



PLANNING COMMISSION

KAAINA S. HULL, CLERK OF COMMISSION

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

25 MAR -5 A9:18

THE COUNTY CLERK
COUNTY OF KAUAI

- The Planning Commission Meeting will be at:

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

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

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

PLANNING COMMISSION MEETING NOTICE AND AGENDA

Tuesday, March 11, 2025

9:00 a.m. or shortly thereafter

Līhu'e Civic Center, Moikeha Building

Meeting Room 2A-2B

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

RECEIVED

25 MAR -5 09:18

OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUAI

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

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

1. December 10, 2024.

E. RECEIPT OF ITEMS FOR THE RECORD

F. HEARINGS AND PUBLIC COMMENT

1. Continued Agency Hearing

- a. None for this meeting.

2. New Agency Hearing

- a. **CLASS IV ZONING PERMIT (Z-IV-2025-9), USE PERMIT (U-2025-6), and SPECIAL PERMIT (SP-2025-3)** to operate a composting facility involving a portion of Lot 149-A-3 of the Kapaa Homesteads – 2nd Series, on a parcel situated along the eastern side of Pu'uopae Road, approximately 900 feet south of the Kalama Road/Pu'uopae Road intersection, further identified 628 Pu'uopae Road, Tax Map Key: (4) 4-4-002:093 (Por.), and affecting a 1-acre portion of a larger parcel = **COMPOST KAUAI LLC**. [Director's Report Received, 2/25/2025].

1. Director's Report pertaining to this matter.
2. Transmittal of Agency Comments to Planning Commission.
3. Transmittal of Public Testimony to Planning Commission.

3. Continued Public Hearing

- a. None for this meeting.

4. New Public Hearing

- a. **GENERAL PLAN AMENDMENT (GPA-2025-2)** for a General Plan Future Land Use Map Amendment from “Agriculture” to “Plantation Camp” for a parcel located immediately adjacent to Kaua’i Coffee Visitor Center and the Numila Sugar Mill, situated along the makai side of Halewili Road, in Wahiawa, Tax Map Key: (4) 2-2-001:001 and affecting an area approximately 14.9 acres = **COUNTY OF KAUAI, PLANNING DEPARTMENT.**

1. Director's Report pertaining to this matter.
2. Transmittal of Agency Comments to Planning Commission.

- b. **STATE LAND USE DISTRICT BOUNDRY AMENDMENT (A-2025-2)** for a State Land Use District Boundary Amendment from the Agricultural District to the Urban District for a parcel located immediately adjacent to Kaua’i Coffee Visitor Center and the Numila Sugar Mill, situated along the makai side of Halewili Road, in Wahiawa, Tax Map Key: (4) 2-2-001:001 and affecting an area approximately 14.9 acres = **COUNTY OF KAUAI, PLANNING DEPARTMENT.**

1. Director's Report pertaining to this matter.

- c. **COUNTY ZONING AMENDMENT (ZA-2025-3)** A bill for an ordinance amending Zoning Map ZM-200 (Hanapēpē) to rezone approximately 14.9 acres from the Agriculture District (A) to the Residential District (R-1) involving a parcel located immediately adjacent to the Kaua’i Coffee Visitor Center and the Numila Sugar Mill, situated on the makai side of Halewili Road in Wahiawa, further identified as Tax Map Key (TMK): (4) 2-2-001:001 = **COUNTY OF KAUAI, PLANNING DEPARTMENT.**

1. Director's Report pertaining to this matter.
2. Transmittal of Agency Comments to Planning Commission.
3. Transmittal of Public Testimony to Planning Commission.

- d. **COUNTY ZONING AMENDMENT (ZA-2025-4)** A bill for an ordinance amending Chapter 10, Article 3, Kauai County Code 1987, as amended, relating to the West Kauai Community Plan. The proposal amends Section 10-3 of the Kauai County Code relating to text and mapping requirements to establish a Special Planning Area "P", which shall be referred to as the “Numila Plantation Camp Walkable Mixed Use District”, and be designated as “SPA-P” as shown on Zoning Maps ZM-N-100 (Numila) involving a portion of a property further identified as Tax Map Key 2-2-001:001. The proposal also amends the West Kaua’i Regional Map to reflect land use designation updates from “Agriculture” to “Plantation Camp” within the SPA-P boundaries = **COUNTY OF KAUAI, PLANNING DEPARTMENT.**

1. Director's Report pertaining to this matter.
2. Transmittal of Agency Comments to Planning Commission

- e. **GENERAL PLAN AMENDMENT (GPA-2025-3)** for a General Plan Future Land Use Map Amendment from “Agriculture” to “Plantation Camp,” affecting a portion of approximately 14.9 acres of land situated about one-half mile mauka and northeast of the Pakala United States Postal Service building in Makaweli and further identified as Tax Map Key (TMK): (4) 1-7-006:006 = **COUNTY OF KAUAI, PLANNING DEPARTMENT.**
1. Director's Report pertaining to this matter.
 2. Transmittal of Agency Comments to Planning Commission.
- f. **STATE LAND USE DISTRICT BOUNDRY AMENDMENT (A-2025-3)** for a State Land Use District Boundary Amendment from the Agricultural District to the Urban District affecting a portion of approximately 14.9 acres of land situated about one-half mile mauka and northeast of the Pakala United States Postal Service building in Makaweli and further identified as Tax Map Key (TMK): (4) 1-7-006:006 = **COUNTY OF KAUAI, PLANNING DEPARTMENT.**
1. Director's Report pertaining to this matter.
 2. Transmittal of Agency Comments to Planning Commission.
 3. Transmittal of Public Testimony to Planning Commission
- g. **COUNTY ZONING AMENDMENT (ZA-2025-5)** A bill for an ordinance amending Zoning Map ZM-200 (Hanapēpē) to rezone approximately 14.9 acres from the Agriculture District (A) to the Residential District (R-1) involving a parcel is located about one-half mile mauka and northeast of the Pakala United States Postal Service building in Makaweli, and further identified as Tax Map Key (TMK): (4) 1-7-006:006 = **COUNTY OF KAUAI, PLANNING DEPARTMENT.**
1. Director's Report pertaining to this matter.
 2. Transmittal of Public Testimony to Planning Commission.
- h. **COUNTY ZONING AMENDMENT (ZA-2025-6)** A bill for an ordinance amending Chapter 10, Article 3, Kauai County Code 1987, as amended, relating to the West Kauai Community Plan. The proposal amends Section 10-3 of the Kauai County Code relating to text and mapping requirements within to establish a Special Planning Area "Q", which shall be referred to as the “Ka’awanui Plantation Camp Walkable Mixed Use District”, and be designated as “SPA-Q” as shown on Zoning Maps ZM-KC-100 (Ka’awanui Camp) involving a portion of a property further identified as tax map key 1-7-006:006. The proposal also amends the Makaweli Town Plan Map to reflect land use designation updates from “Agriculture” to “Plantation Camp” within the SPA-Q boundaries = **COUNTY OF KAUAI, PLANNING DEPARTMENT.**
1. Director's Report pertaining to this matter.
 2. Transmittal of Agency Comments to Planning Commission.

- i. **COUNTY ZONING AMENDMENT (ZA-2025-7)** A bill (2942) for an ordinance amending Chapter 8, Kaua'i County Code 1987, as amended, relating to the Comprehensive Zoning Ordinance (CZO). The purpose of this Ordinance is to permit farmers and artisans markets within State and County park areas and to introduce new definitions in Section 8-1.5 of the CZO to recognize this type of activity = **KAUAI COUNTY COUNCIL**.

- 1. Director's Report pertaining to this matter.
- 2. Transmittal of Agency Comments to Planning Commission.
- 3. Supplement to Director's Report.

G. CONSENT CALENDAR

1. **Status Reports**

- a. 2025 Annual Report on the progress of compliance and conditions of the subject permits for COCONUT PLANTATION RESORT in accordance with Condition No. 8 of Special Management Area Use Permit SMA(U)-2006-5, Class IV Zoning Permit Z-IV-2006-10, Project Development Use Permit PDU-2006-7, Tax Map Keys: (4)4-3-007:027, Waipouli, Kauai = **COCONUT PLANTATION BEACH INVESTORS, LLC (FORMERLY COCONUT PLANTATION HOLDINGS, LLC)**

- 1. Director's Report pertaining to this matter.

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

- a. None for this meeting.

3. **Class III Zoning Permits**

- a. None for this meeting.

H. GENERAL BUSINESS MATTERS

- 1. Presentation on the General Plan Progress Report and Six-Year Capital Improvement Plan.

I. COMMUNICATIONS

- 1. None for this meeting.

J. COMMITTEE REPORTS

- 1. Subdivision Committee Report.
 - a. None for this meeting.

K. UNFINISHED BUSINESS (For Action)

1. **CLASS IV ZONING PERMIT (Z-IV-2025-4) & USE PERMIT (U-2025-2)** to allow conversion of an existing warehouse building into a private laundromat operation on a parcel situated on the southern side of Aalona Street in Kilauea, situated approximately 350 feet south of the Aalona Street/Oka Street intersection, further identified as 4321 Aalona Street, Tax Map Key: (4) 5-2-014:005, and containing a total area of 12,034 square feet = **DONNA M. APISA LIVING TRUST**. [Director's Report Received, 12/24/2024. Hearing closed, deferred, 1/14/2025].

a. Supplement to Director's Report.

L. NEW BUSINESS (For Action)

1. **CLASS IV ZONING PERMIT (Z-IV-2025-9), USE PERMIT (U-2025-6), and SPECIAL PERMIT (SP-2025-3)** to operate a composting facility involving a portion of Lot 149-A-3 of the Kapaa Homesteads – 2nd Series, on a parcel situated along the eastern side of Pu'uopae Road, approximately 900 feet south of the Kalama Road/Pu'uopae Road intersection, further identified 628 Pu'uopae Road, Tax Map Key: (4) 4-4-002:093 (Por.), and affecting a 1-acre portion of a larger parcel = **COMPOST KAUAI LLC**. [Director's Report Received, 2/25/2025].
2. **GENERAL PLAN AMENDMENT (GPA-2025-2)** for a General Plan Future Land Use Map Amendment from "Agriculture" to "Plantation Camp" for a parcel located immediately adjacent to Kaua'i Coffee Visitor Center and the Numila Sugar Mill, situated along the makai side of Halewili Road, in Wahiawa, Tax Map Key: (4) 2-2-001:001 and affecting an area approximately 14.9 acres = **COUNTY OF KAUAI, PLANNING DEPARTMENT**.
3. **STATE LAND USE DISTRICT BOUNDARY AMENDMENT (A-2025-2)** for a State Land Use District Boundary Amendment from the Agricultural District to the Urban District for a parcel located immediately adjacent to Kaua'i Coffee Visitor Center and the Numila Sugar Mill, situated along the makai side of Halewili Road, in Wahiawa, Tax Map Key: (4) 2-2-001:001 and affecting an area approximately 14.9 acres = **COUNTY OF KAUAI, PLANNING DEPARTMENT**.
4. **COUNTY ZONING AMENDMENT (ZA-2025-3)** A bill for an ordinance amending Zoning Map ZM-200 (Hanapēpē) to rezone approximately 14.9 acres from the Agriculture District (A) to the Residential District (R-1) involving a parcel located immediately adjacent to the Kaua'i Coffee Visitor Center and the Numila Sugar Mill, situated on the makai side of Halewili Road in Wahiawa, further identified as Tax Map Key (TMK): (4) 2-2-001:001 = **COUNTY OF KAUAI, PLANNING DEPARTMENT**.
5. **COUNTY ZONING AMENDMENT (ZA-2025-4)** A bill for an ordinance amending Chapter 10, Article 3, Kauai County Code 1987, as amended, relating to the West Kauai Community Plan. The proposal amends Section 10-3 of the Kauai County Code relating to text and mapping requirements to establish a Special Planning Area "P", which shall be referred to as the "Numila Plantation Camp Walkable Mixed Use District", and be designated as "SPA-P" as shown on Zoning Maps ZM-N-100 (Numila) involving a portion of a property further identified as Tax Map Key 2-2-001:001. The proposal also amends the West Kaua'i Regional Map to reflect land use designation updates from "Agriculture" to "Plantation Camp" within the SPA-P boundaries = **COUNTY OF KAUAI, PLANNING DEPARTMENT**.

6. **GENERAL PLAN AMENDMENT (GPA-2025-3)** for a General Plan Future Land Use Map Amendment from “Agriculture” to “Plantation Camp,” affecting a portion of approximately 14.9 acres of land situated about one-half mile mauka and northeast of the Pakala United States Postal Service building in Makaweli and further identified as Tax Map Key (TMK): (4) 1-7-006:006 = **COUNTY OF KAUAI, PLANNING DEPARTMENT.**
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M. EXECUTIVE SESSION

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

1. **CLASS IV ZONING PERMIT (Z-IV-2025-9), USE PERMIT (U-2025-6), and SPECIAL PERMIT (SP-2025-3)** to operate a composting facility involving a portion of Lot 149-A-3 of the Kapaa Homesteads – 2nd Series, on a parcel situated along the eastern side of Pu’uopae Road, approximately 900 feet south of the Kalama Road/Pu’uopae Road intersection, further identified 628 Pu’uopae Road, Tax Map Key: (4) 4-4-002:093 (Por.), and affecting a 1-acre portion of a larger parcel = **COMPOST KAUAI LLC.** [Director’s Report Received, 2/25/2025].

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10. 2025 Annual Report on the progress of compliance and conditions of the subject permits for COCONUT PLANTATION RESORT in accordance with Condition No. 8 of Special Management Area Use Permit (SMA(U)-2025-5, Class IV Zoning Permit Z-IV-2006-10, Project Development Use Permit PDU-2006-7, Tax Map Keys: (4)4-3-007:027, Waipouli, Kauai = **COCONUT PLANTATION BEACH INVESTORS, LLC (FORMERLY COCONUT PLANTATION HOLDINGS, LLC)**

11. **CLASS IV ZONING PERMIT (Z-IV-2025-4) & USE PERMIT (U-2025-2)** to allow conversion of an existing warehouse building into a private laundromat operation on a parcel situated on the southern side of Aalona Street in Kilauea, situated approximately 350 feet south of the Aalona Street/Oka Street intersection, further identified as 4321 Aalona Street, Tax Map Key: (4) 5-2-014:005, and containing a total area of 12,034 square feet = **DONNA M. APISA LIVING TRUST.** [Director's Report Received, 12/24/2024. Hearing closed, deferred, 1/14/2025].

N. ANNOUNCEMENTS

1. Topics for Future Meetings.

The following regularly scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter, on **April 8, 2025**. The Planning Commission anticipates this meeting to be held in-person at the Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Kauai, Hawaii. The Commission will announce its intended meeting method via an agenda electronically posted at least six days prior to the meeting date.

O. ADJOURNMENT



SPECIAL MANAGEMENT AREA (SMA) Minor Determinations

Date (Action)	SMA Minor Permit number	Location (TMK)	Activity/ structure
1/14/2025/ (Approved)	SMA(M)-2025-9	Hanalei (5-5-010:011)	Construction/ New Fence.
1/21/2025/ (Approved)	SMA(M)-2025-10	'Ele'ele (2-1-003:038)	Construction/ New ground mounted sign.
2/10/2025/ (Approved)	SMA(M)-2025-11	Kōloa (2-6-011:005)	Construction/ Cesspool to septic tank conversion.
2/10/2025/ (Approved)	SMA(M)-2025-12	'Ele'ele (2-1-003:012)	Construction/ New Modular Office.

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

March 11, 2025
SHORELINE SETBACK DETERMINATIONS

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Development/Reasons
SSD-2025-29	Thronas Investments LLC	1-6-006:019	Waimea	Interior renovations. / Required setback is 60 feet. Development is approximately 483 feet away from shoreline.
SSD-2025-30	Cusman & Chaney Brooks	4-1-005:005	Kapa'a	Interior Renovations. / Required setback 91 feet. Development is approximately 419 feet away from shore.
SSD-2025-31	Betsy Kameshiro	5-5-004:037	Hanalei	New Single-Family Residence. / Required setback 60 feet. Development is approximately 453 feet away from the accreting shore.
SSD-2025-32	Keiko Hsu and Garth Rhoads	2-8-019:004 CPR Unit 3	Kōloa	Interior renovations. / Work deemed unsubstantial (9.56%) per DPW letter dated 1/22/2025.
SSD-2025-33	Donna Sharp	5-4-008:055	Princeville	Renovations and additions to the residence, including a new lava rock wall, fence, and driveway. / The required setback is 60 feet. The development sits approximately 193 feet from the shore on a high rocky cliff bluff.
SSD-2025-34	Kawailoa Development, LLC	2-9-001:002	Koloa	Deck additions. The closest lanai addition is approximately 309 feet away from the 100-foot required setback.
SSD-2025-35	KHS, LLC	4-3-007:028	Kapa'a	Repair of corroded steel in Kitchen and Mechanical Room. / Repair work is additional 273 feet from required 100-foot setback.
SSD-2025-36	Betsy Kameshiro	5-5-004:034	Hanalei	New Single-Family Residence. / Required setback 60 feet. Development is approximately 484 feet away from the accreting shore.

KAUA'I PLANNING COMMISSION
REGULAR MEETING
December 10, 2024
DRAFT

The regular meeting of the Planning Commission of the County of Kaua'i was called to order by Chair Donna Apisa at 9:02 a.m. - Webcast Link: <https://www.kauai.gov/Webcast-Meetings>

The following Commissioners were present:

Mr. Gerald Ako
Ms. Donna Apisa
Ms. Helen Cox
_Mr. Jerry Ornellas
Ms. Lori Otsuka
Ms. Glenda Nogami Streufert

Excused or Absent

Mr. Francis DeGracia

The following staff members were present: Planning Department - Director Ka'aina Hull; Staff Planner Dale Cua, Romio Idica, Kenny Estes; Planning Staff Services Leila Kim; 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

Chair Donna Apisa: Call the meeting to order.

ROLL CALL

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

Commissioner Gerald Ako: Here.

Mr. Hull: Excuse me all. We're in order now, so please give the Commissioners respect right now. Thank you. Roll call, Madam Chair. Commissioner Ako?

Commissioner Gerald Ako: Here.

Mr. Hull: Commissioner Cox?

Commissioner Helen Cox: Here.

Mr. Hull: Chair DeGracia. Excuse me. Commissioner DeGracia is excused. Commissioner Ornellas?

Commissioner Jerry Ornellas: Here.

Mr. Hull: Commissioner Otsuka?

Commissioner Lori Otsuka: Here.

Mr. Hull: Commissioner Streufert?

Commissioner Glenda Streufert: Here.

Mr. Hull: Chair Apisa?

Chair Apisa: Here.

SELECTION OF 2025 CHAIRPERSON AND VICE CHAIRPERSON
APPOINTMENT OF 2025 SUBDIVISION COMMITTEE CHAIRPERSON AND VICE CHAIRPERSON

Mr. Hull: Moving on we have the Selection of the 2025 Chairperson and Vice Chairperson, Appointment of the 2025 Subdivision Committee Chairperson and Vice Chairperson. In consultation with the attorney, this election is actually supposed to take place in January, pursuant to Planning Commission Rules and Regulations, so I'll ask that the Commission defer this item into the January 10 meeting.

Mr. Ornellas: Move to defer.

Ms. Streufert: Second.

Chair Apisa: We have a motion on the floor to defer. All in favor? Aye (unanimous voice vote). I think that was unanimous. Motion approved. 6:0.

APPROVAL OF AGENDA

Mr. Hull: Next, we have Approval of the Agenda. The department recommends amending the agenda so that the New Business items directly proceed in conjunction with their associated New Agency Hearing items.

Ms. Streufert: I so move.

Ms. Otsuka: Second.

Chair Apisa: We have a motion on the floor. Any discussion? All in favor? Aye (unanimous voice vote). Motion is carried. 6:0.

MINUTES OF THE MEETING(S) OF THE PLANNING COMMISSION

Mr. Hull: Next, we have the Minutes of the Meeting of the Planning Commission, November 12, 2024.

Chair Apisa: Motion to approve?

Ms. Otsuka: Motion to approve minutes of the Planning Commission Meeting dated November 12, 2024.

Mr. Ako: Second.

Chair Apisa: We have a motion on the floor. All in favor? Aye (unanimous voice vote). Motion approved. 6:0. Thank you.

RECEIPT OF ITEMS FOR THE RECORD

Mr. Hull: Next, we have Receipt of Items for the Record. The Commission is in receipt of a, two or three pieces of communication that were received after the agenda was posted. I'm not sure if the Chair, at your discretion, whether or not you want to take a recess to review those documents or proceed directly into the meeting.

Chair Apisa: We'll take a 10-minute recess to review the documents. Thank you.

The Commission went into recess at 9:05 a.m.
The Commission reconvened from recess at 9:15 a.m.

Chair Apisa: Thank you.

HEARINGS AND PUBLIC COMMENT

Continued Agency Hearing (None)

New Agency Hearing

Mr. Hull: Next up, we have on the agenda New Agency Hearing.

SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2025-3) & AMENDMENTS TO CLASS IV ZONING PERMIT (Z-IV-2001-34), USE PERMIT U-2001-31, and VARIANCE PERMIT(V-2001-7) involving operation of a parking lot facility at the Kikiaola Harbor in Waimea, further identified as Tax Map Key: (4) 1-2-006:003 containing a total area of 33.357 acres = **KIKIAOLA LAND COMPANY LTD.** [Director's Report Received, 11/20/2024].

1. Director's Report pertaining to this matter.
2. Transmittal of Agency Comments to Planning Commission.
3. Transmittal of Public Testimony to Planning Commission.

Mr. Hull: And right now, this is the Agency Hearing portion. We have eight individuals signed up to testify. The first individual is Dennis Eguchi. Mr. Eguchi, if you could state your name for the record and you have three minutes for testimony.

Mr. Dennis Eguchi: Good morning. My name is Dennis, last name is Eguchi. I'm a resident of Kekaha, frequent user of the harbor. The Harbor has a congestion problem and by, hopefully Kikiaola acquiring a use permit so that we can add parking in the area that will alleviate some of the problems that we have, and the problems is both with tourist cars because the harbor is used as a staging area to go to Napali Coast, and also on fishing trailers along with the tour people both, so I understand that the parking should be available for tourists and trailers also. Representing myself from Kekaha. I use of the harbor on an average of four days a week minimum. I definitely say that this will definitely alleviate a lot of our problems at the harbor. Thank you.

Chair Apisa: Thank you.

Ms. Otsuka: Thank you.

Mr. Hull: Thank you, Mr. Eguchi. Next, we have up, Jessie Croft. If you could state your name for the record and you have three minutes for testimony.

Ms. Jessie Croft: Good morning, Commission members. My name is Jessie Croft. I work on a tour boat out of Kikiaola Small Boat Harbor. This new parking lot will be great. It will eliminate crowds near the pavilion. Recreational users will be able to come down to eat, drink beers, talk stories. It will create more parking areas for the community. A local company will benefit financially. It will bring more tax dollars to the state benefiting everybody. This parking lot is a win for the local community, the commercial operators and their customers and for the state. This parking lot should ease any tensions between commercial operators and the community. Thank you for your time.

Chair Apisa: Thank you.

Mr. Hull: Next, we have signed up, Nick Croft.

Mr. Nick Croft: Good morning. My name is Nick Croft. Thank you for allowing me to talk to you guys this morning. I am a Kekaha resident. I live literally just a stones throw away from the harbor and there has been a parking issue, congestion, stuff like that, and this is a, like the perfect solution to that and it's basically not asking the state for money, stuff like that, it's like a private entity that's coming and doing it. It's a lot of people behind the scenes that just want to make it work for everybody. It's a win win for the local community, and as for commercial operators to local residents, to fishermen, to me walking my dog down there in the evening, stuff like that. So, it's just a no brainer to me, definitely win win. And thank you for your time.

Chair Apisa: Thank you.

Mr. Hull: Next we have signed up, I can't read the last name, the first name is Candice. I believe the last starts with L.

Ms. Candice LeCroix: Good morning. My name is Candice LeCroix and I'm representing both recreational users as a local Kekaha resident and also I represent a commercial company Napali Experience, as a manager there. So, I'm speaking in favor of this permitting. As you can hear from the several of my colleagues before myself. It's really going to solve the core issue of overcrowding and really disorganization. It's going to provide a place where both residential and recreational and commercial users can access the harbor and use it in an organized manner. If you guys have ever been there, the way it's laid out, there is no parking designated anywhere, and so at this point it's kind of chaotic and this will just solve the issue of there not being any organization and you know, provide more seamless experience for everyone who's there. Thank you.

Chair Apisa: Thank you.

Mr. Hull: Next, we have signed up to testify, Carly Powell.

Ms. Carly Powell: Hello. Thank you for letting me be here. My name is Carly Powell. I am in support of this bill. Basically, everything that everyone has just said is what I was going to reiterate. So, I'll just let you guys know I'm in support of this permit. You so much for your time.

Chair Apisa: Thank you.

Mr. Hull: Next we have signup is Koa Fuller.

Mr. Koa Fuller: Hi, good morning. My name is Koa Fuller. Everybody pretty much said what I was going to say too, so I'm in support of this new plan for the parking lot. It will help a lot for the, you know, commercial companies and recreational users too. So, thank you very much.

Chair Apisa: Thank you.

Mr. Hull: Next, we have signed up, Nathaniel Fisher.

Mr. Nathaniel Fisher: Hello, for the record, Nathaniel Fisher, some of you might recognize me from the April 9th hearing with the Kekaha Boating facility. And as it turns out, I guess it's within a thousand feet of this site, and so I just wanted to come as a neighbor and say that I definitely support this permit. Thank you.

Chair Apisa: Thank you.

Mr. Hull: Last, we have sign up Tadashi Muratake.

Mr. Tadashi Muratake: Aloha, good morning. My name is Tadashi Muratake. I'm a westside resident of Kekaha, and I fully support this project because it can only benefit the westside community. Thank you.

Chair Apisa: Thank you.

Mr. Hull: We have no other individuals signed to testify. If there's anyone in the public, in the audience that hasn't testified this agenda item but would like to testify, you may approach the

microphone now.

Mr. Brandon Elsasser: Good morning. I think I signed up on the wrong sheet over there. But I'm Brandon Elsasser. I'm one of the owners of Napali Riders, one of the commercial companies on the west side there. I'm in support of the project. You know, this project would allow all of us commercial operators to work more independently and less reliant on the public facilities as well as giving way to the locals, more residential recreational boaters, fishermen, and people just trying to enjoy the harbor, thank you.

Chair Apisa: Thank you.

Mr. Jacob: Good morning. My name is Jacob, and I represent Captain Andy's Raft Department and I'm in favor of this. I believe there's no downsides to it, it's just going to help alleviate distress like everyone else has said. I don't see any downsides and it benefits, you know, local, westside community and companies, so thank you for your time.

Mr. Hull: If there's anyone else who would like to testify on this agenda item that hasn't, you may approach the microphone. Seeing...

Ms. Otsuka: Wait...one more.

Mr. Clayton Kubo: Good morning. Clayton Kubo, Waimea, Kaua'i. I don't want to reiterate all what these guys had say, okay. But the moral to this story is this way, it is going to be a major benefit to the harbor, because yes, we have congestion, yes, we have a lot of users and there's no doubt about it. So, the situation is this, please consider granting this permit. It's only beneficial and this is why, I, Clayton Kubo, had addressed this with Chris (inaudible). Give that idea in her head. Mahalo nui for you guys time. Aloha.

Mr. Hull: Anyone else would like to testify this agenda item? You can approach the microphone.

Chair Apisa: I just like to make a comment to everybody to thank you for your sticking to the topic item and and with your three minutes or less. Thank you for sticking to the subject.

Mr. Hull: With that, the department would recommend closing the Agency Hearing.

Ms. Streufert: I move to close the agency Hearing.

Ms. Cox: Second.

Chair Apisa: We have a motion to close the Agency Hearing. All in favor? Aye (unanimous voice vote). Motion carried. 6:0. Thank you.

Mr. Hull: I'll turn over the staff planner for the Directors Report pertaining to this matter. Romio.

Staff Planner Romio Idica: Aloha, Madam Chair, Commissioners.

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

Chair Apisa: Commissioners have questions for the department?

Ms. Streufert: There was one comment that he made that said that they were concerned about storm drain (inaudible).

Mr. Idica: Yes. Yes.

Ms. Streufert: Is there any...is there any basis for concern on that?

Mr. Idica: No. I will state no, because it's only a small portion of the area within a 33-acre lot. And the way how it's situated, a lot of the runoff can be handled on site and the way how it's sloping gently towards mauka, towards Kaumuali'i Highway, I don't foresee any type of, I don't anticipate any type of runoff.

Ms. Streufert: Okay. Thank you.

Ms. Cox: I have a comment and it's really more when they get to the vendor, there are people who don't have cell phones and who don't use, you know, who don't know how to do a QR code and those very well might be local people, so I would just...when they get a vendor, the vendor ought to take that account.

Mr. Idica: Yes.

Mr. Ako: Madam Chair, I have a question. Part of the application is for a Variance Permit. The variance is...

Mr. Idica: Okay.

Mr. Ako: ...for the parking lot, that should be paved.

Mr. Idica: Okay, under the original permit, yes, the variance waived the standards of having a paved parking area within the open zoning designation of the lot, which is located west of the Kikiaola access road. Now the proposed parking lot that we have in front of you, Commissioners, is located to the east side of the parking, of the Kikiaola access road in the agricultural zoning area. So, the original variance permit was to waive the, having the parking lot paved. So, I hope that answers your question, Commissioner Ako.

Mr. Ako: And what would be the adverse effect if you pave it or if you don't pave it?

Mr. Idica: One of the adverse effects is going back to Commissioner Streufert's comment is the runoff with the proposed gravel, you know it has the water precipitation has the ability to seep through the gravel, thus not creating additional runoff.

Mr. Ako: Thank you.

Mr. Ornellas: I have a question. Money's going to be collected for parking, except for locals, so who gets the money, and what is it used for?

Mr. Idica: You know that one I would like to defer to the applicant. Because they have yet to pick a vendor. I'm not quite sure, you know, if they have a vendor in mind or working through some kind of contract or so, so I would like to defer to the applicant for that question.
Commissioner.

Mr. Ornellas: Thank you.

Mr. Idica: You're welcome.

Chair Apisa: Thank you. Any other questions from the Commissioners? Do we call up the applicant?

Ms. Laurel Loo: Good morning, Chair Apisa and commissioners. Laurel Loo, attorney for the applicant.

Mr. Warren Doi: Good morning, commissioners. My name is Warren Doi for the applicant.

Chair Apisa: It's refreshing to see an item before us with so much some support.

Ms. Loo: Thank you. And I'd like to add that this morning I gave the staff thirty-seven additional letters of support.

Chair Apisa: Thank you. So, do you have a presentation or does the testimony speak for itself?

Ms. Loo: We're here to answer questions. We think it's going to save a lot of the congestion issues. To answer your question, Commissioner Ornellas, the money is going to be collected by the landowner, Kikiaola Land Company. Which are not coincidentally, also has just embarked on a community giving campaign, and we're setting up scholarships for Waimea High School students and other local organizations, including sports clubs. So, part of the money will be used to fund our community giving program.

Mr. Doi: And I will help to clarify some of those issues. I wanted to maybe set the stage by saying there will be no gate or arm that prohibits entry. It's, we've kind of moved forward with the process under a few principles, one of which is, you know that that locals do not have to pay. That it's a simple system and we're not, you know, we're not...we're leveraging existing technologies, we're not recreating the wheel and the QR code is for payment only, it's not for exit, so it'll be a simple system to create order as mentioned by some of the folks who testified, and we're also working directly with the some of the boat operators to alleviate some of the payment on site. So again, we're doing it in a way that's not going to disrupt the flow of the parking lot and the QR code, many of you probably have experienced some type of system like that where you just, to pay you use a phone, but if you don't have a phone it's not going to be... not going to...it's be more of a system for specific payment and not exit.

Ms. Cox: Thank you.

Chair Apisa: Any questions for the applicant? Are we ready for a, I'm ready for a motion. If anyone would like to make one.

Ms. Streufert: Do we have a recommendation?

Chair Apisa: Oh, I'm sorry, the recommendation. Sorry.

Mr. Idica: Thank you, Madam Chair.

Chair Apisa: It seems like such a slam dunk.

Mr. Idica: Based on the foregoing evaluation and conclusion, it is hereby recommended that the construction of a gravel parking area through Special Management Area Use Permit SMA(U)-2025-3, the amendments to Class IV Zoning Permit Z-IV-2001-34, and the amendments to Use Permit U-2001-31, and the amendments to the Variance Permits V-2001-7, to be approved, subjected to the amended conditions of approval.

Chair Apisa: Okay, now do we have a motion?

Ms. Streufert: Can you hear me? I move to accept the Planning Departments recommendation to approve the construction of a gravel parking area through Special Management Area Use Permit SMA(U)-202-3. Amendments to Class IV Zoning Permit Z-IV-2001-34, and amendments to Use Permit U-2001-31, and amendments to Variance Permit V-2001-7.

Ms. Cox: Second.

Chair Apisa: We have a motion on the floor. Any discussion? A roll call please.

Mr. Hull: Roll call, Madam Chair. Commissioner Ako?

Mr. Ako: Aye.

Mr. Hull: Commissioner Cox?

Ms. Cox: Aye.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Commissioner Streufert?

Ms. Streufert: Aye.

Mr. Hull: Chair Apisa?

Chair Apisa: Aye.

Mr. Hull: Motion passes, Madam Chair. 6:0.

Chair Apisa: Congratulations and thank you.

Ms. Loo: Thank you.

Mr. Doi: Thank you.

Ms. Otsuka: Thank you.

Mr. Hull: Next, we have.

SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2025-4) & AMENDMENTS TO CLASS IV ZONING PERMIT (Z-IV-2015-12) and USE PERMIT U-2015-11, to allow construction of two (2) additional storage buildings and two (2) residential units at the existing storage facility in Nawiliwili, located approximately 400 feet south of the Niumalu Road/Nawiliwili Road intersection, further identified as 2670 Niumalu Road, Tax Map Key: (4) 3-2-005:009 containing a total area of 3.454 acres = ISLAND SELF STORAGE LLC. [Director's Report Received, 11/20/2024].

1. Director's Report pertaining to this matter.
2. Transmittal of Agency Comments to Planning Commission.
3. Transmittal of Public Testimony to Planning Commission.
4. Transmittal of Supplemental Information to Planning Commission.

Mr. Hull: We have one member, the public signed up to testify, Steven Weinstein. Mr. Weinstein, I'm pretty sure you know the protocol.

Mr. Steven: I don't remember.

Mr. Hull: If you could state your name for the record and three minutes for testimony, sir.

Mr. Steven Weinstein: My name is Steven Weinstein, and just full disclosure, I was a Planning Commissioner before. I'm testifying on the, this is the Island Self Storage. Yeah, I'm a tenant on the property, I've been there for twenty plus years. We run our weigh station that services the community, services trucking companies, anything that needs to be weighed, containers, cars, trailers usually go through us and it's important to the community to keep this scale running. Its location is perfect where it is, it's been there for 75 years. And, just wanted to see if, just show up today to mention that to you because in the original Director's Report, it didn't even mention that we were on the property and then they had to put in a supplemental report that I noticed this morning that mentions the demolition of this building. So, I wanted to call your attention to that and if I can come back after and testify, is that okay, Director?

Mr. Hull: It's at the Chairs discretion.

Mr. Weinstein: Yeah. Later on, after they do their presentation, if there's anything.

Chair Apisa: It's out of the ordinary, but I guess it would be okay.

Mr. Weinstein: Yeah, because maybe you may have some questions since I've been there for a long time. That's all I'm asking is, you know, if they have questions, they can call me back and..

Chair Apisa: We would grant you that courtesy.

Mr. Weinstein: Yeah. And just wanted to mention that today is a barge day and when I mentioned it to most of the trucking companies, they were concerned that they wouldn't know where to scale their containers, and that's kind of a priority for Matson and Young Brothers, having weights, you know, before they get on the boat, so it's an important business and we hope to retain it if we can, and if you can work it into the plan somehow where the applicant can retain the scale house and build around it that would be, that would be better for the community, I believe. Thank you.

Mr. Hull: Thank you for your testimony.

Chair Apisa: Can I ask any? Just to ask a question. I mean is there, have you considered, is there possible to relocate it?

Mr. Weinstein: Well, the scale is underground. It was built in 1950. It's in a pit, it can't be removed without destroying it, so if anything, it would have to be a new scale in a new location, which, I'm not sure if that can be accommodated, but if it, if it could I would ask for some time at least from the Commission if they can see if the project can be, you know, accommodate the weigh station relocation, like you said.

Chair Apisa: Thank you.

Mr. Weinstein: Thank you.

Mr. Hull: We actually have an additional member of public signed up to testify, Hobey Beck.

Mr. Hobey Beck: Morning. Apologize for not signing in earlier. I'm Hobey Beck, I'm with, representing Hale Kaua'i Unlimited, we're the property owner adjacent to Island Self Storage. We have nine acres down in Nawiliwili, right below the project. I'm generally in favor of what they're requesting. I see the need for housing and they've been a good steward of their property, I see nothing wrong with it. My concern is just that the project addresses water runoff. We've been hit with severe floods the last few years and I think that's kind of a writing on the walls, what's happening in the future. In the spring we had a big flood wash a lot of Honsadors lumber out on to Wilcox Road and down into Nawiliwili to where the container ships, excuse me, the passenger ships come in. So, my concern is just that that is addressed as part of this, this plan and having that nine acres, I'd say may be a good spot for a weigh station for trucks if they do want to move in the future, we'd be happy to accommodate them. Anyway, that's my comments. Appreciate your time.

Chair Apisa: Thank you.

Mr. Hull: We don't have any other members of the public signed up to testify, but if anybody in the public would like to testify on this item, you may approach the microphone. Seeing none, the department will recommend closing the Agency Hearing.

Ms. Cox: I move we close the Agency Hearing.

Ms. Otsuka: Second.

Chair Apisa: We have a motion on the floor to close the Agency Hearing. All in favor. Aye (unanimous voice vote). Motion carried. 6:0. Thank you.

Mr. Hull: I'll turn it over to the staff to go over the Director's Report pertaining to this matter.

Mr. Idica: Good morning, Madam Chair, Commissioners.

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

Mr. Idica: So, with that, I would like to pause with any questions from the Commissioners for myself or the applicant.

Chair Apisa: Commissioners have any questions?

Ms. Otsuka: I'm trying to understand how the applicant was able to come to the Planning Department without the weigh station structure even considered.

Mr. Idica: In the original application, there was no mention in regards to the weigh station. After further, after public comments and investigation from the Planning Department, we found that the, footprint of Building C will encompass the footprint of the weigh station. So, we approached the applicant to kind of...and that's why they submitted a supplemental to the application discussing the weigh station. Yeah, so it was not part of the original application.

Ms. Otsuka: But (inaudible), the supplemental.

Mr. Idica: That is correct.

Ms. Otsuka: I'm a strong believer of being kind of in my previous employment dealing with PUC vehicles. I understand your point in some of a weigh station, and especially being within Nawiliwili, is more of a convenience to be near the harbor.

Ms. Streufert: Is there any way to accommodate both the weigh station and Building C?

Mr. Idica: That I would like to defer to the applicant. The applicant has come up with some proposed conditions in how to deal with the situation right now so...

Ms. Streufert: And there's another, we got this thing from the Kaua'i Historic Preservation?

Mr. Idica: Yes, we have the comments received from the Commission and it will be implemented into the conditions of approval.

Ms. Streufert: And then the last thing was, in your, in the Director's Report, there is also a, an issue of, excuse me, I have a lot of pieces of paper here. It's uncertain whether the applicant has made provisions for night elimination.

Mr. Idica: Yes.

Ms. Streufert: Has that been address?

Mr. Idica: Not. Not yet. Not yet.

Ms. Streufert: Thank you.

Chair Apisa: Any other questions from the department, before we hear from the applicant?

Mr. Ornellas: I have a question. In additional findings in the report, it states, the proposed development will use a (inaudible) drainage (inaudible) on site that will not alter any provisional surfaces. So, how do you address Mr. Becks concern (inaudible)?

Mr. Idica: There will...right now the site is paved, they would use the existing drainage patterns. The proposed Building C and Building B are at the edge of the property, so the majority of the runoff will be maintained on site.

Mr. Hull: I'll also state, Commissioner, that the zoning permit just the first permit, and if ultimately, if a rezoning permit is approved then then they will run through the building permits stage and the building permit does require we run through the Department of Public Works Engineering, for which they have various standards for dealing with stormwater runoff and retaining all stormwater runoff on site. But, ultimately we rely on Public Works Engineering to go through that technical engineering review of it.

Chair Apisa: Any other questions for the department? I think we're ready for the applicant. Thank you.

