter of March 12, 2014 to John Kruse

Aloha Cathy,
John Kruse gave me your letter today of March 12, 2014 requesting any information on cultural sites in the 75-acre Lima Ola Work Force Housing Development Project in Hanapepe.

I showed the letter to Kupuna Janet Kahalekomo, Ronson Sahut's grandmother, at her school in 'Eleele. I coordinate the Hawaiian Studies Kupuna on Kauai and Kupuna Kahalekomo is the oldest link that the program has to the Hanapepe area. She is quite knowledgeable.

She said that the area has been in either sugar cane or coffee production for her whole life. So any cultural sites that may have been there are long gone. She is familiar with cultural sites lower in the Wahiawa Valley closer to the ocean, as her mother lived there. But that's not the area you are interested in.

She also said that Francis Ching surveyed the area in the 50's and published a report. I think you are probably familiar with it already.

That's all I have to add. I just wanted to let you know I followed up on John's request.

Aloha,
Sabra Kauka
Dept. Of Education Hawaiian Studies
Coordinator, Kauai Complex
652-1978

Sent from my iPad

Copyright © 2003-2014. All rights reserved.

Land Patent No. 4751

(Grant.)

On Land Exchange

By this Patent the Governor of the Territory of Hawaii, in conformity with the laws of the United States of America and of the Territory of Hawaii, makes known to all men that he has this day granted and confirmed unto

H. M. Von Holtz

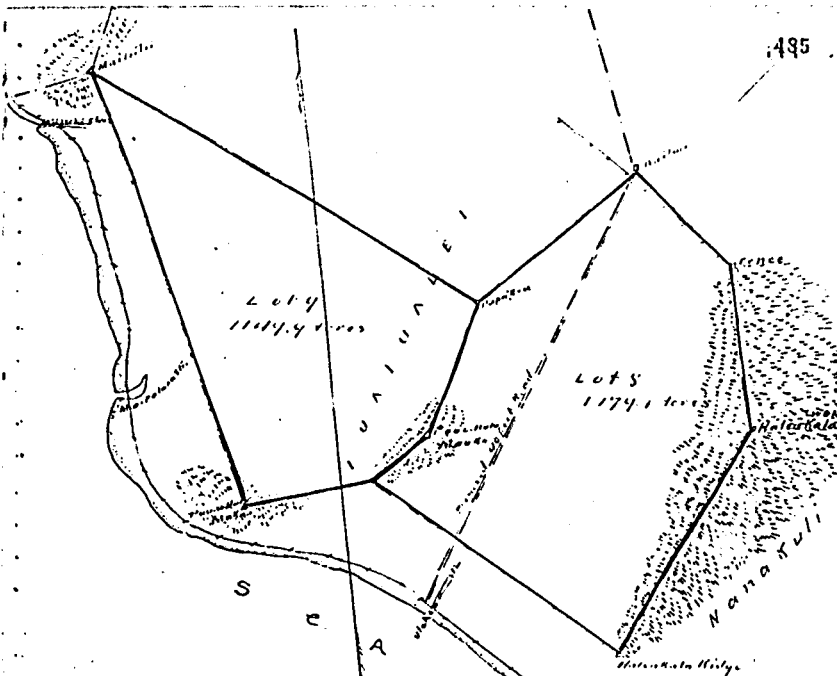
for the consideration of One Dollar & 1/2^{cs} paid into the Treasury.

And for the further consideration of a deed to the Government of the Territory of Hawaii of lands situate in the City of Honolulu, Island of Oahu, required of record purposes from H. M. Von Holtz, the receipt of which is hereby acknowledged.

all of the land situate at Lualualei in the District of Waianae Island of Oahu bounded and described as follows: Lot 8.

Beginning at Puu-o-Hiale marker big Station marked by an iron or native digger, driven into soft rock and also on top of hill of ^{stone} unc as shown on Government Survey Registered Map No. 2040 and running as follows by true bearings:—

- 1. N. 26° 20' 30" E. 3654 feet along lot 4, lot on coral Stone and also;
- 2. N. 56° 5' E. 5160 " " Public Lands General Survey No. 535 station on Stone and also;
- 3. S. 38° 17' E. 3345 " " Government remaining to on solid rock 3 feet Marka of fence on slope near base of hill;
- 4. S. 2° 3' E. 4214 " " the same up the Oloahulu hill to a point on its summit as marked by Prof. W. D. Allen as corner;
- 5. S. 87° 47' 30" W. 6666 " down the hill along Government



Containing 3629 ^{±60 Acs} Acres, more or less.

To Have and to Hold the above granted Land unto the said

H. M. Von Holt

and his heirs and assigns forever.

In Witness Whereof, The Governor of the Territory of Hawaii, has hereto set his hand and caused the Great Seal of the Territory to be hereunto affixed, this 23 day of June A. D. 1908.

Wm. Sanford D. Dole

BY THE GOVERNOR:

Edward S. Boyd
Commissioner of Public Lands.

remainder to \pm on rock and \pm on the boundary
of the ridge;

6. N. $117^{\circ}16'W$. 7486 feet along Government remainder
to an unmarked point on
Tuu-o-shu ridge;
7. S. $57^{\circ}20'E$. 1700 " " the ridge, the same being boundary
of Lot 4, to the initial point and
containing an area of
1477 1/10 Acres, exclusive of a Government
reservation, 10 feet wide for a road.

