

Petition to Intervene

Petition to Intervene Monday, June 16, 2025

BEFORE THE PLANNING COMMISSION

COUNTY OF KAUAI

Public Hearing scheduled on June 24, 2025

Applicant: Carol Cassiday Orr (Keala Ranch Tours)

In the Matter of the Requests for:

- **Class IV Zoning Permit No.:** Z-IV-2025-12
- **Use Permit No.:** U-2025-8
- **Special Permit No.:** sp-2025-5

Properties Affected:

- A parcel located in Pilaa, Hanalei, HI
- The parcel known as Keala Ranch Condominium CPR Unit No. 5, Kilauea, HI
Identified as Tax Map Key No. (4)/5-1-002:010 (CPR No. 0005)

Petition to Intervene as an Opposing Party by: **Hui Kapuna Mauka** An unincorporated community neighborhood group of property owners

1. Introduction

Pursuant to the Rules of Practice and Procedure of the Planning Commission of the County of Kaua'i, **Hui Kapuna Mauka** hereby submits this Petition to Intervene as an Opposing Party regarding the requests for a Class IV Zoning Permit, a Use Permit, and a Special Permit, as described above. We are an unincorporated community neighborhood group comprised of property owners with homes and/or land on the mauka side of the highway on Kapuna Road.

2. Interest in Proceeding

Hui Kapuna Mauka consists primarily of owner-occupants who have resided in their homes for periods ranging from five to over twenty-four years. As long-standing residents and property owners in the vicinity, we hold a substantial interest in this proceeding. The issuance of these permits threatens to adversely affect our property rights, quality of life, and the environmental, cultural, and rural character intrinsic to our community.

G.2.a.4.

JUN 24 2025

Petition to Intervene

3. Basis for Opposition

The permit requests and the associated development activities raise several significant concerns, including, but not limited to:

- **Incomplete, Erroneous, or Misleading Application:** The permit application is incomplete, contains significant errors, and presents information that is misleading. This undermines confidence in the review process and fails to provide a reliable basis for evaluating the full range of potential impacts.
- **Loss of Agricultural Land and Local Resources:** Converting these parcels for commercial or mixed use jeopardizes local food security and undermines community sustainability by displacing vital agricultural resources.
- **Increased Traffic and Strained Infrastructure:** Commercial development is anticipated to generate considerable additional vehicle and pedestrian traffic, likely straining existing roadways and infrastructure and potentially compromising public safety. Alternate access routes should be used or acquired to ensure safe entry and exit for the applicant's guests without affecting the safety of residents and school-goers. Furthermore, an emergency "first-responder plan of action" must be established to address potential traffic impacts and facilitate rapid response in the event of an emergency.
- **Environmental Impacts:** The proposed permits may lead to increased runoff, habitat destruction, and degradation of watershed health, which could result in long-term negative effects on local environmental quality.
- **Disruption of Rural and Cultural Character:** Altering current land uses risks undermining the rural and cultural identity that has long defined our community, thereby harming our traditional heritage and adversely impacting quality of life.
- **Inconsistency with the Kaua'i General Plan:** The proposed changes conflict with established community development objectives and planning guidelines designed to protect local resources and foster balanced growth.
- **Breach of Agricultural Dedication and Procedural Violations:** The Applicant agreed in 2018 to maintain an agricultural dedication for the property. However, the current proposed use of the property—requiring the Class IV Zoning Permit, the Use Permit, and the Special Permit—is being advanced without a proper public hearing and full regulatory review. This represents a flagrant violation of the agreed-upon conditions and applicable rules and regulations.

4. Inadequate Community Input and Environmental Review

The permit application process has not provided sufficient opportunities for robust public engagement, nor does it comprehensively address the cumulative environmental, cultural, and socioeconomic impacts associated with these proposed changes. Furthermore, the Applicant has shown no proactive attempts at community engagement. This oversight severely limits the community's ability to contribute meaningful input into the decision-making process.

Petition to Intervene

5. Conclusion and Request

For the reasons stated above, the Petitioner respectfully urges the Planning Commission to:

- **Deny the Permit Requests:** Approving the Class IV Zoning Permit, Use Permit, and Special Permit would result in adverse impacts that far outweigh any potential benefits to our community.
- **Grant Full Intervenor Status:** We request the right to participate fully as an opposing party in this proceeding. This will enable us to present evidence, question witnesses, and submit briefs to thoroughly represent our community's perspective.
- **Acknowledge the State Land Use Commission Review Requirement:** We believe that regardless of the decision on intervenor status, the applicant and this project remain subject to review and approval by the State Land Use Commission. This additional layer of state-level oversight is essential to ensure full compliance with state agricultural, environmental, and land use policies.