Mr. Ian Jung: Good morning, Madam Chair, and members of the Commission, Ian Jung, on behalf of the applicant, Island Self Storage. With me is Tom Lambert. He is the Managing member of Island Self Storage, also referred to as Guardian Self storage. So, just to start the conversation, I think what, what's at issue is, the sighting, I think for this particular project and if you look at Nawiliwili Bay and as you drive up Nawiliwili Road, wetting the tone of the location, the issue is what you see driving up and also what you from the bay. And some thought was put into that as to how to address sort of that visual, I guess mitigation of the overall project. So, the proposed project as outlined by the planner is two additional buildings. The first building is Building B, which is a two-story building at 20-feet, 20-feet 9 inches, and that's going to be on the front corridor overlooking Nawiliwili Bay. It'll be set sort of into the landscape of the existing bulk sugar facility, which was preserved under the 2015 permits, so that building will be set into that into that hillside and then it will be backdropped by the existing 85-foot bulk sugar facility. The second proposed building, is Building C, which is at the rear of the property or away

from the, Nawiliwili Bay, and as you come up Nawiliwili Road, the idea was to cantilever that building aside from the existing bulk sugar. So, it's set away from it and to the side of it, so it won't impede that prominence that the bulk sugar facility had. One of the issues is when we were going through the permitting was the original plans in 2015 called for the demolition of the structures, and at the time the ancillary structures, aside from the bulk sugar facility that was the prominent building, that's what the focus in 2015 was of saving. So, when the applicant went through sort of the preservationist approach of preserving that building with buttresses and whatnot, and worked through KHPRC, which is the Kaua'i Historic Preservation Review Commission and then the State Historic Preservation Division. The focus was that particular building. So, at the time of the application as a supplement, we considered the scale house building. We had thought it would, was already dealt with in the original 2015 permits, so we did provide for a supplement to call out the demolition of this ancillary scale house building to address what was the issue of, it's still a historic build. So, we did pay a visit with the KHPRC last week and the memo for that approval was outlined in the packet, but one of the issues that came up was, how do, how to deal with that building from a preservation standpoint, and one of the ideas is we could update the (inaudible) study and also update the architectural monitoring plan and then document its presence on the property. So, it was found by at least one of the members that it wasn't, you know, as supportive of a historic building because it was ancillary to the original bulk sugar facility. So, I think the KHPRC allowed for the demolition of that particular building. The overall history of this project that was constructed in 1950, but the back story of it was actually pretty fascinating, where in the 1920's, Nawiliwili Harbor was starting to get constructed, and at the time some businessmen were trying to figure out how to deal with relocating Ahukini Wharf, which was over in Hanamā'ulu Bay, and the idea was to consolidate both passenger vessels and potential future agricultural operators, and so in 1949, there was an idea to build this bulk sugar facility which all the sugar operators could utilize to load the bulk sugar into the conveyor, or sorry into the scale house, weigh it and use a conveyor system to load it into the actual bulk sugar facility and then that bulk sugar would then displace that sugar down into the harbor, where there'd be a waiting barges taking that bulk sugar off island to CNH over in California. So, at the time when they're building the harbor in the 1920's, they decided to build the break wall in the 1926, and then that break wall allowed for the bigger ships to come in and then the centralized effort that Līhu'e Plantation Company relocated the effort over to Nawiliwili along with the other three major sugar operators. So, the idea of the concept for having the building there was good because it consolidated and now the effort is how to, you know, back in 2015, how do you restore this building, and I think Mr. Lambert and his architectural team did a good job to at least preserve the more prominent building, that is the bulk sugar facility, but now we have to deal with these ancillary issues, and as Mr. Lambert will explain, there is a significant need for storage, you know, and I think what...are you at, 96%?

Mr. Lambert: We're at 92% at the Kalapaki location.

Mr. Jung: Yeah. So, there's a need for additional storage facilities, and the idea was at the time in 2015 that they will build additional structure and now we're here asking for these additional structures. So, the idea of Building B for the use, is to allow for parking sort of storage where you can drive into a 10x20 unit and then you'd have two apartments on top for employee housing and then the Building C, which is at the Nawiliwili roadside of the project, that particular building would then accommodate more storage units, itself to have an array of sizes of storage units, and that is a four story building. In the industrial general district, you're allowed up to 50

feet, this particular building is 48 feet. In discussions with trying to deal with a tenant that is currently month to month, one of the ideas we had is to modify Condition 16, and the reason for that is Condition 16 reads that the project shall be substantially constructed within two years. Now I think this was put on because of the SMA component of this particular project and in the SMA you're obligated to do construction within two years. So, that was for a particularly Building B because only a portion of Building B is within the SMA. So, one of the ideas is we could bifurcate Condition 16, to allow for Building B to be constructed within or substantial construction within two years, and then Building C within six years, and then that would give time for the current tenant who is on a month to month tenancy to relocate the operation or find a new location for the operation of the existing scale house. So, my understanding from other clients that have current scales is these things have modernized since the 1950's and they're not as extensive of engineering that this old scale house was, and so one of at least two operators that for a green waste hauling (inaudible) way, have mobile weigh stations that can fulfill the weighing needs that the harbor or Matson has and we're happy to go meet with Matson and identify alternatives for them as well, but it seems like the more modern technology of mobile weigh stations is the approach, and I believe, does Garden Island Disposal next door have one?

Mr. Lambert: Yeah.

Mr. Jung: So, next door at Garden Island Disposal they have one of these more modern weigh stations that could be utilized by Matson and we're happy to meet with them to address those. The other issue with drainage that was raised by the community is this is the first phase based on use, so this particular permit is the Use Permit and the SMA Permit Class IV Zoning Permit. So, the next phase will be the building permit and going through Engineering to deal with the actual specifications of the building and the drainage patterns. There currently is a paved parking lot right now, so the drainage flows are what they are exist today, but as we go through the building permit program through Engineering Division, we can certainly address those, and, you know, I'm sure, Mr. Beck will be available as a neighbor and we can kind of work through any issues that might pop up through there. So, that's the project in a nutshell. I'm happy to answer any questions, Mr. Lambert is happy as well to answer any questions for the proposed operation.

Chair Apisa: Thank you for that explanation. Any questions here?

Mr. Ako: I got a question, Madam Chair. I'll sound pretty ignorant right now, but what is the history of that scale over there? Was it because of the sugar they use that, that scale there or...and who uses it now?

Mr. Lambert: Right now, vehicles often have to be weighed in order to be registered. So, independent, you know, operators, I mean, you know, the public could use it. Moving companies like Royal Hawaiian uses it. Sometimes the construction guys need to weigh something. I believe Steven's business, he has about 30 or 40 customers per week, I think he told me.

Chair Apisa: That might be a better question for one of our testifiers but later.

Mr. Jung: Yeah, just from a, I think the issue here is the use issue, right, so I mean it's concerning that a tenant would have at least a say in how the use is. I know from a preservationist standpoint, documenting the building for its demolition is important and at least updating the

existing (inaudible) report, but I will caution the Commission that this is a landlord tenant issue that we're working through, right.

Mr. Ako: So, the issue on that is more the preservation of the scale, as opposed to, I guess, I don't know, the efficiency of the scale, meaning you could use a mobile scale other places.

Mr. Jung: Yeah, the mobile scale that's been utilized at least by one green waste hauler that I know of and the adjacent neighbors, Garden Island Disposal, it's a scale that is more mechanized, where you can drive up on it, and it's a lesser footprint, and then you weigh the materials on that scale. I think it's, I mean, this thing was built in 1950, so it is relatively archaic but if there is a way to salvage it, I think Mr. Lambert is open to figuring out how to salvage it to relocate it should that be necessary.

Chair Apisa: When you mention a scale that you drive on, is that something, there used to be one just north of the airport, on a little pull off kind of across from the Pineapple Company. There used to be...I don't have a truck to weigh, but, there was a sign weigh station there. For many years it was there. It hasn't been there for a couple of years, but I come in from the north a lot so...maybe you're not familiar with that.

Mr. Lambert: And also, the state highways when they used to require or test to make sure that people weren't exceeding the limit they'd have a weigh scale along the road there. So...

Chair Apisa: Yeah, I think that's what it was.

Mr. Lambert: I haven't...I don't think they've been doing that...

Chair Apisa: No, but is that the type of thing you're referring to...

Mr. Lambert: Yes.

Chair Apisa: ...as a drive up...

Mr. Lambert: Yes.

Chair Apisa: ...of ride on, pull up...

Mr. Lambert: Exactly, yes.

Chair Apisa: Yeah, they would pull up on a little scale.

Mr. Lambert: Yes.

Chair Apisa: I have a picture in my mind. Alright, thank you.

Mr. Ako: So, I have a question for the staff. This an issue with the landlord and the tenant? Or is this an issue for the Commission?

Mr. Hull: There are concerns when it comes to historic preservation and the preservation of historical structure, and there, when reviewing a use permit application, the Commission is

essentially looking at its discretionary authority as to whether or not the proposed new use is compatible. When you're looking at existing uses or the phasing out of those uses, you know, and Laura may jump in here, there will be some concern about utilizing a zoning permit to explicitly condition what is a civil matter, in that you can regulate, we can regulate the impacts of new uses or proposed uses, but regulating the keeping of businesses in place within a free market enterprise system, there are issues with that.

Deputy County Attorney Laura Barzilai: Is this scale or the scale house on the register? On the historic register?

Mr. Jung: No, it is not.

Ms. Barzilai: Okay, so that changes the scheme, as far as consultation with SHPD.

Mr. Jung: Correct.

Ms. Barzilai: Well, SHPD comments are still pending on this matter.

Mr. Jung: Yeah.

Ms. Barzilai: That would be my only concern.

Mr. Jung: Right. So, SHPD comments during the original application in 2015, it looked at the overall project and the idea was to preserve the big bulk sugar facility because the two smaller ancillary structures with a conveyor belt that connected it and a scale house that connected it. So, the prominence of the 85-foot bulk sugar facility was the focus in 2015. The smaller ancillary buildings were intended to be demoed, but now we're going through that process and KHPRC evaluated it on the last meeting and found that, approve the project as proposed, subject to updating the HABS, which is so when you go to demo historic buildings, sometimes when there have some adverse effect, you want to document that particular building to put it in the records that it was there. So, the HABS was focused primarily on the bulk sugar facility, but it also identified the two other historic structures which was the conveyor belt and the scale house. So, those structures were documented, but just one of the issues that's popped up now is the roof is relatively rusted with holes in it, so, if required to restore it, it gets a little problematic because it's asbestos protected metal, and the idea with that metal is it's better to discard it and rather than trying to preserve it, otherwise, if you were to spray treat it or sandblast it to get it off, it probably eat away at the rust and then it would spread onto the ground. So, it's very difficult in trying to keep and maintain that type of metal.

Ms. Barzilai: So, the Commission has the comments from Historic Review, from County Historic Review, if you want them incorporated into the conditions.

Mr. Hull: And, I don't know if I'll speak a little bit code here, but, when asking about keeping the weigh station insight, should the Commission, being that as a historical asset it should be kept, then I think that's within the purview of Commission to a certain degree, but if the Commission went, and (inaudible), the weigh station needs to be kept to keep this business open, then you folks will run afoul of...so, there are options, but it's the way those options are.

Ms. Barzilai: I'm in agreement with that comment.

Ms. Cox: But that doesn't keep us from, you know, we've heard the suggestion of changing Condition 16, and if the applicant wants to change it, and that also happens to address the issue of timing, there's nothing to prevent us from agreeing to that mission, is there?

Mr. Hull: Correct, and as at least conceptualized by Mr. Jung, I don't know if he has an actual draft amendment. As conceptualized by Mr. John, the department wouldn't have any objections to it. I don't know if you want to talk with the previous testifiers whether or not that addresses some of his concerns.

Ms. Streufert: Can I ask a question then?

Ms. Barzilai: We can recess it.

Ms. Streufert: What would be the advantage of bifurcating it?

Mr. Jung: You know I...when Mr. Weinstein started involving into this project, one of the ideas was you could phase the project or focus on building "B" first and have the construction of Building B be constructed within that two-year window which in the SMA code is required, unless the Commission gives more time, but we don't necessarily need more time on that particular (inaudible), but in early discussions the idea was whether or not this particular individual was going to retire. And it is on a month-to-month basis. So, one of the ideas was, okay then we can phase out the Building C, and allow a little longer lead time to build that, so you could wrap up operations or find an area to relocate.

Ms. Streufert: And why was six years chosen? Is that when...I don't understand.

Mr. Jung: I think that was more, I think that's the maximum I've ever seen this Commission issue. I mean, the reality is you don't want entitlements to go stale, right, because the codes change and whatnot, and so the idea is if you set more of a reasonable time frame, and you know, I think we just were discussing six years is reasonable and I don't want to push it with this particular Commission in terms of what you may have seen before.

Ms. Streufert: But essentially what this does is just kicks the can down the road.

Mr. Jung: Correct.

Ms. Streufert: Because you're still going to do what, regardless, it's just a question of timing, is that correct?

Mr. Jung: Correct.

Ms. Barzilai: The Commission asked for a report. The Commission can ask for a report if you want to go that route, and you want to be advised of status.

Chair Apisa: A report from?

Ms. Barzilai: The applicant.

Chair Apisa: Oh.

Ms. Cox: Could we also hear from the testifier about whether that six years...because it sounds like, your willingness to bifurcate, even though we are not going to determine what happens to that tenant, that that would give time and maybe the six years is longer than is needed. Maybe it's not acceptable, which case we still have to come with what we think is reasonable, but it seems like it helpful to know what the person who was testifying would know, would think of this idea.

Mr. Lambert: Can I add something? Also, we had the choice, 10 years ago to either renovate the bulk sugar, the large building first or build a new building in the front and we chose to work on the back building first. It would have been easier for us to have demolished the front building, the weigh station and start from there. And that, the tenant I talked 10 years ago, nine years ago about how long he might need, and he said 10 years and that was in 2015, so this isn't a new a new thing. I just want to point that out.

Chair Apisa: Do you feel you need to hear from the testifier?

Ms. Cox: Yes, I would like to hear...

Ms. Otsuka: Yes.

Chair Apisa: We would like to call Mr. Weinstein back.

Mr. Weinstein: Do I have to identify myself again?

Mr. Hull: Yes, please.

Mr. Weinstein: Steven Weinstein for the record. Is there a question? I'm sorry.

Ms. Cox: Yes, the question is, you heard the proposal of bifurcating one of the conditions, so that there would be a, so that Building B would be constructed right away within the two years, but that the Building C would have a longer time frame. While we are not getting in the middle of tenant and owner conditions, I'm just curious, based on your concern that there is a real need for the weigh station with the six years. You had mentioned earlier in your testimony that time would help. So, I'm just asking what is your response to that idea of a condition.

Mr. Weinstein: Thank you for the question. Yeah, time would help. There is a need for the weigh station. In Lihu'e because there's nothing else. The applicants Rep mentioned that Garden Island Disposal, that's a scale for Garden Island Disposal. They don't allow any public scaling, and I don't know what they want to do in the future, but at this time they'd never allowed it. So, as far as finding another location to your question, six years is a long time, I think probably closer to two years would work because in talking to trucking companies, some mentioned to me that we need this, let me see what I can do, let me see if I can help you find a place and partner up, something like that, yeah. So, there's thoughts out there for other people to, you know, step up

and help out and move. The only thing with this one is it's such a perfect location. Being where it is and it always was, yeah. So, thank you.

Ms. Cox: Thank you.

Chair Apisa: I heard correctly on Hale Kaua'i did offer a location. If that is a good location.

Mr. Weinstein: Say that again. I didn't...

Chair Apisa: I believe when Hale Kaua'i testified, they said they would offer a location for a weigh station.

Mr. Weinstein: Yeah, I didn't quite hear everything he said. But Hale Kaua'i is, I guess they're still owned by Jas Glover, which also operates Halfway Bridge, which is a public scale. It's just that it's farther out and it's congested over there, I believe, so that's why people come to us. Yeah, but yeah, I didn't quite catch that.

Chair Apisa: Well, you may want to have a discussion later with them.

Mr. Weinstein: If he's still here, I will.

Ms. Cox: He is.

Chair Apisa: I believe he is.

Mr. Weinstein: And if I can just say one more thing, the applicant or maybe the Rep said the negotiations or whatever it was between the tenant and the landlord, me being the only, well not the only but the longest tenant over there, they didn't tell us anything. I only found out about this last week. So, this has been in the works for a while, but when I found out about it, that's when I started to get involved because, you know, it's our business.

Ms. Cox: Thank you.

Chair Apisa: Thank you.

Mr. Weinstein: Anything else? No.

Chair Apisa: I think that's it. Maybe bring the applicant back.

Ms. Otsuka: Thank you.

Chair Apisa: Any other questions now of the applicant?

Ms. Otsuka: No, but I was just thinking, Līhu'e/Nawiliwili is an ideal location for the Hanalei businesses and, yeah Halfway Bridge would be further for them to drive, for them to go, yeah, the Halfway Bridge Public Weigh Station.

Chair Apisa: Yeah, I think a place right in this general facility, I mean, it would be again a tenant issue, but if they were to work something out with Hale Kaua'i, that could be a solution, but again, that's for them to work out.

Ms. Cox: I have a question for the department and that is, we heard the proposal of Condition 16 changing the Building C to six years. How does the department feel about that time frame?

Mr. Hull: The department has no objections if the Commission is so, is leaning in that direction.

Ms. Streufert: As I recall though, you just said (inaudible).

Ms. Otsuka: Yeah. He said to you, would be enough.

Ms. Cox: (Inaudible) something between you two because two years maybe to find something. Not necessarily to finish building, so maybe there's something in between, but that's why I was wondering about the six years.

Mr. Ako: Madam Chair, I got a question. I guess for the, from the...I guess from what I've been seeing, a lot of the cases that have been coming is that, you know there's, a lot of them have no deadlines. So, what was good in two thousand and whatever, is no longer, not acceptable, but you know, it's no longer welcome today, but the permits are still in place here. Is it easier to give you a longer, say, a six-year or eight-year timeline? As opposed to going for a shorter one with extensions. If you going to do it, say, if you give it six years and it would within six years, I think the probability of you getting it done would be a lot easier, but then if we do it for say, like two years, and then if you're not done, you come in for extensions, I know it's not always easy to say no to the extensions, and yet the time just keeps on going on. So, in my mind it's like, is it easier to go short with extensions or to go long and say hey, we didn't finish it in this time.

Ms. Streufert: But I would think it's only for substantial work to have been done not completed. Is that correct?

Mr. Hull: Yeah then...so, Commissioner Ako, to your point, I think it's project dependent and on how much oversight the Commission may or may not want on a particular project, the standard set in the SMA Rules and Regulations is two years for substantial construction, which is what Commissioner Streufert is getting to. I think back to the original point of the conversation, is two years enough for the potential tenant, the tenant to potentially work out any issues with the landlord or find a new site? I'd caution that the two years isn't for the tenant, the two years is substantial construction, so demolition would have to occur well before the two years and then substantial construction, which is when the (inaudible) analysis is fifty percent of the foundation being put in. So, I think to that point the two-year windows isn't for the tenant to move, the two years is substantial construction, so, like I said the department's open to the six-year proposal, a longer proposal, if the Commission is so leaning again, I'm not sure if Mr. Jung has drafted specific language to that effect, if not, I've taken a stab at it that I can read to you folks to go on the record, but that's only if folks are leaning in that direction.

Mr. Lambert: Can I make a comment? Six years is better for financing purposes, is more secure that we can...it takes a while to get financing and if we have, as the Director commented, if we're

going to, we're going to need a demo, if it's two years, we need a demo before the two year mark in preparation of the construction permit for a new building.

Chair Apisa: Yeah, it does sound like two years is, yeah, considering that what has to happen within that two years, it would probably be reasonable to go longer.

Mr. Lambert: Yes, yes.

Mr. Hull: I could read a brief...

Ms. Cox: Yes.

Mr. Hull: So, we would adjust, if the Commissioners are willing, the department could adjust Condition 16 to read as follows, unless otherwise stated in the permit once permit is issued, the applicant must make substantial progress as determined by the Director regarding the construction of Building B within two years or the permits shall be deemed (inaudible) lapsed and be no longer in effect. Next paragraph, Building C, which is located outside of a Special Management Area, shall be constructed within six years.

Ms. Cox: I like that.

Chair Apisa: One option, I mean, we could ask for a progress report periodically every year or two or possibly, and then I'm not sure if we need to wait for SHPD comments.

Ms. Barzilai: You're not required to. That could be addressed at the building permit stage.

Chair Apisa: Oh, the building permit stage.

Ms. Barzilai: That was suggested as a possible avenue.

Mr. Jung: Yeah, if I could make a recommendation, you can incorporate the Kaua'i Historic Preservation Review Commission, because we will be required to update the HABS anyway through SHPD because that was the requirement, so it would have to be updated.

Chair Apisa: Thank you.

Ms. Streufert: So, you've accepted the recommendations from the Kaua'i Historic Preservation?

Mr. Jung: I think we're happy to, I mean, it's...the Kaua'i Historic Preservation Review Commission is advisory to the Planning Department, which I think the Planning Department may have already...

Mr. Hull: In this particular scenario, it's advisory to the Commission.

Mr. Jung: Okay, yeah. So, we're happy to incorporate it, if that's the request of the body.

Chair Apisa: So, that would be more of a condition from the Department.

Ms. Barzilai: Yes.

Chair Apisa: When they go to build, but we could ask for periodic updates on status, you know, status reports.

Mr. Hull: I would caution on that. I mean, if there's a particular reason that the Commission wants a report, by all means, and I don't intend to stand on that, but that has been somewhat of a standard to do on an array of different applications, and as you folks are familiar with, you guys get status reports always every other Commission meeting that get put on the consent calendar and (inaudible) is points of contention when the Commission has very little authority on them. So, if the Commission wants a report, I'm not objecting to it, I just caution if it does want a report that it be specific as to what are the intent and purposes of the report.

Chair Apisa: I can appreciate those comments and we, you know, I have every confidence in the department of seeing it through and just wanted to throw that out there.

Ms. Otsuka: Yeah, I don't see the need for an annual report. I feel like it would take everyone's time, time that is very valuable that unnecessary.

Ms. Cox: I agree.

Ms. Streufert: So, at this point then there are, it says 16 is bifurcated into 16 and 17, and then you have the two things from the historic society, we've got 19...19 conditions.

Ms. Otsuka: Not 18?

Ms. Barzilai: Chair, I think what the Director proposed is that 16 would be a single condition two components.

Ms. Streufert: Oh okay.

Ms. Barzilai: Is that correct?

Ms. Streufert: The 16 would be one condition.

Mr. Hull: Correct.

Ms. Otsuka: So, it's 18.

Ms. Streufert: So, it's 18 conditions.

Chair Apisa: Any other questions? Are we ready to hear the departments...one more question.

Mr. Ornellas: I have no questions, but a quick comment. I applaud your efforts to house your workers. I think more businesses should be involved in providing worker housing.

Ms. Cox: Yes.

Ms. Streufert: I'm also pretty happy with the fact that you're looking at the site plains and how that has an effect on from both the bay as well as from the street. Sometimes we only at it from one angle and not the others, so, I was very impressed by that one.

Mr. Lambert: Thank you.

Chair Apisa: Any other comments? I think we're ready for the Planners recommendation.

Mr. Idica: Thank you, Madam Chair. Based on the foregoing evaluation and conclusion, it is hereby recommended that the construction of a two-story warehouse building with two residential units on the second floor and a four-story warehouse storage building through Special Management Area Use Permit SMA(U)-2025-4, the Amendments to Class IV Zoning Permit Z-IV-2015-12, and Amendments to Use Permit U-2015-11, to be approved subject to the amended Conditions of Approval.

Chair Apisa: Thank you. Any other comments or anyone ready to make a motion on this?

Ms. Cox: I move that we accept the Departments recommendation with the amended conditions for Special Management Area Use Permit SMA(U)-2025-4, and Amendments to Class IV Zoning Permit Z-IV-2015-12, and Use Permit U-2015-11.

Mr. Ornellas: Second.

Chair Apisa: Do we have a second on that?

(Inaudible)

Chair Apisa: Okay, we a...

Ms. Barzilai: Discussion.

Mr. Ornellas: Second.

Chair Apisa: Okay, we have a second. Any comments? I was just questioning if the motion is with amendments or conditions and I...

Ms. Cox: It was with the amendments of the conditions we just discussed.

Chair Apisa: Oh, okay, so, as discussed.

Ms. Cox: Yes.

Chair Apisa: Okay, okay. Just wanted to clarify what those amendments were. We're ready for roll call, please.

Mr. Hull: Roll call, Madam Chair. Commissioner Ako?

Mr. Ako: Aye.

Mr. Hull: Commissioner Cox?

Ms. Cox: Aye.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Commissioner Streufert?

Ms. Streufert: Aye.

Mr. Hull: Chair Apisa?

Chair Apisa: Aye. Motion carried.

Mr. Hull: Motion passes, Madam Chair. 6:0.

Mr. Jung: Thank you, Commissioners. Appreciate your time.

Ms. Cox: Thank you.

Mr. Hull: Do you folks want to take a 10-minute recess?

Chair Apisa: Take a 10-minute recess.

The Commission went into recess at 10:23 a.m.
The Commission reconvened from recess at 10:42 a.m.

Chair Apisa: Call the meeting back to order.

Mr. Hull: Next up, we have Agency Hearing

CLASS IV ZONING PERMIT (Z-IV-2025-2) to allow construction of a new car wash facility and associate site improvements within the Hokulei Shopping Village in Lihue, further identified as Tax Map Key: (4) 3-3-003:056, and affecting approximately 1.2 acres of a larger parcel = **HOKULEI KAUAI LLC.** [Director's Report Received, 11/20/2024].

1. Director's Report pertaining to this matter.
2. Transmittal of Agency Comments to Planning Commission.

Mr. Hull: We don't have anybody signed up to testify on this agenda item, but if anybody would like to testify this agenda item, you may approach the microphone. Seeing none, the department would recommend closing the Agency Hearing.

Ms. Streufert: I move to close the Agency Hearing.

Ms. Cox: Second.

Chair Apisa: We have a motion on the floor. All in favor? Aye (unanimous voice vote). Motion approved. Thank you. 6:0.

Mr. Hull: With that, I'll turn it over to Mr. Estes for the Director's Report pertaining to the agenda item.

Staff Planner Kenny Estes: Good morning, Madam Chair and members of the Planning Commission. I'll summarize the Director's Report for the record.

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

Chair Apisa: Thank you. Questions of the applicant. I mean, I'm sorry, of the Department. Hearing none. Is the applicant present to come forward?

Ms. Laurel Loo: Thank you, Chair Apisa and Commissioners. Laurel Loo for the applicant Hokulei Kaua'i LLC. So, I'm here to answer any questions.

Ms. Streufert: I have...this isn't, this will be right next to the Safeway is that...

Ms. Loo: Correct.

Ms. Streufert: So, there is a there's sometimes, always, or there's sometimes traffic already on there, so, with this coming up, how many cars can you put into your waiting area before they go through the car wash? In other words, you don't want to have a backup on the on the drive up, on the roadway.

Ms. Loo: Yeah, you, correct. You will see in Exhibit 4, that this is a prototype of what is anticipate to mirror, and there's a long line for stacking, but these, this Quick Quack brand has hundreds of facilities on the mainland, so they've kind of figured out the, of the stacking and we're going to be on the smaller end of the range of how many cars we service being a smaller town, so, we're anticipating it's not a problem, it's not going to be a problem.

Ms. Streufert: There's a suggestion in here to put the blowers as far away from the residential areas as possible. But by the, and I may be reading your map wrong, but by the way that this map looks to me, it's towards the front of the of the roadway.

Ms. Loo: It is, but I'm fine with the wording because we actually, they're going to invest in more higher end blowers after this application was submitted and more a acoustical...

Ms. Streufert: Tiles or...

Ms. Loo: Yeah.

Ms. Streufert: To absorb...

Ms. Loo: Protection to...yeah. So, this is going to be probably the more expensive of the interior of carwashes because of the noise concerns. So, they're beefing it up to the high, highest end of their abilities for engineering to make sure that the sound levels are as quiet as possible.

Ms. Otsuka: Looking at your Exhibit 4.

Ms. Loo: Yes.

Ms. Otsuka: Where would Safeway be, on the left...

Ms. Loo: It would be on the...so if you look at Exhibit 3, you can see Safeway to the left, so I think that will be...

Ms. Otsuka: Ok, wait.

Ms. Loo: ...for 4 it would be on the...

Ms. Otsuka: I must be reading this wrong (inaudible).

Ms. Loo: No, this is just a prototype, Exhibit 4 of a similar car wash on the Big Island.

Ms. Otsuka: Ah.

Ms. Loo: Yeah.

Ms. Otsuka: I was just trying to figure out where the entrance was because Glenda said the cars...

Ms. Loo: Yeah.

Ms. Otsuka: ...may back up.

Ms. Loo: So, the entrance is going to be closer to Safeway.

Ms. Otsuka: Does Safeway need to get involved with any comments?

Ms. Loo: We're hoping we can contain everything on site.

Ms. Otsuka: Thank you.

Ms. Loo: Thank you.

Mr. Ako: Laurel, you know when we have this car wash here, we do what, one car at a time.

Ms. Loo: Yeah.

Mr. Ako: It's one...

Ms. Loo: It's...

Mr. Ako: How long does it take to do one car?

Ms. Loo: Three minutes.

Mr. Ako: Three minutes. You know when I look at, you had mentioned in the report that you anticipate to have about 300 to 600 cars per day, you know, at one minute a car a day, at 600 cars, looking at like, 600 cars, we're looking at like ten hours a day that constantly going to have...

Ms. Loo: I think that's really high.

Mr. Ako: It's really high, yeah.

Ms. Loo: I think it's really high.

Mr. Ako: Okay, so...

Ms. Loo: I think that's more based on their experience on the mainland.

Mr. Ako: Yeah. Okay. So, we don't anticipate that backup (inaudible).

Ms. Loo: I don't, yeah.

Mr. Ako: Okay. Now I know in Līhu'e we have one at Sudz, yeah, we have one at Texaco and one in Puhi, over there, do you know what their, how many cars they service a day?

Ms. Loo: I don't.

Mr. Ako: (Inaudible). Okay, so is the plan here to create more business or have more people come to wash their cars? Or is it going to end up where we're going to be taking business away from everybody else?

Ms. Loo: I don't...I'm hoping it's not the latter, but I think it was to capture the people who are shopping at Safeway and the tourists who are shopping in Safeway so that they know there's car wash after they go off roading and have to return their car.

Mr. Ako: Right.

Ms. Loo: So, we were hoping to capture the people who would see it because they're shopping at Hokulei Village, and since they're already there, go through the car wash.

Mr. Ako: So maybe not necessarily having more people than going to car washes, but whoever is there to come in. I'm just kind of looking whether we expanding our economic growth on the island or whether we just diversing it out to more vendors, yeah, out there, so, just wondering.

Chair Apisa: Any other questions or comments? Hearing none.

Ms. Otsuka: Let me just say, I'm guessing that if the Regency or neighboring the school, if they do have any complaints on noise, they will contact the Planning Department so we don't have to be concerned about that.

Mr. Ako: Yeah, because I think noise is an issue, yeah, because we're talking about, what I was reading in here is like a vacuum cleaner ten feet away.

Ms. Otsuka: Like a blower.

Mr. Ako: Now my wife, man, she's the vacuum cleaner queen, and I know that at ten feet, to me that's pretty loud over there, and it's not only the noise, sound of the noise, but it's a, you know when she does one room, turn it off and then it's okay and then the thing back on.

Ms. Otsuka: Yeah.

Mr. Ako: It's that on, off, on, off.

Ms. Otsuka: Yeah. It came to my mind about the on, off, versus the steady tone, after a while you get kind of numb to it, but...

Mr. Ako: Yeah, a steady tone, you kind of get used to it, yeah.

Ms. Otsuka: (Inaudible) okay (inaudible).

Ms. Loo: Ok, wait, Commissioner Ako, you complaining about how your wife vacuuming the house?

Mr. Ako: Not in front of her, but I just use that to refer in terms what I I'm kind of thinking what the sound gonna be right here. So, when you mentioned about beefing up the dryers...

Ms. Loo: Yeah.

Mr. Ako: ...over there...

Ms. Loo: The acoustical...

Mr. Ako: ... is that the bigger horsepower or just more efficient and quieter.

Ms. Loo: Yeah, more efficient and more baffling. But the people I've talked to who have done this said it's probably the road, the road noise will be louder than the carwash.

Mr. Ako: So, this we're using commercial sounds standards as opposed to industrial sound standards by Department of Health?

Ms. Loo: I believe so.

Mr. Ako: And do you believe that you have a commercial venture there or industrial?

Ms. Loo: I don't know. Yeah, but I really don't think it's going to be as busy as 300 cars a day.

Mr. Ako: Thank you.

Chair Apisa: I know when I go to Sudz, I never have much of a waiting period. I either get right in or one or two cars. I don't know, maybe I hit the lucky time of the day.

Mr. Hull: I can say, Commissioner Ako, that should the Commission want to impose or propose to place sound standards on it that that is something that can be done via the entitlement process. Well, there's a decibel, the department does have a few permits that have Conditions of Approval concerning decibel levels. Generally, that falls within the Department of Health's purview, but there is some history of that, but I can also state that in Condition 13, should there be any unforeseen impacts, and I think if there were complaints from neighbors concerning the overall impact of the noise, that wasn't quite anticipated, (inaudible) the department to bring it back to the Commission, to look at very specific mitigation measures to address those concerns that could be generated.

Ms. Otsuka: I would prefer not having to specify decibel levels initially, and hope there's no complaints.

Mr. Ako: Okay, I'm good.

Ms. Streufert: The acoustical analysis that we're provided here were done of a Quick Quack. Is that correct?

Ms. Loo: Yes.

Ms. Streufert: So, then they are within the standards that we have, like right now. They are (inaudible) the standards. But if there could be some kind of way to ensure that the blowers are as far away from the...or closer to Safeway and away from residential areas that might be one way to mitigate some of the noise problems.

Ms. Loo: I think, yeah, the language that was suggested, we have no problems with that one use every, you know, commercially feasible effort because we don't want complaints either.

Chair Apisa: Just to point out in the Director's Report Preliminary Recommendation No. 3, does it address the noise and that it states, prior to building permit application, the applicant should work with the Planning Department to mitigate any potential noise impacts. The Planning Department reserves the right to forward the noise control measures to the Planning Commission for their review and acceptance. So, this could come back to us for noise, regarding noise control, that is at the last part of Preliminary Recommendation No. 3. And the applicants good with that?

Ms. Loo: Yes.

Chair Apisa: Ready for the recommendation, I believe. No further comments.

Mr. Estes: So, Department's recommendation, based on the forgoing evaluation and conclusion, it is hereby recommended that Class IV Zoning Permit Z-IV-2025-2, be approved subject to the following conditions noted in the Director's Report.

Ms. Streufert: I move to accept the Planning Departments recommendation to approve Class IV Zoning Permit, Z-IV-2025-2 as amended.

Ms. Otsuka: Second.

Chair Apisa: We have a motion on the floor, are there any other questions or comments?

Ms. Cox: Just a comment that I really hope that it really is bringing people who might other not otherwise clean their cars because we do have Sudz very close by.

Ms. Otsuka: Very close.

Ms. Cox: I hope it doesn't hurt Sudz.

Ms. Otsuka: Yeah.

Chair Apisa: I know I could wash mine more than I do.

Ms. Cox: But will you if you could do it right next to Safeway?

Ms. Otsuka: I think it's it will take business away from Sudz.

Ms. Cox: I think so too, which is unfortunate.

Ms. Otsuka: Is Sudz local owned company?

Ms. Cox: Yes.

Ms. Otsuka: It is.

Chair Apisa: We have a motion on the floor. Ready for a roll call vote please.

Mr. Hull: Roll call, Madam Chair. Commissioner Ako?

Mr. Ako: Aye.

Mr. Hull: Commissioner Cox?

Ms. Cox: Aye.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Commissioner Streufert?

Ms. Streufert: Aye.

Mr. Hull: Chair Apisa?

Chair Apisa: Aye.

Mr. Hull: Motion passes, Madam Chair. 6:0.

Chair Apisa: Thank you.

Mr. Hull: Next, we have on the agenda.

CLASS IV ZONING PERMIT (Z-IV-2025-5) & USE PERMIT (U-2025-3) to allow construction of a farm worker housing unit at the Honua Farms property situated on the mauka side of Kahili Quarry Road in Kilauea, situated approximately ¼-mile east of the Kahili Quarry Road/Kilauea Road intersection, further identified as 4139 Kilauea Road, Tax Map Key: (4) 5-2-012:014, and containing a total area of 25.245 acres = JESSE PALUMBO. [Director's Report Received, 11/20/24].

1. Director's Report pertaining to this matter.
2. Transmittal of Agency Comments to Planning Commission.
3. Transmittal of Public Testimony to Planning Commission.

Mr. Hull: We don't have anybody signed up to testify this agenda item. Is there anybody in the audience that would like to testify this agenda item. If so, you may approach the microphone. Seeing none, the Department would recommend closing the Agency Hearing.

Ms. Cox: I move we close the Agency Hearing.

Ms. Streufert: Second.

Chair Apisa: All in favor of closing this Agency Hearing. Aye (unanimous voice vote). Motion carried. Thank you.

Mr. Hull: Thank you, Chair. I'll turn it over to Mr. Estes again for the Director's Report pertaining to this agenda item.

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

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

Chair Apisa: Thank you. Questions for the Department? Is the applicant present to come up?

Ms. Loo: Good morning, Chair Apisa, and Commissioners. Laurel Loo, attorney for the applicant. He's with me today, Jesse Palumbo, and we're here to answer questions. And I also asked Mr. Palumbo if he could just spend a few, do a short explanation of connection to the

property because that's how I first met him when he explained that to me, that's what really got my attention.

Mr. Jesse Palumbo: Hi, I'm Jesse Palumbo, I'm the owner of the property. Thank you to the Planning Commission, and the Chairperson, for allowing me to speak today. So, when I was, I was born and raised on the North Shore of Kaua'i in the town of Kilauea. When I was 15 years old, my first job, I walked on to this, the farm I live on now and I knocked on the door and asked Mike Strong if I could work for him over the summer and he didn't hire local people because he said they stole all their fruit, so he made an exception towards me and he allowed me to work for him and during that summer, I actually planted all the Rambutan trees and the Lychee trees on my farm, and then five years ago I was in a position to, you know, looking for land, and I went back to the property owner, Candace, and I asked her if she had any land, and she sold me the piece of, the 4.5 acres, and yeah, that's my little roundabout story about how I have a deep connection, 30 plus years to this piece of property, and to the fruit trees that I actually grow. That's all I have.

Chair Apisa: Thank you. Fun story.

Ms. Otsuka: When you purchase the land, there are no buildings on it at the time.

Mr. Palumbo: It was totally overgrown. It was, they had kind of neglected all the trees. There was all the old hedgerows and stuff had been like falling and there was grass head high. You couldn't walk through the property, so it was a huge over, undertaking to clear it, you know, get all the invasive trees, African Tulips, everything that's not, you know, competing in, with the fruit trees for the nutrients in the soil out of there and turn it into what it looks like now. So, if you go to Google Maps and you Google it, now you can see what it looked like five years ago because they haven't updated it so if you do that, you can kind of see what the overall state of the property was and how much time and energy I invested into getting it to where it is now.

Ms. Otsuka: Were there any dwellings?

Mr. Palumbo: There was a...

Ms. Otsuka: Prior?

Mr. Palumbo: No. There wasn't. Back in the day that's where all the farm worker housing was based on the Strong property. So, there's, you know, you know, early 70's, you know, 70's, 80's, and 90's, you know, I don't know, you guys can go look at your records, but he did have farm worker housing on my property already. That was all torn down in previous years before I bought it, probably within five years before I bought it, and it had all, just, you know, the jungle takes back what it takes back on this island as quick as it can if you don't put any effort into it. So, yeah, it was total jungle of when I bought it.

Ms. Otsuka: I commend all your written testimony, gave you very high praise.

Mr. Palumbo: Thank you.

Ms. Otsuka: Being a good steward of the land and a good neighbor.

Mr. Palumbo: It takes years to have a reputation on this island.

Mr. Ako: Madam Chair...

Chair Apisa: I can vouch for that just living on the North Shore, I know that Jesse has a very good reputation, he's a very good steward.

Mr. Ako: I'm going to guess that as a farmer, your annual income or your gross sales fluctuates for various reasons I would think.

Mr. Palumbo: Yeah. Certain years you have better Lychee you know, you say in the winter time, you know, like right about now, cold growing season so we can, you know, the trees can flush their flowers and sometimes if we get a big wind or something it blows all the, you know, the flowers off and I could have nothing, you know next year, you know, it's very, not very lucrative, so the fact that you can live on the property and, you know, supplement your income like that, makes it so much more easier to be sustainable as a farmer.

Mr. Ako: So, part of the conditions is that there's a \$35,000 annual sales, gross annual sales, yeah. Pretty confident of hitting those numbers?

Mr. Palumbo: Yeah, lately I've been, I mean, if you look at it when I took the Planning Commissioner out there, I started to like, you know, turn different parts of my property into a food forest, so I'm diversifying, starting to plant some high grade banana trees, papaya trees, you know, and some other tropical stuff. It's going to take years to get going, but the bananas and papayas and stuff that I can immediately make money off of in the short term, where if I have a bad crop, at least I have something supplemental to help me with my income over that time.

Mr. Ako: And maybe a question for staff maybe on this. Does this \$35,000 apply only until the structure is built?

Ms. Otsuka: That's what I asked.

Mr. Ako: So, I guess if you're not making your \$35,000, your structures not built, then the permit becomes in jeopardy, but if it's built and you don't make your 35,000, that's too late.

Chair Apisa: I think there are other conditions though that have to be met that it remain as farm worker housing.

Mr. Hull: There are several conditions and requirements laid out not under the Director's Report perse, but under the Farmworker Housing Ordinance. But the big, you know, main linchpin on the Farmworker Housing Ordinance is the 35,000 gross sales, and that's the requirement. Commissioner Ornellas was part of the working group that proposed that. I was a young planner assigned to the case, so myself, Commissioner Ornellas, several other members of the farm community, ultimately worked on crafting ordinance and that was just the arrangement to get the political will for the Council at that time to say we are going to grant farmworker housing units on CPR list that don't otherwise qualify for density, right. Farm dwellings were created to house farmers, they had turned to a certain degree under state laws, somewhat lacks position on what constitutes a farm. Farm buildings have been used for speculative purposes for several years

now. So, I don't mean to be crass, but that's the ordinance, the farmer has to make 35,000. If they fail to make \$35,000 in gross sales, after they've constructed the unit, technically, they're not supposed to be using the unit for farm worker purposes until they've gotten the sales back up to 35,000, and that's just the legal requirement.

Ms. Otsuka: Yeah, because that was my question also.

Mr. Hull: I don't know, Commissioner Ornellas might be able to verbalize much better what I tried to.

Mr. Ornellas: Yeah, farming is an uncertain business. There are years where you make 70,000, 75,000, there are years where you make 5,000, there are years where you make nothing, and I think the County in their wisdom understands this, and I think basically they're looking for an average and I don't think there's anybody can say, I guarantee I'm going to make 35,000, you might get a hurricane, you make nothing for several years, so I mean, you know, it's give and take in this equation.

Mr. Hull: Yeah, and to Commissioner Ornellas' point, the 35,000 is a way to weed out the bona fide farmers from the vast array, and I know the Commission sees all these applications and the members of the public see all these applications, why are you approving everything...the vast array of applications we get in for farm tours, farm worker housing is general estates that have no actual bona fide farming going on, and those never get to see the light of day because we generally would recommend, we explain to them we'll be recommending denial on this application. But, Mr. Palumbo comes, Mr. Estes visits the farm, there is bona fide farming occurring, and using that figure was one way to parse that out on an actual ordinance, should we get into the situations of, okay maybe this year (inaudible) wasn't able to make it being able to use some, you know, leeway within the ordinance to ensure that the bona fide farmers can still subsist while simultaneously, hopefully weeding out some of these illegitimate gentlemen farms in disguise, if you will.