----- Lot 4 -----

Beginning at Tuu-o-shu mountain Trig. Station marked
by an iron \pm on native digger, driven into soft rock.
And \pm on top of hill of same name, as shown
on Government Survey Registered map No. 2046
and running as follows by three bearings:

1. S. $57^{\circ}20'W$. 1700 feet along ridge, the same being boundary
of Lot 5, to an unmarked point.
2. S. $55^{\circ}29'W$. 3240 " " still along the ridge to Tuu-o-shu mountain
Trig. Station marked by an iron bar
set in ground and \pm on highest
point of hill of same name;
3. N. $12^{\circ}27'W$. 11756 " " along Government remainder to mountain
Trig. Station marked by \pm on stone
and \pm on highest point of hill
of same name.
4. S. $51^{\circ}19'E$. 11324 " " Public Lands General Lease No. 5356
+ on coral stone and \pm on
5. S. $26^{\circ}20'30"W$. 3654 " " Lot 3 to the initial point and contain-
ing an area of

----- 1149 9/10 Acres -----

COUNTY OF KAUA'I
PLANNING DEPARTMENT


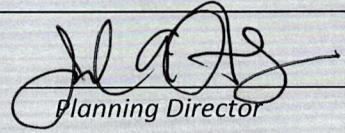
TO: Subdivision Committee, Planning Commission

SUBJECT: Extension Request

PURPOSE: File Final Subdivision Maps
 Complete Subdivision Improvements
 Other: _____

Subdivision Application No.		Applicant(s)	
S-2023-4		BBCP Kukui'ula Development, LLC.	
Location:	Kōloa	Tax Map Key:	(4) 2-6-023: 040
Extension Request No. (1st, 2nd, etc.)		Tentative Approval Granted On:	Previous Ext. Expired On:
1st		July 11, 2023	N/A
Subdivision Bonded: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Deadline to Complete Improvements: Not Applicable	

APPLICANT'S REASONS: Additional time is being requested to comply with the conditions/requirements of tentative approval. The Applicant is currently with the various reviewing agencies in resolving the required infrastructure improvements for the subdivision.

PLANNING DEPARTMENT EVALUATION & RECOMMENDATION	
EVALUATION: Please refer to next page...	
RECOMMENDATION: Please refer to next page...	
 Staff Planner	08.01.2024 Date
<input checked="" type="checkbox"/> Approved and Recommended to Planning Commission	<input type="checkbox"/> Denied
Comments:	
 Planning Director	8/1/24 Date

G.2.a.1.
AUG 13 2024

**COUNTY OF KAUA‘I
PLANNING DEPARTMENT**

Extension requests are primarily processed for the purpose of continuing a tentative approval for a subdivision application. An extension approval allows an applicant additional time to comply with the requirements in order to obtain final subdivision approval.

In determining whether additional time should be granted, an evaluation is made of the project’s progress as well as compliance with the requirements of tentative approval. The evaluation is primarily based on determining whether the applicant is **progressively working** towards obtaining final subdivision approval with the various reviewing agencies. The **tentative approval conditions** are then re-evaluated to determine whether the conditions/requirements are adequate to address the impacts of the proposed development in consideration of the time that has lapsed.

Pending evaluation of an extension request, one of the following can occur:

1. The extension is approved without changes to the tentative approval requirements;
2. The extension is approved with modified time frames but no modifications or additions to the tentative approval requirements;
3. The extension is approved with modifications and/or additions to the requirements; and
4. The extension is denied.

EXTENSION REQUEST:

The Applicant is requesting an extension of time to file the final subdivision map with the Planning Department pursuant to Section 9-3.8(c)(1) of the Subdivision Ordinance, Kaua‘i County Code (1987), as amended. The Applicant’s extension request is the *first* extension of the tentative approval. Please refer to the Applicant’s request letter dated May 13, 2024, enclosed as Exhibit ‘A’.

FINDINGS/BACKGROUND:

The proposal subdivides Lot 40 of Kukui‘ula Parcel I Subdivision into a total of fourteen (14) residential lots, one (1) lot that will be utilized as a common area with landscaping (Lot 15), one (1) remnant lot and two (2) roadway lots. The subject property is centrally located within the Kukui‘ula master planned area and involves a total area of approximately 114.469 acres. The proposed development is located within the County Residential (R-4) zoning district and State Land Use Urban District.

It should be noted that the Applicant has submitted a revised preliminary subdivision map dated August 28, 2023 (see Exhibit ‘B’), showing minor changes in the sizes and dimensions of the lots. As represented in their correspondence dated August 01, 2024 (see Exhibit ‘C’), these revisions were made to amend the boundaries of Lot 1 to provide additional street frontage as well as to accommodate a pool house in

the rear of the lot. As a result, the sizes and dimensions of the remaining lots had to be adjusted, accordingly.

While assessing the revised preliminary subdivision map, the sizes and dimensions of the lots are consistent with the requirements outlined in the Comprehensive Zoning Ordinance and the department has no concerns regarding the revisions. The Applicant should be made aware that the construction plans must incorporate the revised lot sizes and dimensions as indicated on the updated preliminary subdivision map.