6. Benefits of Granting Intervenor Status

Allowing Hui Kapuna Mauka intervenor status will strengthen the Commission's commitment to inclusivity by ensuring that all stakeholders have a voice in this process. It will promote public engagement, facilitate greater agency input, and enable those most affected by this project to seek answers to specific aspects of the plan which the applicant has not fully elaborated on or communicated. This essential component of honest, two-way, and meaningful communication between the applicant and those directly impacted is critical for the integrity and success of the planning process.

7. Contact Information

Hui Kapuna Mauka

c/o John F Friedman

4690 Kapuna Rd

Kilauea HI 96754

Call or text [REDACTED] or [REDACTED]

Email mkr@mykauairealty.com

Respectfully submitted,



John F. Friedman

Authorized Representative

Date: June 16, 2025

Signs posted at the entrance Tuesday June 10, 2025

First of many events as stated in Instagram Post



5:41

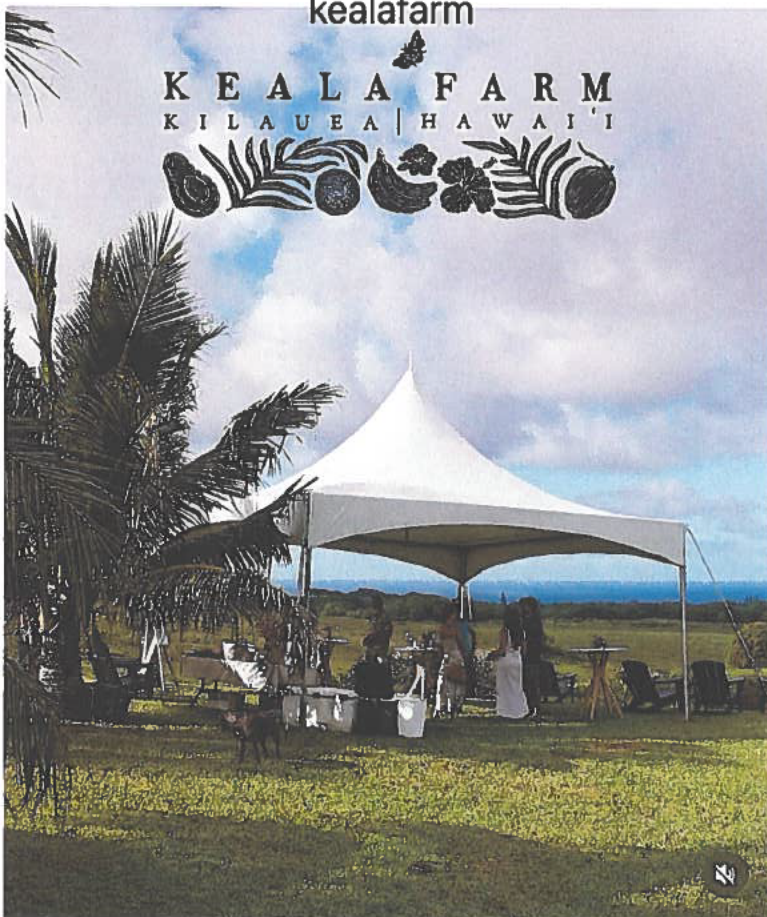
91%



Posts

Follow

kealafarm



26 3



kealafarm First of many events to come here at Keala Farm 🌴 Mahalo to everything who came and made this evening special 🌅

4 hours ago



Authorization to Represent:

June 16, 2025

Tax Map Key No. (4)/5-1-002:010 CPR No. 0005:

**Notice to Kauai Planning Commission
Opposition to Zoning and Permit Requests
To the Kauai Planning Commission,**

We, the undersigned owners, residents, or trustees of property on Kapuna Road, Mauka side of the highway, hereby establish the unincorporated neighborhood group, Hui Kapuna Mauka. This group opposes the following requests submitted by Mrs. Carol Orr, owner of Tax Map Key No. (4)/5-1-002:010 CPR No. 0005:

- Class IV Zoning Permit
- Use Permit
- Special Permit

By signing below, we agree to the petition to intervene regarding these requests and hereby authorize John Friedman and/or Terry McKee to represent Hui Kapuna Mauka in presenting our petition to the County of Kauai Planning Commission and other relevant entities.