Chair Apisa: It's a way to tighten up a loophole, in other words.

Ms. Otsuka: Nice.

Mr. Ornellas: Farmers are required to make, to submit to the Federal Government, every year, Schedule F, which has to do with farming income and generally that's what we submit to the County as proof of our income.

Ms. Streufert: Could I ask a different question? Why was this law, or was this law allocated farm housing or farm worker housing, and why wasn't it?

Mr. Palumbo: So, when it was originally CPR in 1972, Mike Strong sold three, one acre properties to make money off of. So, that there's three people in my CPR that just have one acre houses. They're not really farming, so 20 something of the acres are used as a farm for the Strong Farm, and then mine was his wife's piece, which was also like, they didn't need a house because it was his wife's piece. So, when he died, that was just her little piece of the pie, I guess.

Ms. Streufert: Okay, but there's the, is there any county regulation about the number of units?

Mr. Hull: So, when the condominium property regime process for horizontal land, i.e. agricultural lots, if you would, was created, it was specifically created to certain, crassly, might I say, circumvent Kaua'i's one time subdivision restriction on agricultural land, in which you have five dwelling units and the condominium property regime process was created to take a vertical property regime process, i.e. apartments, condominiums and take that vertical legal paradigm and lay it horizontally over the dwelling unit density rights of the agricultural lot. So, when that was created a lot of ag lands CPR'd. It's a state process to CPR properties so some, for better, for worse in some situations, (inaudible) Mike Strong situation, he was really trying to do it to do a bona fide farm situations. You have other situations with just wild, wild west Realtors who are creating CPR units without density. And so, they're selling these CPR units without density on the speculative market, people are buying these units and then coming in for building permits, they couldn't build a house. Mike Strong did that knowingly not to somewhat, you know, do some buyer into buying a low density lot. He was doing that to say, like, oh, if we can put farms on these and there's dwelling unit right then it's not going to be as expensive and so those were created consciously to try and help the farm community. What's happened a lot, and what Commissioner Ornellas and I were part of this discussion of farm worker housing is that it's really hard to farm some of these units without any ability to live on it. So, that's to a certain degree, when a farm worker housing entitlement process was created, but that 35,000 was...it's not perfect, but it was created as a mechanism to try and weed out the general state type of farm applications. But having said that, there are units out there that don't qualify for dwelling units since 2018. The Hawai'i Real Estate Commission now checks with the Planning Department to ensure that any proposed unit has allocated density to it, and there's been a few rare situations that have occurred where after 2018, a unit was created without density, but there was clearly bona fide farming occurring on that property. So, there are some out there still can be the potential for them.

Chair Apisa: Jesse a question, this is a six-unit CPR?

Mr. Palumbo: Five units.

Chair Apisa: It is five-units.

Mr. Palumbo: Yes. Just one of the, Eric Strong has two houses on his 20 acres.

Chair Apisa: Oh, yeah.

Mr. Palumbo: So, that's where the five...so the three one acre house, three one acre lots and then the 20 lot has two houses on it.

Chair Apisa: And maybe to explain or Ka'aina may, I mean, the ag zoning, and correct me if I'm wrong, is you can put, when it's a 25-acre parcel as this is, you can put one house on the first acre and one per three acres after that, but never more than five houses so they could put five houses, they made a five unit CPR but one of the units has two houses so that leaves this unit as purely farmland with no house allocated.

Ms. Otsuka: Thank you.

Mr. Ornellas: (Inaudible) for the question.

Chair Apisa: I'm ready to go, well let's get the recommendation.

Mr. Estes: Department's recommendation, based on the foregoing evaluation and conclusion, it is hereby recommended that Class IV Zoning Permit Z-IV-2025-5, and Use Permit U-2025-3, be approved subject to the following conditions noted in the Director's Report.

Ms. Barzilai: You need a motion, Chair.

Ms. Streufert: I move to approve the Planning Department recommendation to approve Class IV Zoning Permit Z-IV-2025-5, and Use Permit U-2025-3.

Ms. Cox: Second.

Ms. Streufert: With the (inaudible) conditions.

Ms. Cox: Second, and I also want to just say, it's really nice to see something come forward where a bona fide farmer is going to get farmer housing.

Chair Apisa: We have a motion on the floor. Any other comments or questions? Call for the roll call roll.

Mr. Hull: Roll call, Madam Chair. Commissioner Ako?

Mr. Ako: Aye.

Mr. Hull: Commissioner Cox?

Ms. Cox: Aye.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Commissioner Streufert?

Ms. Streufert: Aye.

Mr. Hull: Chair Apisa?

Chair Apisa: Aye. Congratulations. Thank you. 6:0.

Mr. Palumbo: Thank you.

Ms. Otsuka: Thank you.

Mr. Hull: And coming up with the last Agency Hearing.

CLASS IV ZONING PERMIT (Z-IV-2025-7), USE PERMIT (U-2025-5), and SPECIAL PERMIT (SP-2025-2) to construct and operate a asphalt batch plant facility on a parcel situated along the western side of Ma'alo Road in Kapaia, situated approximately 1.5 mile mauka of the Ma'alo Road/Kuhio Highway intersection, further identified as Tax Map Key: (4) 3-8-018:001 (Por.), and affecting a 6.5-acre portion of a larger parcel = KAUI ASPHALT LLC. [Director's Report Received, 11/20/24].

1. Director's Report pertaining to this matter.

Mr. Hull: We have two members of the public signed up to testify. The first speaker we have is Dr. Richard Janik.

Dr. Richard Janik: Good morning, Madam Chair.

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

Dr. Richard Janik: I'm Richard Janik. I live at 4548 Ekolu Street, which is in Isenberg Estates on the cliff side I look at Hanamā'ulu, Sleeping Giant, I can hear Wailua Falls, and I look all the way around to Wai'ale'ale. I've been there 21 years and there have been various developments that have been proposed and built in that area. An asphalt plant, this is not the place to place it. There is, they need to do an environmental impact statement. There will be runoff from that into the Hanamā'ulu or the south fork of the Wailua River. There will be hydrocarbons. There will be toxic gases produced, carbon monoxide from the cooking of the asphalt, if you will. The prevailing winds from that area are northeast. I am downwind from the, ah, not downwind, I'm not downwind, not in that, the wind problem but there are other houses in that area. The other thing is Ma'alo Road does not have the capacity as built to handle 42-ton asphalt trucks that are going to pull out into the Kapaia area there onto Kuhio Highway. I was also told that the runoff from this they will have holding ponds that will contain the runoff from the plant, but if there's flooding, which we all know is inevitable, that what is the contingent plan to contain that toxic hydrocarbon runoff from an asphalt plant into the stream, also that Ma'alo Road as you go back there are several small bridges over streams. I don't know what the weight capacity of those streams, what bridges are, but 42-tons it sounds like more than they are can handle. All that needs to be investigated before a permit can be issued. That's all I'm saying. Thank you.

Chair Apisa: Thank you.

Mr. Hull: Next, we have signed up was William, I believe the last name is Buddingh.

Mr. William Buddingh: Good morning, Commission. William Buddingh, Līhu'e resident. So, knowing this type of operation, we don't think it's a good idea for the area to have an asphalt plant based on air quality, potential contaminants, pollutants, the surface water of the streams, eventually the ocean, and especially in the event of an extreme weather. Also, the increased trucking and other roadway traffic accessibility to the area, noise pollution, and the future impact of approving this to potentially other projects in the area of agriculture to change out to an industrial type of operation. Some of our concerns, has there been an environmental impacts

statement or study even done for this? Does this include an SMA permit or is this part of the approval process of today? What is the plan for runoff and pollutants beyond the catchment, especially in the extreme weather event of the locations in the Kapaia Stream, Hanamā'ulu Stream? And then also, if you look at these satellite picture of this area, an adjacent property, kitty corner to this across the road, shows a washout or water pattern that had established from surface water of a weather event happening, which eventually would lead to the valley, which I think goes down towards the cemetery area. What will the effects of the wind patterns for this, of course, we always have a variable trade wind, Kona winds. We don't have a guarantee that this is, you know, if it does happen to change patterns, it's not, I feel that they would not be shutting down the operation if it's, you know, concerning residents in the area. The traffic study seems to be listed on the original document, of which we've only received 14 page, or four pages of 17 pages of the packet. I think a traffic study was part of that, and just given how the timber operation for the biomass plant in the area has increased trucking noise and congestion for our area of Ma'alo Road already when they do decide to harvest in that area. So, you have basically material trucks heading to the site and then material trucks heading out of the site, so that would be double traffic patterns for congestion. Ma'alo Road is not constructed to be a heavy use road, right now it was only constructed to get to Wailua Falls, all access to the areas were plantation roads back in the day when heavy hauling was necessary. There may have been a batch plant in that area in the past, but that doesn't mean that's something that's suitable for today. We used to use DDT in the past, and that's something not suitable for today as well, as an example. What would be the hours of operation for this? If there's a project going on...

Mr. Hull: Three minutes, Madam Chair.

Mr. Buddingh: ...for three minutes?

Mr. Hull: If you can wrap up your testimony, sir.

Mr. Buddingh: Okay. So just to consider a similar operation of from Maui Asphalt was done in Waimea and they had 43 violations and an extreme weather event in 2022. From what I understand, this is an affiliated company that would be taking over this area and our concerns are justified. Thank you very much.

Chair Apisa: Thank you for your testimony.

Mr. Hull: Don't have anybody else signed up to testify this agenda item, but if there's anybody in the public that would like to, please approach the microphone, you can state your name for the record and you have three minutes for testimony.

Mr. John Ogle: Hi, my name is John Ogle. I happen to live at that intersection of Ma'alo Road and highway. I live across the street there and I can tell you that that intersection is extremely dangerous. The speed limit is 25 miles per hour, but people are come, since it's at the bottom of the hill, generally, people are going 35-50 miles per hour. When we pull out of our house, we only go one way because it's, so we don't have to cross over, but it's extremely dangerous. My daughter was hit pulling out of there by someone speeding. But those large trucks coming out of that intersection is going to just add more danger to the situation. I'm there at my house, retired now so, I hear honking all the time at that intersection. I've watched that truck trailers, truck and

trailer rigs coming down and going the wrong way into Ma'alo Road. There's a right, when you come down, out of Ma'alo Road, and you want to go up towards the hospital way, there's a one way road going up and what that trucks do, they don't want to go and turn make a 90 degree turn onto Ma'alo Road, so they come down the highway and they go the wrong way on that road up into Ma'alo Road. So, I don't know, you know, if these people would do that or not, but it's a bad situation, you know, I don't know how that affects, I mean, I don't have any problem with the batch plant, you know, people gotta make their money, but you know, if they could find an alternate route, that'd be fine. I know that the fuel trucks that go to the KIUC plant go on alternate routes through the cane roads, but they end up at Isenberg and I'm sure they don't want the trucks going through there either. But if there a alternate route that would be, that would be awesome. I just wanted to point out that danger. Thank you.

Mr. Hull: Thank you.

Ms. Sherri Cummings: Aloha. Sherri Cummings for the record. I brought over my uncle from O'ahu, Mike Pia, he sits in the back with me. We're lineal descendants of Hanamā'ulu, the lands of Wahinealoha Keo (inaudible), Kahinawe Keo (inaudible), John Kuku Pia (inaudible), Ruby Kawaiulailiahi Pia. That generation back there, I am Sherri Cummings, I have a son, Russ Michael Keali'i Cummings, and my grandchildren. I'm going to ask you folks please, to call for the Ka Pa'akai Analysis. We are talking about just a small portion of this overall amount of large land use, large land, and Grove Farm has not been good stewards of this lands. I grew up in Hanamā'ulu Bay. My uncle grew up in Hanamā'ulu Bay. My mother grew up in Wailua because Wailua is attached to Hanamā'ulu. We learned all our behavior skills, and we learn how to be sustainable lawai'a through those waters. What's happening up there will have an eventual impact. Grove Farm has never done its due diligence as stewards of that river, to maintain that river for us, we are the lowest on that (inaudible) lands coming down onto Hanamā'ulu and we're severely impacted. My mother could go down from the steps of her kūpuna and all down there would have all the opae, all the different types of edibles to take care of 'ohana. Now, that place is just overgrown with all the hau on both sides which change the direction of the way the water's eating up the lands on our side. Where is the due diligence for the Hawaiian people? Please do not say that this proposed system that supposed to catch all the affluence will hundred percent not impact Hanamā'ulu. That's our playground. That's where we learned how to prosper and supplement ourselves. I ask that you guys call for the Ka Pa'akai Analysis because this is very historical. We have land all down in Hanamā'ulu and way more land than most people would imagine today. And I will say it's a matter of time before we vest our land interest in Grove Farm land as well. Mahalo.

Chair Apisa: Thank you for your testimony.

Mr. Hull: Is there anyone else who would like to testify on this agenda item? You can please approach the microphone. If you could state your name for the record and you have three minutes for testimony.

Mr. Richard Matsumoto: My name is Richard Matsumoto. I live on Maona Road, about four houses away from Mr. Buddingh. I've lived there since 1974. My concerns with this project, is the pollutants, the air quality coming out and, you know what health effects it will have? There is an elder elderly population that lives in that small area on Maona Road, which is right next to the

emergency room and that's and you know, like Mr. Buddingh said, the wind directions and all those things are my concerns, the hours of operation. Another thing I have a concern with, is if this permit is granted what precedence would it set for other industries to relocate in that area and eventually turning it into an industrial area. Thank you.

Chair Apisa: Thank you for your testimony.

Mr. Hull: Is there anyone else who would like to testify on this agenda item, if you done so previously? Seeing none, the Department would recommend closing the Agency Hearing.

Ms. Cox: I move we close the Agency Hearing.

Ms. Streufert: Second.

Chair Apisa: We have a motion to close this hearing, Agency Hearing. All in favor? Aye (unanimous voice vote). Motion approved. 6:0.

Mr. Hull: With that, I'll turn the Director's Report preliminary findings over to Dale Cua.

Staff Planner Dale Cua: Good morning, Chair Apisa and members of the Planning Commission.

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

Chair Apisa: Thank you very much. Do we have any questions for the planner?

Ms. Otsuka: Would you know...

Ms. Streufert: I have a question about the...oh, I'm sorry.

Ms. Otsuka: No, go ahead.

Ms. Streufert: Right now, they're operating out of Waimea, correct?

Mr. Cua: Correct.

Ms. Streufert: Have there been any complaints about their operations in Waimea?

Mr. Cua: Not recently. Other than those complaints received a couple of years ago regarding the odor. Since addressing the odor concerns, we haven't received more.

Ms. Streufert: And how far is that one now from residential areas?

Mr. Cua: The Waimea one?

Ms. Streufert: Yes.

Mr. Cua: If my memory serves me correctly, it's about a half mile west of the Waimea Canyon Middle School.

Ms. Streufert: So that would be closer to residential areas than this one would be.

Mr. Cua: Correct. Much closer.

Chair Apisa: If I recall correctly, those concerns came from the elementary school.

Mr. Cua: Most of the concerns did come from the middle school, yes.

Chair Apisa: And how close was, is that to the... Waimea?

Mr. Cua: I think I mentioned it's about a half mile away.

Chair Apisa: Oh, same as the residential.

Mr. Cua: Yeah, the residence is right adjacent to the middle school.

Ms. Otsuka: Yea, and I believe the issues were resolved. So, the past few years there was no complaints after they made corrections.

Mr. Cua: Yeah, I remember they mentioning that they added a detergent to the mix.

Ms. Otsuka: Yeah.

Mr. Cua: That addressed that odor.

Ms. Otsuka: That's right. How far is from Ma'alo Road to the actual site? Is it miles in?

Mr. Cua: The facility will be right adjacent to Ma'alo Road.

Ms. Otsuka: Oh, adjacent.

Mr. Ornellas: In your report there's some inconsistencies because in nature of operation, they said Monday through Friday, 7 a.m. to 5 p.m., that they will be batching at night.

Mr. Cua: Right. I think in their current operations in Waimea, their daily operations would be Monday through Friday. However, depending on the contract, you know, and I think that this application mentions that in order to minimize traffic interruptions, they would be doing pavement at night as well.

Chair Apisa: Any other questions of the Director? If not, we'll call the applicant up.

Mr. Jung: Alright. Good morning again, Madam Chair, and members of the Commission. Ian Jung, on behalf of Kauai Asphalt LLC., and with me is Stephen Frank, who's the plant operations manager for the current operations that is referred to Maui Asphalt. Just to bring the conversation, sort of in a roundabout way to the location, you know this, this took us quite a while to find this location. One of the ideas that, one of the ideas was to try and search for a spot

that was previously used as a batch plant operation and as identified in our application, this particular site in 1988 was issued a Special Permit, Use Permit, Variance and Class IV Zoning Permit for the prior, existing similar operation. Those uses had ceased and from what I understand, that operation moved into Hanamā'ulu Valley, along the road, the new bridge, off Kapule Highway area and that plant operated until about, I think it was 2005, yeah, I think in 2005 that plant shut down and a lot of the...there's the current operation that moved over to Waiawa near Brydeswood. So, this plant is a competitor to that plant that currently is in operation and the only other operating plant on Kaua'i is State DOT for Airports Division for their highway resurface...oh, sorry, runway resurfacing project. So, this proposed project had a major search to try and find an identified area and in the area in Hanamā'ulu wasn't as good because it was closer to residential areas than this particular project. I did print out some large maps which I'll hand to the planner. And I did try to meet with some of the folks who were interested in the project during a break to sort of identify where the project is in comparison to what was required of me for this application. What was required, was we had to notice people within 300 feet of this particular boundary, and as you can imagine, this lot is 6,000 acres and so when we sent out the notices, there was approximately 216 notices that went out to what are referred to as adjacent neighbors, but in reality the project is quite a distance from any potential residential use. One of the issues we looked at, is how the trade winds and the prevailing wind patterns control over this particular project for this property. So, as we all know that the typical trade wind pattern blows from the east to northeast and from that direction, and the only time where you would probably get some minimal impact is if a front moves through which would produce west winds from the westerly area over towards, I would imagine it would be the Līhu'e Neighborhood, which is, what's the name of that neighborhood...

Unknown Male: Isenberg.

Mr. Jung: Isenberg, yeah, Isenberg track, so that Isenberg track would potentially be impacted by a westerly flow of winds, but by the time the winds would get there over a course of 7,500, or over a mile, it would, it would dissipate from an emission standpoint. So, what are the emissions for a asphalt batch plant? In 2001, the EPA delisted these types of hot mitch or hot mix batch plants from any major source pollutant, and the reason for that is the plants got smaller, kind of like this one and at the time these new conditioners were being used to mitigate the odor, what emits from the steam stack is mostly steam is what you can see. There is a small amount of emissions that does come out because of the use of fossil fuels and oil, but there is a Source Point Covered Pollutant Permit from the Department of Health that is regulated, regulates the emissions to a point where it's covered under this particular permit, and well below the EPA standards that regulate this type of emission program. We recently had an inspection at our Waimea plant and I can let Mr. Frank speak to that, but it did pass its pollutant coverage under the permit. Shifting over to how the project will be maintained. In the exhibit package, there is a package of grading plans that show how the NPDES Permit, which is the National Pollutant and Effluent Discharge Permit will be controlled. Those permits have been reviewed and have, are ready to issue. We got the grading bond, the letter issued from the Department of Public Works. So, those plans have been reviewed by the State Department of Health as well. And as soon as those permit, their grading permits are issued, if this permit passes by this body, then the NPDES General Coverage Permit would also get issued. And in those grading plans, it talks about how the site will be controlled from a drainage standpoint and the BMP is required for the overall operation. So, moving to the specifics of the actual plan, it is a mobile unit, it's a modular unit

that is constructed and operated. So, no significant building is going in, but rather it's a mobile unit that covers about 13,000 square feet of land area, then they'll be adjacent trailers for the operations team. The reason for the variance is the height limitation in the in the agricultural district for the CZO is 50 feet and the stack goes up to 58 feet and 8 inches. So, we're asking for a minor deviation of 8 feet 8 inches. As a part of the overall review for the project area, we did enter into a lease with Grove Farm, so Grove Farm is the owner of the land. 10-year lease on the property for Kauai Asphalt. That particular lease has a slate of requirements for cleanup, and as we discussed a few meetings ago or I guess it was last meeting for the Waimea site, there is an obligation for the cleanup that's required out of the county lease as well. So, if this project were to cease in 10 years, then those Grove Farm requirements for the cleanup would also be required. Another issue that popped up was from community testimonies, what a Ka Pa'akai Analysis was done, we did have our contractor caused a archaeological site inspection to be done, which the report is F.1. in the packet and then a Ka Pa'akai Analysis, which is F.2. in the packet. So, the site was evaluated, but as you can see from the history in 1988, this particular property was used as a part of a batch plant process in the past. So, what we're looking at is not the displacement at all of any current agricultural activity, because this, this area along Ma'alo Road does have a patch where you could, I guess, graze cattle, but it's relatively flat grasslands where cattle could graze, but there's an available of about 6,000 acres left remaining for Grove Farm to have cattle ranchers take care of any cattle needs that are on that property. So, with that, I'll leave it there and we can answer any questions you may have regarding the operation.

Ms. Streufert: Could you clarify something on this map?

Mr. Jung: Sure.

Ms. Streufert: What's north?

Mr. Jung: So north, is probably at the corner, the top right corner.

Ms. Streufert: This is north?

Mr. Jung: Yeah.

Ms. Streufert: Okay, so it's this way.

Mr. Jung: So, as you can see, the prevailing trade wind, if it's northeast to east northeast would blow any potential emission away from any residential use deeper into Grove Farm property. I think as some community testimony raised issues of the Kona winds, the Kona winds is the direct opposite. Kona winds, typically, you know, everyone calls them southwest winds, but typically they're more south southwest winds, so they would blow it more from a southerly to southwesterly angle, more towards the northeast direction. Again, away from the northern portion of Hanamā'ulu and then the eastern portion of Isenberg track.

Ms. Streufert: If I could ask another question. There's only going to be, or theoretically, there will be three employees on site. How many trucks on an average day do you utilize?

Mr. Jung: My estimate was, we put in the report about 20 trips per day, but I'll let Mr. Frank speak to that.

Mr. Stephen Frank: Yeah, we average roughly 12 loads a day going out and anywhere from 8 to 12 coming back in. So...

Ms. Streufert: So, can you anticipate the same thing?

Mr. Frank: Yes.

Mr. Ornellas: You know, I really want to support this project, but frankly, I'm really surprised at the site location that was selected. It's a 6,000-acre parcel, the setback from the highway is ten feet. This road is a scenic road. Wailua Falls is one of the most visited tourist locations on Kaua'i. So, you're going to have an industrial plant on the side, 10 ten feet away from the highway? And I understand the urgency of getting out of Waimea, and like I say, I really want to support this project, and Grove Farm to their credit, you know, in the past when they have cited projects in that area, you know, you got Backcountry Adventures operating out there, nothing on the highway, they go way in off the road, you don't even see them. They've got a biofield research facility there, you don't even see it if you don't know it's there, you'd never know. They've got a power plant in that area, (inaudible), I mean you don't even see it. I'm really surprised at the site location. It's a 6,000-acre parcel and you're ten feet away from the highway. So...

Ms. Otsuka: Is it possible to push it further in?

Mr. Jung: The lease area that we retain from Grove Farm is 6.5 acres. So, I think there's at least a strategy for site planning within that acreage area. I think one of the options which would be a point well taken is how to mask the visual impact as you go along that highway corridor and I was just up there on Saturday with my soccer team on the Backcountry Adventure program and one of the, when I was driving, there is a line of Java plum trees, but it's something we could look at to mask the structure and if the Commission wants to bake that into the condition, we could work that in with Grove Farm.

Mr. Ornellas: There's a parcel directly across the, directly across the, directly across the proposed, they had a little fruit stand there, and I mean, it is a main entrance to ADC's properties which are intensively farmed agriculturally. I mean, if it were setback I would have no issue with this at all, but, you know, with an entire 6,000-acre parcel, they're working on the highway, I don't know (inaudible). I really want to support this project, but you know, as indicated by my yes vote, in the first, in the last meeting when this issue came up, but these maps had we seen them earlier, I mean they're just a little thin here, you don't really see how close to the highway the project actually is.

Mr. Jung: Yeah, if you look at Exhibit E.1., and that map is Exhibit, I think C...that map is on Exhibit D, and one of the back pages, and then on Exhibit E.1., if you look at the, I'm sorry, E.2. is the grading plan, has an, I think better situated. The project area is adjacent to Ma'alo Road, but the distance of, I'm looking at the scale here, so by my estimate, using the scale, the actual plant itself would be set back about 200 feet from the roadway. The parcel is just adjacent, the portion of the parcel is just adjacent to it. So, there is, on that, if you look at that, if you look at that site plan and Exhibit E.2., the plant location it kind of creates almost like a rectangular loop for the trucks to come in. It's about midway through that section, and they can loop around and

then they have the storage areas for the project. So, we could look at revising the actual sighting, but this would all have to be worked through the grading permit and all that to push it more west away from that roadway.

Mr. Ornellas: Yeah, as much as I hate Albizia Trees I prefer looking at that than (inaudible). Watch a growing tree or maybe (inaudible) plants that grow really rapidly. You're going to have to screen this off.

Mr. Jung: Yeah. And I think, I mean, it seems like what the folks at the green energy plant grow is now that eucalyptus, which grows relatively quickly too, that's something we could incorporate.

Mr. Ornellas: I think it'd be more acceptable if you couldn't see it from the highway.

Ms. Otsuka: I agree.

Mr. Ako: Mr. Jung, I wanted to get back to the question that the Commissioner Ornellas had asked earlier regarding the hours of operation. How do you interpret the fact that, I guess the conditions are saying that the conditions of the hours of operations is, I don't know, 7 to 5 in the afternoon, you do work in the...there is project that allow you, that forces you to work in the evening. Does that include processing of the asphalts or during non-operational hours? I guess my question really is, how do you interpret that operational hours and what can be happening in that period?

Mr. Jung: We were going to raise that because in conversations with State, okay so, just for full awareness, right, this particular project serves State Highways and County Road Divisions by providing the asphalt needed for road projects throughout Kaua'i, there are limited circumstances where, say, a private parking lot, you need asphalt for repaving, those types of operations we would limit it to the hours of operation proposed by the Planning Department that, I think that's reasonable, but there are going to be occasions where State DOT or Roads, County Roads Division request night work. So, I was going to request to amend, I think it's Condition 4 to just add the language, the use of the facility may operate during nighttime hours at the specific request of State DOT and County of Kaua'i Roads Division, and the reason for that is they, their contractor and them set their schedule for paving, and often it's it gets set, you know, between like the nine o'clock and four o'clock hour when people aren't on the roads. And then, as you can see, what happens when these projects go before the paving starts, you see a stack of trucks that line up along the side of the road that would then dispense out that asphalt material for the relative project. So, that was going to be my proposal that we limit it to only State DOT and county projects which as we all know, because of the fledgling season, it would only happen between January and August because September through December is usually a closed period for night work.

Mr. Ako: So, the operation with Kauai Asphalt, that would be a mirror operation of what you had in Waimea. Or would it be different?

Mr. Frank: It'd be the same plans.

Mr. Ako: Same thing, just different place.

Mr. Frank: Just different place, yes.

Mr. Ako: So, the amount of, I guess, pollutants that are going to be omitted and everything.

Mr. Frank: Same.

Mr. Ako: Pretty much the same thing.

Mr. Jung: Yeah, and you know when I was a Deputy County Attorney, we always had, we had this issue with the cell towers, right, it's new, everything's, it becomes an issue of what's happening in a relative neighborhood. So, in response to this issue that local residents may have had with these batch plans and asphalts, the National Association of Pavement or National Association of Asphalt and Pavement Association, put out sort of this circular about. About the effects of batch plants, and there's about, from when I read 3,600 of them throughout the United States, most of the time they're in industrial areas. Our problem here on Kaua'i is we just don't have the acreage for any industrial area because the industrial density, oh sorry, the industrial zoning that was issued was for smaller lots for like warehousing and things like that. There was no big industrial lots. The only ones I know of is in Nawiliwili, where you have now Island Self Storage and Hale Kaua'i in those areas. But those are right adjacent to residential uses. The reverting to use of agricultural land through the special permit allows for these larger areas to be utilized. And in this case, it's sort of near and adjacent to the solar city or solar city, solar facility, and then the algae plant that produces biofuels for the PMR. So, consolidating that use in that area but have less of an impact towards other agricultural lands that may be already in use in other areas. And the fact that it was previously approved by a Planning Commission, I know that doesn't necessarily mean anything for today's standards, but at least there's documentation that something was allowed there before and it's a suitable site.

Ms. Streufert: One of the points in your application is that, you're going to make contact with community groups. Has that happened yet?

Mr. Jung: You know, there's, so there's no Līhu'e organization from what I understand. Hanamā'ulu hasn't had an operating Community Association for about 15 years, so there's nobody really to go to, unlike, the Hanalei to Hā'ena Community Association which somewhat operates, there's no real organization that operates in the Līhu'e.

Ms. Streufert: Has there been any kind of outreach anywhere in the Hanamā'ulu area?

Mr. Jung: We did. So, we sent out our notices which is required by law, and I fielded about twelve calls and most of those calls, people are more interested in what I'm doing to their property, like as what we're doing to take their property, but I had to clarify that no, this is for an application, and in some cases, they wanted to see additional materials and others, they said, oh, it's not far away, no problem. So, it was a range of phone calls that I got in response. So, what we do for the notice, you know, we have to send it by certified mail, so someone took issue that it's only four sheets of seventeen pages, but to put all that in the mail, put this in the mail with just...is not reasonable, so, we direct them to go to the Planning Department for the application materials or to contact me if they have any questions.

Ms. Cox: One of the things we heard from several people testifying was about the traffic and Ma'alo Road. Can you just speak to that since that came up several times?

Mr. Jung: Sure. You know, one of the issues is with the culvert and the bridges and typically if there's culverts and bridges that have weight capacity limitations, then it would state so on the bridge and I didn't see any on those particular bridge lines, so a standard truck that would be hauling that material would be sufficient, I would imagine. It is a, it's a state road up there on Ma'alo Road and then connects to the Kuhio Highway connection. So, I understand, like the concern would be coming off the highway, there's a collector lane, like, sorry, off Ma'alo Road, there's a collector lane that feeds into Kapaia Road, or that's Kuhio Highway, Kuhio Highway, and then I think the larger issue is going to be making that left turn out of that area. So, outside when I asked for any community feedback on the project, just to give awareness where the project was to certain people testifying, we did say we can try and notify our truckers of the speed regulations in that area, because from what I understand from some of the Hongwanji church folks, that people just either rev down that road or take off with a great degree of speed going up the hill, right, to Līhu'e. So, we're happy to create maybe a white paper on that to our truckers to at least notify them of those speed restrictions. But once it leaves the plant, it's the county or state that is in contract with that trucking company to deliver that material to that, to that contractor that's doing the paving work. So, it's sort of out of our hands, but we can do our best to try and provide some kind of notification if that helps.

Ms. Streufert: There were several questions about runoff from this...and the question I guess would be first of all, what has been the runoff at Waimea, and how has that been handled so we know what you've done in the past, and then what are you anticipating for this particular site should this be approved?

Mr. Jung: Yeah. So, the former site here is an issue with the NPDS Permit, which was rectified and controlled and then reissued to the current operation, and they've had inspections and everything has been good since that 2001 letter. This particular permit, they've had guidance from their contractor to make sure they get the proper NPDS Permit, which is the grading plans I provided in the Exhibit as E.2., and then also what, for the covered source Emissions Permit they have the ability to transfer that permit to the new site, so that permit can get transferred to the new site through the State Department of Health.

Ms. Streufert: But I think you have a containment area, correct?

Mr. Jung: You want to speak to that?

Mr. Frank: Yeah, it looks like we have detention ponds that they're going to use on this new site. Currently in Waimea we use silt fence and (inaudible) anywhere that we have any potential runoff.

Ms. Streufert: And what happens to the runoff after that? What do you do after they go to these detention ponds?

Mr. Frank: Like if, anytime there's a major storm event, it gets tested for suspended solids, grease and oil.

Mr. Jung: I think it's removed.

Ms. Streufert: And then what?

Mr. Frank: Yeah, I mean the silt fence and the (inaudible), it takes all the dust away even when there is a rain event that the water out there is clear when we don't have a lot of runoff.

Ms. Streufert: So, based upon the grading in this area because that's different from Waimea, do you anticipate that there's going to be potentially runoff if a, there's a significant rain event? And how are you going to contain that if you can?

Mr. Jung: Okay so, I'm looking at the, if you look at Exhibit E.2. for the site plan, the topographical lines that are laid in there, they go from, let's see at the top of the property and it looks like they shift from west, let's call it northwest to southeast. So, starting at the southwest corner, the first topographical line is 274, so meaning sea level, 274 feet and drops to a grade at the lower end at 262, right, so you have a 12-foot slope. So, the way the, who did these plans...oh, Bill Eddy of Kodani and associates did the grading plan. They created a sedimentation and detention basin along that eastern flank of the of the road adjacent to Ma'alo Road to catch that sediment, and then there's a discharge ditch with the, looks like outlet structure on the (inaudible) or it says some kind of sheet so...

Ms. Streufert: And where does that discharge into?

Mr. Jung: It would discharge into the ditch along the road, but it has BMP's or Best Management Practices that control the sediment in that particular basin. And that's sort of the secondary process, if the use is approved through this particular body, then it moves over to the grading permit side. There's not going to be really any building permit because this is a modular unit, there might be an electrical permit, there's no plumbing on site because there's going to be portables, but the electrical permit will run through the building permit process, and then the grading plans have already run through Department of Public Works, which are approved, but subject the payment of the bond and the final filing fee, should this be approved.

Ms. Streufert: So, you're thinking that the effluents from this are going to be more solid sedimentation as opposed to something that maybe liquid, is that correct.

Mr. Jung: Well, once the, so the liquid asphalt is poured into...(inaudible) you want to explain the whole process?

Mr. Frank: Yeah, yeah. All the runoff we're going to have is just going to be dust or sediment from any road traffic that's, you know...

Ms. Streufert: So, it's not going to be toxic to the water (inaudible)?

Mr. Frank: No, no, no, no, we don't have any bulk diesel on site. Everything that we have is secondary containment, we utilized liquid propane as a fuel to mitigate sulfur being emitted into the atmosphere. Yeah, we don't have...there's...yeah, there's really no potential for huge problems with what we have going on.

Mr. Ornellas: Okay, so there's no, from what I read, there's no requirement for water.

Mr. Jung: Yeah, there's no water being pulled.

Mr. Ornellas: So, how do you do, how do you suppress dust, number one, and number two, how do you address the issue of wildfires?

Mr. Jung: So, there'd be water trucks on site for dust suppression, which is similar to other construction sites, and then fire protocol, we probably institute the requirements for buffers along Ma'alo Road and at least buffers along the corridor of the property. And I think now the standard is 20-foot (inaudible) cuts to create a fire break.

Mr. Ornellas: Because it is a very flammable material. All the oil to make...

Mr. Frank: It has to get very hot first. It has to get above about 650 degrees before it will ignite.

Mr. Ornellas: And that's what you heated up to?

Mr. Frank: No, we it's, it's stored at 280 to 300 degrees Fahrenheit. With all the advances in the science behind the oil it's way more flame resistant than it used to be. They refined a tremendous amount more out of it now to make fuels than they did in the past. So, I've been around asphalt plants for 20 years, worked on them, setting them up all over the world, I've never had a fire of oil, so, we run very nice equipment to make sure everything is stored safely.

Mr. Ornellas: Thank you.

Mr. Frank: You're very welcome.

Mr. Ornellas: And there is electricity available, I understand, in that area, will you be tapping into that power source?

Mr. Frank: We may tap into that power source for our heaters to run, which is a very low amount of electrical draws, just a motor and a burner. We don't run electric heaters, so take tremendous amount of power, but our power requirements during operation were self-generating.

Mr. Ornellas: Thank you.

Mr. Frank: You're welcome.

Mr. Ako: Earlier, we spoke about the setback lines, which may be buffered by trees. How do we address that in the conditions, or...

Mr. Hull: There are some conditions I'm fine with crafting on the pop fly, condition, a set back and buffers, you know, I think if the Commission, if the rest of Commission, shares, say, Commissioner Ornellas' concern about setbacks and buffering, I think it would be appropriate to defer the item for the applicant to come back with a proposal that could potentially address the set back and buffering concerns. Including, but not limited to say photo renderings or photo simulations or what the buffering of the site could look like.

Mr. Jung: Yeah, I know someone mentioned SMA, it's this particular property is not in the SMA, Special Management Area, but one of the, one of the project, or one of the ideas we typically do with SMA projects is, you have a design review condition that the Planning Commission delegates to the Planning Department. So, we could work something like that to allow for landscape mitigation that could be subject to design review by the Planning Department. And I get it, you want to see it along Ma'alo Road, right, so there could be a line of trees planted as a buffer just in, if you're still looking at Exhibit E.2. for the site plan, just on the outskirts of that sentiment detention basin then that would still allow for a 200-foot setback of the actual plan from the roadway.

Ms. Otsuka: I guess as Mr. Ornellas mentioned, it's a scenic route, so you want as people are driving along Ma'alo Road, they want to be enjoying this scenery and not go, what, what is that? It has to be like a continuous scenic road.

Mr. Jung: Sure.

Mr. Ornellas: And I'm assuming later on they'll address the...where the entrance to the property will be.

Mr. Jung: Yeah, the entrance has been identified. So, it's at the top right on the sheet on Exhibit C.2., it's the access driveway off Ma'alo Road into the plant.

Mr. Ornellas: Because the access to ADC lands, which are (inaudible) 6,000 acres of agricultural land, directly from the proposed site is also heavily used, not so much by the farmers and ranchers, but you know, there is a former green energy, I don't know what they're called now, but they still harvest biomass in that area and they are harvesting (inaudible) is...

Mr. Jung: Yeah, I think the one you're referring to is, if you look at E.2., there's another on the eastern side, there's the access lower, towards the bottom of the property. Sort of kitty corner.

Mr. Ornellas: Yeah, I'm having trouble finding that map.

Mr. Jung: Okay.

Mr. Ornellas: But anyway, It is a heavily traveled road, especially by tourists, so, and the road does curve somewhat. About the whole HSPA site, which is directly across from your project, so, you need a pretty good line of sight so that you don't run into issues (inaudible) with traffic.

Mr. Jung: Right.

Mr. Ako: What about the...

Ms. Streufert: How tall is the equipment storage building?

Mr. Jung: (Inaudible) equipment storage building.

Mr. Frank: That just looks like an area on the map, we don't have any, the only things that are over height, the one that you, (inaudible) our silo and (inaudible) just the top of it sticks up in the air. The exhaust stack is about 20 feet, and our equipment storage is just shipping containers.

Ms. Streufert: So, whatever is planted there is a mitigating factor on the Ma'alo Road should be tall enough to cover that, not just the sedimentation.

Mr. Jung: Yeah, I would envision it would start from, and this is subject to Grove Farms approval, start at the corner of the leased area on the site plan and go all the way up to the driveway entrance.

Mr. Ornellas: (Inaudible) people stop on that road all the time to take pictures of Wai'ale'ale, right at that site.

Mr. Jung: It's a long road to see Wai'ale'ale though.

Mr. Ornellas: There's lots of other places, but because of the turn off by the former fruit stand, people like to stop there.

Mr. Jung: Right.

Mr. Ornellas: To take pictures, but it is, what it is.

Mr. Ako: And do we address the hours of operation in the conditions?

Mr. Jung: I wrote something down because I didn't want to get scolded again, but, so what I was gonna suggest, following after 5 p.m. in Condition 4 was, the use of the facility may operate during night time hours at the specific request of State of Hawai'i Department of Transportation and County of Kaua'i Roads Division, because the night work would be limited to only those public agencies.

Chair Apisa: Are we clear on the buffer and set back? Or is maybe time needed?

Ms. Streufert: I think we probably need another condition for that, that says, that the Department would be the (inaudible)...

Mr. Hull: So, it depends where the Commission wants to go. I think the Department is comfortable if we want to draft up a condition ceding authority to the Department to review and...require and review and take action for landscape buffering of the subject site. That condition can be crafted relatively quickly. If landscape buffering isn't exactly, isn't all that the Commission would like to entertain, and going into actual setbacks, which I think was to Commissioner Ornellas' first point of, no, you may have to push the facility further away from Ma'alo Road, and add the buffer with that scenario I think a deferral is warranted because I think that's a discussion that the applicant has to have with the landowner to see the feasibility of such a setback.

Mr. Ornellas: Do you agree to a deferral?

Mr. Jung: I mean, I always prefer not to defer and just try to address it at the time, but I certainly understand your concern, but I hoped I clarified it by showing that it's actually not 10 feet, 200 feet from the...and I think if we were to, I guess my concern is more if we tried to recite the actual plan, we're going to, I got to go back to the engineers to deal with the citing based on the contours they came up and the storage areas for the, looks like cold plain crusher and wrap, that's along the far, the far western side of the property. It looks to me based on the scale here, it could only get moved over about a 100 feet. Should we exchange that cold plain.

Mr. Ornellas: (Inaudible), I'm not a landscape designer, but I would imagine 200 feet plus talking about another 100 feet maybe, would probably be adequate for a vegetative screen. I don't know. You might know, Mr. Chair.

Mr. Hull: (Inaudible) is roughly 200 feet, but you've got equipment storage, you've got a fence line, right, I don't, I wouldn't anticipate us being able to, and if that's what the Commission fine with, I don't think there's landscaping screening that can fully screen out the fence line, which is roughly 50 feet as well as the equipment storage, I don't think there's gonna be any vegetation line that would fully mitigate those structures, and if the Commission is fine with that, then I'm fine taking that authority, but at least I'm hearing is that there still is some desire to look at the feasibility of citing the site further back whereby the landscape could further buffer and mitigate the site, and then to that effect I mean, they may come back and say it's not feasible, but it's hard for, you know, us to get into that discussion right now on somewhat off the cuff.

Mr. Ornellas: And as the Commission what we're trying to avoid is problems for the county, we're trying to avoid problems for Grove Farm, we're trying to avoid problems for you guys down the road, before the complaints start pouring in, so, we're not trying to be obstructionists. Like I said, I really want to see this project happen because I understand the need for it.

Ms. Otsuka: Yeah.

Mr. Ornellas: But at the same time, this is a very special place, and I'm close to this area and I've been up there a lot, and you know, I'm very close to the farmers there as well, and they are concerned, so...