Submitted with the Applicant’s correspondence dated August 01, 2024, is a correspondence from Austin, Tsutsumi & Associates, Inc. dated May 20, 2024, detailing the changes in the revised preliminary subdivision map. The table below shows the changes in lot sizes between the original preliminary subdivision map dated March 6, 2023, and revised preliminary subdivision map dated August 28, 2023.

	Preliminary Map dated March 6, 2023	Revised Preliminary Map dated August 28, 2023	
Lot No.	Lot Size in Sq. Ft.	Lot Size in Sq. Ft.	Difference in Sq. Ft.
1	12,606	14,222	+ 1,616
2	13,958	14,181	+ 223
3	12,193	12,868	+ 675
4	13,734	13,636	- 98
5	13,855	13,651	- 204
6	13,031	12,849	- 182
7	11,728	12,199	+ 471
8	11,044	11,887	+ 843
9	11,527	11,290	- 237
10	10,927	11,265	+ 338
11	11,299	10,973	- 326
12	10,599	11,079	+ 480
13	11,905	12,508	+ 603
14	14,126	14,239	+ 113
15	1,785	1,556	- 229
Roadway Lot 16	23,060	23,136	+ 76
Roadway Lot 17	34,685	34,686	+ 1
Remnant Lot 18	4,754,196	4,750,051	- 4,145

PROGRESS OF THE SUBDIVISION:

The Applicant has been working to resolve the various conditions of tentative approval. Although the construction plans for the subdivision improvements have been prepared, they are currently in the process of awaiting review and approvals from various agencies, which has contributed to the time delay. Since it is uncertain as to when all the agency comments will be met, the Applicant is requesting additional time to complete the subdivision. The additional time allows the Applicant to meet all the requirements of the government agencies.

Based on the foregoing circumstances, the Applicant's reasons are justifiable, and no problems are foreseen in granting the extension request.

Additionally, the Applicant should demonstrate further progress with the subdivision within one (1) year from the approval of this extension request. As such, the Applicant shall be made aware that in further considering extension requests involving the proposed development, the Applicant shall continue to submit to the Planning Department an updated status report on the subdivision with a detailed time chronology on the progress of the tentative approval requirements. The status report shall be submitted to the Planning Department no later than sixty (60) days prior to the expiration date in order to allow sufficient time to evaluate whether progress has been made and conditions satisfied.

RECOMMENDATION:

It is recommended that an extension until **JULY 11, 2025**, be granted to obtain final subdivision approval. However, the Applicant is made aware that an updated status report on the subdivision with a detailed time chronology on the progress of the tentative approval requirements shall be submitted to the Planning Department for review for further extensions requests. The status report shall be submitted to the Planning Department no later than sixty (60) days prior to the expiration date.

Exhibit 'A'

(Applicant's Extension Request Letter dated May 13, 2024)

Kenneth Estes

From: Chris Rivera <crivera@kukuiula.com>
Sent: Monday, May 13, 2024 11:49 AM
To: Kenneth Estes; Drake Fukushima; DeAnna Hayashi
Cc: Dale Cua; Kaaina Hull; Lindsay Crawford; Shawn Smith
Subject: Kukui`ula Parcel J1-A S-2023-4 Extension Request
Attachments: Subdivision S-2023-4 Extension Request 5 13 2024.pdf; 01-107.110 KUKUIULA J1-A PP.pdf; 01-107.110 KUKUIULA J1-A PP DRAFT 2023-08-28.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

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

Hi Kenny,

Please see the Tentative Map Extension Request for Parcel J1-A (S-2023-4). We have made significant progress with review of the subdivision improvement plans but additional time is needed to get to final plan approval. We made a slight revision to Lot 1 of the Tentative Map (see attached) and would like the updated map to be reflected in the extension paperwork. Once you have reviewed and approved the minor change, I can provide you with the required number of full-size copies of the map.

Drake – Please prepare and send Kenny a memo explaining the difference to the configuration of Lot 1.

Please let me know if you have any questions.

Thanks!

Chris

Chris Rivera | VP of Development
BBCP Kukui`ula Development, LLC
2700 Ke Alaula Street | Koloa, Hawaii 96756
Office: (808) 742-3044 | Fax: (808) 742-3026 | Cell: (480) 403-1476
crivera@kukuiula.com



VIA EMAIL

May 13, 2024

Mr. Kenny Estes
Department of Planning
County of Kauai
4444 Rice Street, Suite A-473
Lihue, Hawaii 96756

Subject: Subdivision S-2023-4
Kukui'ula Parcel J1-A Subdivision

Dear Kenny,

Kukui'ula received Tentative Map approval for the above referenced map on July 11, 2023. This Tentative Map is set to expire on July 11, 2024.

We respectfully request a one-year extension for this tentative map due to the following reasons:

- Subdivision Improvement Plans are currently in the 2nd review with the Department of Water.
- Subdivision Improvement Plans are currently in the 2nd review with the Department of Public Works.
- The electrical plans have not yet been reviewed by KIUC.