This 16th day of June 2025, by:

Richard	Hurst Jr	Kapuna Rd	Kilauea HI	96754	4-5-1-6-1-2
Julie	Hurst	Kapuna Rd	Kilauea HI	96754	4-5-1-6-1-2
Jarek	Hall	Kapuna Rd	Kilauea HI	96754	4-5-1-6-1-3
Maricla	Hall	Kapuna Rd	Kilauea HI	96754	4-5-1-6-1-3
Christopher	McMinn	Kapuna Rd	Kilauea HI	96754	4-5-1-6-1-4
Betty	McMinn	Kapuna Rd	Kilauea HI	96754	4-5-1-6-1-4
Alan	Gevins	Kapuna Rd	Kilauea HI	96754	4-5-1-6-2-1

Name	Address	City	State	Zip	Phone
Sam-					
Lita	4100 Kapuna Rd	Kilauea	HI	96754	4-5-1-6-2-1
Kristin	4100 Kapuna Rd	Kilauea	HI	96754	4-5-1-6-2-2
John	4100 Kapuna Rd	Kilauea	HI	96754	4-5-1-6-2-2
Lenda	4100 Kapuna Rd	Kilauea	HI	96754	4-5-1-6-2-2
Benjamin	4100 Kapuna Rd	Kilauea	HI	96754	4-5-1-6-2-4
Colette	4100 Kapuna Rd	Kilauea	HI	96754	4-5-1-6-3-1
Thomas	4100 Kapuna Rd	Kilauea	HI	96754	4-5-1-6-3-2
Frank	4100 Kapuna Rd	Kilauea	HI	96754	4-5-1-6-3-2
Catherine	4100 Kapuna Rd	Kilauea	HI	96754	4-5-1-6-3-2
David	4100 Kapuna Rd	Kilauea	HI	96754	4-5-1-6-3-3
Maifetta	4100 Kapuna Rd	Kilauea	HI	96754	4-5-1-6-4-4
Terry	4100 Kapuna Rd	Kilauea	HI	96754	4-5-1-6-4-4
Sheryl	4100 Kapuna Rd	Kilauea	HI	96754	4-5-1-6-10-1
Quinn	4100 Kapuna Rd	Kilauea	HI	96754	4-5-1-6-10-2
Ellen	4100 Kapuna Rd	Kilauea	HI	96754	4-5-1-6-10-3
Richard	4100 Kapuna Rd	Kilauea	HI	96754	4-5-1-6-10-3
Sharon	4100 Kapuna Rd	Kilauea	HI	96754	4-5-1-6-10-3

Authorization to Represent:

June 16, 2025

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Julie Hurst
Jarek Hall
Mariola S. Hall
Chris McMinn
Betty McMinn

Alan	Gevins	Kapuna Rd	Kilauea	HI	96754	4-5-1-6-2-1	
Lita	Sam-Vargas	Kapuna Rd	Kilauea	HI	96754	4-5-1-6-2-1	
Kristin	Zimmerman	Kapuna Rd	Kilauea	HI	96754	4-5-1-6-2-2	
John	Friedman	Kapuna Rd	Kilauea	HI	96754	4-5-1-6-2-2	
Lenda	Helser	Kapuna Rd	Kilauea	HI	96754	4-5-1-6-2-2	
Benjamin	Ferris	Kapuna Rd	Kilauea	HI	96754	4-5-1-6-2-4	
Colette	Ferris	Kapuna Rd	Kilauea	HI	96754	4-5-1-6-2-4	
Thomas	Hitch	Kapuna Rd	Kilauea	HI	96754	4-5-1-6-3-1	
Frank	Ursomarso	Kapuna Rd	Kilauea	HI	96754	4-5-1-6-3-2	
Catherine	Ursomarso	Kapuna Rd	Kilauea	HI	96754	4-5-1-6-3-2	
David	Carmichael	Kapuna Rd	Kilauea	HI	96754	4-5-1-6-3-3	
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Quinn	Slack	Kapuna Rd	Kilauea	HI	96754	4-5-1-6-10-1	
Ellen	Cerf	Kapuna Rd	Kilauea	HI	96754	4-5-1-6-10-2	
Richard	Parmentier	Kapuna Rd	Kilauea	HI	96754	4-5-1-6-10-3	
Sharon	Parmentier	Kapuna Rd	Kilauea	HI	96754	4-5-1-6-10-3	

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Richard	Parmentier	Kapuna Rd Kilauea HI 96754 4-5-1-6-10-3
Sharon	Parmentier	Kapuna Rd Kilauea HI 96754 4-5-1-6-10-3

SEE SAMUEL QUINN SLACK
SEE JUNE ELLEN SLACK

Alan	Gevens	00 Kapiuna Rd	Kilauee	HI	96754	4-5-1-€-2-1
Lita	Sam-Va gas	00 Kapiuna Rd	Kilauee	HI	96754	4-5-1-€-2-1
Kristin	Zimmerman	00 Kapiuna Rd	Kilauee	HI	96754	4-5-1-€-2-2
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Ellen	Cerf	00 Kapiuna Rd	Kilauee	HI	96754	4-5-1-€-10-2
Richard	Parmenier	00 Kapiuna Rd	Kilauee	HI	96754	4-5-1-€-10-3
Sharor	Parmenier	00 Kapiuna Rd	Kilauee	HI	96754	4-5-1-€-10-3

St. C. O'Brien
Carlin / JMR



Keala Farm Experience Overview

Keala Farm is a proud partner of 1 Hotel Hanalei Bay, and we support the Hotel's mission of farm to table dining by providing them with the freshest seasonal harvests from our land. The farm experience at Keala Farm invites 1 Hotel guests to take an intimate guided walk around our beautiful property with a member of our farm team. You'll discover our variety of fruit trees, enjoy the peacefulness of nature, and taste delicious seasonal produce. It's a chance to learn about tropical sustainable farming and experience Hawaii's farming scene up close.