Ms. Streufert: What would happen if you the propane, the liquid storage and the equipment storage inside the, where you have the roadway and push the roadway closer to the road. Could that be done? That would provide more of a buffer.

Mr. Frank: Yeah, there are some limitations on as far as how close we can have our bulk fuel storage to our burner, but we could definitely look at relocating that stuff to the back corner, move some things around.

Ms. Streufert: Just trying to look for some kind of compromise so...

Mr. Frank: Right.

Ms. Streufert: ...that can mitigate the concerns that we have, the concerns that you might have also.

Mr. Frank: Right. And the propane tanks, they're shorter than me, on the ground, my heads taller than the top of them.

Mr. Ornellas: And these things kind of take on a life of their own after a while, I mean just look at the site at Ahukini, I mean that thing get several lives, several iterations, right, it just doesn't go away. At this particular site, this is the second time this is going to happen in this particular site, right? So, I'm concerned that once it's constructed, it may be there a long time. So, I don't think it's real temporary in nature. You know, at first, the last time you were here, you said, well, the lease is for two years and we've got a two year extension, now it's a ten year lease, which, I don't have an issue with, but like I say, this facility may be here for a very long time.

Ms. Cox: And frankly, I don't want an obstructionist either, but I would rather get it right, I'd rather have us take the time to really look at what's possible and make the decision after we look at that. If it turns out knowing there's no way to move things further back and there's a way to do a screen that would work in what you have proposed then we look at that, but we're at least considered I believe.

Mr. Ako: Well, I think for myself, you know, I thought we were talking about ten feet from the road, yeah, but I think now we're talking about 200 feet back, you know, I would be good with ceding that authority over to the Department, and having them work it out because to me 200 feet is 200 feet, which is, and you know understanding that it's going to be there for a while, yeah, but in my mind I would have no problems giving the authority to the Department to work it out, for me anyway.

Chair Apisa: Is the Department willing to accept that?

Mr. Hull: That's what I'm saying is that the Department has no problem with that authority being granted, and then it might address some of Commissioner Ako's, I think, well, Commissioner Ako, trying to balance the sentiments that have been expressed from different Commissioners, I think that authority would address the least for Commissioner Ako is coming from, I think, some statements that are made by say, Commissioner Ornellas or Commissioner Cox concerning having a much more robust setback, in addition to the screening. Just ceding the authority, the Department would not address those particular concerns.

Ms. Streufert: Would not address those concerns.

Mr. Hull: Would not.

Mr. Jung: If I could comment, the only...my concern now is timeline, because if we have to re-site and remove these detention basins, I'm thinking we're going to have to go back though Engineering Division on the grading plan. And I don't know what they're going to require for a new grading plan which might set the project back, but we could find out. I mean that's...

Mr. Ornellas: We may not have to do that if we can determine that the present proposed offer of 200 plus is adequate, but we would have to defer (inaudible)...

Mr. Hull: Yeah, I mean at least from what I've seen here, seated on authority to the Department, I would not, I would not posit that there is a landscaping plan that can screen the fence which the

fence is not 200 feet away. Fence is roughly 40 or fifty feet away, they can screen the fence and the equipment storage and the liquid storage and the propane area in a manner that is fully screened for Ma'alo Road. I don't think that can be done. Now, if they're able to provide photo renderings that demonstrate it can, then I think that would address everyone's concerns here and so. I'm open to it, it's just that with the information that's been provided with an application and the concerns are being expressed, you know, I can only say we can do so much with what we've been provided and I don't think what's been provided I can adequately say the Department can address those through a sole condition seating authority to the Department. So, I do think a deferral is in order, whether it is just to provide photo renderings. Ian, or what it is to have discussions further with Grove Farm about re-siting, or the Engineering Division, but you know, that's what the Planning Commission is...this part of your responsibility and duty is to look at these proposals and, among other things, determine whether or not different designs should be provided to mitigate potential impacts. So, you know, that's part of the process and I wouldn't necessarily take that as a...something that should be shunned, should be in your eyes necessary.

Ms. Barzilai: Ka'aina, I'm sorry, but I would like to call for testimony one more time, Mr. Lord would like to testify, if that's possible.

Mr. Hull: It's up to the Chair.

Chair Apisa: Yeah, we'll accept another person to testify. Thank you to the applicant for bearing with this.

Ms. Barzilai: They can always step back up if needed.

Mr. Wade Lord: Hi, Commissioners. Thank you for entertaining me for a moment. Wade Lord for the record, Department of Public Works. Just to throw one more monkey wrench into this thing. We are attempting also to assist with the move of this facility out of the Waimea 400 property, and there's a lawsuit with the...or justice crew that were required to do certain things, and one of those is to move these folks off that site. So, that's part of the settlement agreement. So, we're looking to facilitate that and support that move to the extent that it's possible. And what I can tell you just from construction experience, what Counsel Jung is talking about is a significant undertaking to redo plans to get some more distance away from the roads, and 200 feet is a pretty fair distance. I'm not sure how much more you gain with reengineering the whole site, but that is a concern. The timing that it would take to redo that work and so from a public works standpoint, you know, we'd love to see the thing get resolved sooner rather than later.

Ms. Streufert: Could I ask a question? This may sound rather dumb, but, what is 200 feet in comparison to this room?

Mr. Lord: So, this room is probably 30 feet wide...

Ms. Streufert: This way, but what about (inaudible)?

Chair Apisa: Length.

Mr. Lord: Length. Maybe 50, 45, 40...

Chair Apisa: So, about four times the length of the room.

Ms. Streufert: Right...

Mr. Lord: Correct.

Ms. Streufert: ...I'm trying to get my perspective on scale here.

Mr. Lord: So, football fields, that's how my brain looks.

(Multiple Commissioners speaking at once)

Mr. Lord: You know, 200 feet is about two thirds the length of a football field.

Ms. Otsuka: Two thirds the length. That's a good distance.

Ms. Cox: But as Ka'aina pointed out, that's to the actual facility, not to the fence and the earlier, can't remember what they (inaudible).

Ms. Otsuka: The fence closer (inaudible).

Ms. Cox: Yeah.

Ms. Otsuka: The fence is closer.

Mr. Lord: Right.

Ms. Otsuka: But are we talking about a chain link fence that you can see through?

Chair Apisa: That would be a question for the applicant. What type of fence it is.

Mr. Jung: I believe that the existing fence is more like a cattle fence, but I don't have any knowledge of the proposed new fence. You planning on doing a new fence or just use the...

Mr. Frank: What's there.

Mr. Jung: Yeah, I think what's shown on the site is existing cattle fence.

Ms. Otsuka: Oh, there's a fence there already.

Mr. Jung: Yeah.

Ms. Otsuka: Ahhh.

Mr. Jung: Because it's actively in a cattle ranch.

Mr. Ornellas: The goal here is to stay in keeping with the rural environment presently there.

Mr. Jung: Yeah, and I think about it...

Mr. Ornellas: (Inaudible) driving pass you wouldn't even think about it, you know, you wouldn't even see it, that is my wish, but it is what it is.

Mr. Jung: Yeah, in trying to conceptualize what you're saying, Commissioner Ornellas, I think you know as you drive along by Kahili Mountain Park, you see that bank of eucalyptus trees, and from my thought, I would take an adverse decision from what the Planning Director is saying. I don't think you'll see much if, in the if trees grow on a five-year time period because they're pretty fast growing trees when they raise them with what other trees they use, so I think they would raise pretty quickly to see it, and if you set them apart in a certain way, then it would be thick enough where you probably only catch glimpses of maybe something rather than a full screen.

Mr. Ornellas: Yeah, and like I say, if you could just keep cattle fence out front, nobody would really suspect anything, right, this is typical of what's, if you put a giant chain link fence then people will kind of be like, wow, what's happening, you know. You want to kind of keep the rural character...

Mr. Jung: Sure.

Mr. Ornellas: ...as much as possible, even though it is an industrial site.

Chair Apisa: Yeah, and it was helpful for raising the question, what 200 feet is, I mean I think that's a substantial distance. I think I'm good with it.

Ms. Otsuka: I agree.

Mr. Hull: I'm just hesitant to say something, but I got to say it. I, a number of times have been before this board and sat and heard an applicant on the private side, often on the high-end luxury side say, well, we already have our plans and therefore any delay or request for me to change the site will create a significant burden on my application process. And quite frankly, an applicants failure to plan does not create an urgent situation for you to act as if it's an emergency. And I, you know, I hate to belabor this on one of my own sister county agencies, but it's entirely inappropriate to use site plan design as a pistol to this body's head, to say you need to act now. So, I found those comments extremely inappropriate, and if the Commissioner is fine and acting today because the 200 feet is adequate, that is good, but I would strongly, you know, say consider if you're going to take that, you're fine with it, that's fine, but if you're taking that action because you're told we don't have time to redesign or even entertain or consult whether redesign is appropriate, that I'd say approach with some caution.

Ms. Otsuka: Thank you.

Ms. Barzilai: So, you're ready?

Chair Apisa: Yeah, I think we need to come to a conclusion to move forward today or to take a 30-day deferral.

Ms. Barzilai: I think first, Chair, you'd have to ask the applicant if they can produce a new site plan or set back proposal within 30 days and then it would be under review and scheduled on the commissions agenda. Can you achieve that in 30 days?

Mr. Jung: I don't know if that was directed at me or not, but I think you know the idea was we just have to look into. You know, I'm not sure what it would take to redesign the engineering plans and the grading plans, so, but I'm happy to look into it. But I looked at the Director's Report, and I don't think we need to waive any time because it looks like December 8th is the 60-day period, so I don't think we need to issue any waiver, but we're happy to get a landscape plan put together, we're happy to try and sit down, I know what I've seen from our grading plan, I don't know if it's been issued yet or we just have a bond letter issued. So, I think the plans have been final and reviewed, but if we go back and open it up again, we'd have to just explore that with the Engineering Division.

Mr. Ornellas: So, if we defer then in the interim, would you consult with the Department?

Mr. Jung: Yeah, happy to.

Mr. Ornellas: Share whatever plans you come up with, and see if they would satisfy the Department and then come back in a month to the Planning Commission and...

Mr. Hull: Yeah, we can.

Mr. Ornellas: Okay. (Inaudible).

Ms. Streufert: So, if we were to defer by 30 days or to the next...

Ms. Otsuka: Coming next Commission meeting.

Ms. Streufert: Next Commission meeting, that would work for everyone? Then I move that we defer this until January...

Ms. Barzilai: 14.

Ms. Streufert: 14. With a...

Ms. Otsuka: Second.

Ms. Streufert: ...with the requirement that they are going to be (inaudible) further movement towards looking at mitigating some of the issues that the site plan issues, as well as working with the Department to mitigate whatever other issues have come up today.

Ms. Otsuka: I second.

Chair Apisa: Is there any discussion on this, Commissioner Ornellas or...

Mr. Ornellas: No, I think we've discussed this it enough. Thank you.

Chair Apisa: I'll take a roll call vote, please.

Mr. Hull: Roll call, Madam Chair. Commissioner Ako?

Mr. Ako: Aye.

Mr. Hull: Commissioner Cox?

Ms. Cox: Aye.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Commissioner Streufert?

Ms. Streufert: Aye.

Mr. Hull: Chair Apisa?

Chair Apisa: Aye. 6:0. So, it's deferred for 30-days. We'll be back on...

Ms. Streufert: Next meeting.

Ms. Otsuka: Next meeting.

Chair Apisa: To the next meeting. I believe that would be probably January 14.

Mr. Jung: Okay. Thank you, Commissioners. Appreciate it.

Mr. Ornellas: Thank you.

Mr. Hull: Chair, I, looking at the time, I know you guys like to muscle through it, but I like to check in with you folks. You guys have three more substantive items. If you guys want to a lunch break?

Chair Apisa: Yes.

Ms. Otsuka: Yes.

Mr. Hull: Okay.

Chair Apisa: I'm anticipating a lunch break out.

Mr. Hull: Returning at...

Chair Apisa: Returning at, is 1 o'clock soon enough?

Ms. Otsuka: No.

Mr. Hull: We might go a little bit longer than that.

Ms. Otsuka: It's 12:40.

Chair Apisa: Okay.

Mr. Hull: 1:30?

Ms. Otsuka: 1:30.

Chair Apisa: Oh yeah, I'm sorry, it's 12:40, yeah, returning at 1:30. That would be a 50-minute lunch break.

Mr. Hull: Thank you.

The Commission went into a lunch break at 12:40 p.m.
The Commission reconvened from lunch at 1:31 p.m.

Chair Apisa: Call the meeting back to order.

Mr. Hull: Alright, we're now on.

Continued Public Hearing (None)

New Public Hearing (None)

CONSENT CALENDAR (None)

Status Reports (None)

Director's Report for Project(s) Scheduled for Agency Hearing (None)

Class III Zoning Permits (None)

GENERAL BUSINESS MATTERS

AMENDMENT TO CLASS IV ZONING PERMIT (Z-IV-2002-29) AND USE PERMIT (U-2002-24) is proposed to modify an existing telecommunications facility in Waimea, located on the east side of Ola Road and the southern portion of the property owned by the Waimea United Church of Christ (Tax Map Key (4) 1-6-010-002), by replacing the wooden pole with a steel monopole and transferring associated equipment = **VERTICAL BRIDGE.**

- a. Director's Report pertaining to this matter.
- b. Transmittal of Agency Comments to Planning Commission.

Mr. Hull: I apologize for that. Sorry, sorry. We don't have anybody signed up to testify this agenda item. Seeing no one except for Deputy Counsel in the audience, I don't see any other testimony potential. So, I'll turn it over to Alisha Summers for the Director's Report pertaining to this agenda item.

Ms. Streufert: Do we still have to close the...

Mr. Hull: This isn't an Agency Hearing, so...

Ms. Streufert: Oh, okay.

Mr. Hull: It's on General Business.

Staff Planner Alisha Summers: Good afternoon, Planning Commission Chair and Commissioner.

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

Ms. Summers: That concludes my brief summary of the Director's Report. Any questions before I read the recommendations?

Ms. Streufert: Do you happen to know, this is a cellular tower, and I've been told, do you know whether this is AT&T Verizon that has the contract on it?

Ms. Summers: So, there was, it was a Nextel tower and then on the other side there was Verizon, but for this particular applicant, it's Vertical Bridge Tower Engineering.

Ms. Streufert: Thank you.

Mr. Hull: I think years ago, every single telecom site except the industrial district requires a use permit, so all of those have to come to the Planning Commission. There was a time when the Planning Commission years ago required any small, tiny little alteration to come back for review by the Planning Commission. Over the course of seven or eight years and between 2005 and 2012, the Commission at the time amended and virtually every single all those permits whereby, if they're non substantial improvements, they just go directly to ministerial review at the Planning Department. This is just one of the few outliers out there that's still remaining that hadn't been amended. So, it is just a 4-foot extension, but because it had that requirement previously set that it had come for the Commission, not that we want to remove your authority on reviewing four feet lightning rods, but it's kind of, boy that's scary, before you folks, and our recommendation is also to allow any further non substantial improvements to just go directly to ministerial review.

Chair Apisa: Any questions?

Ms. Barzilai: I think the applicant is here.

Mr. Hull: No. So, the applicant unfortunately, is not here on this one. And then Alicia did explain to the applicant that it is strongly recommended that you appear before the Commission. It's such a minor proposal. At least we can answer generally any questions. But if you folks have any questions for the applicant, and they're not here, a deferral is potentially warranted, but that's kind of at their risk, they choose on whether or not they appear.

Chair Apisa: Just curious, I mean, are they off island or just chose not to...

Mr. Hull: They're based on O'ahu.

Chair Apisa: Any questions from, to ask of the planner?

Ms. Otsuka: None.

Ms. Streufert: None.

Chair Apisa: Are we ready for the recommendation?

Ms. Otsuka: Yes.

Ms. Summers: Based on the foregoing evaluation and conclusion, it is recommended that the Amendment to Class IV Zoning Permit Z-IV-2002-29, and Use Permit U-2002-24 be approved. If approved, the following conditions shall be implemented as outlined within the Director's Report.

Ms. Streufert: I move to accept the recommendations of the Planning Department in approving the proposed project.

Ms. Cox: Second.

Chair Apisa: We have a motion on the floor. Is there any discussion? Roll call vote, please.

Mr. Hull: Roll call, Madam Chair. Commissioner Ako?

Mr. Ako: Aye.

Mr. Hull: Commissioner Cox?

Ms. Cox: Aye.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Commissioner Streufert?

Ms. Streufert: Aye.

Mr. Hull: Chair Apisa?

Chair Apisa: Aye.

Mr. Hull: Motion passes, Madam Chair. 6:0.

Ms. Barzilai: Our Clerk is stepping down because this is a mitigation (inaudible) item. We have General Business Item I. Sorry; can you hear me? General Business Item I.2.

In the Matter of the Application of GEOFF LLC for an exemption to the Shoreline Setback Determination pursuant to Kauai County Code §8-27.3(a)(2) for property located in, Kilauea, Kauai, Hawaii, Kauai Tax Map Key No. (4) 5-3-004-035.

- a. Petition to Appeal Decision of the Planning Director; Exhibits "A" through "B"; Certificate of Service.

Ms. Barzilai: We have Deputy County Attorney Chris Donahoe here representing the Director today, and he had a couple of brief comments.

Deputy County Attorney Chris Donahoe: Good afternoon, Chair Apisa and the rest of the Commission. And I did speak with, I did notify Mr. Brittin, who represents the appellant, that I would be making an appearance and I notified of him of the hearing as well. This is a matter, the appellant is the property owner. They, their claim is that the house built in 1988, it's subject to some maintenance repairs, including leaky faucets, leaky showers, sliding doors that don't, no longer lock or slide, house doors that don't lock, but also they are wishing to realign certain interior walls, and they're estimating that the work is approximately \$600,000. In September they applied for a Shoreline Setback Determination and an exemption. And in October, the, it was the Directors determination to deny that request, therefore, they submitted an appeal and under 19.2 b., I did review the petition, it does meet the requirements. I have no objections to receiving the petition and sending this matter out for a Contested Case Hearing, and I also did relay that that would be the department 's position to Mr. Brittin, who represents the appellant.

Chair Apisa: And then I guess we'd like a little further clarification of why it was denied.

Ms. Barzilai: I don't think we're going to get into the substance now, Chair.

Chair Apisa: Oh, okay, okay.

Ms. Barzilai: Because, unless you want to commence the case now, which you don't have to hear, so...

Chair Apisa: No.

Mr. Donahoe: Yeah, the base of the appeal is their basis as to why they believe it was wrongfully denied.

Chair Apisa: Gotcha. Okay. Thank you.

Ms. Barzilai: So, it sounds like the Department is requesting that it be referred to Boards and Commissions to assign a hearings officer, that correct Mr. Donahoe?

Mr. Donahoe: Yes, it is. Thank you.

Mr. Hull: (Inaudible).

Chair Apisa: Yeah, I don't think we want to take that position. I mean, we don't want to hear it, so...

Ms. Barzilai: We'd also be required to accept the content in form a (inaudible) Petition to Appeal. So, it can be done in two separate motions or one.

Chair Apisa: Okay, so, first motion would be to...

Ms. Barzilai: Accept. Well...

Chair Apisa: Refer to boards or that comes...

Ms. Barzilai: Yeah, if you accept the content in form of the appeal pursuant to the rules, and you feel that you want to refer to Boards and Commissions for assignment to a hearing officer that would be the motion. You can do it in two motions or one motion.

Chair Apisa: So, we need first a motion to accept the content of the appeal?

Mr. Ako: I can move this, Donna, if you'd like.

Ms. Barzilai: Motion to receive, yeah.

Mr. Ako: I so move to accept the appeal of GEOFF LLC in form and content and refer this issue to the Boards and Commissions to be assigned to a hearings officer.

Ms. Streufert: I'll second.

Chair Apisa: Great. Okay, we have a motion on the floor. Any discussion on the motion. Roll call vote, please.

Ms. Barzilai: Motion to refer to Boards and Commissions. Commissioner Ako?

Mr. Ako: Aye.

Ms. Barzilai: Commissioner Cox?

Ms. Cox: Aye.

Ms. Barzilai: Commissioner Ornellas?

Mr. Ornellas: Aye.

Ms. Barzilai: Commissioner Otsuka?

Ms. Otsuka: Aye.

Ms. Barzilai: Commissioner Streufert?

Ms. Streufert: Aye.

Ms. Barzilai: Chair Apisa?

Chair Apisa: Aye.

Ms. Barzilai: Motion carries, Chair. Thank you. 6:0.

Mr. Donahoe: Thank you, Commission.

COMMUNICATIONS (None)

COMMITTEE REPORTS

Subdivision Committee Report

Mr. Hull: Next, on the agenda item, we have no further Communications, we have Committee Reports for the Subdivision Committee.

Mr. Ako: Yes, the Subdivision Committee did meet this morning. We had one item on the agenda and it was a, 11-lot consolidation into one for Sueoka Store development there, but because of planning on doing more research on traffic, the issue was deferred until the next meeting...

Mr. Hull: June.

Mr. Ako: Oh...

Mr. Hull: June.

Mr. Ako: Oh, until June.

Mr. Hull: June 13.

Mr. Ako: June 2025.

Mr. Ornellas: Six months.

Chair Apisa: Do we have a motion to approve the Subdivision Committee report?

Ms. Streufert: I move to accept the Subdivision Committee report.

Ms. Cox: I second.

Chair Apisa: We have a motion on the floor. Voice vote. All in favor. Aye (unanimous voice vote). Motion carried. 6:0. Thank you.

UNFINISHED BUSINESS (For Action)

Mr. Hull: Next agenda item we have Unfinished Business, L.1.

SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2025-1) to allow construction of a new single-family residence and associated site improvements on a parcel situated on the makai side of Kuhio Highway in Hanalei Town, directly across Hanalei Elementary School, further identified as 5-5428 Kuhio Highway, Tax Map Key: (4) 5-5-004:023 containing a total area of 7,914 square feet = BULA TREE HOUSE, LLC. [Director's report received, hearing closed, deferred, 11/12/2024].

a. Supplement to Director's Report.

Mr. Hull: I don't have anybody signed up on the list for speakers, but if anybody in the audience would like to speak on this agenda item, you can approach. If you can state your name for the record.

Ms. Megan Wong: Aloha, my name is Megan Wong. I wasn't prepared because I did send the letter, so I thought that was sufficient, but given the eyes from Ian, I'd better come up there and say something. You know, thankfully, our community is small, so the people who live in our community and are a part of our community, I believe really want to do the right thing, so we were able to talk since you deferred a month ago and our concerns I think are met by our request to have a GPR. Our worry is that iwi kūpuna will be found in this area, and being that we've been involved with county and iwi kūpuna at the county base yard and many other locations in Hanalei, it was a high concern of ours for this area, but they've agreed to do the GPR, which was not a, it's not going to find everything, but at least if you do see something, they can move carefully, then and then they can be mitigated in a more pono way. So, we don't have disasters like we saw in Wainiha. So, with this, you know, our (inaudible) naue gives their support for them to move forward (inaudible). Thank you.

Chair Apisa: Thank you for your testimony.

Mr. Hull: Thanks, Megan. Are there any other numbers of the public that would like to testify on this agenda item? Seeing none, Romio do you have any supplemental report to provide? I know the report has been given at the last meeting, but...

Mr. Idica: Yes. Yes, that is. The last supplementary report was transmitted over to the Commissioners.

Chair Apisa: The applicant? Or did anyone have any questions of the department?

Ms. Streufert: Just one thing. There was a, they have to build it one foot above the base flood elevation. Is that something (inaudible)?

Mr. Idica: You know what, this particular property is not affected by sea level rise constraints so...yeah, I'm not quite sure what you're...

Ms. Streufert: It was in one of the reports. I'm trying to find it, but it was in one, it was a, that the building had to be one foot, one foot above the basin flood elevation, but I was just curious, because that's not something, that's planning, I mean, that's building.

Mr. Idica: That is Department of Public Works that deals with that kind of recommendations.

Mr. Hull: Yeah, there's two flood elevations that they'll have to meet. One is the sea level rise flood elevation, if they're within the sea level rise constraint district, and that's a planning regulatory mechanism, they're not in the sea level rise constraint district, I'm not sure, I don't know this off the top of my head, but Ian might be able to address whether or not they're in the FEMA firm flood area that may require elevation beyond the FEMA base flood elevations.

Ms. Streufert: This was a report found. (Inaudible) a report by the Engineering Department and (inaudible).

Chair Apisa: So...

Ms. Streufert: ...considerations itself, that's not, although that's one of the reports that we got, that's not something that we have to work with (inaudible).

Mr. Hull: Then it gets done during building permit review.

Chair Apisa: Okay, we'll call for the applicant.

Mr. Jung: Okay. You know, sometimes it's when we go through this process of planning it always, you know, you come around and you start to learn new things after doing it for such a long time. So, I think a reeducation on the whole approach to at least SHPD protocols and what certain community members may want. I think it takes a collective effort and one of the approaches that this particular applicant is willing to at least identify is to do what's referred to as ground penetrating radar, which there is now at least two outfits that I understand have this device that can be utilized, but in a realm where you have somebody doing just an archaeological monitoring plan, which you start to excavate with a monitor on site to...if you do find any inadvertent discoveries and you can stop all work, but at least with an, if an AIS is not required for a project, you can use this GPR type of machinery to have knowledge before you go into a project, but I think with everything that's happened over the course of, you know, a month or two, there is a reeducation that's happening and I think people are becoming more receptive to how to address the issue of new projects. So, the applicant in this particular case is more than willing to undertake the GPR in the in the four footing locations on the plans and just answer the question on the elevation, the structure is required to be elevated. It used to be base flood elevation, which is a certain level in this case 14-feet above (inaudible) sea level, but in the recent updates to the building code it enables FEMA guidelines to be applied where it's, BFE plus one foot, so that's the BFE plus one. So, they anticipate actually moving the BFE plus two in

the next two years, uh-uh, but currently, the way the building code is interpreted with the Engineering Division, it's BFE plus one (inaudible). So, the applicant is more than willing to do the GPR in this, if the Commission wants to put it as a condition, you know he's committed to it. So, we're happy to put it as a condition, otherwise, the way the condition reads in the supplement is that prior to building permit, we shall resolve the requirements of SHPD, which is the State Historic Preservation Division, I personally reached out to SHPD on two occasions to try and get the letter, the review letter of the Archaeological Monitoring Plan that was proposed in our application, but I haven't to date received it. I know the other project got one that's before you folks, which is impressive so, you know, I hope eventually we'll get one, but in the interim we'll at least get the GPR done in conjunction with the monitor reporting, and we can update the monitor report should anything be discovered during the GPR.

Chair Apisa: You mentioned that there were two firms that do GPR. Are they on Kaua'i?

Mr. Jung: Yeah, I understand two of them are on Kaua'i. I know the names of the individuals, I don't want to say their names yet, but I don't know the name of the company 's name.

Chair Apisa: But they are on Kaua'i.

Mr. Jung: They're on Kaua'i. The way I understand it is, it's used to identify pipes and whatnot where (inaudible), but then it will also identify anomalies and then at least you could explore that anomaly before potentially impacting that anomaly more significantly, which could lead to, you know, disturbances that...

Chair Apisa: Gotta love technology.

Mr. Jung: Yeah, for sure. So, I'll leave at that and I think unless anybody wants another summary of the project from last week.

Mr. Ako: Ian, you know this GPR. Is that a significant cost or, and I guess I'm just wondering because why don't we do this on every project if it's not a significant cost.

Mr. Jung: It...I don't know how much it costs, but I've heard ranges between a 1,000 and \$8,600, but it all depends on the size and the time period for which you need to achieve the review. So, if it's a smaller area like this particular structure, it's a relatively small footprint and it won't be able to be done until the other building is removed from the site, but because of the size, we've been kind of informed it would be in and around the \$1,000 range. So, it is a modest cost, it's not too significant. If you look at the range of like an Archaeological Monitoring Plan, I've seen anywhere between 4,500 and 6,500, but to do the full AIS it can bump up to like 8 to \$12,000 range.

Mr. Hull: And I can also say, Commissioner Ako, that generally the Department will rely on SHPD's guidance in this area and SHPD hasn't said it's not good, it's just I think they're trying to figure out a standardized way to approach using ground, GPR, and so we haven't seen anything come out of SHPD outright requiring, you've seen your (inaudible), we haven't seen any. That's not to say it's not good, and if community members are asking for and the landowners more than willing to do, we're very supportive of that, but we just haven't seen SHPD yet come up with a standardized format for accepting them either.

Ms. Streufert: Sounds like a great way to prevent any unexpected findings though.

Mr. Jung: Yeah, I think so because it finds a middle ground, right, between doing the monitoring when you actually excavate and start doing the trenching, that...

Ms. Streufert: And then it's too late...

Mr. Jung: ...kind of estimates where...

Ms. Streufert: ...by that time.

Mr. Jung: Right. Correct.

Chair Apisa: Yeah, it's actually a benefit for the landowner too, to know in advance what is expected. Any other questions? Is there a recommendation?

Mr. Idica: My apologies, I have a clarifying, a clarification question. Are we going to add the GPR to the conditions of approval? Or I mean, because it was stated on the floor if we going to add it or not, so I'm just curious.

Chair Apisa: I would think we are, I mean I, sounds like a good, sounds like everybody 's in agreement.

Mr. Hull: Well, so, I would take the statements on the floor to the effect of the first Condition of Approval is, shall be constructed as represented and as represented is now including the use of GPR if the applicant's consenting to that. So, I think that condition can stand and should they not use GPR it would be a violation of that condition, however if the Commission wants to go even further and explicitly have a specific condition requiring GPR that's separate and apart and we wouldn't have any objection to that either.

Chair Apisa: So, we're hearing that it's in there by implication or by...

Ms. Streufert: If we did this on, if we did this on this case, would it also be a precedent for all other cases? Or would we have to have one in each one of the cases that comes before us?

Mr. Hull: This is just for this case right now. As I was kind of getting at in the previous question by Commissioner Ako, the departments hesitant to initiate a GPR requirement because again, we take our lead off from SHPD on this and SHPD is not saying GPR's are good, they just haven't come up with a standardized system to say here's how it should be done. I think if in a situation a landowners coming and saying the community is asking for a GPR to be done and we consent to that, then we have no problem saying that's as represented.

Mr. Jung: If it helps for the record, I'm happy to write a memo to the, to the file on the referencing the approval letter and just say, we will engage in Ground Penetrating Radar on the, before any earth disturbance out there.

Ms. Streufert: That would be a good compromise. Thank you.

Mr. Jung: Sure.

Chair Apisa: Does that answer your question?

Mr. Idica: Yes, thank you very much, Madam Chair.

Ms. Barzilai: So, Chair you still require either approval or denial, or etcetera, (inaudible) meaning to ask for a motion.

Chair Apisa: Oh, I thought...was there a recommendation?

Mr. Idica: I have not really read it yet, Madam Chair.

Ms. Barzilai: Oh, okay. Thank you.

Mr. Idica: Based on the foregoing evaluation and conclusion, it is hereby recommended that the construction of the additional dwelling unit on the subject property through Special Management Area Use Permit SMA(U) 2025-1, to be approved with the following conditions as amended.

Chair Apisa: Okay, we have a recommendation. Any further questions or comments? Otherwise, we will entertain a motion.

Ms. Cox: I move, we accept the department's recommendation to approve the additional dwelling unit, ADU on the, through Special Management Area Use Permit SMA(U)-2025-1, with the conditions as agreed to.

Ms. Streufert: Second.

Chair Apisa: We have a motion on the floor. Any discussion? Hearing none, roll call, please.

Mr. Hull: Roll call, Madam Chair. Commissioner Ako?

Mr. Ako: Aye.

Mr. Hull: Commissioner Cox?

Ms. Cox: Aye.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Commissioner Streufert?

Ms. Streufert: Aye.

Mr. Hull: Chair Apisa?

Chair Apisa: Aye.

Mr. Hull: Motion passes, Madam Chair. 6:0.

Chair Apisa: Congratulations.

Mr. Jung: Thank you, Commissioners and Happy Holidays.

Multiple Commissioners: Same to you.

Mr. Hull: Last, we have.

SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2025-2) to allow construction of two (2) single-family residences, a guest house, and associated site improvements on a parcel identified as Lot 131-A Wainiha Hui Land, situated on the mauka side of Alamihi Road in Wainiha, approximately 500 feet west of the Kuhio Highway/Alamihi Road intersection, further identified as Tax Map Key: (4) 5-8-012:019 containing a total area of 27,138 square feet = **MATTHEW & PHILLIP C. JOHNSON, TRUSTEES/MANCILLA & JONATHAN D. WICKES.**[Director's report received, hearing closed, deferred, 11/12/2024].

- a. Supplement to Director's Report.
- b. Transmittal of Agency Comments to Planning Commission.

Mr. Hull: We don't have anybody signed up to testify on this agenda item. Is there any member of the public that would like to testify on this agenda item?

Ms. Wong: Hello.

Mr. Hull: Yes.

Ms. Wong: Megan Wong. Mahalo o (inaudible). Again, same situation we are concerned citizens of our iwi kūpuna on the North Shore. So, Matt here is a friend of ours, lives in our community. In no way do we want to stop him from building his home so he can live out of a rental. They have a great also to do the GPR, Ground Penetrating Radar, for your question about who does it, the only certified company that I know of is, (inaudible), I think it's called, sorry, Stonetree Construction, and that would be Nadine, and Uncle Jerry Nakasone has been the one who's been doing the GPR. He has extensive background in searching for, he was the one that found the Filipino mass graveyard in Hanapēpē, and he's also been on other graveyard, so he knows how graves look as opposed to pipes and other things, so we trust him. He is retiring soon, so I think he's turning Nelson Armitage to take over and he's been really involved in trying to see this forward. But anyways we would like to see this happen for Matt, and we feel confident that if there was any iwi kūpuna or grave found that they would be able to see this or at least move carefully or maybe even change their area. It can be pricey for some, but for the rich, who own the beach, maybe it's, you know, nothing, but for somebody like this, every thousand dollars that we add to the cost of him, he's just been a lifeguard and cleans pools and just everyday people so,

in any way that I can I hope to expedite this for him so that he can be in a home and not paying rent and a mortgage, so thank you.

Mr. Hull: Thanks Megan. Is there any other members of the general public that would like to testify on this agenda item? Seeing none, I'll turn it over back to Romio for the supplemental.

Mr. Idica: Okay, for this particular project they did receive SHPD comments. SHPD recommended that they would submit a archaeology, archaeological inventory survey and also have a prominent archaeological firm consult with them. I have spoken to Mr. Johnson, Mr. Johnson has obtained the services of an archaeology consultant and they are working with SHPD as to date yesterday. So, I just wanted to add that.

Ms. Otsuka: So, what did we do in regards to SHPD November 18 letter stating they recommend the county to decline the permit?

Mr. Idica: That I believe we can handle it on the building permit level. So, I went ahead and revised one of the Conditions of Approval, Condition No. 8, which states prior to building permit approval, the applicant shall resolve and comply with the applicable standards and requirements set forth by the State Health Department, State Historic Preservation Division, DLNR, Office of Hawaiian Affairs, and the County Department of Public Works, Fire, Transportation, and Water. So, in essence the permit will not be approved until these agencies recommendations are complied with.

Mr. Hull: Yeah, and I think...and Jody and I are working with DLNR and we have a meeting with them sometime in January to kind of vet out certain co-actions on permits like these, I think there's a misunderstanding on SHPS's part on the difference between zoning permits and building permits, should the Commission take action on this zoning permit to deny it, the Commission couldn't also place the condition that SHPD is saying and deny the permit and place the condition that they do an AIS, like, you don't have a conditional denial, denial is a denial, that's it. So, if the Commission denied this permit there will be no condition of an AIS and then the applicant will have to wait 12 months to return back to apply for it again. I think that they were confusing this process with a building permit process, which denial building permits happen a lot because standards aren't met, but when we have a building permit application in, if they meet all of our zoning requirements, we approve it, and if they don't, we deny it, like immediately and they try to figure out what's the problem here, the problem would be in here, oh, they don't have an AIS, so we would deny the building permit, they'd have to get that AIS and they don't have to wait 12 months for the building permit. Then they just re-upload the AIS into the E plan review and the building permit goes through it's third, fourth or fifth review with various agencies and with us would be one of them, and at that time we would approve if they met all of SHPD's standards, so, I think there's a disconnect in the way SHPD wrote that letter and that building permits, we absolutely will deny until they meet all of SHPD's standards, but zoning permits are a bit different.

Ms. Otsuka: Thank you.

Chair Apisa: Any other questions or comments?

Ms. Streufert: Could you clarify for me what exactly is that you're asking us to do on this one then, right now?

Mr. Hull: Just to...we are recommending approval and we're recommending that the condition be amended whereby prior to building permit approval, the applicants shall have met all of the state and county agencies requirements, including, but not limited to State Historic Preservation Division requirements.

Ms. Streufert: So, where SHPD recommends that the county had tried to issue the permit you're talking about a building permit and not a zoning permit, is that correct?

Mr. Hull: That I believe is what they're attempting to get at, because I don't think they understood, I don't think they quite understand how the zoning permitting process works versus the building permit and we would take this to mean, the building permit. We would deny the building permit until the AIS is complete.

Ms. Streufert: Is this a case where we might want to add a condition of ground penetrating radar?

Mr. Hull: I think it's similar as the last one when they come up, they consent to a GPR being done prior to construction. That statement on the record is part of, as represented we would treat as a requirement, but that's definitely question you want to ask the applicant when they come up.

Ms. Streufert: Okay. Thank you.

Chair Apisa: Is the applicant present? Please come forward. Thank you.

Mr. Matthew Johnson: Good afternoon. Matthew Johnson, applicant.

Mr. Mancilla: Tejah Mancilla.

Mr. Johnson: Also applicant.

Chair Apisa: Any questions for the applicant?

Ms. Streufert: I have a couple questions. This is one CPR unit, it's Unit A, is that correct?

Mr. Johnson: Unit A and B, it's a one lot, two unit CPR.

Ms. Streufert: So, it has already been CPR'd?

Mr. Johnson: Correct, and it has already been previously CPR'd.

Ms. Streufert: Okay, so the map that you have that shows that it's just Unit A, is actually not accurate, and it shouldn't be A and B.

Mr. Johnson: I would have to look at the map. Which one? Exactly where are we looking at here. And it's possible that there's confusion because, my lot, which is, I'm under the impression that it's Lot A, is the one that, you know, have to come through and apply for the building permit and

this SMA application, as well as Lot B, but that's the one that's mostly specified in the application.

Ms. Streufert: There are two surveys that were done, one had just Unit A, and the other one had Unit A and B, so, I was confused in that. And the, are you...before you do any kind of ground disturbances, are you willing to do a Ground Penetrating Radar Analysis of the property?

Mr. Johnson: Yes, so, you know, when we were here a month ago, I think I originally stated when I spoke to you guys that, you know it's my wish to completely, not only comply with the department 's wishes, but also the community. And as Megan stated in her testimony, we're close family friends and she knows that she has a 100% compliance as far as it goes for me to do the best I can to meet their wishes and how they'd like to see us proceed. It's hard for me to exactly, I can voluntarily say that I can do it, but my only limitation here that I've said that I feel is because I just want to back up a second, there was in, reaching out to SHPD, and talking with them, I did come to find there already was an AIS survey conducted on their property back in 1994. The property was much larger back then. It has since been subdivided into several different lots, but the AIS that they conducted essentially ran from the south hedge line of my property all the way to Alamihi Road. They dug nine trenches, there was no findings and in the report from SHPD, they did specify, they noted some, a burial, two different burial sites, but those aren't anywhere directly adjacent to my property, those are down near the shoreline, so there hadn't been any findings anywhere around my property per se, and you know that area in particular, most of every, most, a big portion of it is right on the beach, right in soft sand where all these burials are being found. My property, this property is actually one of the most highest elevated properties in Wainiha that would be west of the Wainiha River, and so I'm literally kind of up on mountain up there. Not to say of course that there can't be findings there, but you know, going off the previous report that was done in 94, there being no adjacent findings in the area around it, it seems like we're in a better scenario than some that are in the sand, right? Can't rule anything out, of course, until you get into the ground, but you know, Megan came to me and approached me and asked me, you know, about the GPR and I wanted to look into it because well, and I did reach out to SHPD when I found out about the original AIS that was conducted, and I kind of asked them why that wasn't sufficient enough for now, you know, why can't we use the one that was already previously conducted, and they said, well, because the trenches that were dug, there wasn't one dug that was per se, like right where you're going, you're proposing your project. So, you know, seemed kind of arguable to me, but again, like at this point, I'm willing to do whatever it takes to get there, right. But mind you, to get an AIS done, I found someone to work with as Romio mentioned, but you know, \$13,500 to have an AIS conducted, so for your blue class worker, that's a lot of money, you know, and not to say it's not justified because it's part of the process, but, so, fast forward when Megan reached out to me about the GPR, you know my first question is, okay, well how much does it cost, you know, what does it entail? I need some specifics before you can just agree to anything and I came up to the conclusion, well, I called SHPD because I wanted to say, hey, what do you guys think about this GPR, is there any way maybe in lieu of doing a new AIS study we could use the previous one that gives us all the information we need I can agree to do a GPR and it can give us, you know, everything we're looking at. Well, they don't approve of GPRs is what she told me. They, the reason why is because what it does is it goes into the grounds originally developed in World War II, it's used to find metal in the ground when there would be bombs in the ground. Present day time they can use that technology, but it really, all it really shows is anomalies in the ground, so you can't

differentiate very well what is in the ground. Uncle Jerry, who Megan was just talking about, who does the imaging and the readings, he's been doing it for a long time. He says that he can kind of notice certain things, but again, you know, I did reach out to SHPD, and they said, well, you tried it even on O'ahu before, and it's just, it's not valid enough for us to be able to make any reasonable conclusions. So, and I asked the architects that I reached out to on island too, hey, what about this GPR, you know what I mean, same story, so, it's not to say that it's not a helpful (inaudible), and I'm definitely not saying, oh, no, I think I should be exempt from it, but you can see where I'm coming from, and AIS has already been done on the property and I spent 13,500, potentially more to do another AIS study and now it's like I got to do this radar that sounds like it's very inconclusive and it also the issue, last thing I'm going to say, but is that the GPR imaging, I guess it can maybe be a little more effective than soft sand in areas where the terrain is a little more soft. An area where my property is, the land, the terrain is extremely rocky, you put a rock, you put a shovel anywhere in the ground where I'm at, there's giant big rocks and boulders, so they come and take the GPR imaging, what's it going to show, it's just going to be anomaly, anomaly, anomaly, anomaly, anomaly, so you really can't know until you're in the ground, so, I don't know where that leaves us, you know, I just wanted to kind of make my case a little bit from where I stand, and with what's going on because it seems like the departments, you know, there's no clear path forward, and Megan's obviously trying to, to kind of spearhead that, help find ways where we can mitigate the damages, obviously that are occurring, and I'm completely all for that, you know, but I'm definitely not, you know, just okay with agreeing to pay kind of for the same thing in multiple different ways, you know, also. So, but again to answer the question, I am willing, you know I want to be compliant obviously with the communities wishes and everyone, but I'm just looking for also for some guidance on some kind of, you know reasoning here, I guess.