We anticipate being able to complete these tasks within one year and likely sooner pending agency reviews. Once we work through these final steps and can submit the required additional documents, we look forward to engaging with the Planning Department and the Planning Commission and obtaining Final Subdivision Map approval.

Thank you for your continued assistance.

Sincerely,
Chris Rivera
Vice President of Development

Cc: Erik Kaneshiro, DeAnna Hayashi – Austin Tsutsumi & Associates

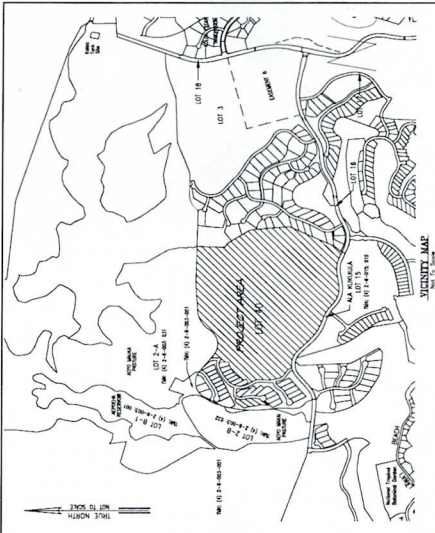
Exhibit 'B'

(Preliminary Subdivision Map dated *March 06, 2023*, Revised Preliminary Subdivision Map dated *August 28, 2023*, and Location Map)



Subdivision	Area (Sq. Ft.)	Area (Acres)
Subdivision	4,129,258	94.1
Lot 1	1,250,000	28.6
Lot 2	1,250,000	28.6
Lot 3	1,250,000	28.6
Lot 4	1,250,000	28.6
Lot 5	1,250,000	28.6
Lot 6	1,250,000	28.6
Lot 7	1,250,000	28.6
Lot 8	1,250,000	28.6
Lot 9	1,250,000	28.6
Lot 10	1,250,000	28.6
Lot 11	1,250,000	28.6
Lot 12	1,250,000	28.6
Lot 13	1,250,000	28.6
Lot 14	1,250,000	28.6
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Lot 97	1,250,000	28.6
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Lot 99	1,250,000	28.6
Lot 100	1,250,000	28.6

Subdivision	Area (Sq. Ft.)	Area (Acres)
Subdivision	4,129,258	94.1
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Lot 100	1,250,000	28.6



KUKUI'ULA PARCEL J1-A SUBDIVISION
 SUBDIVISION OF
 LOT 40 OF KUKUI'ULA PARCEL I SUBDIVISION
 INTO LOTS 1 TO 18, INCLUSIVE,
 AND DESIGNATION OF EASEMENTS AU-1 AND AU-2
 BEING A PORTION OF ROYAL PATENT 6714, LAND COMMISSION AWARD 7714-B,
 APANA 2 TO M. KERUAWA NO M. KERUAWA
 SITUATED AT KOOLA (MAKAI), KOOLA, KONA, KAUAI, HAWAII
 TOTAL AREA = 114,460 ACRES

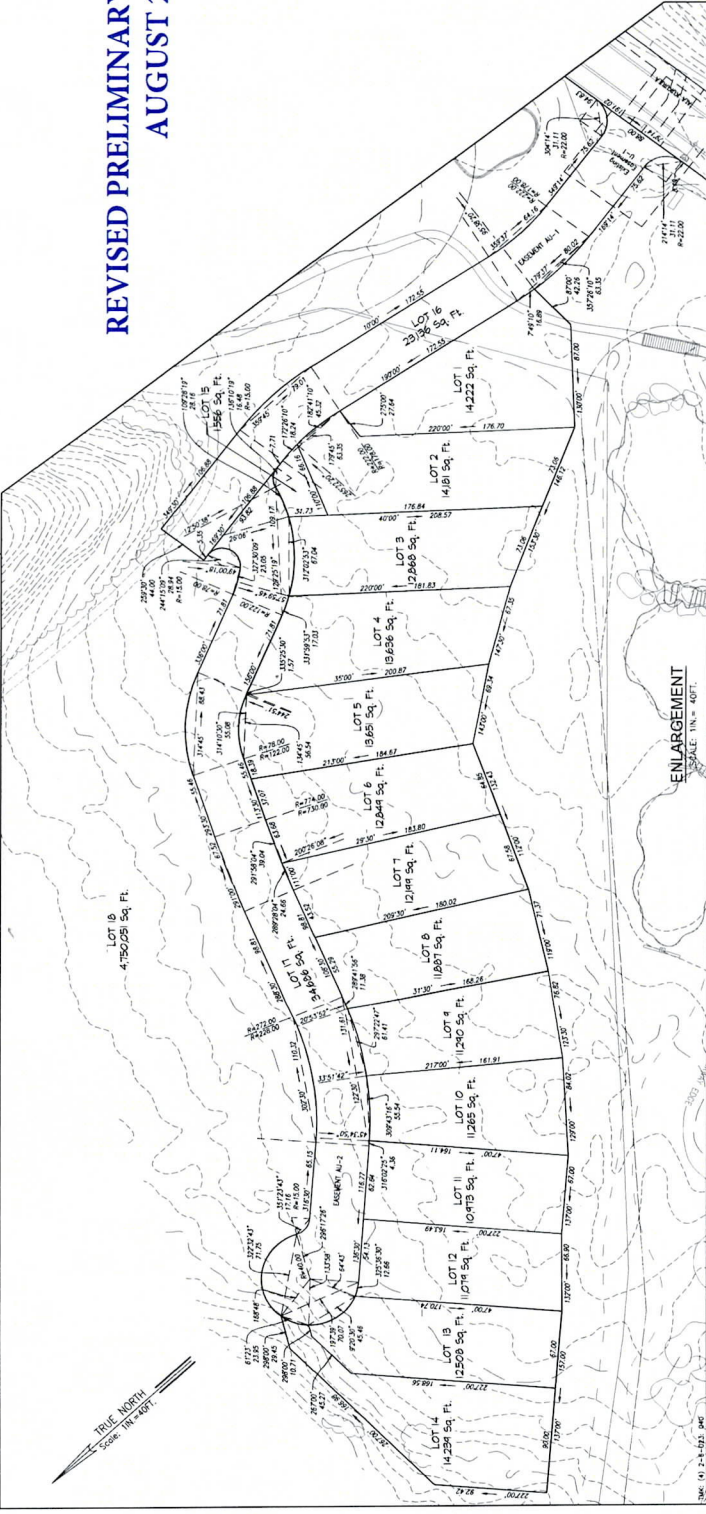
LOT 40 TRAC (4) 2-6-02C: 040 DEVELOPMENT, LLC
 ADDRESS: 2700 KE AUULA ST STE B
 KOOLA, HI 98756