The entire experience with transportation from the Hotel to the Farm and Back to the Hotel is 3 hours total. You will walk around the property, learn about local flora and the history of the land, do some hands-on harvesting, and take plenty of stops along the way to soak in the beauty of the Kaua'i countryside. You will end your farm experience relaxing in one of our comfortable adirondack chairs sipping a refreshing coconut, fresh from the tree as you take in the panoramic ocean views from the property.

Experience Details

- Duration: 3 hours total
- Location: Keala Farm, Kilauea
- Group Size: Private, exclusive groups of 2-4 guests per tour
- Cost: \$300 per person + tax

What To Bring

- Good walking shoes that can manage uneven ground on grass and dirt.
- Sun protection like a sun hat or sunscreen is highly recommended!

- Full water bottle

Mobility considerations

- This is a walking tour off-road on uneven grass and dirt. The entirety of the walk is .5 - 1 miles with some mild hills.
- Age Limit: Recommended for children age 10 and up!

Transportation:

- Included in the tour price is transportation to and from the 1 Hotel to Keala Farm, about a 20 minute drive south from Princeville. We will pick you up at the front of the Hotel at the start time of the tour.

Cancellations

- Given the tropical environment, we may need to cancel the day of the tour due to weather. A full refund will be provided in the event of cancellation due to weather.
- Keala requires a 24 hour notice for guest cancellations to receive a refund.

Online scheduling is not currently available

Please contact the business directly.



Powered by
acuity:scheduling

From: mkr@mykauairealty.com
Sent: Tuesday, June 17, 2025 10:43 AM
To: 'Dale Cua'; Kaaina Hull; 'Duke Nakamatsu'
Cc: mkr@mykauairealty.com; tmckee7@hawaii.rr.com
Subject: RE: Petition to Intervene-Orr-(4)/-5-1-002:010 (CPR No. 0005)
Attachments: Petition to Intervene-Orr-PC.pdf; PTI-HKM_2025-06-16.pdf; Signs posted at the entrance Tuesday June 10.pdf; Schedule Appointment with Keala Farm.pdf

RE: TMK No. (4)/-5-1-2:10 (CPR No. 0005)

Aloha Kakahiaka Planning Director Hull, Mr. Cua , and Mr. Nakamatsu,
Please know that I really appreciated speaking with Mr. Cua yesterday who took the time to explain the petition to intervene process to me. As you can imagine, that took a lot of patience. Dale was both diligent and thorough. Mahalo Piha.

With that said, please do find attached our Hui's "Petition to Intervene" along with the signatures of the majority of land and home owners that will be directly affected providing me with the authorization to submit the Petition, for the planning Commissions thoughtful consideration.

We do believe that should we granted intervenor status, it would be in the best interest of the Planning Commission, the Planning Department, The General Public, and of course those of us who live in the immediate proximity to the proposed development.

Dale, I believe that I hit all the required elements. However, if you see anything missing please do let me know and I can modify the petition by the close of business today and resubmit. Of course, I hope that won't be necessary. Please confirm your receipt of this communication and its two attachments. Should you need anything further from me please let me know ASAP so I can stay well within the required timeframes.

NOTE: Lastly, We would be remiss if we did not call your attention to the fact that not only is Keala Ranch Tours actively Marketing their proposed commercial endeavors, but they have also already had "the first of many" "events", held on June 10, 2025 prior to receiving the permits required pursuant to Kauai Ordinance and Hawaii Revised Statutes. This is a clear violation and, in my opinion, should trigger the need to resubmit their permit applications noting the violations and that this is now an "after-the-fact" permit. I am asking that the Planning Department to please consider denying the current permit requests and requiring resubmittal in accordance with the timeframes required by COK Ordinance(s). This course of action seems prudent, fair, and just.

Here are some links to their website, and social media sites, wherein they extol the virtues of their already held event:

<https://app.acuityscheduling.com/schedule/0d67d79f>

<https://kealafarmkauai.com/>

<https://www.instagram.com/kealafarm/>

We have also included screenshots of their signage directing guests to the location, on the day of the "event" together with their scheduling app and fees page.