Chair Apisa: Okay. Thank you.

Ms. Streufert: I think I need to explain why I asked that questions, because on page two of this letter, of the first sentence up there, it says the current project area is not within the boundaries of the aforementioned AIS, and if that's the case, then there really has been no AIS done at the property, so, if a GPS or GPR can mitigate that, as well as the addition to the Condition No. 12, I think you said, I'm sorry, Condition No. 8.

Mr. Idica: Yes. Yes, Condition No. 8.

Ms. Streufert: Does that fulfill our requirements to the State or SHPD, and for all of... Ka Pa'akai Analysis and all of that or is that...do we, are we still (inaudible)?

Mr. Hull: So, SHPD would have to give us the green light once they've met all their requirements prior to us signing off on the building permit, so that that ensures that SHPDs requirements are met. I think the applicant said, and I mentioned in the previous application, is that we haven't been getting any way of guidance from SHPD on how to incorporate a GPR requirement, sorry. Currently, SHPDs not recommending GPRs and so, the way Romio's crafted this condition, they'll have to meet SHPDs requirements prior to getting building permit approval. I think what this discussion is going on right now is, some of the community is asking for a GPR, and whether, and so that's why you (inaudible) the question, the applicant, are you willing to consent, and I say, that was not a consent, so that would not be incorporated within the

constructed as represented clause. Having said that, should the department, absent on SHPD guidance on this, the department's not going to go outside the bounds of SHPD. Having said that though, the Commission can, at its discretion, require the GPR as part of the Conditions of Approval, based on community input, concerns about archaeological finds there. That's not without the, with, that's not over the bounds of what the Commission can do. Does that make sense? Okay. It would just have to be explicitly listed as a Condition of Approval as opposed to trying to wrap it into Condition 1.

Ms. Cox: So, if the...if SHPD only would accept a new AIS, would the community also accept a new AIS rather than...I'm just trying to see if there's a way...you know GPR is one way to do it, the other way is to do an AIS. It's sounding like at the moment, that both have to be done, and I'm just wondering if there's a way that the AIS could...since we have to make SHPDs recommendation (inaudible), could that recommendation, could that activity, the AIS also meet the communities concerns? I don't know the answer to that. That would mean only one thing rather than (inaudible). I mean, we already (inaudible).

Mr. Hull: Yeah, (inaudible). (Inaudible) speak for the community, but I think it was voiced in Ms. Wong testimony, so at the discretion of the Chair, if you want to bring Ms. Wong back up to ask her a few questions, (inaudible), you can do that, I'm not saying, you have to do that, but you can do that.

Ms. Cox: That's what I would want, just to get an answer to that.

Chair Apisa: So, maybe excuse you for a few moments to ask Ms. Wong to come back. Thank you.

Ms. Wong: Hi. Megan Wong, again. It's put us in a little bit of a tricky situation because they are our friends and we want to see them, but we also in the stance that we're taking, whether that's in our own family that we have to stand with the same level of (inaudible), so, we wouldn't be asking any Tom, Dick, or Harry the same thing, and we'd be requiring ourselves, personally to be at the same level that we would require ourselves if building our own place to do the same, to move carefully. It saddens me that an AIS cost him 13,500 because that's a chunk of what he was going to put into building the 700 square foot place, so I really feel for him. And in any way that we can work, you know. I know we've offered to monitor for free if we could or my brother would help him build there in anyway that we could, but for the GPR, why it was asked for, and I've explained it to Matt, and they also had the opportunity to talk to Uncle Jerry out here, because he just happened to be walking by, so they were able to talk to him, but it was to avoid digging and finding, so, yes, he will be doing trenches, but in those trenches you may or may not find and you're still taking the risk. So, Uncle Jerrys response to the rocks and boulders is that, the rocks and boulders have metal in them, and so he can differentiate between boulders and rocks and graves or other anomalies. So, he's pretty confident about that is what he says, because that was a good question that I had. So, our ask is still the same, that we're asking for him to do a GPR, and in any way that we can to help him financially see that forward, and I, you know, or we're willing to work with him, but as a community, I think that (inaudible), that that's what...that's what we're asking, and that's, it's what we'll be asking moving forward, and we're also working together moving forward with SHPD (inaudible) maybe that would be, someday that will be the ask for all, so we don't have this (inaudible), where we have to come in and some

people are treated differently or they (inaudible) agree, so I hope that this could be (inaudible), but for today all we can do is ask and if they move on it and do the right thing, and if they don't then, you know, we'll mitigate around them as (inaudible) as we do, so...

Mr. Hull: I'll just say for discussion purposes, I can draft something to that effect for you folks, but it's really at your discretion whether or not that condition should be placed on the Conditions of Approval, should the Commission be looking at approving the application.

Ms. Streufert: Maybe this is a semantic issue, but on Number 8, if it were to be amended to include prior to building permit approval, and SHPD is part of that, are they going to, are they going to require an AIS anyway?

Mr. Idica: Yes, the letter was already...

Mr. Hull: They are requiring an AIS.

Mr. Idica: Yes, they are requiring...

Ms. Streufert: So doesn't really matter...

Ms. Otsuka: So, it's a double...

Ms. Streufert: ...whether you do a GPR or not, correct.

Ms. Cox: Except the community wants the GPR.

Ms. Streufert: So, you would have him do both the GPR and the AIS?

Ms. Cox: That's what I was just asking.

Ms. Otsuka: Yeah, it's like double paying.

Ms. Cox: That's exactly why I was asking.

Ms. Otsuka: Yeah.

Ms. Streufert: But the AIS is required, right?

Mr. Idica: That is correct, yes.

Mr. Hull: Yeah, I think what Ms. Wong is getting at is the AIS will look at trenching certain areas, it won't trench necessarily the entire property.

Ms. Otsuka: But it won't trench where it's going to be built?

Mr. Hull: It'll trench where it's going to be built but there are scenarios where the SHPD could require trenching of the entire project site, or it could just require trenching of portions of the project site to get a sampling of what could be there. In many scenarios the trenching will only be a sampling size of the project area.

Ms. Streufert: So, if an AIS is going to be required, then GPR is really an additional cost.

Ms. Otsuka: Yeah, yeah. Additional costs.

Chair Apisa: They're two different, two different processes.

Ms. Otsuka: Yeah.

Chair Apisa: I mean, one is actually penetrating the ground in select areas and the other one is an overall of non-penetration, they're two different processes.

Ms. Otsuka: Yeah, but it's like...SHPD is requiring it. I don't see the need to have to do a GPR if they already have to do an AIS.

Chair Apisa: Isn't that a Planning Department's discretion, as was in the last case where you said it, you don't...

Mr. Hull: No, that's what I'm saying is, that the department, we don't have a historian or an archaeological on staff, so we are hesitant to go beyond the requirements of what SHPD is requiring, just essentially saying we're taking SHPD's lead on this, and here is what the requirement is and that's what we're recommending. So, that's within, you know, the philosophical approach of the Planning Department. Having said that, as I was saying earlier is you can, the Commission can choose to agree with that sentiment and say, oh no, SHPD is only requiring an AIS, and that's what these conditions right now hold to or the Commission, and you do have the discretion to say no, we're going to go beyond that, and in addition to the AIS and SHPD requirements, pursuant to community requests, we will also be instituting a GPR requirement as a Condition of Approval, you completely have that discretion and it would not be, I don't know, and I look at Laura, you wouldn't be running afoul of any legal authority to do so.

Chair Apisa: And again, while it's easy to get caught up in the emotion, I mean I think we need to keep the emotion out of our decisions and go with more constructive decision.

Ms. Cox: Problem that I see is that we have a legal requirement to meet SHPDs...

Chair Apisa: Right for the EIS.

Ms. Cox: Right. Correct.

Chair Apisa: So, that's a done deal.

Ms. Cox: But we also, I don't think it's emotional to also consider what the community has requested.

Chair Apisa: Well, no. I, I...where I'm going is that I think we need to listen to the community...

Ms. Cox: Oh.

Chair Apisa: ...and not...

Ms. Cox: Okay.

Chair Apisa: ...be emotional over the financial constraints...

Ms. Cox: I see.

Chair Apisa: ...of the applicant is...

Ms. Cox: Got it.

Chair Apisa: ...I mean, I'm sensitive to that, but I think our position is to look at the facts before us.

Ms. Streufert: So SHPD is requiring an AIS.

Chair Apisa: So, that's a done deal.

Multiple Commissioners: Yeah.

Chair Apisa: But I think the question is...

Ms. Otsuka: If we agree on the GPR.

Chair Apisa: The GPR. So, any other discussion on it, or is someone ready to make a motion?

Ms. Otsuka: Personally, I don't feel the need for the GPR being that as he said, underground is just boulders, so I just see it as paying for something that is not conclusive, you know it's gonna, the GPR is gonna find things underground because of what's within the boulders, so I feel like it's a waste of time and money.

Chair Apisa: My understanding is that they could differentiate. They can differentiate.

Ms. Otsuka: (Inaudible).

Chair Apisa: Yeah, they can differentiate what they're finding beneath the ground.

Ms. Barzilai: I think Chair you might not have enough technical, I'm not sure if you have enough technical information to even make that decision right now, because neither of these parties are work in that professional field and I think Commissioner Cox stated it correctly that you do have legal requirement for the AIS...

Chair Apisa: Right.

Ms. Barzilai: ...for the AIS, if you want to...

Chair Apisa: Right.

Ms. Barzilai: ...comply with the recommendations so...

Chair Apisa: That just leaves the question of the GPR decision, so if somebody, I'm ready.

Mr. Ako: I'll just say that I think at the last meeting we had deferred this because we were waiting for the SHPD report.

Ms. Otsuka: SHPD, yes.

Mr. Ako: We've got the SHPD report now. So, for me, I'm ready to move forward.

Chair Apisa: I would like to move forward with whatever our decision is, I would like to get...

Ms. Barzilai: The report in itself is somewhat confusing. I think the one clear item that does come out of it is that AIS is recommended.

Chair Apisa: Right. That's not in question. I mean, I think we know the AIS is recommended.

Ms. Otsuka: Are we required?

Mr. Hull: Required.

Ms. Otsuka: Recommended?

Multiple Commissioners: Required.

Chair Apisa: I'm sorry, it's required. Yes, the AIS is required. That's no question.

Ms. Barzilai: So, the check in balance, the way that the condition is drafted right now will occur at the building phase, if you accept that condition as drafted.

Chair Apisa: Right. And that's what we, was stated before that the building permit...

Ms. Barzilai: And there isn't a party here who can discuss the technical aspect of the GPR with you, such as a professional who actually works in that area. Are you ready to move forward?

Mr. Hull: So, I think for the sake of the discussion (inaudible) there seem to be two sentiments, right, adhering to the condition as drafted and relying on SHPD and their requirement, that's one potential sentiment, and the second sentiment would be not only relying on the condition as drafted and SHPD requirements, but to also require the applicant to do a GPR analysis on the subject property. A motion, and either one would be appropriate it seems and ultimately there's going to be a vote up or down (inaudible). So if you folks want I have drafted a potential condition that would function as a Condition of Approval requiring a GPR, if there's any introducer that motion that would like me to read that.

Mr. Ako: I can move and then we vote.

Chair Apisa: Yes. Let's...Commissioner Ako has a motion to make and will either yav or nay, and we'll go on from there.

Ms. Otsuka: Sounds good.

Mr. Ako: So, move to approve Special Management Area...

Ms. Barzilai: I think the applicant wants to speak.

Chair Apisa: Excuse me, Commissioner. For further comment...

Mr. Johnson: I'm sorry, just one more thing. Just even to help simplify the process. I just kind of wanted to voice my biggest frustration getting to this point with the process that we're dealing with. There's no real clear answers. There's no real professional that can say, (inaudible) looked at a GPR here, it's really...it's a whole lot of thing. Nobody's an expert on it here. Megan already knows that I'm going to be compliant with her wishes whenever she wants, she's like family to me. I love her, but I also don't want to feel like, you know, I want to be able to voluntarily do that, you know, if I wanted to go and take that money from my pocket to do this, I mean, whether I agree with that it's necessary or not, with Megan, you know what I mean, with the community. I think, I just feel like it shouldn't be something that's a new condition of my approval of my application or following SHPDs guidelines. Like I said, Megan already has my verbal commitment that I'm going to do, you know, what she wants because they're like family to me, and I really don't have any other choices. So, you guys tell me, you know, but that seems like kind of like a fair, fair settlement, if everybody's okay with that.

Ms. Wong: I'm okay with you not having to write it up as a condition. I take his loyalty to be the truth, (inaudible).

Ms. Otsuka: Thank you.

Chair Apisa: Okay. Thank you very much. Thank you. We were in the midst of a motion here.

Mr. Ako: So, before we get there, by reference, there is no commitment then, right now.

Mr. Hull: I think there's a verbal commitment between civil parties, but there is no commitment within the Conditions of Approval that we would (inaudible) from a (inaudible) standpoint.

Chair Apisa: Does anyone want to hear what he has drafted?

Ms. Streufert: No, because (inaudible).

Unknown Commissioner: Go ahead, I'm ready.

Mr. Ako: So, regarding Special Management Area Use Permit, SMA(U)-2025-2, I move for approval as amended.

Ms. Streufert: I second.

Chair Apisa: Okay, we have a motion on the floor. Is there any further discussion? So, this is to approve it as...

Mr. Ako: As amended as...with the prior to building permit approval with amendment to No. 8.

Chair Apisa: Okay, we have a motion on the floor. Roll call. Any other discussion? Roll call vote, please.

Mr. Hull: Roll call, Madam Chair. Commissioner Ako?

Mr. Ako: Aye.

Mr. Hull: Commissioner Cox?

Ms. Cox: Aye.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Commissioner Streufert?

Ms. Streufert: Aye.

Mr. Hull: Chair Apisa?

Chair Apisa: Aye.

Mr. Hull: Motion passes, Madam Chair. 6:0.

Chair Apisa: Alright. Thank you. Onward. Congratulations.

NEW BUSINESS (For Action) (None)

EXECUTIVE SESSION (None)

ANNOUNCEMENTS

Mr. Hull: Moving on. That rounds out the last meeting of 2024s agenda. We do have a meeting in January 10, 2025. It's looking to shape up, like we've got a couple SMA permits, and a training potentially concerning sea level rise. But it doesn't look like it's too big of an agenda. But there's any additional things that Commissioners would like to look at. Can look at that, presenting that with the current Chair, as we set that agenda and of course the first order of business in January will be the election of the officers for 2025. Other than that we're done. Nothing left and good to go.

Chair Apisa: Motion to adjourn.

Mr. Ako: If I can just add before we end. I just wanted to say thank you to Donna for taking the helm, you know, for this past year. I know we had some pretty good issues in front of us, yeah,

but for your leadership know this for this past year, I know we had some, some pretty some pretty good issues there in front of us yet. But for your leadership, thank you very much.

Chair Apisa: Thank you. Thank you all. It's been, it's been good and I wish you all well.

Mr. Hull: Thanks, Donna.

ADJOURNMENT

Chair Apisa: Motion to adjourn.

Ms. Otsuka: Motion to adjourn.

Ms. Cox: Second.

Chair Apisa: We have a motion on the floor. All in favor. Aye (unanimous voice vote). Meeting is adjourned.

Chair Apisa adjourned the meeting at 2:34 p.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.



Compost Kauai LLC

491 Kamalu Rd
Kapaa, Hawaii 96746
808-635-4732

August 25, 2024

County of Kauai
Department of Planning
4444 Rice Street, Ste A473
Lihue, Hawaii 96766

Subject: Final Zoning Permit, Use Permit, and Special Permit Application for Property located at 628 Puuopae Road, Kapaa, Hawaii (TMK No. (4) 4-002-093-0000).

Compost Kauai LLC is submitting a Final Use permit application for a one acre area on the property at 628 Puuopae Road, Kapaa, Hawaii 96746, hereinafter referred to as the "Site." The Site is located within the property identified by the County of Kauai Real Property Assessment Division as Tax Map Key (TMK) number (4) 4-002-093-0000. The entirety of this property is zoned AG-II, with surrounding parcels zoned Open Space and AG. This facility will convert locally derived brown wastes (tree and yard trimmings, sawdust, coffee chaff) combined with locally produced green waste and putrescibles (agricultural waste and food scraps – vegetative produce, animal products, coffee grounds, spent grain, etc.) into a valuable and much needed soil amendment.

The following attachments are included for this application.

- Attachment A: Department of Planning Zoning Permit Application
- Attachment B: General Class III and IV Zoning Requirements Checklist
- Attachment C: Use Permit Petition
- Attachment D: Special Permit Petition
- Attachment E: Letter of Authorization
- Attachment F: Site Figures
- Attachment G: Photo Documentation

If you have any questions or require additional information regarding this project, please contact me at 808-635-4732.

Mahalo,

Jesse Brown-Clay
Co-founder, Compost Kauai

Attachment A

Department of Planning Zoning Permit Application



**DEPARTMENT OF PLANNING
STANDARD ZONING PERMIT APPLICATION**

One (1) original; If providing plans, five (5) sets, including original, required.
Fees vary based on permits required and range from \$30 to over \$1000.
Proof of 100% fee ownership rights or authorized agent must be attached.

Check
One:



Paper
Plans



Electronic
Plans

This application shall be filled out by all seeking Zoning, Use, Variance, SMA Use, or PDU permits pursuant to the Kauai County Code, Hawai'i Revised Statutes Chapter 205A and all relevant rules and regulations of the Planning Commission and Department. Supplemental information may be attached to form. SMA Applications may also require additional SMA assessment forms.

DEPARTMENT USE ONLY

Zoning			Intake By:
Use			
Variance			Intake Date:
SMA			
PDU			Acceptance Date/By:
TOTAL FEE:			
Additional Fees:			
Receipt Number			
Building Permit No.			
Associated Permits (e.g. SSD)			

Permitting fees may be made via cash or check. All checks shall be made out to: "Director of Finance"

Complete Information Below

Tax Map Key Number	(4) 4-0-020:930000	Condominium Number	
Applicant Name(s)	JESSE BROWN-CLAY		
Property Address	628 Pu'uopae Rd, Kapaa, HI 96746		
Mailing Address	491 Kamalu Rd, Kapaa, HI 96746		
Parcel Area	12.74 total 1 acre lot within parcel	Contact Phone	808 635 4732
Zoning Designation	AG	Contact Email (if applicable)	jbrownclay@gmail.com

Applicant Declarations (incorrect responses may slow your permit review)

Please place an "X" under Yes or No under the following:

		YES	NO	Staff Verification
1	Is this property located in the Special Management Area (SMA)?		X	
2	Is this property part of a Condominium Property Regime (CPR)?		X	
3	Is this property within 500 feet of the shoreline?		X	
4	Is this property within the Agriculture Zoning District?	X		
5	Is there a structure on the property that is 50 years old or older?		X	
6	Do you have an Additional Dwelling Unit Certificate?		X	
7	Is this a permit for an after-the-fact construction or activity?		X	
8	I hold at least a 100% property interest in the property.		X	
9	Are you an agent for the property owner?	X		
10	Has a similar application been previously denied?		X	
11	Are there known burials on the site?		X	
12	Will the project involve ground disturbance?		X	
13	Are you using water not provided by a domestic water system?	X		
14	Does existing grade under building footprint change by 2' or more in any direction?		X	
15	The proposed residential unit is a Multi-Family Dwelling Unit?		X	
16	Is this a conversion of a legally existing single-family dwelling unit into a multi-family two dwelling unit?		X	
17	Is this structure a guest house?		X	
18	Does guest house contain a kitchen?		X	

1. What is the proposed construction and/or intended use of the structure or parcel (may attach additional info)? Co-composting Facility. Additional info attached
2. If this is not the first dwelling unit on the subject property identified on this application, please state how many dwelling units presently exist: 1

Submittal Checklist

Please **INITIAL** under "Yes" or not applicable "N/A" regarding each of the statements:

	YES	NA	Staff Verification
1 All plot plans I have submitted are drawn to scale.	JBC		
2 I have ensured all TMK numbers are visible on all plan sheets.	JBC		
3 Any plans I have submitted clearly show all structures and setback dimensions.		JBC	
4 My plans provide lot coverage calculations		JBC	
5 I have ensured kitchens are marked with the 8' radii required by the Planning Department's Administrative Rules.		JBC	
6 Because this application involves a CPR, the plot plan shows all existing structures.		JBC	
7 Building plate does not exceed 20 feet from the finished grade at entry.		JBC	

Acknowledgements - Please **INITIAL** next to each of the statements:

I UNDERSTAND:	Initial Here
Additional fees and/or the submittal of other application forms may be necessary to complete this application for acceptance and processing.	JBC
Tender of fees by the County does not imply acceptance of this application.	JBC
Errors in self-declaration or missing or incomplete information will delay acceptance and processing of your application.	JBC
Any purposeful misrepresentations in this application may result in delay, denial, permit revocation, violations, fines and even criminal prosecution.	JBC

The owner and/or authorized representative is hereby made aware that the construction, work, use or activity approved in this permit shall be subject to inspection by the Planning Department personnel. The applicant is advised that inspection may occur prior to or during construction and use to ascertain the activity is conducted in compliance with the law. Further, I am a duly authorized agent or have 100% ownership rights.

WARNING: if you are a property owner of a Unit within a Condominium Property Regime (CPR), you are obligated to acknowledge and understand your rights and duties under the documents governing your SPR. The Kaua'i County Planning Department (Department) has no duty or obligation to enforce CPR Documents. By submitting this application [or, authorization for], you hereby indemnify and hold harmless the Department from any and all liability arising from disputes or actions resulting from the interpretation or enforcement of your CPR documents.

OWNER/AGENT SIGNATURE: Jenn M DATE: 09/30/24

FOR PLANNING DEPARTMENT USE ONLY (THIS CONSTITUTES PERMIT IF FILLED OUT BY DEPT.):

APPROVED DENIED BY: _____ DATE: _____

DIRECTOR'S CONDITIONS OF APPROVAL (staff to **initial** next to applicable conditions):

This permit shall expire if no building is issued within one (1) year after the approval date and/or if construction does not start within one (1) year of building permit issuance.	
Director's standard conditions for non-residential agricultural structures (attach)	
Should any archaeological or historic resources be discovered during ground disturbing/construction work, all work in the area of the find shall immediately cease and the Applicant shall contact the State Department of Land and Natural Resources, Historic Preservation Division and the Planning Department to determine mitigation measures.	
Additional Conditions (State):	

Attachment B

Use Permit, Project Development Use Permit, Variance Permit Requirements Checklist

**PLANNING DEPARTMENT
COUNTY OF KAUAI**

GENERAL SUBMITTAL REQUIREMENTS

The following is a list of General Application requirements for Class III and IV Zoning Permits, Use Permits, Project Development Use Permits, Variance Permits, Special Permits, and Special Management Area Permits (SMA). In preparing Applications for permit applications or petitions, please provide an exhibit and/or page reference for the application submittal, information, and documents requested. Zoning Permit Application Forms, Special Management Assessment Forms, and Special Treatment District Checklist are also available at the Planning Department, 4444 Rice Street, Suite A473, Līhu'e, Hawai'i 96766.

Pre-permit application consultation with the Planning Department and various County and State Agencies are recommended.

Instructions for Petitions for General Plan Amendments, State Land Use District Boundary Amendments (15 acres or less) and Zoning Amendments, are also available at the Planning Department.

An original plus one copy of the following items shall be submitted for review by the Planning Department for suitability for processing based on the attached checklist. Upon deeming the application suitable for agency review, the Planning Department will contact the applicant to request the additional number of application packets needed to complete the land use application for processing. The applicant shall provide 12 copies of the final application form and supporting information to complete the application for processing in accordance with Section 8-3.1(f) of the Kauai County Code, 1987, as amended.

Application shall be deemed complete when the above requirements have been satisfied and the following have been received:

1. Twelve (12) copies of the *FINAL* application.
2. Non-refundable filing fee payable to the COUNTY OF KAUAI, DIRECTOR OF FINANCE.
3. The filing fees are as follows:
 - o State Land Use District Boundary Amendment = \$150.00
 - o General Plan Amendment = \$600.00
 - o Zoning Amendment = \$300.00
 - o Special Permit = \$150.00
 - o Use Permit, Project Development Use Permit, Variance Permit = \$300.00
 - o Class III Zoning Permit = \$200.00
 - o Class IV Zoning Permit = \$800.00
 - o Special Management Area Use Permit = \$1,776.46
 - o Special Management Area Minor Permit = \$150.00
 - o Shoreline Setback Variance Permit = \$300.00
4. Digital copy (.PDF preferred) of entire transmittal including documents & exhibits.

Incomplete _____

Application Deemed Complete as all information has been submitted and necessary fees have been paid.

By: _____ Date: _____

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



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

GENERAL CLASS III & IV ZONING REQUIREMENTS CHECKLIST	
Project Name: Compost Kauai LLC	TMK: (4) 4-0-020:930000
Applicant(s): Jesse Brown-Clay	Permit Nos. N/A

REQUIRED INFORMATION

APPLICANT & PROPERTY INFORMATION		Exhibit and/or Page Number	Staff Comments
1	Zoning Permit Application Form or Petition for Amendments. The Application Form or Petition shall be completed and provide the required information pertaining to the property, such as: Tax Map Key number(s), State Land Use District Designation (SLUD), General Plan Designation, and County Zoning Designation.	Attachment A	
2	Documents that verify ownership of the property under the subject application(s), or that the Applicant is the Authorized Agent of the property owner(s).	N/A	
3	If the Applicant is not the owner(s) of the subject parcel, then a notarized written authorization for the application by the owner shall be included. Said authorization shall include the owner's name, mailing addresses, contact information (i.e. phone number, cell number, email address)	Attachment E	
4	Agent's name, mailing address, and contact information (i.e. phone number, cell number, email address)	N/A	

GRAPHIC & SCHEMATIC REQUIREMENTS		Exhibit and/or Page Number	Staff Comments
5	Location Map identifying the project site, adjacent roadway, and identifying landmarks.	Attachment F	
6	Schematic Site Development Plan of Plot Plans drawn to scale that identify the following:		
	o Property lines and easements with its dimensions, total land or parcel area calculations;	Attachment F	
	o County and SLUD Zoning and General Plan Designation areas of the property and applicable densities;	Attachment C	
	o Flood Zone(s) and required elevations;	N/A	
	o Location, size, and dimensions of all existing and proposed buildings, structures, improvements and uses;	N/A	
	o Building setback distances to property lines, between buildings, right-of-ways, and parking lots;	N/A	
	o Proposed Lot Coverage calculations and areas;	N/A	
	o Topographic information showing existing features, conditions and drainage patterns, and proposed grading & finished grade elevations, and drainage patterns;	N/A	
	o Location of environmentally sensitive areas, habitat and botanical features which include, but are not limited to, wetlands, streams, rock outcroppings, endangered plants and animals, and exceptional trees;	Attachment F	
	o Existing and proposed landscaping which depicts open spaces, plantings and trees;	Attachment F	
o Existing and proposed roadways, and accesses to the project site; and	Attachment F		
o Certified Shoreline, shoreline setback lines, stream and other setback lines.	N/A		

7	Conceptual Building Plans (drawn to scale):		
	o All existing and/or proposed building elevations with finished material called out. Exterior Elevations shall identify the existing and finished grade;	N/A	
	o Building heights, maximum wall plate height, cross sections that are drawn to scale and clearly define the architectural character of the development; and	N/A	
	o Floor plans of all buildings and typical unit types for multi-family projects;	N/A	

WRITTEN REQUIREMENTS		Exhibit and/or Page Number	Staff Comments
8	A Report or Statement addressing the following:		
	o Description of the proposed project and proposed uses, operations and management of the proposed use which includes, but is not limited to, proposed employee housing plan, hours of operation;	Attachment C	
	o Summary of Permits (i.e. Use Permit, Variance Permit, Special Permit, Class IV Zoning etc.) or Land Use Amendments requested, and the application section of the Kaua'i County Code or regulation citing the specific standards and criteria for granting of the permit or amendment being requested;	Cover Letter	
	o Policies and Objectives of the General Plan; the provisions of the Community Development Plan applicable to the application (including design standards and application requirements); the provisions of the applicable zoning district; and an analysis of the extent to which the application, if granted, conforms to these provisions of the applicable district; and an analysis of the extent to which the application, if granted, conforms to these policies, objectives and provisions;	C	
	o Detailed land use history of the parcel, which includes but is not limited to, former and existing State and County land use designations, violations and uses;	Attachment C	
	o Status reports of all Zoning Amendment ordinance conditions, existing Land Use Permit conditions, and Subdivision Application conditions pertaining to the project site;	N/A	
	o Analysis of the secondary impacts of the proposed use on the surrounding area, which includes but is not limited to, increases in property value, population, housing, community services and facility needs, secondary jobs and employment generated, and compatibility with the surrounding uses;	Attachment C	
	o Water source, supply and distribution system analysis, which includes but is not limited to, methods of irrigation that exists on the parcel and proposed for the application, location and use of groundwater and non-potable water sources;	Attachment C	
	o Sewage Disposal Analysis – A description of a proposed method of sewage disposal;	N/A	
	o Solid Waste Disposal Analysis – A description of a proposed method of solid waste disposal, including methods for recycling, reclamation and waste stream diversion; and	Attachment C	
	o Description of environmentally sensitive areas, habitat and botanical features, which includes but is not limited to, wetlands streams, rock outcroppings, endangered plants and animals, and exceptional trees.	Attachment C	
	o Ka Pa'akai Assessment – A detailed description that address a three-part analytical framework to assist the State and Counties in fulfilling their constitutional obligation to preserve and protect traditional and customary practices (TCP) exercised by Native Hawaiians, to the extent feasible. The analytical framework was established by the Hawaii Supreme Court and developed to assist with balancing both the rights of Native Hawaiians to exercise their TCPs, and the private landowners. It should provide information for the department staff to apply the Ka Pa'akai 3-step analytical framework as set forth below: <ul style="list-style-type: none"> ▪ Identify whether any valued cultural, historical, or natural resources are present within the project area, and identify the extent to which Native Hawaiian TCP rights are exercised ▪ Determine the extent to which the identified resources and rights will be affected or impaired by the proposed project. ▪ Specify any feasible action, if any, to be taken to reasonably protect Native Hawaiian rights if they are found to exist, either currently or possibly in the past. (Please refer to the Planning Department Worksheet for Ka Pa'akai Assessment for details)	N/A	

9	A completed evaluation form or written comments from the County Housing Division relative to the County's housing requirements, pursuant to Ordinance No. 860.	N/A	
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**ADDITIONAL INFORMATION
(SUBJECT TO DIRECTOR'S DETERMINATION)**

APPLICANT & PROPERTY INFORMATION		Exhibit and/or Page Number	Staff Comments
10	Title Report necessary for the project site. Title Insurance will be mandatory for all affected Kuleana parcel(s).		

GRAPHIC & SCHEMATIC REQUIREMENTS		Exhibit and/or Page Number	Staff Comments
11	Schematic Site Development Plans of Plot Plans drawn to scale, which identify the following: <ul style="list-style-type: none"> o Location of existing or required access to shoreline or traditional site either on property or adjacent to; and o Certified Shoreline, shoreline setback lines, stream and other setback lines. 		
12	Three (3) dimensional drawings of models, which clearly indicates the relation of the proposed development to other uses and structure within the surrounding area, and show the development in the context of significant viewplanes.		
13	Dated photographs of the project site, existing structures, and the surrounding area.		

WRITTEN REQUIREMENTS		Exhibit and/or Page Number	Staff Comments
14	Additional information to be included in the required report: <ul style="list-style-type: none"> o Preliminary archaeological and historical data; o A preservation/mitigation plan; o Traffic Impact analysis showing level of service with and without the project, when required by the State Department of Transportation OR County Department of Public Works; o A Transportation Master Plan, which includes vehicle, pedestrian and other forms of circulation to adjacent services and destinations; o For parcel located in SLUD Agricultural or County Agriculture zoning district, an assessment of the impact which the proposed use may have on agricultural use of the parcel, which includes but is not limited to, feasibility analysis of potential agricultural uses suited for the project site; o A Water Master Plan, which aligns to the goals of the 2020 Water Plan for Kaua'i; o A baseline study and preservation/mitigation plan for environmentally sensitive areas and endangered species habitat; o A summary of all meetings held between the Applicant and any community or residential group that may be impacted by the Applicant's proposal, the issues raised at these meetings, and any proposed mitigation measures by the Applicant to deal with the raised concerns; o For properties adjacent to the shoreline or containing traditional access or sites requiring access – A Preservation/Mitigation Plan detailing how access will be allowed and managed; o For projects near the shoreline, riparian areas or wetlands, or those involving intensive landscaping or turf management, such as golf courses – Identification and assessment of chemicals and fertilizers used, including but not limited to, detailing effects upon surface, underground and marine water resources and neighboring properties and surrounding flora & fauna. If applicable, provide a mitigation plan and maintenance program and schedule; o For properties listed on the Kaua'i Historic and Non-Historic Resource Inventory – An inventory and description of historic features on the property; o Proposed Employee Housing Plan; and 		

	<ul style="list-style-type: none"> o Description of sustainable strategies incorporated into project, including but not limited to, strategies to reduce water and energy and material consumption, promote alternative forms of transportation, reduce wastewater and storm runoff, waste stream diversion and encourage the preservation of function ecosystem, i.e. LEEDS, Los Impact Design, Green Building principles, recycling, composting, BMP's, etc.. 		
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ADDITIONAL PERMITS		Exhibit and/or Page Number	Staff Comments
15	For projects located within the Special Treatment District – The Applicant shall comply with necessary requirements of Section 8-11.5 of the KCC, and provide information noted in the Special Treatment District Checklist.		
16	For projects located within the Special Management Area (SMA) – The Applicant shall complete & submit an SMA Assessment application of the proposed development.		
17	For properties located within 500 feet of the shoreline – The Applicant shall comply with the requirements of Section 8-27 of the KCC, entitled “Shoreline Setback and Coastal Protection,” and provide the necessary information contained in the Shoreline Setback checklist.		
18	If applicable, the petition requirements and content for a Special Permit, pursuant to Chapter 13 of the Rules of Practice and Procedures of the Planning Commission, and Chapter 205 of the Hawai’i Revised Statutes (HRS).		
19	A Finding of No Significant Impact (FONSI) or Final Environmental Impact Statement (EIS), when required by Chapter 343 of the Hawai’i Revised Statutes (HRS).		



Compost Kauai LLC

491 Kamalu Rd

Kapaa, Hawaii 96746

808-635-4732

August 25, 2024

County of Kauai

Department of Planning

4444 Rice Street, Ste A473

Lihue, Hawaii 96766

Subject: Use Permit Petition for Property located at 628 Puuopae Road, Kapaa, Hawaii 96746 TMK No. (4) 4-002-093-0000.

Compost Kauai LLC (ComK) is submitting this Use permit petition for a one acre area on the property located at 628 Puuopae Road, Kapaa, Hawaii 96746, hereinafter referred to as the "Site." The Site is identified by the County of Kauai Real Property Assessment Division as Tax Map Key (TMK) No. (4) 4-002-093-0000. This property is zoned AG-II, with surrounding parcels zoned Open Space and AG. This facility will convert locally derived brown wastes (tree and yard trimmings, sawdust, coffee chaff) combined with locally produced green waste and putrescibles (agricultural waste and food scraps – vegetative produce, animal products, coffee grounds, spent grain, etc.) into a valuable and much needed soil amendment for Kauai's residents and ag producers.

Project Description

Background

Approximately 500,000 lbs of materials enter the Kekaha landfill each day. In 2016, the County of Kauai conducted a waste characterization study that revealed that three of the top five materials are paper (18.4%), food (10.3%) and other organics (18%) - materials that can easily be diverted and recycled locally. At 10.3%, food waste contributes approximately 50,000 lbs each day. With an estimated closing date of June 2029 and a projected 10-year building timeline for a new landfill, the County faces a 2-3 year gap of questionable landfilling for residents' food waste and their putrescibles. Yet, food waste and other organics can easily be recycled locally rather than adding to the crisis level landfill issue.

Composting food scraps and other organics into a value added soil product supports Kauai's local food system and agricultural future while directly addressing the current landfill crisis. To improve and support the County's efforts of diversion rates of 70%, ComK is proposing to operate a community scale composting facility. The facility will accept food scraps, landscape trimmings, agricultural products, and other organic materials.

This facility is proposing to become the first fully permitted community-scale co-composting facility (pre and post-consumer food scraps mixed with landscaping trimmings) on Kauai. They will serve a rural community of residents who are 13 miles driving from the nearest green waste composting facilities, Green Earth Matters (GEM) and Heart & Soul Organics. Yet, these facilities do not accept co-composting materials at this time.

Current Conditions and Surrounding Properties

The Site is located at 628 Puuopae Road, in Wailua Homesteads on the island of Kauai. Access to the Site is via a privately owned gravel driveway from Puuopae Road. The Site with TMK number (4) 4-002-093-0000 is zoned for agricultural use. The surrounding properties are zoned Open Space (O) and Ag (A) with active agricultural practices occurring including ranching and pasture management with cattle, goat, sheep and horses, as well as a commercial slaughterhouse, Wailua Meat Company, adjacent to the property.

The entire TMK is approximately 12.74 acres with co-composting operations and the Facility located within a designated area on the back one acre of the property, furthest from neighboring structures and Puuopae Road. The Site is approximately 850 ft from the nearest neighboring parcel structures, and approximately 200 ft from the nearest surface water source, which is a perennial swale.

Soils in the area of the Site are associated with Puhi silty clay loam with 3 to 8 percent slopes. The soils are well drained with moderate infiltration and medium surface runoff (Hydrologic Soil Group B) (Web Soil Survey, NRCS, Available online. Accessed 7/1/2024).

Proposed Facility Operations

Compost Kauai LLC (ComK) is proposing to operate a co-composting recycling facility at the Site, hereinafter referred to as the "Facility." The Facility will be operational on Mondays through Sunday, from 9am to 5pm. Approximately, one to two Facility personnel will be on-site during normal business hours. Facility personnel vehicles will be parked on-site, along the gravel access road with turnaround. The facility is not open to the public.

The Facility will consist of a covered office/storage area, actively composting windrows, a finished material storage area, a gravel access road with turnaround, and dispersed grassy berms along the Facility perimeter. The boundaries

of the Site that adjoin neighboring properties will be fenced and unpaved.

The Facility aims to receive and compost 1,300 lbs per week of pre and post-consumer food scraps (approx. two cubic yards), as well as 2,500 to 3,000 lbs of bulking agents (approx. three cubic yards). The majority of food scraps processed at this operation will be the post-consumer scraps collected through the Compost Kaua'i residential and commercial food scrap collection services that occur three times a week. Post-consumer residential scraps contain primarily vegetative organics, but may also include some dairy, meat, and bone. The primary source of pre-consumer food scraps, which will represent a smaller volume of total putrescibles processed, will be source-separated vegetative scraps from local Kaua'i restaurants and markets. Bulking agents, such as landscaping trimmings, mulch, and wood chips will be sourced onsite from the property, as well as regional landscaping companies sourcing from areas with no reported invasive species infestations in order to prevent their spread through composting activities.

All putrescibles received each week will be added to the Batch Pile located on a concrete pad under heavy duty tarp cover, and mixed with bulking agents in a three parts high-carbon materials to one part high-nitrogen materials (C:N) ratio. This pile will be thoroughly mixed and watered to encourage ideal composting conditions, as well as capped by a layer of bulking agents to prevent vectors and odor. Materials added to the Batch Pile will have two to five mixings with heavy equipment while there in detention prior to transfer to the Monitoring Pile. The heavy equipment is very effective at breaking up food waste while it's being mixed.

Over the course of four weeks, two loads per week of putrescibles and bulking agent will be added to the Batch Pile. After four weeks it will be capped and no longer receive any additional material. This capped Batch Pile will contain ~5,200 lbs of putrescibles and up to 12,000 lbs of bulking agent materials, or ~20 cubic yards of total compostable material. This Batch Pile stage serves as a means to effectively manage putrescible material without refrigeration, preventing odors and vectors by allowing mixed materials to begin the initial mesophilic and early thermophilic composting phases. The Batch Pile will be approx. four to six feet high, ~12-15' wide and long at final capping.

Once the Batch Pile is capped (~20 cubic yards, four weeks), the entirety of the batch will be moved via heavy equipment to an adjacent section of the concrete pad where it will enter the monitoring and compliance stage ("Monitoring Pile"). Compost Kaua'i will adhere to the HI DOH pathogen reduction protocols in which no new materials are added to the Monitoring Pile and five full turns in 15 days are conducted. Uniform mixing and addition of moisture, as necessary, will ensure temperatures reach the minimum of 131 °F (55°C) for three consecutive days, in-line with HI DOH temperature monitoring specifications, and effectively destroy any human pathogens and weed seeds present. The Monitoring Pile will be approx. four to five feet high and 10-12' wide and long at stage completion and contain ~12 cubic yards worth of composting material, due to volume reduction from microbial activity and mixing.

Once materials in the Monitoring Pile have reached 30 total days of retention, and met pathogen elimination standards, the entirety is transferred via heavy equipment to an adjacent section of the pad for the middle

mesophilic stage, or “Cooling” and Maturation Windrow phase in which heat-intolerant microbes begin to repopulate and compost temperatures begin to fall and stabilize (131 °F. to 100°F.). This final Cooling & Maturation Windrow allows for materials to be added to the near-end of the windrow from the completed Monitoring Pile then successively moved further down the windrow via heavy machinery, while also moving through cooling and curing stages of the composting process to become “finished” compost once reaching the far-end of the windrow. Upon completion of each successive Monitoring Pile batch (~every four weeks), the curing half on the far-end of the Cooling & Maturation Windrow will be removed for screening, and the cooling portion will be moved down to make room for the materials from the incoming Monitoring Pile, and the windrow reshaped. Effectively, these materials move through a monthly turnover and transition between the Batch, Monitoring, Cooling, and Maturation stages. Heavy machinery will be cleaned before use in the mixing and moving of material in the Cooling Windrow to prevent any potential pathogen transfer from the Batch and Monitoring piles. Temperature monitoring and quality control observations will continue daily to maintain ideal composting conditions and records.