REVISED PRELIMINARY SUBDIVISION MAP
AUGUST 28, 2023



STATE OF HAWAII
 DEPARTMENT OF LAND AND NATURAL RESOURCES
 DIVISION OF LAND MANAGEMENT
 100 SOUTH KING STREET, SUITE 301
 HONOLULU, HAWAII 96813
 PHONE: (808) 586-1234
 FAX: (808) 586-1235
 WWW.DLM.HAWAII.GOV

1. THIS MAP IS A PRELIMINARY SUBDIVISION MAP AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.
2. THE BOUNDARIES AND AREAS SHOWN ON THIS MAP ARE BASED ON GOVERNMENT SURVEY DATA.
3. THE BOUNDARIES AND AREAS SHOWN ON THIS MAP ARE BASED ON THE RECORDS OF THE SURVEYOR.
4. THE BOUNDARIES AND AREAS SHOWN ON THIS MAP ARE BASED ON THE RECORDS OF THE SURVEYOR.
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8. THE BOUNDARIES AND AREAS SHOWN ON THIS MAP ARE BASED ON THE RECORDS OF THE SURVEYOR.
9. THE BOUNDARIES AND AREAS SHOWN ON THIS MAP ARE BASED ON THE RECORDS OF THE SURVEYOR.
10. THE BOUNDARIES AND AREAS SHOWN ON THIS MAP ARE BASED ON THE RECORDS OF THE SURVEYOR.



Subdivision No. S-2023-4 Kukuiaula Parcel J1-A Subdivision



10/07/2021 - 03/05/2022

Exhibit 'C'

(Applicant's Correspondence dated August 01, 2024)



8/1/2024

AUG 1 '24 AM 10:23
PLANNING DEPT

Kenneth Estes
Planner
County of Kauai – Department of Planning
4444 Rice Street, Suite A473
Lihue, Hawaii 96766

RE: Subdivision S-2023-4, Kukui'ula Parcel J1A Subdivision

Kenny:

Attached to this letter is a memo from Austin Tsutsumi & Associates describing changes to the Tentative Map for Parcel J1A since receiving approval by the County of Kauai Planning Commission on July 11, 2023. The configuration of Lot 1 was changed to provide additional street frontage as well as accommodate a pool house in the rear of the lot. The minor changes to the remainder of the lots are due to the fine tuning of the civil infrastructure design.

Sincerely,

Chris Rivera
Vice President of Development



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

CIVIL ENGINEERS • SURVEYORS

CONTINUING THE ENGINEERING PRACTICE FOUNDED BY H. A. R. AUSTIN IN 1834

TERRANCE S. ARASHIRO, P.E.
ADRIENNE W.L.H. WONG, P.E., LEED AP
DEANNA M.R. HAYASHI, P.E.
PAUL K. ARITA, P.E.
ERIK S. KANESHIRO, L.P.L.S., LEED AP
MATT K. NAKAMOTO, P.E.
GARRETT K. TOKUOKA, P.E.