The Cooling & Maturation Windrow will be approx. six feet high, ~20' long, ~12' wide, and contain ~20-24 cubic yards of composting material in total. From the initial Batch Pile to Monitoring Pile to removal from the Cooling & Maturation Windrow, compost materials will have a total retention period of ~13 to 16 weeks.

In summary, material that has completed its time in the Cooling & Maturation Windrow will be removed 1 x per month from the far-end (~12 cubic yards), and replaced by the material that has completed its 4 weeks in the cooling stage on the same windrow's near-end (~12 cubic yards). Next, the material from the completed Monitoring Pile (~12 cubic yards) will be added to the windrow's near-end to begin its cooling stage. The capped Batch Pile moves into the Monitoring Pile stage. These timings are designed to create an efficient movement of material every four weeks that also aligns with the stages of effective composting and pathogen reduction.

The cured compost removed from the windrow will have a temperature at or below 100°F and be considered stable. This compost will be moved via heavy machinery to the processing area in which it will be screened by machine or hand to a range of particle diameters based on intended application (1/4" to 1/2"). Screened compost will be transferred to 1 cubic yard super sacks for an additional curing period of four weeks for the product to reach parameters that correspond with a “highly stable” compost, such as: 50% moisture, pH of 6.5 to 7.5, bulk density of 1,000 lb/cu yd., ambient temperatures, 50-60% Total Organic Carbon, and a low respiration rate that indicates all/most active composting has ceased. These measurements, along with pathogen reduction testing, will be completed via approved laboratory testing. Sampling results of compost maturity and pathogen testing will be submitted to the HI DOH, in accordance with permitting guidelines, in order to receive approval for distribution and sale of the compost products. At this scale, approximately nine cubic yards of screened, cured compost will be produced per month. The Compost Kaua'i operation will be meeting the lab reporting threshold for approved sales (~100 cubic yards) every 10 months. Curing compost will be maintained in covered 1-cubic yard (33 cubic-ft) volume super sacks, elevated for airflow on pallets, under roofing cover to prevent stormwater exposure, but not on concrete pads.

The compost piles and windrows will be under heavy-grade tarps to prevent stormwater and active compost mixing into runoff. Additionally, the Batch and Monitoring Piles will be situated on a 80' x 28' concrete pad with a 2% grade outfitted with a covered french drain pipe, cistern, and spigot system to manage any leachate produced, and prevent any potential environmental or public health risk to surface and groundwater. The Batch Pile will have a coarse wood chip base of at least 6" on top of the pad, to minimize leachate formation and maintain some airflow at base of the pile prior to mixing. A very minimal volume of leachate is anticipated, but the drain system at the pads' near-end and far-ends downslope side (which will also be under tarp cover) will have an on-demand sump pump attached to 2 reservoirs (IBC tote) that can be used to pump out any leachate collected into a receptacle then immediately be reintroduced to a new Monitoring Pile to continue composting.

Operations, including access roads, vehicle turnarounds, receipt and inspection area, feedstock bays, active composting pad and windrows, composting machine, heavy machinery and tools storage, compost screening and bagging area, and curing compost storage areas will cover an operational area of ~8,500 square feet within a designated one acre facility area.

Quality control measures will be of the highest importance to ensure an efficient operational flow and the highest quality product. Accordingly, protocols will be in-place for contamination and invasive species inspections for any incoming materials. This facility will have established record keeping forms, reporting protocols, and testing procedures in accordance with HI DOH requirements.

Response to County of Kauai Guidelines

Below is an outline of, and responses to, the guidelines and requirements included in the County of Kauai Department of Planning Use Permit information sheet.

Section 8-3.2 of the CZO specifies that a Use Permit may be granted only if the Planning Commission finds that it meets the following criteria:

a. The use must be a compatible use;

The proposed co-composting facility will be located in Wailua Homesteads, off of Puuopae Road. Operations at the Facility will include collecting commercial green waste and commercial/residential food waste, composting the accepted material, delivery of processed material to consumers, and sale of the processed material off-site. The green waste accepted will consist primarily of tree trimmings and wood chips. The food waste accepted will consist of pre and post consumer vegetative and non-vegetative putrescibles. No "bioplastic" compostable service items will be accepted. The operations of the Facility are compatible with the surrounding properties, as they are similar in nature to a solid waste transfer station, which is an approved use on agricultural land.

b. The use must not be detrimental to persons or property in the area;

Only minimal effects to the surrounding persons or properties are anticipated. The potential effects that the Facility could have on neighboring properties include increased traffic flow, nuisance odors, vectors, and increased noise level. None of these potential effects pose a detriment to persons or property in the area.

Feedstock deliveries will be limited to no more than three small trucks per day, along a gravel driveway. This volume of traffic would not impact traffic flow on Puuopae Rd. The Compost Kaua'i operations plan requires that any putrescibles, bulking agent soiled with putrescibles, or high odor feedstocks likely to produce noxious odors during decomposition, are immediately added to the composting piles or machine upon receipt.

As for dust and noise disturbances, the Compost Kaua'i site and operation plans prevent these from becoming an issue for neighboring properties. The bulking agents accepted will be limited to pre-chipped dry feedstocks, so no dust and noise creating circumstances will occur onsite. In rare occurrences, onsite chipping may be done in the case of low bulking agent supply, but will be minimal and only during operating hours. A low-noise Takeuchi TB240 mini excavator or a Takeuchi TL8 compact loader will be used to transfer bulking agents between trucks and the feedstock bays and the compost piles. All together, the designs and measures ensure that excessive dust generation or noise will not cause disturbances to neighboring properties. In the event of complaints, staff will complete the Complaint Log and review the operations plan to identify opportunities to correct the disturbances.

c. The use must not cause substantial environmental consequences;

The operation of a co-composting facility at the Site will allow for the reduction of food waste disposed of at the County landfill and produce an environmentally friendly alternative to chemical fertilizers.

Minimal environmental effects are anticipated as a result of the operation of the Facility. All equipment used in operations at the Facility will be mobile, and maintenance of the equipment will be performed either off-site, or by a mobile maintenance company.

The vehicle, receiving, feedstock bays, screening, and curing areas of the composting operation are all level graded and amended with gravel and mulch layers to prevent standing water, mud formation, loss of traction for vehicles and equipment, and erosion from regular operation and adverse weather conditions alike. The operations areas are near flat, to prevent excessive ponding. The prevention of soil, surface, and groundwater contamination via equipment and infrastructure controls will be addressed through impervious surfaces, raised platforms, effective tarping, roofing structures, and drainage reservoirs and collection cisterns attached to active compost pile pad.

The primary means of preventing environmental risk will occur through strictly controlled feedstock deliveries, compost recipe management, regular temperature and liquid byproduct monitoring, and efficient transfer and storage of compost for curing. The composting operation will not be open to the public or for unscheduled feedstock deliveries, especially putrescibles.

The facility is also committed to ensuring no environmental nuisance due to odors. Odor mitigation is achieved through the immediate processing of putrescible food waste into compost piles, where it is blended with bulking agents, capped with a thick layer of wood chips, and covered with tarps to minimize odor release. Additionally, feedstock delivery is strictly scheduled to avoid prolonged exposure to air. Compost recipes and pile conditions are carefully managed, including regular monitoring of temperatures and moisture levels, to ensure aerobic conditions that naturally suppress odors. These measures collectively safeguard against environmental risks while maintaining a sustainable and efficient composting process.

d. The use must not be inconsistent with the intent of the Comprehensive Zoning Ordinance (CZO) and the General Plan;

The intent of the General Plan is to provide guidance for land use regulations, the location and character of new development and facilities, and planning for County and State facilities and services. The General Plan is implemented through the CZO. Specific intentions of the General Plan and CZO include, among others, maintaining the concept of Kaua'i as "The Garden Isle" while recognizing "that our environment is our economy, our natural capital, and the basis of our economic survival and success" (2018 General Plan). Use of the land for co-composting is not inconsistent with this intent, as the recycling of food waste will produce an end-product that is beneficial to local agriculture and soil health; while increasing the longevity of the island's landfill and reducing its toxic leachate runoff and methane emissions.



Compost Kauai LLC

491 Kamalu Rd

Kapaa, Hawaii 96746

808-635-4732

August 25, 2024

County of Kauai

Department of Planning

4444 Rice Street, Ste A473

Lihue, Hawaii 96766

Subject: Special Permit Petition for Property located at 628 Puuopae Road, Kapaa, Hawaii 96746 TMK No. (4) 4-002-093-0000.

Background

Compost Kauai LLC (ComK) is submitting this Special permit petition for a one acre area on the property located at 628 Puuopae Road, Kapaa, Hawaii 96746, hereinafter referred to as the "Site." The Site is identified by the County of Kauai Real Property Assessment Division as Tax Map Key (TMK) No. (4) 4-002-093-0000. This property is zoned AG-II, with surrounding parcels zoned Open Space and AG. Compost Kauai is proposing to operate a co-composting facility at the Site, hereinafter referred to as the "Facility." This facility will convert locally derived brown wastes (tree and yard trimmings, sawdust, coffee chaff) combined with locally produced green waste and putrescibles (agricultural waste and food scraps – vegetative produce, animal products, coffee grounds, spent grain, etc.) into a valuable and much needed soil amendment for Kauai's residents and ag producers.

Responses to County of Kauai Special Permit Guidelines

Below is an outline of, and responses to, the guidelines and requirements included in the County of Kauai Department of Planning Special Permit information sheet.

The Planning Commission may approve a Special Permit under such protective restrictions as may be deemed necessary if it finds that the proposed use:

a. Is an unusual and reasonable use of land situated within the Agricultural or Rural District, whichever the case may be. The Planning Commission shall consider the following guidelines in determining unusual and reasonable use:

(1) Such use shall not be contrary to the objectives sought to be accomplished by Chapters 205 and 205A, HRS, and the rules of the Land Use Commission;

The objectives of Chapter 205 HRS include creating a state land use commission that will be charged with dividing all lands in the state into four major districts; urban, rural, agricultural, and conservation; and ensuring that the uses of the lands are consistent with the districts. The use of the Site as a co-composting facility is not contrary to the objectives of Chapter 205 HRS. The use is reasonable because it is similar in nature to a solid waste transfer station, which is a permissible use within agricultural districts. In addition, the soil amendment product created from the co-composting process is to be distributed for agricultural and horticultural uses around Kauai.

(2) The desired use would not adversely affect surrounding property;

The Facility is anticipated to have minimal impact on the surrounding properties. The proposed site location and all adjacent properties are zoned agricultural, and the two nearest adjacent properties are used for livestock ranching. Increased insect and rodent activity, and odors are not anticipated. Any potential odors would be mitigated by Compost Kaua'i operations plan which requires that any putrescibles, bulking agents soiled with putrescibles, or high odor feedstocks like manure, likely to produce noxious odors during decomposition, are immediately added to the composting piles upon receipt. Possible increase in excessive noise will be mitigated by restricted operating hours, Monday through Sunday (9am to 5pm). Operations at the Site are anticipated to have no significant impact on the environmental integrity of the Site or surrounding properties.

To further ensure that no nuisance due to odors occurs, Compost Kaua'i will implement a robust odor management plan. This includes the establishment of a vegetative wind block downwind from the facility, designed to minimize the dispersion of any potential odors. All putrescible food waste will be immediately incorporated into active compost windrows, promptly capped with a layer of wood chips, and securely covered with a tarp to suppress odor release. These measures, in combination with careful site monitoring and adherence to best management practices, are expected to effectively mitigate any potential odors and ensure harmony with neighboring properties. The facility is ideally located in that the adjacent agricultural parcel downwind of the facility is a 30 acre cattle ranch. The nearest downwind road is Opaekaa Rd and is 1600 ft away. The two nearest residential homes are 400 ft and 600 ft away and not downwind of the prevailing northeasterly trade winds. During weather conditions when the wind comes from the south or west, the adjacent downwind agricultural parcel is a 50 acre cattle ranch and the nearest road is Kamalu Rd and is 1500 ft away.

(3) The use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection;

The use of the Site as a co-composting facility is not anticipated to unreasonably burden public agencies. The Site currently has access to county water and electricity, and no additional utilities will be necessary. It is estimated that approximately 5000 to 10,000 gallons of water will be used at the Facility monthly, which is within reason for agricultural land. It is anticipated that approximately one to three small truckloads of unprocessed material will be transported to the Facility daily.

The operation of the Facility should not require school improvements, and it is not anticipated that there would be any additional burden to the police or fire than if it were agricultural land. The Facility will have a fire mitigation plan to minimize the potential for fires and the need for fire protection. This plan will include procedures to monitor the temperature of the material within the compost piles and steps to be taken to reduce the temperature of the pile if it gets too hot, which includes quenching the pile with water or turning the material. The Facility will be surrounded by fencing and is ½ mile down a private gravel driveway, which will limit access and the need for police protection.

(4) Unusual conditions, trends, and needs have arisen since the district boundaries and rules were established;

Since the district boundaries were established, the only landfill on Kauai is reaching its capacity and there is an increasing need for options to dispose of and recycle green waste and food waste that is generated. There is currently only one other facility on Kauai that diverts a significant amount of food waste. This Site will provide an economical and environmentally friendly option for diverting food waste.

(5) The land upon which the proposed use is sought is unsuited for the uses permitted within the district;

The land the Facility is proposed to operate on is suitable for agricultural uses, however, the operations of the Facility are similar in nature to approved uses for agricultural land, such as a solid waste transfer station or a green waste recycling facility. In addition, the operation of the Facility is not anticipated to adversely impact the environmental integrity of the land, and the land could continue to be used for agricultural purposes after operation of the Facility has ceased.

b. Would promote the effectiveness and objectives of Chapter 205, HRS, as amended.

The use of the Site for the operation of a co-composting facility would promote the effectiveness and objectives of Hawaii Revised Statutes Chapter 205. The operation of a co-composting facility is a reasonable use of land since it is similar in nature to a solid waste transfer station, which is a permissible use within agricultural districts. In addition, it is an unusual use of the land since there are no other fully permitted co-composting recycling facilities on the island of Kauai, and it will provide another diversion option for food waste generated on the island.

July 30th, 2024

**Kauai County Planning Department
4444 Rice Street, Suite A473
Lihue, Hawaii 96766**

Dear Kauai County Planning Department,

I, Brian Clay owner of the property with TMK No. (4) 4-002-093-0000, authorize Compost Kauai as an agent for the 1 acre area within the property to be designated for co-composting operations. Furthermore, I authorize the use of that designated area to be used as a co-composting facility with Compost Kauai having full easement access via the private gravel driveway and access to all utilities installed on the property.

Sincerely,



Brian Clay

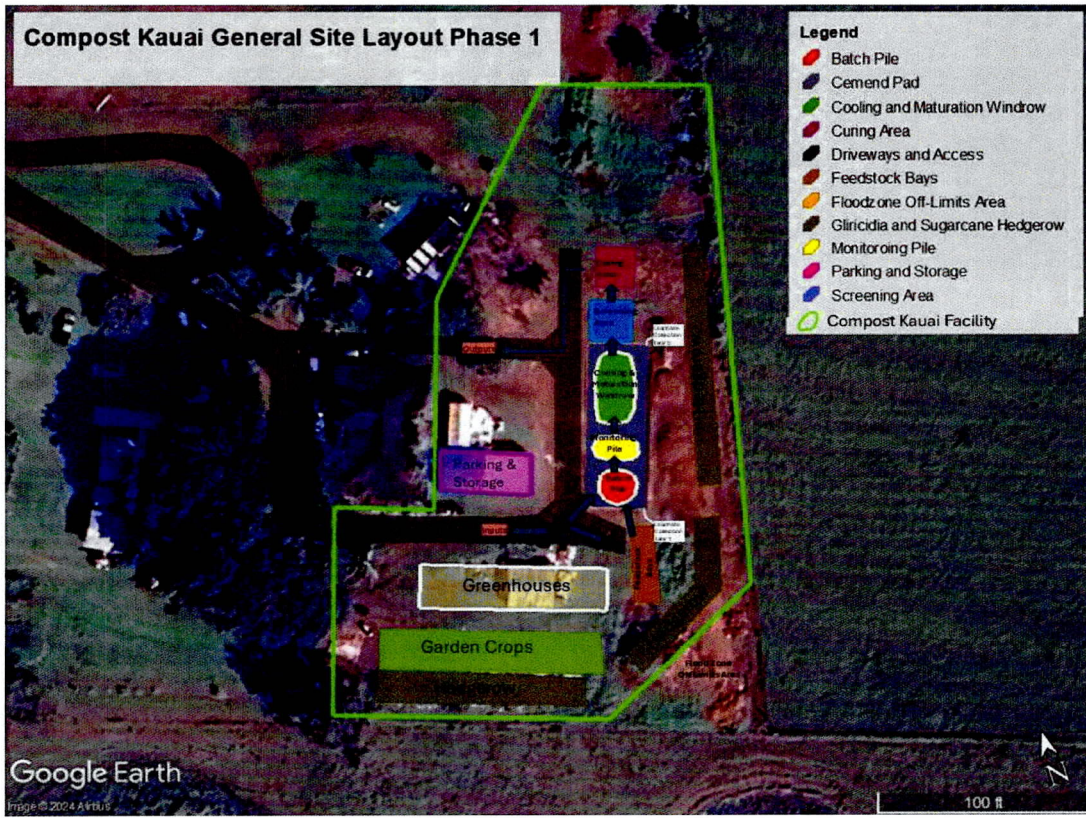
Claudia Brown Non-Exempt QTIP Trust

Beneficiary

**491 Kamalu Rd, Kapaa HI, 96746
shastason57@gmail.com
(808) 634-0714**

Location Map





Compost Kauai General Site Layout Phase 1

- Legend**
-  Batch Pile
 -  Cement Pad
 -  Cooling and Maturation Windrow
 -  Curing Area
 -  Driveways and Access
 -  Feedstock Bays
 -  Floodzone Off-Limits Area
 -  Gliricidia and Sugarcane Hedgerow
 -  Monitoring Pile
 -  Parking and Storage
 -  Screening Area
 -  Compost Kauai Facility

Refer to
Photographic
Documentation
for larger photo
format

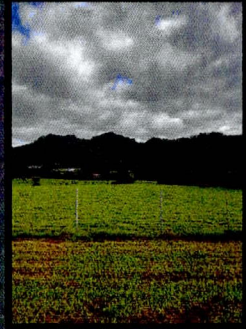
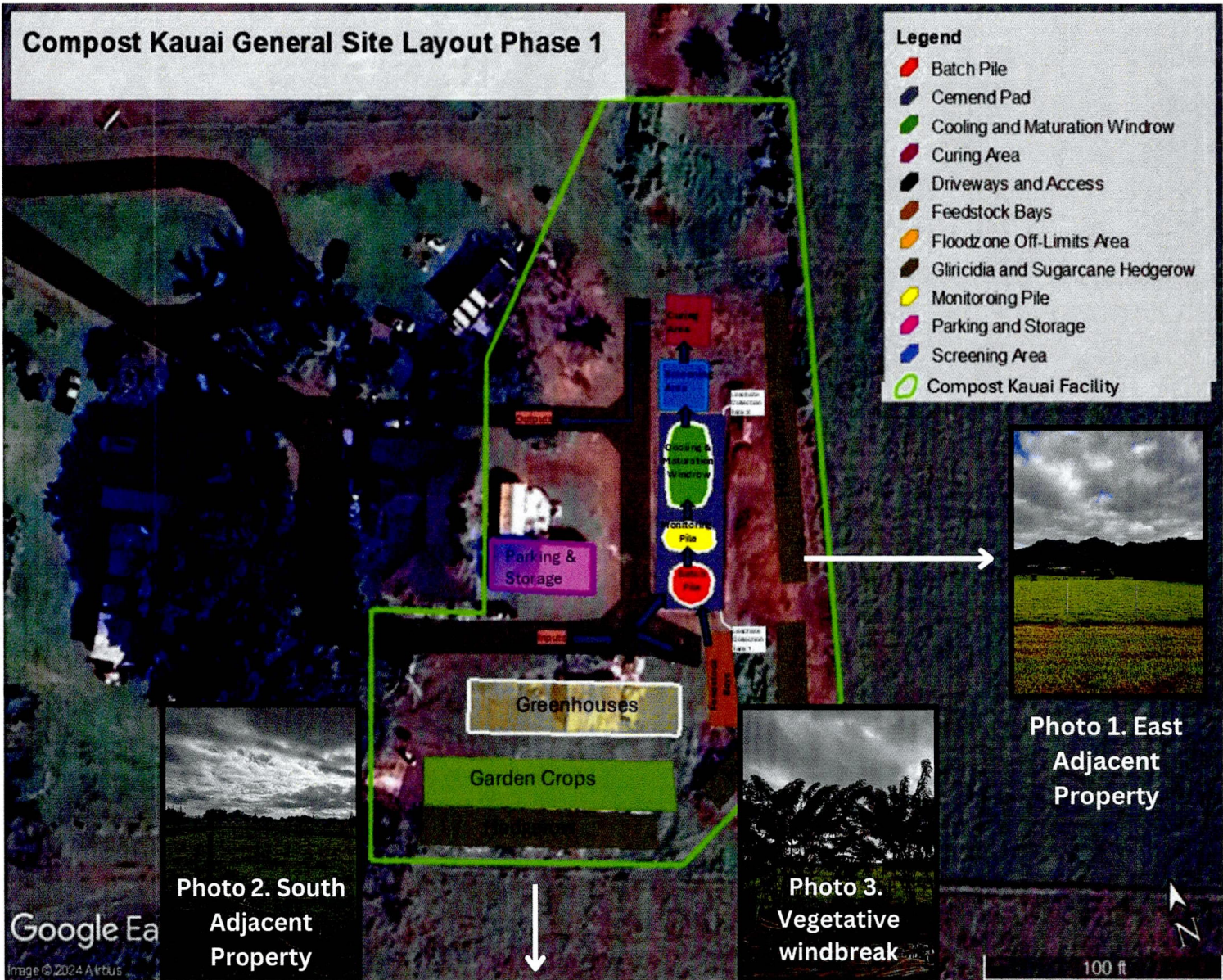


Photo 1. East Adjacent Property



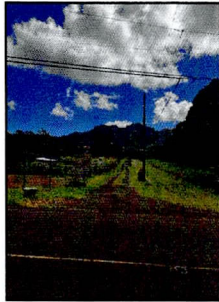
Photo 2. South Adjacent Property



Photo 3. Vegetative windbreak

Google Earth
Image © 2024 Airbus

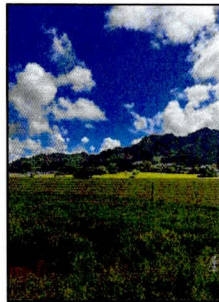
100 ft



**Ingress from Puuopae Rd
onto property driveway**



**Egress from driveway
onto Puuopae Rd**



**Adjacent Agricultural
Parcel**

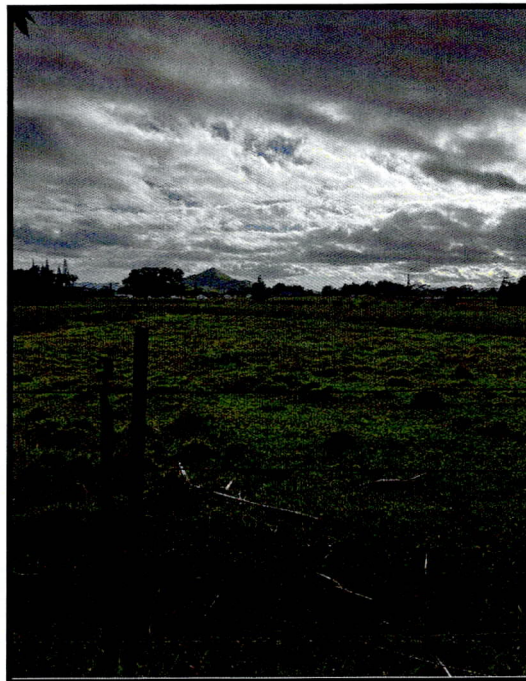


**Adjacent Agricultural
Parcel**

Project: Compost Kauai	PHOTOGRAPHIC DOCUMENTATION
Ingress and Egress to the site, Adjacent Parcels	COMPOST KAUAI SOLID WASTE ZONING AND USE PERMIT
TMK No. (4) 4-002-093-0000	628 Puuopae Rd, Kapaa HI 96746



1. Adjacent property directly East of facility site. 50 acre cattle ranch. 1500 ft to Kamalu Rd.



. Adjacent property directly downwind from the facility site. 30 acre cattle ranch. 1600 ft to Opaekaa Rd

Project: Compost Kauai

PHOTOGRAPHIC DOCUMENTATION

ADJACENT NEIGHBORING PROPERTIES

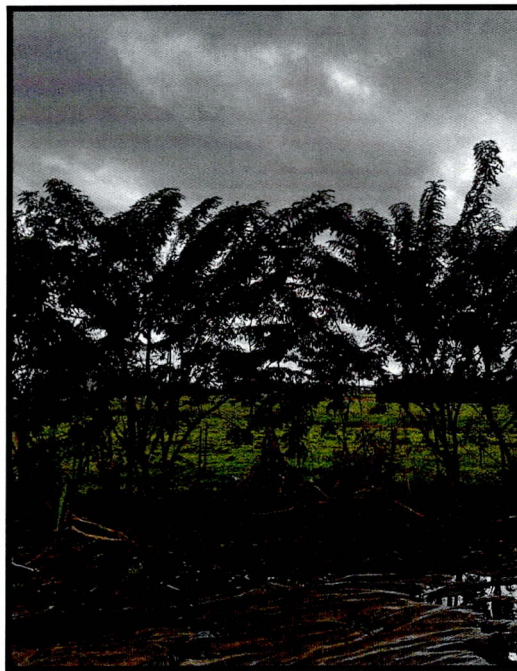
COMPOST KAUAI SOLID WASTE AND USE PERMIT

TMK: (4) 4-002-093-0000

628 Puuopae Rd, Kapaa HI 96746



3. Driving ingress from within property to leased facility parcel



4. Vegetative wind block (Gliricidia). Upwind from adjacent agricultural parcel - 30 acre cattle ranch.

Project: Compost Kauai

PHOTOGRAPHIC DOCUMENTATION

ADJACENT NEIGHBORING PROPERTIES

COMPOST KAUAI SOLID WASTE AND USE PERMIT

TMK: (4) 4-002-093-0000

628 Puuopae Rd, Kapaa HI 96746



DIRECTOR'S REPORT

I. SUMMARY

Action Required by Planning Commission: Consideration of Class IV Zoning Permit, Use Permit, and Special Permit to operate a composting facility in the Agriculture (A) zoning district.

Permit Application Nos. Class IV Zoning Permit Z-IV-2025-9
 Use Permit U-2025-6
 Special Permit SP-2025-3

Name of Applicant(s) COMPOST KAUAI LLC. (COMK)

II. PERMIT INFORMATION

PERMITS REQUIRED	
<input checked="" type="checkbox"/> Use Permit	A Use Permit is required as the proposed use is not a permissible use in the Agriculture zoning district.
<input type="checkbox"/> Project Development Use Permit	
<input type="checkbox"/> Variance Permit	
<input checked="" type="checkbox"/> Special Permit	A Special Permit is required as the proposed use is not a permissible use within the State Agricultural Land Use District.
<input checked="" type="checkbox"/> Zoning Permit Class <input checked="" type="checkbox"/> IV <input type="checkbox"/> III	A Class IV Zoning Permit is a procedural requirement when a Use Permit is required.
<input type="checkbox"/> Special Management Area Permit <input type="checkbox"/> Use <input type="checkbox"/> Minor	
AMENDMENTS	
<input type="checkbox"/> Zoning Amendment	
<input type="checkbox"/> General Plan Amendment	
<input type="checkbox"/> State Land Use District Amendment	
Date of Receipt of Completed Application:	January 21, 2025

F.2.a.1.
 March 11, 2025

Date of Director's Report:	February 25, 2025
Date of Public Hearing:	MARCH 11, 2025
Deadline Date for PC to Take Action (60TH Day):	April 26, 2025

III. PROJECT DATA

PROJECT INFORMATION			
Parcel Location:	Property located at 628 Pu'uopae Road (Kapa'a Homesteads), approximately 900 feet south of the Kalama Road/Pu'uopae Road intersection		
Tax Map Key(s):	4-4-002:093 (Portion)	Area:	Affecting 1 acre of a larger parcel containing 12.74 acres.
ZONING & DEVELOPMENT STANDARDS			
Zoning:	Agriculture		
State Land Use District:	Agricultural		
General Plan Designation:	Agriculture		
Height Limit:	Fifty (50) feet Max.		
Max. Land Coverage:	60%		
Parking Requirement:	1 parking space for every three (3) employees. Minimum required = Four (4)		
Front Setback:	10 feet minimum		
Rear Setback:	5 feet or ½ Wall Plate Height		
Side Setback:	5 feet or ½ Wall Plate Height		
Community Plan Area:	5 feet		
Community Plan Land Use Designation:	Kapaa-Wailua Development Plan (KWDP)		
Deviations or Variances Requested:	NA.		

IV. LEGAL REQUIREMENTS

Section 8-3.1(f), KCC:	This report is being transmitted to the Applicant and Planning Commission in order to satisfy the requirements of Section 8-3.1(f), relating to the provision of the Planning Director's report and recommendation on the subject proposal within sixty (60) days of the filing of a completed application. The application was received on January 21, 2025, and the Applicant, through its authorized agent, was notified accordingly of the Planning Department's intent to commence permit processing.
Public Hearing Date:	MARCH 11, 2025

V. PROJECT DESCRIPTION AND USE

The Applicant is seeking approval to operate a facility that would convert locally derived brown waste (tree and yard trimmings, sawdust, coffee chaff) combined with locally produced green waste and putrescibles (agriculture waste and food scraps – vegetable produce, animal products, coffee grounds, spent grain, etc.) into a valuable and much needed soil amendment for Kauai's residence and ag producers.

The facility aims to receive and compost 1,300lbs per week of pre- and post-consumer food scraps as well as 2,500 to 3,000lbs of bulking agents. The majority of the food scraps processed at this operation will be the post-consumer scraps collected through the Compost Kauai residential and commercial food scrap collection services that occur 3 times per week. Post-consumer residential scraps contain primarily vegetable organics, but may also include some dairy, meat, and bone. The primary source of pre-consumer food scraps, which will represent a smaller volume of total putrescible processed, will be source-separated vegetive scraps from local Kauai restaurants and markets. Bulking agents such as landscaping trimmings, mulch, and wood chips will be sourced onsite from the property, as well as regional landscaping companies sourcing from areas with no reported invasive species infestations in order to prevent their spread through companies composting actives.

Once the batch pile is capped, the entirety of the batch will be moved via heavy equipment to adjacent sections of the concrete pad where it will enter the monitoring and compliance stage and five full turns in 15 days are conducted. The monitoring pile will be four to five feet high, and 10-12 feet wide and long at stage completion, due to volume reduction from microbial activity and mixing.

Once materials in the monitoring pile have reached 30 total days of reduction and met pathogen elimination standards, the entirety is transferred via heavy equipment to an adjacent section of the pad for the middle stage known as cooling. Maturation windrow phase in which heat-intolerant microbes begin to repopulate and compost temperatures fall and stabilize.

The facility will be operational on 7 days a week, from 9am to 5pm. Approximately, one to two facility personnel will be on-site during normal business hours. Facility personnel will be parked on-site, along the gravel access road with turnaround. The facility is not open to the general public.

The facility will consist of a covered office/ storage area, active composting windrows, a finished material storage area, a gravel access road with turnaround, and dispersed grassy berms along the facility perimeter. The boundaries of the site that adjoin neighboring properties will be fenced and unpaved.

(See attached application for further description of the project)

APPLICANT'S REASONS/JUSTIFICATION

Please refer to sections of the Application.

VI. AGENCY COMMENTS

Comments from applicable government agencies are being sought and are expected at the time of the public hearing scheduled for March 11, 2025. At the present time, the department has not received comments from any of the reviewing agencies that includes the COK Fire Dept., Public Works – Engineering Division, Water and the State Department of Health (DOH) which is attached as Exhibit 'A'. However, comments are being anticipated and will be presented at the public hearing.

VII. FINDINGS

1. Site Information/Characteristics

As previously noted, the subject parcel is designated as "Agriculture" under the Kaua'i General Plan and the entire parcel is classified as "Agricultural" under the State Land Use District Boundary maps. The present zoning of the project site is Agriculture District (A).

The general topography of the project site is relatively flat, containing a gentle slope moving from east to west, in the direction towards Pu'uopae Road. The Federal Emergency Management Agency (FEMA) Flood Insurance Map shows the project site is situated within the flood zone identified as Zone 'X'. FEMA has identified those areas within the Zone "X" are determined to be outside the 0.2% annual chance floodplain.

The entire property is approximately 12.74 acres with the proposed co-composting operations located towards the back portion of the parcel, furthest away from Pu'uopae Road. As noted, the operations encompass an area approximately an acre in size. The site is approximately 850 feet from the nearest neighboring parcels structures, and approximately 200 feet from the nearest surface water source, which is a perennial swale.

A. Soils Information – Soils in the vicinity of the project area are associated with Puhi silty clay loam with 3 to 8 percent slopes. The soils are well drained with moderate infiltration and medium surface runoff.

2. Surroundings

The surrounding properties are zoned Open (O) and Agriculture (AG) Districts with active agricultural practices occurring that includes ranching and pasture management with cattle, goats, sheep, and horses, as well as a commercial slaughterhouse, Wailua Meat Company, adjacent to the property. It is noted that properties to the west of the subject parcel contain residential development and are approximately 1 to 5 acres in size.

3. Access

The primary access to the project site is along Pu'uopae Road, which is a County-owned roadway and wide enough to accommodate two-way vehicular traffic. Access to the site is via privately owned gravel driveway from Pu'uopae Road.

4. Use Permit

Pursuant to Article 3 of the Comprehensive Zoning Ordinance (CZO), Chapter 8 of the Kauai county Code (1987), the purpose of the Use Permit Procedure is to assure the

proper integration into the community of uses which may be suitable only in specific locations of a district, or only under certain conditions, or only if the uses are designed, arranged or conducted in a particular manner, and to prohibit the uses if proper integration cannot be assured. Section 8-3.2 of the CZO specifies a Use Permit may be granted only if the Planning Commission finds that the use meets the following criteria:

- a. The use must be a compatible use;
- b. The use must not be detrimental to persons or property in the area;
- c. The use must not cause substantial environmental consequences; and
- d. The use must not be inconsistent with the intent of the Comprehensive Zoning Ordinance (CZO) and General Plan.

VIII. PRELIMINARY EVALUATION

In evaluating the Applicant's proposal to operate a green waste composting facility that involves a Special and Use Permits, the following aspects are being considered:

1. Special Permit

Pursuant to Chapter 205 of the Hawai'i Revised Statutes (HRS) and its Rules of Practice and Procedures, the Planning Commission may approve a Special Permit under such protective restrictions as may deemed necessary if it finds that the proposed use is an unusual and reasonable use of land situated within the State Land Use Agricultural District, and that the use would promote the effectiveness and objectives of Chapter 205, HRS. The Planning Commission shall consider the following guidelines in determining unusual and reasonable use:

A. *Such use shall not be contrary to the objectives sought to be accomplished by Chapters 205 and 205A, HRS, and the Rules of the Land Commission.*

The intent of the State law is to assure that agricultural lands with a high capacity for intense cultivation be afforded the highest protection of agricultural purposes, and the uses allowed on other agriculture lands be compatible with such agricultural uses.

It is noted that HRS 205-4.5 lists solid waste transfer stations as permissible uses. This use is reasonable as it is similar in nature to a solid waste transfer station. Further, there is adequate land within the larger parcel to further promote and accommodate agricultural activity.

B. *The desired use would not adversely affect surrounding property.*

The proposed facility is anticipated to have a minimal impact on the surrounding properties. The adjacent properties are similarly zoned and the lands immediately to the east are fallow agricultural lands that are utilized for ranching or pasture management practices. Since the operation involves processing of food waste, there could be an increase in insect and rodent

activity, and as well as odors generated by the composting activity. The Applicant should incorporate best management practices to address the potential impact(s) as a result of the operation and to ensure that there would be no significant impact on the environmental integrity of the site or to the surrounding properties.

C. *The use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection.*

There is adequate infrastructure that serves the project area, and no additional burden should be placed on the County to provide further improvements. The site has access to agricultural water, and no additional utilities will be necessary. Based on the traffic volume to and from the site, it is not anticipated that additional roads or streets will be necessary. The operation of the facility should not require school improvements, and it is not anticipated that there would be any additional burden to the police or fire departments. The facility will have a fire mitigation plan to minimize the potential for fires and the need for fire protection. The facility will be surrounded by hedges and an entrance gate, which will limit access and the need for police protection.

D. *Unusual conditions, trends, and needs have arisen since the district boundaries and rules were established.*

Since the district boundaries were established, the only landfill on Kauai is nearing its capacity and there is an increasing need for options to dispose of and recycle green waste that is generated. There are currently only three (3) other sites that provide an economical and environmentally friendly option for green waste.

E. *The land upon which the use is sought is unsuited for the uses permitted in the District.*

The land for the proposed facility is suitable for agricultural uses, however, the operations of the facility are similar in nature to approved uses for agricultural land, such as a solid waste transfer station. In addition, the operation of the facility is not anticipated to adversely impact the environmental integrity of the land, and the land could continue to be suited for agricultural purposes after the operation of the facility has ceased.

2. General Plan

Sector IV of the General Plan, entitled "Critical Infrastructure," Subsection 3. addresses the need for new solid waste facilities and that residents should do their part to recycle, reduce waste generating, and properly dispose of hazardous and green waste. At this time, there are no new solid waste facilities and the Kekaha landfill is nearing maximum capacity. It is noted that green waste represents the largest component of the residential waste stream. The County of Kaua'i Integrated Solid Waste Management Plan (SWMP) encourages entrepreneurial principles in managing solid waste and involvement of private businesses to emphasize recycling and diversion of materials from the island's Kekaha landfill. As proposed, the project appears to be consistent with the overall policies, long range goals, and objectives found in the County's General Plan.

3. Use Permit

Pursuant to Article 3 of the Comprehensive Zoning Ordinance (CZO), Chapter 8 of the Kaua'i County Code (1987), the purpose of the Use Permit procedure is to assure the proper integration into the community of uses which may be suitable only in specific location of a district, or only under certain conditions, or only if the uses are designed, arranged or conducted in a particular manner, and to prohibit the uses if proper integration cannot be assured. Section 8-3.2 of the CZO specifies a USE PERMIT may be granted only if the Planning Commission finds that the use meets the following criteria:

- o the use must be a compatible use;
- o the use must not be detrimental to persons or property in the area;
- o the use must not cause substantial environmental consequences; and
- o the use must not be inconsistent with the intent of the Comprehensive Zoning Ordinance (CZO) and General Plan.

Based on the foregoing, the following aspects are taken into consideration:

- a. Through mitigative measures to address potential odors generated by the facility, the proposed operation should be compatible with the surrounding uses. As previously noted, it is similar in nature to activities associated with a solid waste transfer station, which is an approved use on agriculture zoned lands;
- b. In further addressing potential odors or dust emissions generated by the operation, the Applicant should consider measures that involve watering down the stockpile area and installing landscaping around the operational area;
- c. Although the project is in the vicinity of residential development situated to the west and south of the project site (nearest residence is approximately 200 yards to the southeast), it should not be detrimental to people residing in those areas;
- d. The project site has been previously developed, and it is unlikely that rare, threatened, or endangered species, or sensitive habitats would be affected by the proposed use. Due to the extensive ground disturbance as a result of intensive agricultural activities in the past, it is unlikely that cultural resources or historic sites will be impacted by the project; and
- e. The proposed development should not be detrimental to the health, safety, peace, morals, comfort, and general welfare of people residing or working in the surrounding community, and should not cause substantial harmful

environmental consequences.

4. **Comprehensive Zoning Ordinance (CZO) Requirements**

The proposed development is consistent with the development standards contained in the CZO in that:

- a. **Off-Street Parking** – There is enough space on the subject parcel to accommodate four (4) parking spaces as required by Section 8-6.3 of the CZO.
- b. **Development Standards** – The Application mentions incorporating “quality control measures” to prevent contamination and spread of invasive species. While the project does not involve construction of any structure, it also does not specify whether the operations would involve the installation of fencing or gates in order to secure the area. If such improvements are necessary, then it would be subject to the development standards in Sections 8-8.2, 8-4.3, and 8-4.5 of the CZO.

X. PRELIMINARY CONCLUSION

Based on the information contained in the Director’s Report Findings and Evaluation, the Planning Department concludes the following:

1. The development is consistent with the objectives/goals/policies of the County General Plan, the Comprehensive Zoning Ordinance, and other applicable ordinances.
2. Through proper mitigative measures, the proposed development should not have any substantial adverse impacts on the surrounding neighborhood;
3. The use of the site for the operation of a green waste recycling facility would promote the effectiveness and objectives of HRS Chapter 205 in that it is a reasonable use of land since it is similar in nature to a solid waste transfer station, which is a permissible use within the agricultural district. In addition, it is an unusual use of the land due to the fact that there are only two other green waste recycling facilities on the island; and
4. The proposal meets the criteria and standards of issuance for a Use Permit and Class IV Zoning Permit within the Agriculture District in that it serves as an alternative for disposal of green waste and provides an opportunity to recycle these materials for future use and also alleviates the burden on the capacity of the Kekaha Landfill.

In order to minimize the potential impacts to surrounding properties, the Applicant should institute the “Best Management Practices” to insure that the operation of this facility does not generate impacts that may affect the health, safety, and welfare of those in the surrounding area of the proposal.

In support of the concept of a sustainable community and design, the Applicant should consider the application of “green” building techniques and operational methods for the

project, such as Leadership in Energy and Environmental Design (LEED) standards and strategies, which may include but is not limited to recycling, natural lighting, extensive landscaping, solar panels if feasible, low-energy fixtures to the extent practicable, low energy lighting when possible and other similar methods and techniques. All such proposals shall be reflected in the plans submitted for permits.