ATA Job No. 01-107.110

May 20, 2024

Mr. Kenneth Estes
Department of Planning
County of Kauai
4444 Rice Street, Suite A-473
Lihue, Hawaii 96756

Subject: **Subdivision S-2023-4**
Kukui'ula Parcel J1-A Subdivision

Dear Mr. Estes:

The following minor revisions were made to the tentative map:

- Lot 1 was widened and increased in size from 12,606 SF to 14,222 SF.
 - The existing cart path will be relocated to accommodate the expansion of the lot.
- Lot 2 was widened and increased in size from 13,958 SF to 14,181 SF.
- Lot 3 was widened and increased in size from 12,193 SF to 12,868 SF.
- Lot 4 was shortened and decreased in size from 13,734 SF to 13,636 SF.
- Lot 5 was shortened and decreased in size from 13,855 SF to 13,651 SF.
- Lot 6 was shortened and decreased in size from 13,031 SF to 12,849 SF.
- Lot 7 was widened and increased in size from 11,728 SF to 12,199 SF.
- Lot 8 was widened and increased in size from 11,044 SF to 11,887 SF.
- Lot 9 was shortened and decreased in size from 11,527 SF to 11,290 SF.
- Lot 10 was widened and increased in size from 10,927 SF to 11,265 SF.
- Lot 11 was shortened and decreased in size from 11,299 SF to 10,973 SF.
- Lot 12 was widened and increased in size from 10,599 SF to 11,079 SF.
- Lot 13 was widened and increased in size from 11,905 SF to 12,508 SF.
- Lot 14 was widened and increased in size from 14,126 SF to 14,239 SF.
- Lot 15 was shortened and decreased in size from 1,785 SF to 1,556 SF.
- Lot 16 was increased from 23,060 SF to 23,136 SF.
- Lot 17 was increased from 34,685 SF to 34,686 SF.
- Lot 18 decreased from 4,754,196 SF to 4,750,051 SF.

KAHUI:
501 SUMNER STREET, SUITE 521 • HONOLULU, HAWAII 96817
PHONE: (808) 533-3646 • FAX: (808) 526-1267
EMAIL: atahnl@atahawaii.com

MAUI:
1871 WILI PA LOOP, SUITE A • WAILUKU, MAUI, HAWAII 96793
PHONE: (808) 244-8044 • FAX: (808) 242-9163
EMAIL: atamou@atahawaii.com


Mr. Kenneth Estes
Department of Planning

May 20, 2024

Should you require additional information, please contact me at (808)533-3646 or dfukushima@atahawaii.com.

Sincerely,

AUSTIN, TSUTSUMI & ASSOCIATES, INC.

By 
DRAKE FUKUSHIMA, P.E.
Project Engineer

COUNTY OF KAUA'I
PLANNING DEPARTMENT

TO: Subdivision Committee, Planning Commission

SUBJECT: Extension Request

PURPOSE: File Final Subdivision Maps
 Complete Subdivision Improvements
 Other: _____

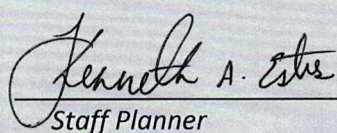
Subdivision Application No.		Applicant(s)	
S-2024-1		Jiro Yukimura Trust and Jennie T. Yukimura Trust	
Location:	Hanamā'ulu, Līhu'e	Tax Map Key:	(4) 3-7-006: 002
Extension Request No. (1st, 2nd, etc.)		Tentative Approval Granted On:	Previous Ext. Expired On:
1st		September 12, 2023	N/A
Subdivision Bonded:		Deadline to Complete Improvements:	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Not Applicable	

APPLICANT'S REASONS: Additional time is being requested to comply with the conditions/requirements of tentative approval. The Applicant is currently with the various reviewing agencies in resolving the required infrastructure improvements for the subdivision.

**PLANNING DEPARTMENT
EVALUATION & RECOMMENDATION**

EVALUATION: Please refer to next page...

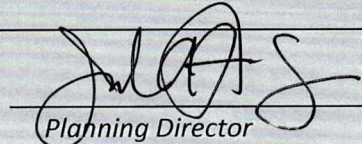
RECOMMENDATION: Please refer to next page...


 Staff Planner

08.01.2024
 Date

Approved and Recommended to Planning Commission Denied

Comments:


 Planning Director

8/1/24
 Date

G. Z. B. I.
AUG 13 2024

COUNTY OF KAUA‘I PLANNING DEPARTMENT

Extension requests are primarily processed for the purpose of continuing a tentative approval for a subdivision application. An extension approval allows an applicant additional time to comply with the requirements in order to obtain final subdivision approval.

In determining whether additional time should be granted, an evaluation is made of the project’s progress as well as compliance with the requirements of tentative approval. The evaluation is primarily based on determining whether the applicant is **progressively working** towards obtaining final subdivision approval with the various reviewing agencies. The **tentative approval conditions** are then re-evaluated to determine whether the conditions/requirements are adequate to address the impacts of the proposed development in consideration of the time that has lapsed.

Pending evaluation of an extension request, one of the following can occur:

1. The extension is approved without changes to the tentative approval requirements;
2. The extension is approved with modified time frames but no modifications or additions to the tentative approval requirements;
3. The extension is approved with modifications and/or additions to the requirements; and
4. The extension is denied.

EXTENSION REQUEST:

The Applicant is requesting an extension of time to file the final subdivision map with the Planning Department pursuant to Section 9-3.8(c)(1) of the Subdivision Ordinance, Kaua‘i County Code (1987), as amended. The Applicant’s extension request is the *first* extension of the tentative approval. Please refer to the Applicant’s request letter dated July 08, 2024, enclosed as Exhibit ‘A’.