XI. PRELIMINARY RECOMMENDATION

Based on the foregoing evaluation and conclusion, it is hereby recommended Class IV Zoning Permit Z-IV-2025-9, Use Permit U-2025-6, and Special Permit SP-2025-3 be **APPROVED** subject to the following conditions:

1. The operation of the proposed green waste recycling facility shall be conducted as outlined in the application. Any changes are subject to review by the Planning Director. The Director reserves the right to forward requests to alter or change the proposed development to the Planning Commission should there be any potential design or visual impacts that could not be mitigated, or because of anticipated impacts that may adversely impact the environment or the safety and welfare of the community.
2. The Applicant shall be responsible for the maintenance of the site in a clean and orderly manner; solid waste such as incidental rubbish, and other waste shall not be permitted to accumulate on site. Disposal of such material shall be in compliance with all applicable State Department of Health rules and regulations.
3. In order to minimize dust emissions to neighboring properties and mitigate potential odor concerns, the Applicant shall water down the stockpile area and install landscaping around the operational area to screen the dust generated on site. The landscaping shall be composed of native species, or species common to the area to integrate the site with its surroundings.
4. As represented, the hours of operation shall be limited to Monday through Sunday, from 9 a.m. to 5 p.m. The Applicant is advised that if the odors, noise and/or dust generated by this facility adversely impacts the nearby residential subdivisions to the west and south, the Applicant shall mitigate those concerns and be required to revise their operation hours such that the concerns are properly addressed and mitigated.
5. The Applicant shall resolve and comply with all agency requirements as recommended in the permit application review, including but not limited to the permit requirement for the County DPW-Engineering Division, water requirements for the County Department of Water, and regulations involving environmental concerns as administered by the State Department of Health.
6. 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 and the Planning Department.

7. In the event that the operation of this facility terminates, the Applicant shall restore the project site as it was prior to occupying this site.
8. The Applicant shall develop and utilize Best Management Practices (BMP's) to ensure that the subdivision does not generate impacts that may affect the health, safety, and welfare of those in the surrounding area of the proposal.
9. The Applicant is advised that prior to construction and/or use, additional government agency conditions may be imposed. It shall be the Applicant's responsibility to resolve those conditions with the respective agency(ies).
10. The Planning Commission reserves the right to add or delete conditions of approval in order to address or mitigate unforeseen impacts this project may create, or revoke the permits through the proper procedures should conditions of approval be violated or adverse impacts be created that cannot be properly addressed.

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 MARCH 11, 2025, whereby the entire record should be considered prior to decision-making. The entire record should include but not be limited to:

- a. Pending government agency comments;
- b. Testimony from the general public and interested others; and
- c. The Applicant's response to the staff's report and recommendation as provided herein.

By 
DALIEA CUA
Planner

Approved & Recommended to Commission:

Ka'aina Hull
By _____
KA'AINA S. HULL
Director of Planning

Date: FEB 26 2025

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



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

TRANSMITTAL OF AGENCY COMMENTS TO PLANNING COMMISSION

DATE: **March 4, 2025**

PERMIT NUMBER(S): **Z-IV-2025-9, U-2025-6, and SP-2025-3**

APPLICANT(S): **COMPOST KAUAI LLC**

Attached for the Planning Commission's reference is agency comments pertaining to the permit application referenced above.

F.2.a.2.

March 11, 2025



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

FROM: Kaaina S. Hull, Director

Planner: Britni Ludington-Braun

1/28/2025

SUBJECT: Zoning Class IV Z-IV-2025-9
Use Permit U-2025-6
Special Permit SP-2025-3
Tax Map Key: 440020930000
Applicant: Compost Kauai LLC (Jesse Brown-Clay, Authorized Agent)
Compost Kauai LLC

TO:

- | | |
|--|--|
| <input checked="" type="checkbox"/> State Department of Transportation - STP | <input checked="" type="checkbox"/> County DPW - Engineering |
| <input checked="" type="checkbox"/> State DOT - Highways, Kauai (info only) | <input 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 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)

2.3.2025

CTA HAS NO FURTHER COMMENT.

MAHALO!

RECEIVED

JAN 29 2025

County of Kauai
Transportation Agency

This matter is scheduled for a public hearing before the County of Kauai Planning Commission on 3/11/2025 at the Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Kauai, at 9:00 am or soon thereafter. If we do not receive your agency comments within one (1) month from the date of this request, we will assume that there are no objections to this permit request. Mahalo!

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



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

TRANSMITTAL OF PUBLIC TESTIMONY TO
PLANNING COMMISSION

DATE: March 4, 2025

PERMIT NUMBER(S): Z-IV-2025-9, U-2025-6, and SP-2025-3

APPLICANT(S): COMPOST KAUAI LLC

Attached for the Planning Commission's reference is Public Testimony pertaining to the permit application referenced above.

F.2.a.3.
March 11, 2025

Dear County of Kauai Planning Commission,

I am writing to express my strong support for approving the Class IV Zoning Permit (Z-IV-2025-9), Use Permit (U-2025-6), and Special Permit (SP-2025-3) for co-composting operations at 628 Puuopae Rd, Kapaa, HI 96746, affecting a 1-acre portion of Tax Map Key: (4) 4-4-002:093 (Por.).

Aloha,

As a community member, parent, and advocate for a healthier, more sustainable Kauai, I strongly support the co-composting operation and the many benefits it will bring to our island.

Protecting Our 'Āina & Reducing Waste

We all see the growing waste problem on our island, and we know the Kekaha landfill is nearing capacity. Co-composting is a proactive solution—it diverts organic waste, reduces greenhouse gas emissions, and extends the life of our landfill. This is a step we must take now to ensure a cleaner, healthier future for our keiki.

Supporting Local Farmers & Food Security

Healthy soil is the foundation of a thriving local food system. By producing nutrient-rich compost here on Kauai, we can strengthen our farms, improve crop yields, and reduce dependence on chemical fertilizers. This benefits not just farmers but all of us who rely on locally grown food.

Keeping Kauai Safe from Invasive Pests

Bringing in compost from off-island has already introduced threats like the Coconut Rhinoceros Beetle (CRB), which puts our coconut trees and agriculture at serious risk. By producing our own high-quality compost, we can better protect our island's fragile ecosystem from invasive species.

Aligning with Our Shared Vision

This initiative aligns with Hawaii's Aloha+ Challenge and state sustainability goals, reinforcing our commitment to waste reduction and responsible land stewardship. It also provides an opportunity for hands-on community education, helping future generations understand the importance of sustainability.

I urge you to approve these permits. This project is not just about waste management—it's about protecting our home, supporting our farmers, and creating a more self-sufficient Kauai. Let's take this step together toward a healthier, more sustainable future for our island.

Mahalo for your time and consideration.

Yifei Wang

Program Director

CG Foundation

Kilauea, Hawaii



FW: Testimony in Support of Class IV Zoning Permit (Z-IV-2025-9), Use Permit (U-2025-6), and Special Permit (SP-2025-3)

From Britni Ludington-Braun <blbraun@kauai.gov>

Date Tue 3/4/2025 6:30 AM

To Dale Cua <dcua@kauai.gov>

From: Planning Department <planningdepartment@kauai.gov>

Sent: Monday, March 3, 2025 4:04 PM

To: Britni Ludington-Braun <blbraun@kauai.gov>

Subject: FW: Testimony in Support of Class IV Zoning Permit (Z-IV-2025-9), Use Permit (U-2025-6), and Special Permit (SP-2025-3)

From: Kelsey Pickard <kelsey.pickard@gmail.com>

Sent: Monday, March 3, 2025 3:50 PM

To: Planning Department <planningdepartment@kauai.gov>

Subject: Testimony in Support of Class IV Zoning Permit (Z-IV-2025-9), Use Permit (U-2025-6), and Special Permit (SP-2025-3)

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.

Dear County of Kaua'i Planning Commission,

I am writing in strong support of approving the Class IV Zoning Permit (Z-IV-2025-9), Use Permit (U-2025-6), and Special Permit (SP-2025-3) for co-composting operations at 628 Puuopae Rd, Kapaa, HI 96746, affecting a 1-acre portion of Tax Map Key: (4) 4-4-002:093 (Por.).

As a 1-acre farmer on Olohena Rd and community member, I believe co-composting operation will provide significant environmental and community benefits, including:

- Waste Reduction & Landfill Diversion – co-composting will divert organic waste from our landfills, and extend the life of our landfills, necessary especially since the Kekaha landfill is estimated to reach capacity in 2030.
- Soil Health & Agriculture Support – co-composting produces nutrient-rich compost for local farmers and residents growing food, improving soil fertility and reducing dependence on imported fertilizers. Compost from Oahu has been found to have the Coconut Rhinoceros Beetle which could decimate our coconut palms and other crops on Kaua'i.
- Economic & Community Benefits – co-composting creates educational opportunities and awareness around sustainability and waste reduction on Kaua'i; it supports a circular economy and strengthens Kauai's self sufficiency.

I urge you to approve these permits, as this operation will be a valuable asset to our local farmers, a step towards a more sustainable future for Kaua'i and Hawaii as a whole, and a crucial measure in protecting our island from the spread of harmful pests like CRB.

Māhālo for your time and consideration.

Kelsey Pickard
6142 C Olohena Rd, Kapa'a

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR
 JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



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

DIRECTOR'S REPORT

I. SUMMARY

Action Required by Planning Commission: Consideration of multiple bills amending Chapter 8 of the Kaua'i County Code 1987, as amended, regarding the Comprehensive Zoning Ordinance (CZO), the Kaua'i Kākou – Kaua'i County General Plan, the State Land Use District, and the West Kaua'i Community Plan.

Permit Application Nos. Zoning Amendment ZA-2025-3
 Zoning Amendment ZA-2025-4
 General Plan Amendment GPA-2025-2
 State Land Use Amendment A-2025-2

Name of Applicant(s) COUNTY OF KAUA'I, PLANNING DEPARTMENT

II. PERMIT INFORMATION

AMENDMENTS	
<input checked="" type="checkbox"/> Zoning Amendment	Pursuant to KCC Section 8-3.4(a), as amended, a Zoning Amendment is necessary when changing the boundaries of districts or by changing text whenever the public necessity and convenience and the general welfare require an amendment.
<input checked="" type="checkbox"/> General Plan Amendment	Pursuant to KCC Section 7-3.1, as amended, the General Plan of the County of Kaua'i may be amended by ordinance, in accordance with the Charter. An amendment may change provisions of this ordinance; text provisions or map designations of the General Plan document; or any of these in combination.
<input checked="" type="checkbox"/> State Land Use District Amendment	Pursuant to KCC Section 11-1, as amended, a State Land Use District Boundary Amendment Ordinance, organized as a Zoning Amendment, is required to reclassify a State Land Use District designation.

III. LEGAL REQUIREMENTS

KCC Section 8-3.4	
Public Hearing Date:	March 11, 2025
Date of Publication:	February 7, 2025
Date of Director's Report:	February 26, 2025

F.4.a.1.
 F.4.b.1.
 F.4.c.1.
 F.4.d.1.
 March 11, 2025

IV. DESCRIPTION OF PROPOSED BILLS

There are four separate amendments associated with the proposed Numila Camp area:

1. **General Plan Amendment (GPA-2025-2)** – Proposes to amend Figure 5-1 (Kaua'i Land Use Map) and Figure 5-2 (West Kaua'i Land Use Map) of the *Kaua'i Kakou – Kaua'i County General Plan* from Agriculture to Plantation Camp (Exhibit A).
2. **West Kaua'i Community Plan Amendment (ZA-2025-4)** – Proposes amendments to Chapter 10, Article 3 of the *Kaua'i County Code 1987, as amended*, related to the West Kaua'i Community Plan (Exhibit B). This includes:
 - o Amending Section 10-3 to establish a Special Planning Area "P" (SPA-P), which shall also be known as the "Numila Plantation Camp Walkable Mixed-Use District." The Special Planning Area shall be adopted with a new map ZM-NC-100 (Numila Camp) and adopted within the West Kaua'i Community Plan.
 - o Updating figure 12 of the West Kaua'i Community plan, Regional Town Plan Map to change the land use designation within the SPA-P boundaries from Agriculture to Plantation Camp.
3. **State Land Use District Amendment (A-2025-2)** – Proposes to change approximately 14.9 acres of the State Land Use District boundary and designation of Tax Map Key (TMK) (4)-2-2-001:001 from Agricultural to Urban (Exhibit C).
4. **Zoning Map Amendment (ZA-2025-3)** – Proposes to amend approximately 14.9 acres of Zoning Map ZM-200 to reflect zoning changes for TMK (4)-2-2-001:001 from Agricultural (Ag) to Residential-1 (R-1) (Exhibit D).

The proposed ordinances to amend County Zoning, the State Land Use District, the General Plan, and the West Kaua'i Community Plan aim to encourage redevelopment within the existing Numila Camp while allowing for new growth in an adjacent area that maintains and enhances its distinct form and character.

V. APPLICANT'S REASONS/JUSTIFICATION

The Numila Plantation Camp Form-Based Code (FBC) guides development in alignment with the West Kaua'i Community Plan and the County of Kaua'i General Plan. This FBC establishes a regulatory framework to preserve the character of the existing plantation camps, including Numila Camp, while allowing for limited infill development and housing expansion. The Plantation Camps should remain compact and walkable with well-defined borders and small cottages, surrounded by working agricultural fields and activity. The intent of the code would:

1. Promote, preserve, and enhance existing community design and development patterns that reflect the distinct character of Numila's historic plantation camp.
2. Support and maintain affordable-by-design housing stock.
3. Encourage appropriately scaled infill development within or near the historic boundaries of the camps.

Form-Based Codes (FBC) are a development regime that encourages the development of communities with a focus on "building form and character" as opposed to development frameworks based on the separation of uses, regularly referred to as Euclidian zoning. FBCs have been adopted to serve a variety of purposes that can include historic preservation, economic development, sustainability, affordable housing, and general planning. FBC follows a natural to urban transect model, that progressively experience greater density in line with desired development outcomes. The model transect is divided into six transect zones or T-zones: Natural (T1), Rural (T2), Sub-Urban (T3), General Urban (T4), Urban Center (T5), and Urban Core (T6). Kaua'i only experiences four transect types (T1-T4).

The development of FBCs included an intensive inventory process and an exercise to identify unique or historical characteristics that define the respective towns and villages. The Numila Plantation Camp transect is considered a special district due to the unique patterns which were identified. The transects within the Numila Camp are T3 Numila (T3N-PC), T3 Numila Flex (T3NF-PC), T3 Numila HSPA (T3NH-PC), and T3 Numila Luna (T3NL-PC). Each Plantation Camp transect type reinforces and/or maintains the historic patterns of the Numila Community. The Numila FBC incorporates detailed regulations specific to building types, street standards, and civic space that are sensitive to the surrounding local character. The regulations set forth in the Form-Base Code help to maintain the unique characteristics of Numila Camp.

Creating design standards specific to these areas ensures history and culture are a part of the future development. The Plantation Camp Form-Based Code includes elements such as roof pitches, siding materials, building massing, building types, frontages, setbacks, rear exists and wings, and are regulated to reinforce existing character and to create new, compatible neighborhoods in Numila Camp. For example, the building type regulations in T3 Numila (T3N-PC) capture the form and characteristics of the historical Numila cottages. Crafting regulations that require unique features such as single or double hung windows, 5:12 or 6:12 roof pitches, wood-based material, decorative vents, post and pier, and height of the wall ensures that new cottages or reconstructed cottages will maintain the same look and feel of the surrounding cottages.

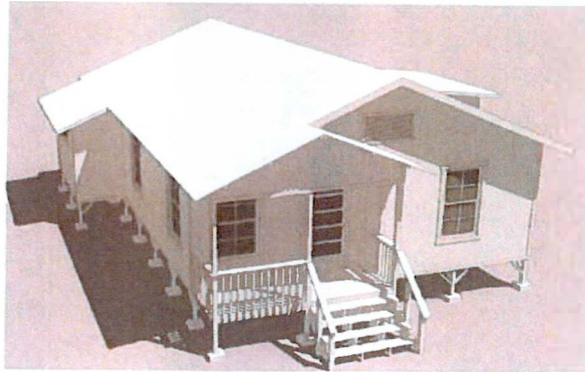


Figure 1: Example of applying the T3 Numila (T3N-PC) regulations.

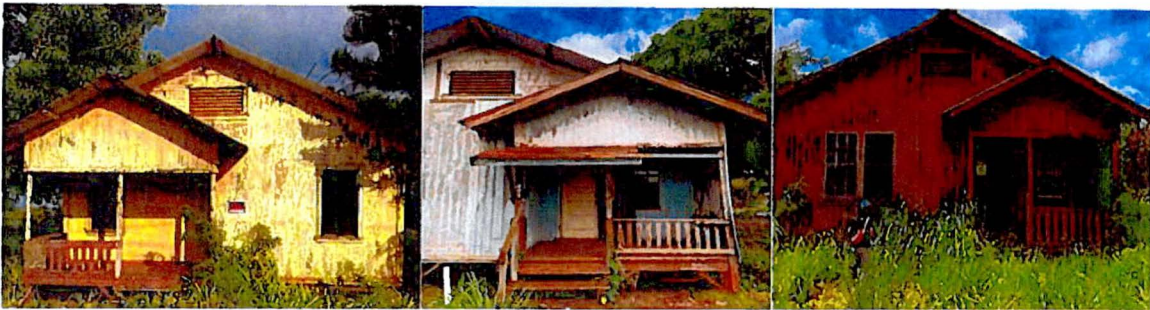


Figure 2, 3, 4: Pictures of Numila Camp Cottages.

Form-Based Code differs from the existing use-base code requirements in the Comprehensive Zoning Ordinance in that the primary emphasis is on building and streetscape “form”, the importance of how the proposed development is integrated with the existing town character. This is a more comprehensive approach that includes the regulation of building types, street design, and civic space requirements. These standards are crafted to regulate the specific and desired qualities of areas identified through the inventory and data collection process.

The County of Kaua’i has adopted multiple Form-Based Codes tailored to preserve the unique and localized characteristics of South Kaua’i, West Kaua’i, and the Kaumakani Plantation Camps. During the South Kaua’i and West Kaua’i Community planning efforts, the community sought to preserve and revitalize their town cores. Form-Base Codes were ideally suited to meet this community goal. Since the adoption of the South Kaua’i, West Kaua’i, and the Kaumakani Plantation Camp Form-Based Code, the Planning Department and the respective communities have seen the value of this development approach.

Consistent with the West Kauai towns of Waimea, Kekaha, ‘Ele’ele, and Hanapēpē, the Numila Camp supports unique town and village features that can benefit from the establishment of a Form-Based Code. The Numila Camp Form-Based Code is a tool that

seeks to maintain the existing character of the Numila Camp while simultaneously establishing design guidelines that inform buildout scenarios.

Implementing the Numila Form-Based Code requires several land use and zoning amendments to align with the intended development vision for the area. These changes will allow for the redevelopment of the historic Numila Camp footprint.

1. **General Plan Amendment (GPA-2025-2)** – The General Plan amendment updates the Kaua’i Land Use Map and West Kaua’i Land Use Map within the General Plan to reflect a change from Agriculture to Plantation Camp, aligning with the historic residential uses of the area and future vision for lands adjacent to the existing Numila camp. This designation supports the continued use and nominal expansion of the area for residential purposes.
2. **West Kaua’i Community Plan Amendment (ZA-2025-4)** – Updates to the West Kaua’i Community Plan ensure consistency between local planning documents and the Numila FBC. The amendment revises the **Regional Town Plan Map (Figure 12)** to change the land use designation within the **Special Planning Area – Plantation Camp (SPA-P)** from Agriculture to Plantation Camp, supporting the envisioned small-town character and historic Numila Camp development. The proposal also amends Section 10-3 to establish a Special Planning Area “P” (SPA-P), which shall also be known as the “Numila Plantation Camp Walkable Mixed-Use District.” The Special Planning Area shall be adopted with a new map ZM-NC-100 (Numila Camp) and adopted within the West Kaua’i Community Plan.
3. **State Land Use District Amendment (A-2025-2)** – This amendment is needed to reclassify **14.9 acres** from Agricultural to Urban, allowing for residential development adjacent to the historic Numila Camp residential footprint to allow for a nominal expansion of the area for residential purposes while keeping within the form and character of the historic camp.
4. **Zoning Map Amendment (ZA-2025-3)** – This change updates the zoning from Agricultural (Ag) to Residential-1 (R-1) allowing for residential development within the historic Numila Camp area and adjacent lands.

VI. AGENCY COMMENTS

Comments from applicable government agencies are being sought and are expected at the time of the public hearing scheduled for March 11, 2025.

VII. PRELIMINARY EVALUATION

In evaluating the proposed zoning amendment, the following aspect should be taken into consideration:

1. Comprehensive Zoning Ordinance (CZO)

The proposed amendment is to be evaluated pursuant to Section 8-3.4(d) of the CZO, Kaua'i County Code (KCC), as amended. The section, reads:

“(d) Consideration. In considering an amendment, the Planning Commission shall consider the purposes of the existing and proposed changes to the Zoning Ordinance. A change in the Zoning Map or text shall not be made unless the change will further the public necessity and convenience and the general welfare.”

As previously mentioned, the intent of the amendment is to amend the West Kaua'i Community Plan to add Special Planning Area “P” (SPA-P), which shall be referred to as the “Numila Plantation Camp Walkable Mixed Use District.” Amending the code to include Special Planning Area “P” would further accommodate public necessity and for convenience.

2. General Plan

The 2018 General Plan sets forth a vision, goals, and policies to guide future growth on Kaua'i. The proposed amendment is consistent with the overall vision and policies outlined in the 2018 General Plan.

A. Section 1.4, entitled “Policies to Guide Growth”

- i. **Policy #1: “Manage Growth to Preserve Rural Character”**
The new design standards that correspond with Special Planning Area “P” will ensure the rural characteristics of our communities are maintained through the preservation of the Numila Camp’s building form and characteristics.
- ii. **Policy #2: Provide Affordable Housing While Facilitating a Diversity of Privately-Developed Housing for Local Families.**
According to the General Plan, Communities that cater to a high-end market, resulting in enclaves of similar household incomes and housing types, are no longer acceptable. The design standards that correspond with Special Planning Area “P” limit development to building standards that cater to and support the local housing market. These design standards will provide an opportunity to create housing for local families.
- iii. **Policy #3: Recognize the Identity of Kaua'i’s individual Towns and Districts.**
Policy #3 of the General Plan states that Kauai’s towns and planning districts are distinct, each with its own character, opportunities, and needs. The design standards outlined for Numila Camp acknowledge the characteristics and features that generate the unique community identity of the Numila Camp.

B. Section 3.0 Actions by Sector, Subsection Sector VII, entitled "Heritage Resources" states for code changes:

- i. Update and create Special Planning Areas in towns to ensure new development and redevelopment of existing sites or structures is done in a "historically sensitive" manner. The proposed Numila Camp Form-Based Code implements these exact code changes recommended by the General Plan creating design standards to preserve the historic character of Numila Camp.

X. PRELIMINARY CONCLUSION

Based on the foregoing, it is concluded that the proposal is reasonable and appropriate. It is also consistent with the policies and recommendations of the Kaua'i General Plan.

XI. PRELIMINARY RECOMMENDATION

Based on the foregoing evaluation and conclusion, it is hereby Zoning Amendment ZA-2025-3, Zoning Amendment ZA-2025-4, General Plan Amendment GPA-2025-2 and State Land Use District Amendment A-2025-2 be **APPROVED**.

By  _____
SHELEA KOGA
Planner

Approved & Recommended to Commission:

By  _____
KA'AINA S. FULL
Director of Planning

Date: 2/25/2025

“EXHIBIT A”

(Proposed General Plan Amendment GPA-2025-2)

For reference

ORDINANCE NO. _____

BILL NO. _____

**A BILL FOR AN ORDINANCE AMENDING
"KAUA'I KĀKOU – KAUA'I COUNTY GENERAL PLAN" (2018)
RELATING TO A PARCEL LOCATED IN WAHIAWA, KAUA'I**

(County of Kaua'i Planning Department, Applicant) (GPA-2025-2)

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. Findings and Purpose. The purpose of this Ordinance is to update the booklet entitled "Kaua'i Kākou – Kaua'i County General Plan" (2018) (incorporated by reference in Chapter 7, Kaua'i County Code 1987, as amended) (The General Plan for the County of Kaua'i). The subject property, identified as Tax Map Key (TMK) Parcel (4) 2-2-001:001 and referred to hereafter as "Numila Camp," is located adjacent to Kaua'i Coffee Visitor Center and the Numila Sugar Mill, situated along the makai side of Halewili Road.

The Council finds the Numila Camp amendment boundaries are delineated by the map in Exhibit A and contain an area of approximately 14.9 acres.

The Council finds that TMK Parcel (4) 2-2-001:001 is not designated as Important Agricultural Lands by the Hawai'i State Land Use Commission.

The Council finds that the Numila Plantation Camp areas maintain a unique sense of identity and has historic features and qualities that should be perpetuated.

The Council finds that the current landowner (BBCP Kaua'i Operating LLC) has consented to this General Plan amendment.

SECTION 2: The booklet entitled "Kaua'i Kākou – Kaua'i County General Plan" (2018) is amended as follows:

1. Amend page 229 by deleting Figure 5-1, Kaua'i Land Use Map (as previously amended by Ordinance No. 1084), and replacing it with a new map, Figure 5-1, Kaua'i Land Use Map, as shown on the map attached to this Ordinance as Exhibit B, and on file with the Planning Department, County of Kaua'i.
2. Amend page 233 by deleting the amended Figure 5-2, West Kaua'i Land Use Map (as previously amended by ordinance No. 1084), and replacing it with a new map, Figure 5-3 West Kaua'i Land Use Map as shown on the map attached to this Ordinance as Exhibit C, and on file with the Planning Department, County of Kaua'i.

SECTION 3. The Planning Department is directed to note the changes on the official Zoning Maps on file with the Department.

SECTION 4. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 5. This Ordinance shall take effect upon its approval.

Introduced by:

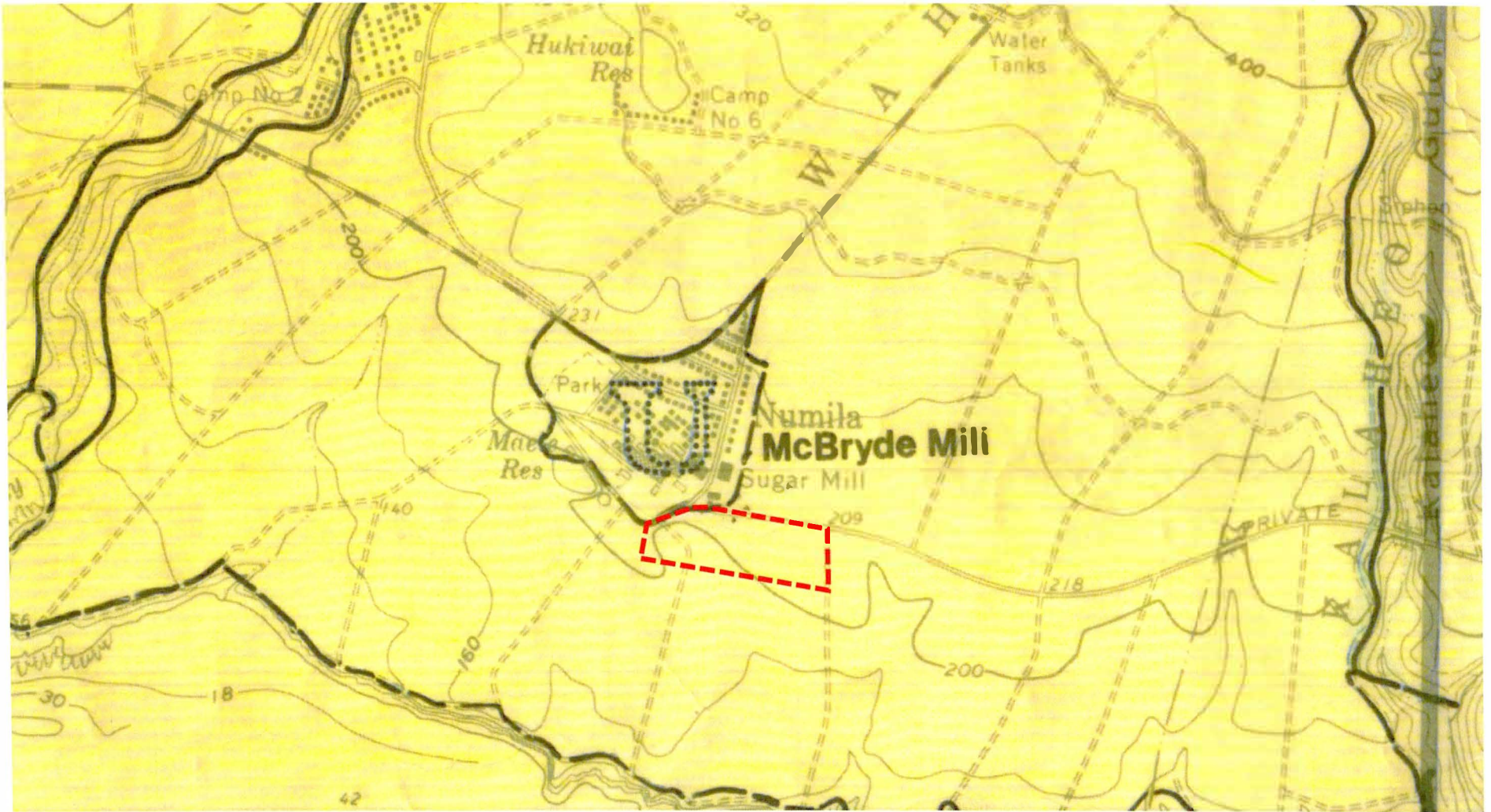
(By Request)

DATE OF INTRODUCTION:

Līhu'e, Kaua'i, Hawai'i

Exhibit A

Location Map



Zoning Amendment Location Map

 Amendment Boundaries

Exhibit B

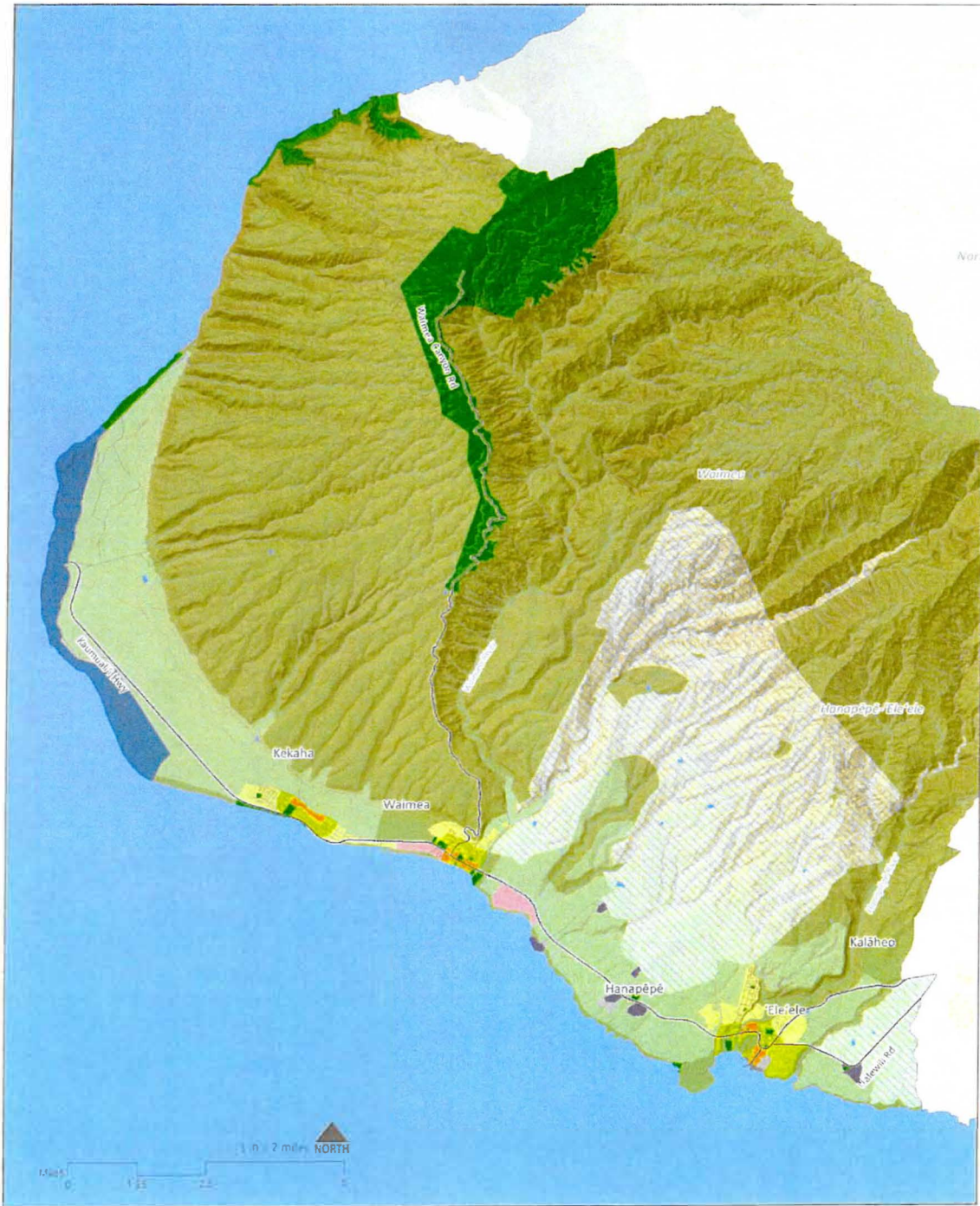
Map Showing Amendment to the Kaua'i General Plan (2018) Land Use Map Figure 5-1 "Kaua'i Land Use Map"

-  Planning District Boundary
-  Major Roads
-  Roads
-  Streams
-  USGS 40 ft. Contours
-  Urban Edge Boundary
-  Reservoirs
-  Natural
-  Agricultural
-  Agricultural (IAL)
-  Parks and Recreation
-  Golf Course
-  Homestead
-  Residential Community
-  Urban Center
-  Neighborhood Center
-  Neighborhood General
-  Large Town
-  Small Town
-  Resort
-  Provisional Resort (Pending Community Plan Process)
-  University Zone
-  Plantation Camp
-  Industrial
-  Transportation
-  Military
-  Provisional Agriculture

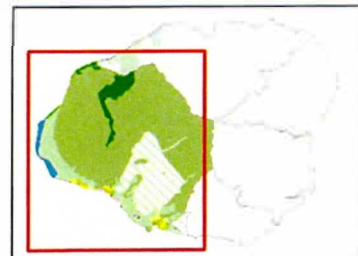


Exhibit C

Map Showing Proposed Amendment to the Kaua'i General Plan (2018) Land Use Map
 Figure 5-3 Hanapēpē to 'Ele'ele to Figure 5-2 "West Kaua'i District"



- | | | |
|----------------------------|-----------------------|-----------------|
| — Major Roads | Natural | Resort |
| — Roads | Agricultural | Plantation Camp |
| — Streams | Agricultural (IAL) | Industrial |
| — USGS 40 ft. Contours | Parks and Recreation | Transportation |
| Planning District Boundary | Residential Community | Military |
| Reservoirs | Neighborhood Center | |
| | Neighborhood General | |



“EXHIBIT B”

(Proposed Zoning Amendment ZA-2025-4)

For reference

ORDINANCE NO. _____

BILL NO. _____

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 10 ARTICLE 3, KAUA'I COUNTY CODE 1987, AS
AMENDED, RELATING TO THE
WEST KAUA'I COMMUNITY PLAN IMPLEMENTING ORDINANCE (2020)**

(County of Kaua'i Planning Department, Applicant) (ZA-2025-4)

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. Findings and Purpose. The purpose of this Ordinance is to amend Chapter 10, Article 3, Kauai County Code 1987, as amended, relating to the West Kauai Community Plan. The proposal amends Section 10-3 of the Kauai County Code relating to text and mapping requirements to establish a Special Planning Area "P", which shall be referred to as the "Numila Plantation Camp Walkable Mixed Use District", and be designated as "SPA-P" as shown on Zoning Maps ZM-NC-100 (Numila Camp) involving a portion of a property further identified as Tax Map Key 2-2-001:001. The proposal also amends the West Kaua'i Regional Map to reflect land use designation updates from "Agriculture" to "Plantation Camp" within the SPA-P boundaries.

The Council finds the Numila Camp amendment boundaries delineated by the map in Exhibit A.

The Council finds that TMK Parcel (4) 2-2-001:001 is not designated as Important Agricultural Lands by the Hawai'i State Land Use Commission.

The Council finds that the West Kaua'i Community Plan (WKCP), adopted by the County of Kaua'i in December 2020, recognizes the opportunity to "ensure redevelopment and renovation projects reflect the historic character of Numila Camp."

The Council finds that the current landowner (BBCP Kaua'i Operating LLC) has consented to this West Kaua'i Community Plan amendment.

SECTION 2. Amend Section 10-3 of the Kaua'i County Code to add a Special Planning Area "P" (SPA-P), which shall also be known as the "Numila Plantation Camp Walkable Mixed Use District". The Special Planning Area shall be adopted with a new map ZM-NC-100 (Numila Camp) and adopted within the West Kaua'i Community Plan as attached in Exhibit B. The corresponding design standards in text format shall be adopted within the West Kaua'i Community Plan as attached in Exhibit C.

SECTION 3. The booklet entitled "West Kaua'i Community Plan" (2020) is amended as follows:

1. Amend page 126 by deleting Figure 12, Regional Town Plan Map, and replacing it with a new map, Figure 12, Regional Town Plan Map, as shown on the map attached to this Ordinance as Exhibit D, and on file with the Planning Department, County of Kaua'i.

SECTION 4. The content of Chapter 10, Article 3, West Kaua'i Community Plan Implementing Ordinance, Kaua'i County Code, as amended is amended as follows:

§ 10-3.1. Title and Purpose.

- (a) This Article shall be known and may be cited as the "West Kaua'i Community Plan Implementing Ordinance." It is adopted:
- (1) To provide design and development standards in order to implement the detailed planning goals and objectives for the West Kaua'i Planning District;
 - (2) To establish special planning areas, future growth areas, land uses, and development and design standards to guide and regulate future development;
 - (3) To protect certain physical characteristics found to be of particular public value, as provided in Chapter 8, Article 11, Section 6, Kaua'i County Code 1987, as amended (Special Planning Areas); and
 - (4) Establish exceptions, modifications, or additions to the provisions of Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance) and Chapter 9, Kaua'i County Code 1987, as amended (Subdivision Ordinance) in order to more specifically provide for the regulation of land use, subdivision, and development practices within the West Kaua'i Planning District.
- (b) Nature of the West Kaua'i Community Plan Ordinance. This Article provides the necessary framework and guidelines to direct future development and capital improvements in the West Kaua'i area, whose boundary is described in the report entitled "West Kaua'i Community Plan." Additionally, this Article supplements Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance) and Chapter 9, Kaua'i County Code 1987, as amended (Subdivision Ordinance) by regulating use and development standards within the West Kaua'i Special Planning Areas, as identified in the zoning maps or surveyed maps, or both, attached to Ordinance No. 1083, [and] Ordinance No. 1138, and Ordinance No. XXXX, on file with the Planning Department, County of Kaua'i.
- (c) The guidelines of this Article are based on the report entitled "West Kaua'i Community Plan" (Planning Commission draft approved in 2020, as amended by the Kaua'i County Council in 2020, and as may be subsequently amended), a booklet whose major components include:
- (1) Regional and town plan maps;
 - (2) Policies for the West Kaua'i region as a whole;
 - (3) Goals and objectives for Kekaha, Waimea, Hanapēpē, 'Ele'ele, Port Allen, Kaumakani, Pākalā Village, Numila, and other areas; and
 - (4) Appendices.
- (Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

§ 10-3.2. Vision and Goals.

The vision and goals for the region referred to in this Article, which shall be known as the West Kaua'i Planning District, and its communities are described in the report entitled "West Kaua'i Community Plan."

(Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

§ 10-3.3. Application of Regulations.

- (a) The West Kaua'i Form-Based Code, attached as Appendix "C", [and] the Plantation Camp Form-Based Code, attached as Appendix "D", and the Numila Plantation Camp Form-Based Code, attached as Appendix "E," to the West Kaua'i Community Plan, are by reference incorporated herein and made a part hereof. The provisions of the West Kaua'i Form-Based Code, [and] the Plantation Camp Form Based Code, and the Numila Plantation Camp Form Based Code shall apply to all new development located within the Special Planning Areas, as identified in the zoning maps or surveyed maps, or both, attached to Ordinance No. 1083, [and] Ordinance No. 1138, and Ordinance No. XXX, on file with the Planning Department, County of Kaua'i.
- (b) The regulations and procedures established in Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance) shall apply within the Special Planning Areas of the West Kaua'i Planning District, except to the extent that such regulations or procedures are changed or modified by the provisions of the West Kaua'i Form-Based Code. When the provisions of this Article differ with respect to the provisions of Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance) and Chapter 9, Kaua'i County Code 1987, as amended (Subdivision Ordinance), the West Kaua'i Form-Based Code shall supersede such provisions as provided in Chapter 8, Article 11, Kaua'i County Code 1987, as amended (Special Treatment Districts (ST)).

(Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

§ 10-3.4. Existing Conditions.

- (a) This Article does not mandate the immediate modification of structures and uses lawfully in existence upon the enactment of this Article.
- (b) The requirements of this Article will not be triggered by routine maintenance not requiring a zoning permit.
- (c) Existing Buildings and Structures. Buildings and structures lawfully in existence upon the enactment of this Article that do not conform to the provisions of this Article are subject to the requirements of Chapter 8, Article 13, Section 1, Kaua'i County Code 1987, as amended (Nonconforming Buildings and Structures).
- (d) Existing Uses. Uses lawfully in existence upon the enactment of this Article that are not consistent with the Special Planning Areas will be allowed to continue on the parcel of record as provided in Chapter 8, Article 13, Section 2, Kaua'i County Code 1987, as amended (Nonconforming Uses).

(Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

§ 10-3.5. Special Planning Areas, Designation, and Procedures.