FINDINGS/BACKGROUND:

The proposal involves a four (4) lot subdivision within the County Residential (R-6) zoning district and State Land Use Urban District. The subject property is located in the Hanamā‘ulu area and is situated approximately forty (40) feet from Kūhi‘ō Highway. The surrounding parcels to the north, east, and west are also within the County Residential (R-6) zoning district and the parcels to the south are within the County Residential (R-4) zoning district. The surrounding parcels are developed with single family residences.

On September 12, 2023, the Kaua‘i Planning Commission granted preliminary subdivision map approval for the application and, in addition, approved the Applicant’s request for a Modification of Requirement. This modification allowed the use of a drainage swale along the subdivision frontage in accordance with the specifications of the Department of Public Works, Engineering Division, and granted a deviation

from the requirement to construct curbs, gutters, and sidewalks as specified in Section 9-2.3(e) of the Subdivision Ordinance, Kaua'i County Code (1987), as amended.

PROGRESS OF THE SUBDIVISION:

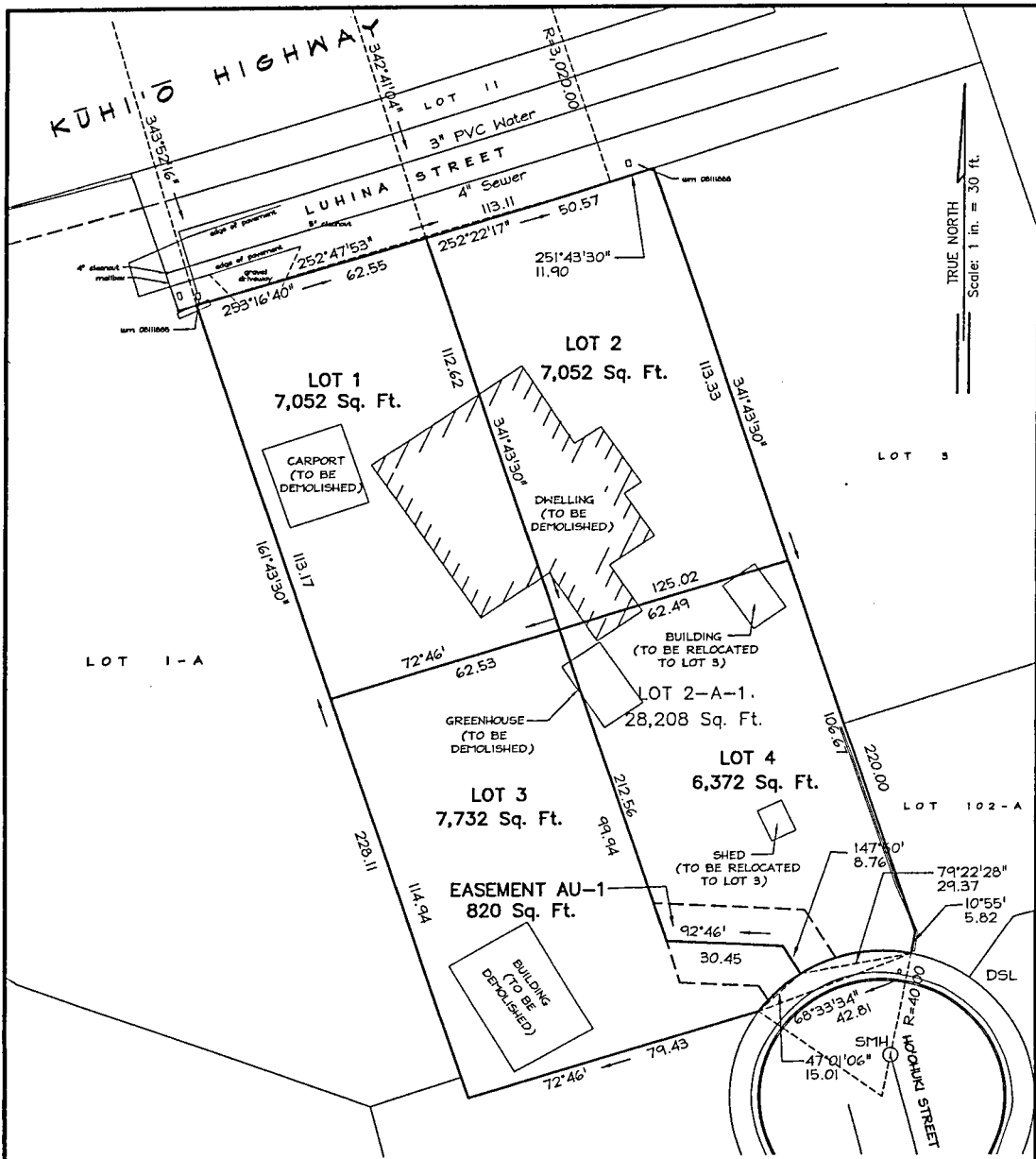
The Applicant has been working to resolve the various conditions of tentative approval. The construction plans for the sewer service laterals have been prepared for the proposed lots and are currently in the process of awaiting review and approvals from various agencies, which has contributed to the time delay. Since it is uncertain as to when all the agency comments will be met, the Applicant is requesting additional time to complete the subdivision. The additional time allows the Applicant to meet all the requirements of the government agencies.

Based on the foregoing circumstances, the Applicant's reasons are justifiable, and no problems are foreseen in granting the extension request.

Additionally, the Applicant should demonstrate further progress with the subdivision within one (1) year from the approval of this extension request. As such, the Applicant shall be made aware that in further considering extension requests involving the proposed development, the Applicant shall continue to submit to the Planning Department an updated status report on the subdivision with a detailed time chronology on the progress of the tentative approval requirements. The status report shall be submitted to the Planning Department no later than sixty (60) days prior to the expiration date in order to allow sufficient time to evaluate whether progress has been made and conditions satisfied.

RECOMMENDATION:

It is recommended that an extension until **SEPTEMBER 12, 2025**, be granted to obtain final subdivision approval. However, the Applicant is made aware that an updated status report on the subdivision with a detailed time chronology on the progress of the tentative approval requirements shall be submitted to the Planning Department for review for further extensions requests. The status report shall be submitted to the Planning Department no later than sixty (60) days prior to the expiration date.



TRUE NORTH
Scale: 1 in. = 30 ft.



THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION

Wayne T. Wada
Signature
ESAKI SURVEYING & MAPPING, INC.
EXPIRES: APRIL 30, 2024

**SUBDIVISION OF
LOT 2-A-1**
Being a Portion of L. C. Aw. 7713:2,
Part 7 to V. Kamamalu
**INTO LOTS 1 THRU 4 and
DESIGNATION OF EASEMENT AU-1**
HANAMA'ULU, LIHU'E, KAUAI', HAWAII'
Tax Map Key: (4) 3-7-06: 02
Owners: Jiro Yukimura Trust and Jennie T. Trust
Date: June 26, 2023

S-2024-1_Yukimura Subdivision TMK: (4) 3-7-006:002



11/10/2021

Exhibit 'A'

(Applicant's Extension Request Letter dated July 08, 2024)

JUL 11 '24 AM 11:35
PLANNING DEPT

ESAKI SURVEYING AND MAPPING INC.

1610 Haleukana Street Lihue, Kauai, Hawaii 96766
Phone: (808) 246-0625 Fax: (808) 246-0229

LETTER OF TRANSMITTAL

DATE: July 10, 2024
PROJECT NUMBER 2023-001

TO: County of Kauai, Planning Department

ATTENTION: Kenny Estes
RE: S-2024-1 Jiro Yukimura Trust & Jennie T. Yukimura Trust
TMK (4) 3-7-06: 02
Hanamaulu, Lihue, Kauai, Hawaii

WE ARE SENDING YOU:

- | | |
|--|--|
| <input checked="" type="checkbox"/> ATTACHED | <input type="checkbox"/> FORWARDED SEPARATELY _____ |
| <input type="checkbox"/> prints | <input type="checkbox"/> tracings <input type="checkbox"/> shop drawings |
| <input type="checkbox"/> copy of letter | <input type="checkbox"/> change order <input type="checkbox"/> original |
| <input type="checkbox"/> specifications | <input type="checkbox"/> other _____ |

QUANTITY	IDENT. NO.	DATE	DESCRIPTION
1	Letter		S-2024-1 Subdivision Extension Request
1			Preliminary Title Report

THESE ARE TRANSMITTED as checked

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> For approval | <input type="checkbox"/> Approved | <input type="checkbox"/> Resubmit _____ copies for |
| <input type="checkbox"/> For your use | <input type="checkbox"/> Approved as noted | <input type="checkbox"/> Submit _____ copies for |
| <input type="checkbox"/> As requested | <input type="checkbox"/> Returned for corrections | <input type="checkbox"/> Return _____ corrected prints |
| <input type="checkbox"/> For review and comment | <input type="checkbox"/> Other _____ | |

REMARKS:

Copy to:

Signed: 
for Wayne Wada

ESAKI SURVEYING & MAPPING, INC

1610 HALEUKANA STREET - LIHUE, KAUA'I, HAWAI'I 96766
(808) 246-0625 ESM@ESAKIMAP.COM

July 8th, 2024

Mr. Ka`aina Hull
Director of Planning
County of Kauai
4444 Rice Street, Suite A473
Lihue, HI 96766

**RE: S-2024-1, JIRO YUKIMURA TRUST AND JENNIE T. YUKIMURA TRUST
SUBDIVISION EXTENSION REQUEST
TMK (4) 3-7-06: 02
HANAMĀ`ULU, LĪHU`E, KAUA`I, HAWAI`I**

The subject subdivision was granted **TENTATIVE APPROVAL** by the Planning Commission at their meeting held on September 12, 2023.

The Owner is currently working with a Contractor to secure the permits required to relocate the existing structure.

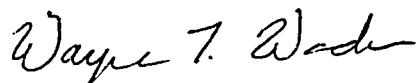
The construction plans for the sewer service laterals for the proposed lots have been reviewed by DPW, plan approval needs to be obtained from Planning Department, Department of Health, and Wastewater management, the owner is also awaiting construction cost estimates.

Preliminary title report has been obtained and is attached

The applicant requires more time to complete all the conditions. We respectfully request an extension in time of one year to file the Final Subdivision Map.

Thank you for your consideration,

Very truly yours,



Wayne T. Wada