- (a) Designation of Special Planning Areas "K," "L," "M," "N," [and] "O[.]," and "P." The boundaries of the following form-based code districts are hereby adopted as described in the West Kaua'i Form-Based Code and the Plantation Camp Form-Based Code, attached as Appendix "C," [and]

Appendix "D," and Appendix "E" to the West Kaua'i Community Plan, and shall be referred to as follows:

- (1) Special Planning Area "K," which shall also be known as the "Kekaha Town Walkable Mixed Use District" and be designated as "SPA-K" as shown on the zoning map attached to Ordinance No. 1083 as Exhibit 1, and on file with the Planning Department, County of Kaua'i.
- (2) Special Planning Area "L," which shall also be known as the "Waimea Town Walkable Mixed Use District" and be designated as "SPA-L" as shown on the zoning map attached to Ordinance No. 1083 as Exhibit 2, and on file with the Planning Department, County of Kaua'i.
- (3) Special Planning Area "M," which shall also be known as the "Hanapēpē Town Walkable Mixed Use District" and be designated as "SPA-M" as shown on the zoning map attached to Ordinance No. 1083 as Exhibit 3, and on file with the Planning Department, County of Kaua'i.
- (4) Special Planning Area "N," which shall also be known as the "Ele'ele-Port Allen Walkable Mixed Use District" and be designated as "SPA-N" as shown on the zoning map attached to Ordinance No. 1083 as Exhibit 4, and on file with the Planning Department, County of Kaua'i.
- (5) Special Planning Area "O," which shall also be known as the "Kaumakani Plantation Camp Walkable Mixed Use District" and designated "SPA-O" as shown on the zoning and surveyed maps attached to Ordinance No. 1138 as Exhibit 1, Exhibit 2a, and Exhibit 2b, and on file with the Planning Department, County of Kaua'i.

(6) Special Planning Area "P," which shall also be known as the "Numila Plantation Camp Walkable Mixed Use District" and designated "SPA-P" as shown on the zoning map attached to Ordinance No. XXXX as Exhibit B, and on file with the Planning Department, County of Kaua'i.

- (b) Designation of Zoning Maps. In order to carry out the purpose of this Article, the zoning maps ZM-K100 (Kekaha), ZM-W100 (Waimea), and ZM H200 (Hanapēpē) of Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance), are hereby amended. Zoning Map ZM-KV-100 (Kaumakani Village), [and] ZM-KA-100 (Kaumakani Avenue), and ZM-NC-100 (Numila Camp) is hereby adopted.

(Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

§ 10-3.6. Implementation of the West Kaua'i Community Plan.

The West Kaua'i Community Plan shall serve as a guide for all development within the West Kaua'i area.

(Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

SECTION 5. The Planning Department is directed to note the changes on the official Zoning Maps on file with the Department.

SECTION 6. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 7. This Ordinance shall take effect upon its approval.

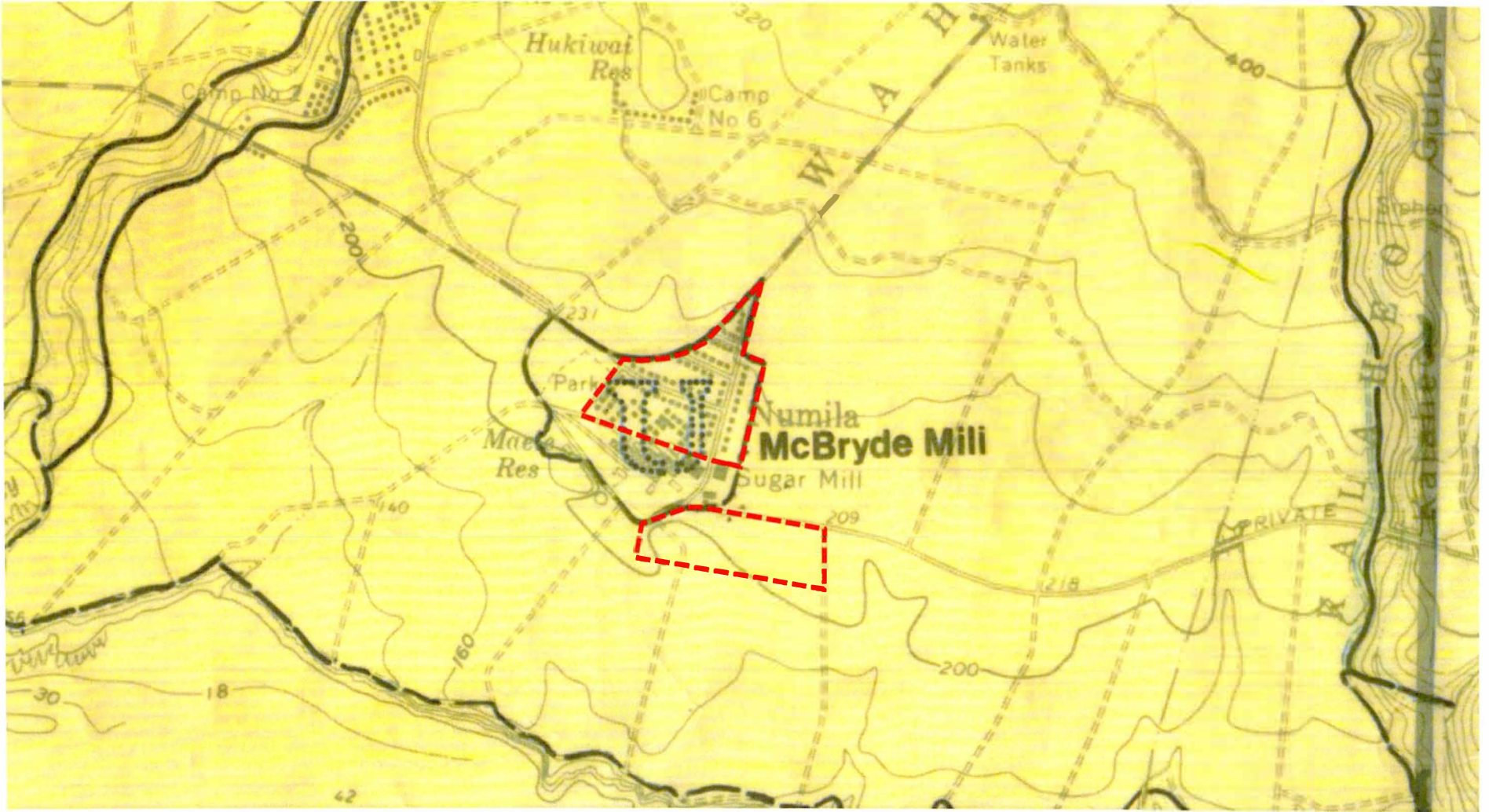
Introduced by:

(By Request)

DATE OF INTRODUCTION:

Līhu'e, Kaua'i, Hawai'i

Exhibit A
Location Map

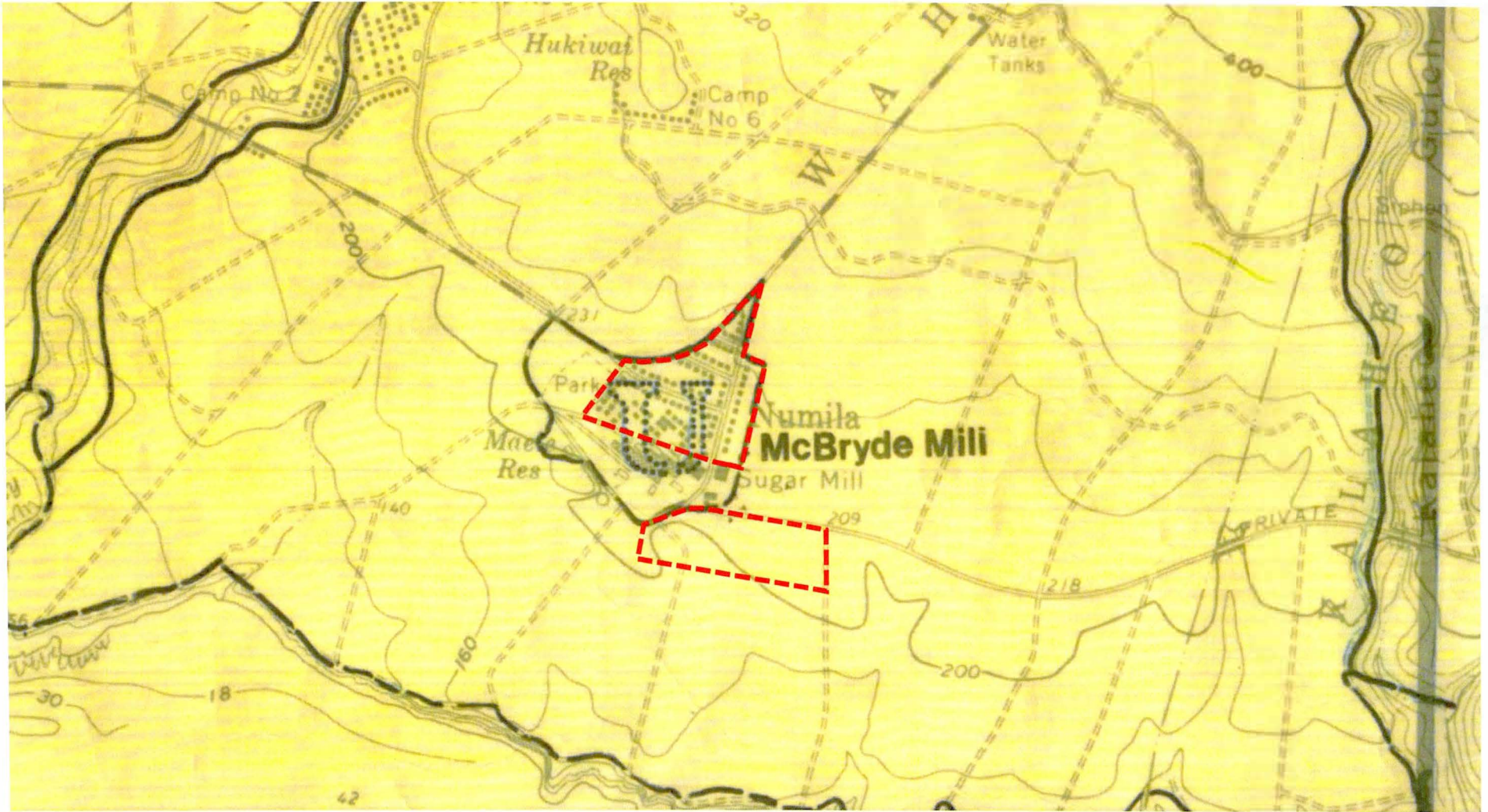


Zoning Amendment Location Map

 Amendment Boundaries

Exhibit B

Location Map



Zoning Map ZM-NC-100 (Numila Camp)



SPA-P Boundary - Numila Plantation Camp Walkable Mixed Use District
Wahiawa, Kauai, Hawaii

Exhibit C



Numila Camp Form-Based Code

Prepared by the County of Kaua'i Planning Department



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Sub-Article 1.1 Purpose

1.1.010 Purpose and Intent

The Numila Form-Based Code guides development in a manner consistent with the goals of the West Kaua'i Community Plan and County of Kaua'i General Plan. This Form-Based Code provides a regulatory framework to regenerate development that is inspired by Numila Plantation Camp.

The Code is guided by policy that supports new construction of plantation homes that are inspired by several historic building types that were once located throughout the Numila Plantation Camp. The intent of the code is to allow new infill construction to be in keeping with the form and character of the former plantation camp and to provide affordable housing stock that can support agricultural activity. Specifically, the code:

- A. Promotes and enhances existing community design and development patterns that reflect the distinct character of the historic plantation camp at Numila;
- B. Promotes and maintains workforce housing stock.
- C. Encourages appropriately-scaled infill development that is located within or near the historic confines of the camp.

1.1.020 Using Zoning to Reinforce West Kaua'i's Places

Zoning is a tool that can be used to help implement the community's vision of a place. Form-Based Code is one form of zoning tool that emphasizes the physical form and character over the separation of use. This provides an alternative approach to Euclidean zoning, which is the type of zoning in the CZO (Chapter 8 of the Kaua'i County Code 1987, as amended). Kaua'i has five distinct place types based on historic settlement patterns. They include the following:

- A. Rural crossroads;
- B. Plantation camps;
- C. Small village;
- D. Large village;
- E. Town.

As it pertains to plantation camps, Form-Based Code can activate former plantation camp lands and allow for new construction to be developed in a manner that will be in keeping with the historic plantation camps that once thrived in these areas.

1.1.030 Plantation Camp Place Type

During the Plantation era, workers lived in plantation camps located near or adjacent to the sugar mills and cane fields. These camps were built to a pedestrian-oriented scale that made it possible to traverse by foot to work and services. The fields that surrounded the towns provided a *de facto* greenbelt. The relationship between the plantation camps and agricultural lands reinforced the region's rural identity. Even with the rise of the automobile and the trend of suburban development patterns, the legacy of these camps remains in West Kaua'i.

The 2018 General Plan identifies existing plantation camps in the Future Land Use Map. The Plantation Camp is defined as an historic remnant of former plantation housing that is not connected to an existing town and is surrounded by the agricultural district. Some plantation camps were demolished and have since reverted to agricultural uses. Today's remaining plantation camps are clusters of houses with little or no retail or public facilities. Five plantation camps are designated in the General Plan and include Numila, Kaumakani Village, Kaumakani Avenue, Ka'awanui Camp, and Pakala Camp. Plantation camps are important vestiges of Kaua'i's sugar plantation history. Each camp maintains a unique sense of identity and has features and qualities that its residents would like to see preserved.

Until recently, the County zoning for these areas was "Agriculture". The 2021 West Kaua'i Community Plan (WKCP) updated the County zoning for those plantation camps located within the SLUD-Urban District, which include Numila, Kaumakani Village, Kaumakani Avenue, and Pakala Camp. Two new zoning districts were created in the WKCP: Plantation Camp District and Special Treatment – Coastal Edge District.

Numila:

The Numila Plantation Camp, also known as "Camp 9", "Mill Camp", and "New Mill", was once part of a thriving network of eighteen camps that provided housing for employees of the McBryde Sugar Plantation. Numila, which developed closest to the mill, is the last remaining plantation camp on former McBryde lands and at one point in time had approximately 185 dwellings with a population of 700-750 people (A&B, 2023). The Numila Plantation Camp was broken down into three main sections of housing: 9-A for skilled labor and lunas and 9-B and 9-C for laborers who worked at the mill (A&B, 2023). Many of the camp homes were simple, single-family residences that were occupied by a diversity of ethnic groups that worked for the plantation. In addition to dwellings, Numila Plantation Camp had other amenities such as a camp store, gas station, movie theatre, pool hall/ club house, bath house, barber shop, clinic, and at least one church (A&B, 2023).

Alexander & Baldwin, Inc. (2023) *Numila Camp Closure and Removal Project Summary*.

1.1.040 The West Kauai Numila Camp Transect

The Form Based Code transect is an organizing principle used in form-based code that establishes a hierarchy of zones, which contain places and building types and replaces use as the organizing principle. Typically, the model transect is divided into six transect zones or T-zones: Natural (T1), Rural (T2), Sub-Urban (T3), General Urban (T4), Urban Center (T5), and Urban Core (T6). However, Kaua'i's various form based codes that were instituted in several town cores and plantation camps contain only four transects (T1 to T4).

The Numila Camp Form-Based Code uses transect zones to create new, compatible neighborhoods that are inspired by the former historic plantation camp of Numila. Each transect zone has its own set of standards that will help to guide the desired form and character of an area that will be inspired by the historic uses and building types that once occupied these areas. The Numila Form Based Code contains transects that comprise a special district due to its unique pattern unlike other Kaua'i form base code transects.

The West Kauai Numila Camp Transect Zones:

- A. T3 Numila – Plantation Camp (T3N-PC) The form and character of this transect zone will be primarily one-story, single-family residences with accessory structures located to the rear of the single-family residences. This transect zone will also maintain similar features to the historic plantation camp layout in terms of setbacks, scale, and massing. Historically, the boundaries of this transect zone was formerly known as the Camp 9-B section of Numila Plantation Camp, which housed laborers.
- B. T3 Numila Luna – Plantation Camp (T3NL-PC) - The form and character of this transect zone will be primarily for one story, medium to large sized dwelling units that may be used as single family residences or multi-family units. Historically, the boundaries of this transect was formerly known as the Camp 9-A section of Numila Plantation Camp. Camp 9-A housed skilled labor and supervisors or “luna”.
- C. T3 Numila HSPA – Plantation Camp (T3H-PC) - The form and character of this transect zone will be a concentration of smaller housing units surrounding the existing mill and agricultural buildings. Historically, the boundaries of this transect was formerly known as the older Camp 9-B section of Numila Plantation Camp, which housed laborers.
- D. T3 Numila Flex – Plantation Camp (T3NF-PC) – The form and character of this transect zone supports a limited amount of new development that is compatible with the historic neighborhood design of the Numila Camp and of West Kaua'i communities. New development will provide an opportunity for new single family and multifamily buildings that will integrate compatible medium-density residential building types, such as a multiplex small, with historic building types.

1.1.050 **Lack of Lot Lines**

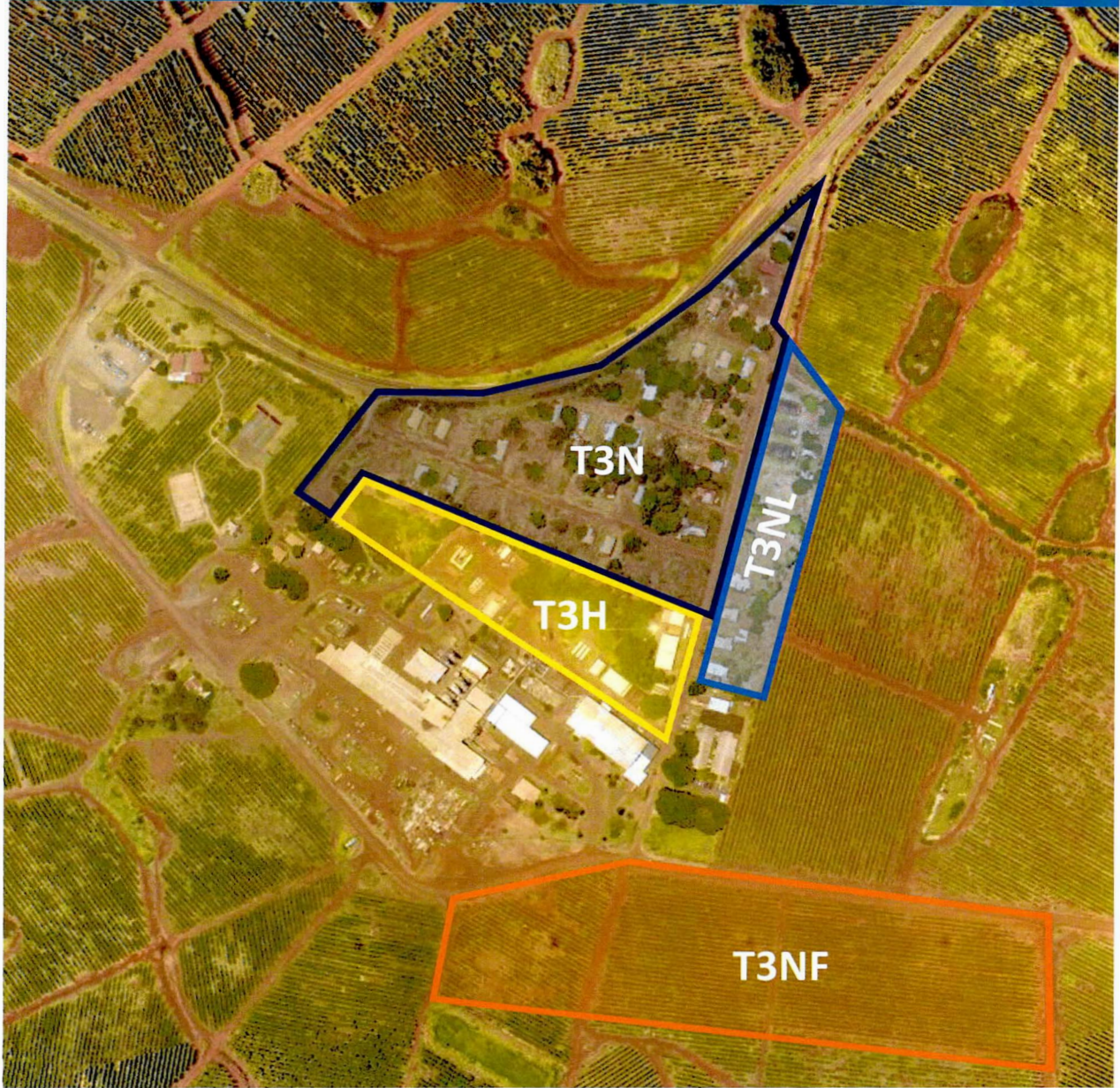
Design standards for form-based codes generally promote and facilitate orientation of structures to public roads and civic spaces that facilitate an interface between the private and the public realm. In particular, form-based codes rely on setbacks and build-to-lines in relation to lot lines to orient proposed structures with public areas. Unique to the subject Numila Form-Based Code Transects is that they overlay one large single lot of record. The subject Numila Transects and their corresponding dwellings and structures are not separated by individual lot lines. Without individual lot lines, the subject Code utilizes building-to-building and building-to-thoroughfare standards to establish the interface between the private and public realm. This approach is unique but necessary to achieve a high-quality public realm inherent within the existing plantation camp environment.





Sub-Article 1.2 Transect Map

1.2.010 Transect Map

The transect zones established in this Article are mapped on the Transect Map on the following page:

Figure 1.2.010 Numila Transect Map



-  T3N Numila – Plantation Camp
-  T3NL Numila Luna – Plantation Camp
-  T3H Numila – HSPA – Plantation Camp
-  T3NF Numila Flex – Plantation Camp

Article 2: Transect Descriptions and Building Types

Sub-Article 2.1: Numila Transect Zone Descriptions	12-19
2.1.010 T3 Numila – Plantation Camp (T3N-PC)	12-13
2.1.020 T3 Numila Luna – Plantation Camp (T3NL-PC)	14-15
2.1.030 T3 Numila HSPA – Plantation Camp (T3H-PC)	16-17
2.1.040 T3 Numila Flex – Plantation Camp (T3NF-PC)	18-19

2.1.010 T3 Numila - Plantation Camp (T3N-PC)



General note: the illustration above is intended to provide a brief overview of the transect zone and is descriptive in nature.

A. Transect Zone Intent and Description

This Zone maintains the historical pattern and intensity of the Numila Plantation Camp while allowing new construction to occur on sites that were previously demolished.

B. Building Types

1. Permissible Building Types Standards

- | | |
|---------------------------------|---------|
| i. Numila Cottage | 2.2.010 |
| ii. *Community Parking Facility | 2.2.080 |

- Except for accessory structures, all other building types are prohibited.

C. Use Table

- | | |
|---------------------|---------------|
| i. Residential Uses | Permitted Use |
| ii. Home Businesses | Permitted Use |

- Residential use within the Numila Cottage building type is the only permissible use within this transect. Home businesses are a permissible residential use within a Numila Cottage. All other uses are prohibited.

T3 Numila - Plantation Camp (T3N-PC)**D. Building Placement****1. Front Thoroughfare Setbacks**

- i. There is a 20 foot minimum setback from the front thoroughfare.
- ii. There is a 35 foot maximum setback from the front thoroughfare.

2. Building-to-Building Setbacks

- i. There is a 30 foot minimum setback between cottages.
- ii. There is 10 foot minimum setback from all structures (i.e., from cottages or other accessory structures)

3. Side Thoroughfare Setbacks

- i. There is a 20 foot minimum setback from the side thoroughfare for cottages.
- ii. There is a 35 foot minimum setback from the side thoroughfare for accessory structures.

4. Building Placement Notes

- i. Fences may encroach into the front or side setback; however, fences shall not exceed 4 feet in height.

E. Parking**1. Required Spaces**

- i. 1 off-thoroughfare parking stall is required per cottage.
- ii. Each cottage shall have a detached garage or carport.
- iii. Garage or carport structures may be shared between 2 cottages, and these shared garages shall accommodate at least 2 vehicles.

2. Parking Setback

- i. All off-thoroughfare parking areas shall be setback behind the respective cottage's rear wall.

F. Accessory Structures

- i. Non-habitable detached accessory structures do not require a building type and shall be located behind the rear of the building.
- ii. Accessory structures are allowed throughout this transect.
- iii. Accessory structures shall not exceed 600 square feet in size.
- iv. Accessory structures shall be limited to no more than 2 per building.
- v. Permissible roof types for accessory structures are Gable, Hip, Flat, and single-sloping shed roofs.
- vi. All Accessory Structures shall have a maximum of 9 feet from the finished floor to top of wall plate.

G. *Community Parking Facility

- i. The Community Parking Facility may be constructed to accommodate the required parking stalls.
- ii. There is a 10 foot minimum setback from the front thoroughfare for the Community Parking Facility.

2.1.020 T3 Numila Luna - Plantation Camp (T3NF-PC)



General note: the illustration above is intended to provide a brief overview of the transect zone and is descriptive in nature.

A. Transect Zone Intent and Description

This Zone maintains the historical pattern and intensity of the Numila Plantation Camp while allowing new construction to occur on sites that were previously demolished.

B. Building Types

1. Permissible Building Types	Standards
i. Luna Cottage I	2.2.020
ii. Luna Cottage II	2.2.030
iii. *Community Parking Facility	2.2.080

- With the exception of accessory structures, all other building types are prohibited.

C. Use Table

i. Residential Uses	Permitted Use
ii. Home Businesses	Permitted Use
iii. Dormitory	Permitted Use

- Residential use within the building types is the only permissible use within this transect. Home businesses are a permissible residential use within the above building types. All other uses are prohibited.

T3 Numila Luna - Plantation Camp (T3NL-PC)**D. Building Placement****1. Front Thoroughfare Setbacks**

- i. There is a 20 foot minimum setback from the front thoroughfare.
- ii. There is a 35 foot maximum setback from the front thoroughfare.

2. Building-to-Building Setbacks

- i. There is a 30 foot minimum setback between cottages.
- ii. There is 10 foot minimum setback from all structures (i.e., from cottages or other accessory structures)

4. Building Placement Notes

- i. Fences may encroach into the front or side setback; however, fences shall not exceed 4 feet in height.

E. Parking**1. Required Spaces**

- i. 1 off-thoroughfare parking stall is required per cottage.
- ii. Each cottage shall have a garage or carport.
- iii. Garage or carport structures may be shared between 2 cottages, and these shared garages shall accommodate at least 2 vehicles.

2. Parking Setback

- i. All off-thoroughfare parking areas shall be setback behind the respective building type's rear wall.

F. Accessory Structures

- i. Non-habitable detached accessory structures do not require a building type and shall be located behind the rear of the building.
- ii. Accessory structures are allowed throughout this transect.
- iii. Accessory structures shall not exceed 600 square feet in size.
- iv. Accessory structures shall be limited to no more than 2 per building.
- v. Permissible roof types for accessory structures are Gable, Hip, Flat, and single-sloping shed roofs.
- vi. All Accessory Structures shall have a maximum of 9 feet from the finished floor to top of wall plate.

G. *Community Parking Facility

- i. The Community Parking Facility may be constructed to accommodate the required parking stalls.
- ii. There is a 10 foot minimum setback from the front thoroughfare for the Community Parking Facility.

2.1.030 T3 Numila HSPA - Plantation Camp (T3NH-PC)



General note: the illustration above is intended to provide a brief overview of the transect zone and is descriptive in nature.

A. Transect Zone Intent and Description

This zone continues the historical pattern and intensity of the Numila plantation camp through the HSPA Cottage Building Type.

B. Building Types

1. Permissible Building Types Standards

i. HSPA Cottage	2.2.040
ii. *Community Parking Facility	2.2.080

- With the exception of accessory structures, all other building types are prohibited.

C. Use Table

i. Residential Uses	Permitted Use
ii. Home Businesses	Permitted Use

- Residential use within the HSPA Cottage is the only permissible use within this transect. Home businesses are a permissible residential use within a HSPA Cottage. All other uses are prohibited.

T3 Numila HSPA- Plantation Camp (T3NH-PC)**D. Building Placement****1. Front Thoroughfare Setbacks**

- i. There is a 5 foot minimum setback from the front thoroughfare.
- ii. There is a 10 foot maximum setback from the front thoroughfare.

2. Building-to-Building Setbacks

- i. There is a 10 foot minimum setback between cottages.
- ii. There is 10 foot minimum setback from all structures (i.e., from cottages or other accessory structures)

3. Side Thoroughfare Setbacks

- i. There is a 10 foot minimum setback from the side thoroughfare for cottages.
- ii. There is a 10 foot minimum setback from the side thoroughfare for accessory structures.

4. Building Placement Notes

- i. Fences may encroach into the front or side setback; however, fences shall not exceed 4 feet in height.

E. Parking**1. Required Spaces**

- i. 1 off-thoroughfare parking stall is required per HSPA Cottage. The required stall can be located in a Community Parking Facility.

F. Accessory Structures

- i. Non-habitable detached accessory structures do not require a building type and shall be located behind the rear of the building.
- ii. Accessory structures are allowed throughout this transect.
- iii. Accessory structures shall not exceed 600 square feet in size.
- iv. Accessory structures shall be limited to no more than 2 per building.
- v. Permissible roof types for accessory structures are Gable, Hip, Flat, and single-sloping shed roofs.
- vi. All Accessory Structures shall have a maximum of 9 feet from the finished floor to top of wall plate.

G. *Community Parking Facility

- i. The Community Parking Facility may be constructed to accommodate the required parking stalls.
- ii. There is a 10 foot minimum setback from the front thoroughfare for the Community Parking Facility.

2.1.040 T3 Numila Flex - Plantation Camp (T3NF-PC)



General note: the illustration above is intended to provide a brief overview of the transect zone and is descriptive in nature.

A. Transect Zone Intent and Description

This zone is adjacent to the historic Numila Camp residential footprint and allows for a nominal expansion of the area for residential purposes while preserving the form and character of the historic camp (See Figure 1.2.010 on page 10).

B. Building Types

1. Permissible Building Types	Standards
i. Numila Cottage	2.2.010
ii. Luna Cottage I	2.2.020
iii. Luna Cottage II	2.2.030
iv. HSPA Cottage	2.2.040
v. Duplex	2.2.050
vi. Multiplex Small	2.2.060
vii. Dormitory	2.2.070
viii. *Community Parking Facility	2.2.080

- With the exception of accessory structures, all other building types are prohibited.

C. Use Table

i. Residential Uses	Permitted Use
ii. Home Businesses	Permitted Use
iii. Dormitory	Permitted Use
<ul style="list-style-type: none"> • Residential use within the HSPA Cottage is the only permissible use within this transect. Home businesses are a permissible residential use within a HSPA Cottage. All other uses are prohibited. 	

T3 Numila Flex - Plantation Camp (T3NF-PC)**D. Building Placement****1. Front Thoroughfare Setbacks**

- i. There is a 10 foot minimum setback from the front thoroughfare.

2. Building-to-Building Setbacks

- i. There is a 5 foot minimum setback between buildings or accessory structures.

3. Side Thoroughfare Setbacks

- i. There is a 10 foot minimum setback from the side thoroughfare.

4. Building Placement Notes

- i. Fences may encroach into the front or side setback; however, fences shall not exceed 4 feet in height.

E. Parking**1. Required Spaces**

- i. 1 off-thoroughfare parking stall is required per building. The required stall can be located in a Community Parking Facility.

F. Accessory Structures

- i. Non-habitable detached accessory structures do not require a building type and shall be located behind the rear of the building.
- ii. Accessory structures are allowed throughout this transect.
- iii. Accessory structures shall not exceed 600 square feet in size.
- iv. Accessory structures shall be limited to no more than 2 per building.
- v. Permissible roof types for accessory structures are Gable, Hip, Flat, and single-sloping shed roofs.
- vi. All Accessory Structures shall have a maximum of 9 feet from the finished floor to top of wall plate.

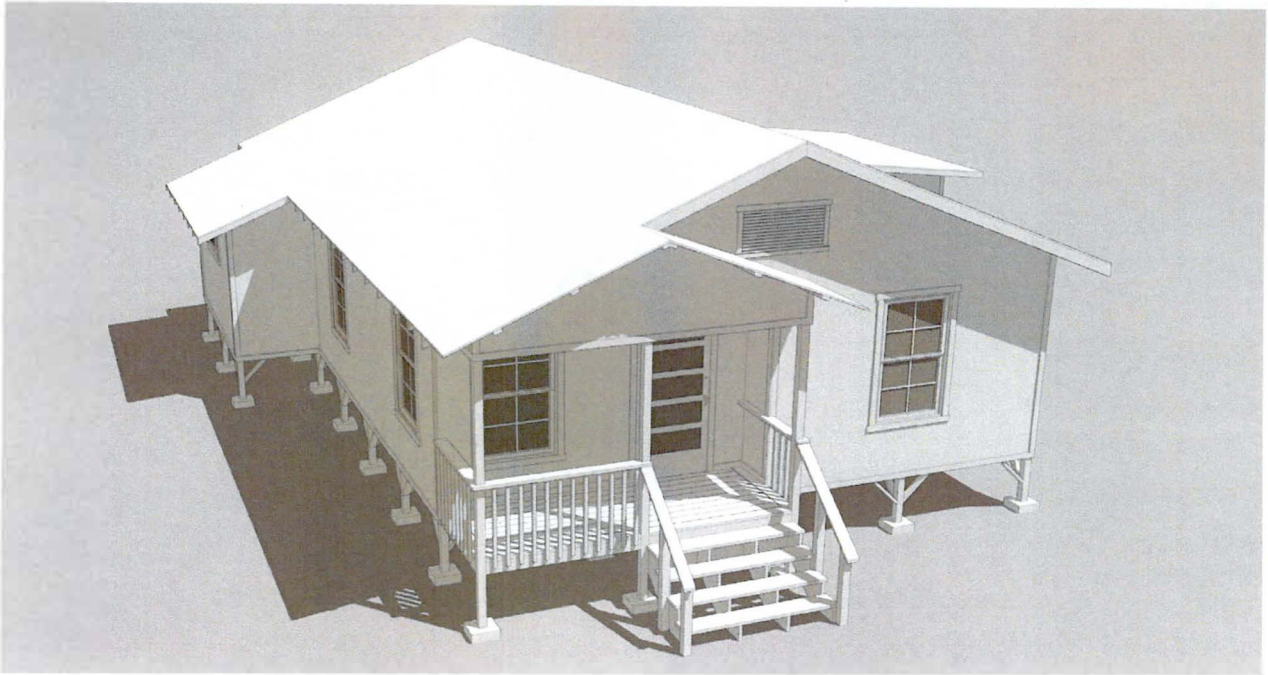
G. *Community Parking Facility

- i. The Community Parking Facility may be constructed to accommodate the required parking stalls.
- ii. There is a 10 foot minimum setback from the front thoroughfare for the Community Parking Facility.

Article 2: Transect Descriptions and Building Types

Sub-Article 2.2: Numila Camp Building Types		21-35
2.2.010	Numila Cottage	21-22
2.2.020	Luna Cottage I	23-24
2.2.030	Luna Cottage II	25-26
2.2.040	HSPA Cottage	27-28
2.2.050	Duplex	29-30
2.2.060	Multiplex Small	31-32
2.2.070	Dormitory	33
2.2.080	Community Parking Facility	35

2.2.010 Numila Cottage



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Numila Cottage: This building type is a medium-sized detached residential structure, and it is used for single family occupancy. This building type is inspired by the various plantation camp homes that were located throughout Camp 9-B, which housed laborers. Some of the homes in the Camp 9-B section were originally relocated from the Camp 9-C portion of Numila Plantation Camp.

B. Building Size and Massing

1. Massing

- i. A Numila Cottage shall have 1 main body section.
- ii. No more than 1 main body is permissible for each Numila Cottage.
- iii. A Numila Cottage may have 1 wing attached to the main body.
- iv. The wing shall be located entirely along 1 of the main body's side walls.

2. Main Body

- i. The minimum width of the main body shall be 22 feet and a maximum of 26 feet.
- ii. The minimum depth of the main body shall be 28 feet and a maximum of 40 feet.

B. Building Size and Massing (continued)

3. Wing(s)

- i. The width of the wing shall be no more than 4 feet maximum.
- ii. The depth of the wing shall be no more than 12 feet maximum.

C. Building Frontages

- i. A Numila Cottage shall have at least 1 frontage type.
- ii. The permissible frontage types are: Lānai, Projecting; Lānai, Engaged; Lānai, Hybrid. All other frontage types are prohibited.

D. Building Rear Exit

- i. A Numila Cottage may a Rear Exit type. The permissible Rear Exit types are: Rear Exit, Stoop; Rear Exit, Engaged; Rear Exit, Enclosed.

E. Pedestrian Access

- i. The main entrance location shall be located in the frontage of the Numila Cottage.

2.2.010 Numila Cottage**F. Foundation**

- i. The Numila Cottage shall have a post-on-pier foundation that does not exceed 4 feet, except as required by the County of Kauai Floodplain Management Program.

G. Fenestration

- i. All windows shall be single or double hung.
- ii. As an exception, slider windows may be granted for kitchens or bathrooms; however, slider windows shall not face the front thoroughfare.

H. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

I. Height

- i. The Numila Cottage shall have a maximum height of 9 feet from the finished floor to the top of wall plate.
- ii. Finished grade at the main entry shall not be greater than 4 feet above existing grade.

J. Roof**1. Roof Pitch**

- i. The Numila Cottage roof pitch ratios shall be set at a 5:12 or 6:12 pitch.

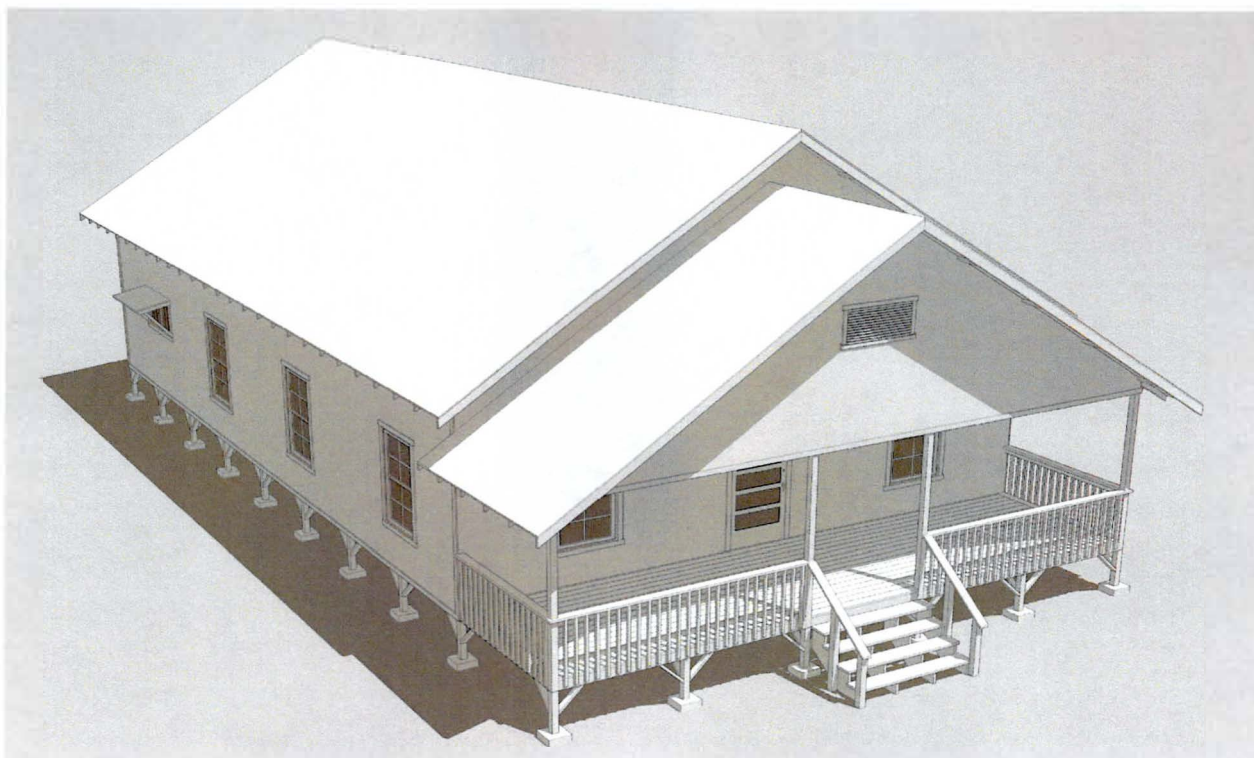
2. Roof Material Type

- i. The Numila Cottage roof materials shall be corrugated metal.

3. Miscellaneous

- i. The Numila Cottage roof types shall be Gable, Hip, or Dutch-Gable.
- ii. Gable roofs shall have a decorative vent feature that does not have to be wood. The decorative vent shall include a fire mesh.

2.2.020 Luna Cottage I



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Luna Cottage I: This building type is a medium-to-large-sized detached residential structure, and it may be used for single family occupancy or dormitory uses. This building type is inspired by the Camp 9-A building type found in House #164, 165, and 166, which housed skilled labor and supervisors or “luna”.

B. Building Size and Massing

1. Massing

- i. A Luna Cottage I shall have 1 main body section.
- ii. No more than 1 main body is permissible for each Luna Cottage I.
- iii. Wings are prohibited on the Luna Cottage I.

2. Main Body

- i. The minimum width of the main body shall be 24 feet and a maximum of 30 feet.
- ii. The minimum depth of the main body shall be 34 feet and a maximum of 48 feet maximum.

C. Building Frontages

- i. A Luna Cottage I shall have at least 1 frontage type. The permissible frontage type is Lānai, Projecting.

D. Building Rear Exit

- i. A Luna Cottage I may have a Rear Exit. The permissible Rear Exit types are: Stoop; Rearage, Enclosed. All other rearage types are prohibited.

E. Pedestrian Access

- i. The main entrance shall be located in the front of the Luna Cottage I.

F. Foundation

- i. The Luna Cottage I shall have a post-on-pier foundation that does not exceed 4 feet, except as required by the County of Kauai Floodplain Management Program.

2.2.020 Luna Cottage I**G. Fenestration**

- i. All windows shall be single or double hung.
- ii. As an exception, slider windows may be granted for kitchens or bathrooms; however, slider windows shall not face the front thoroughfare.

H. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

I. Height

- i. The Luna Cottage I shall have a maximum height limit of 12 feet from the finished floor to the top of wall plate.

J. Roof**1. Roof Pitch**

- i. The Luna Cottage I roof pitch ratios shall be set at 8:12.

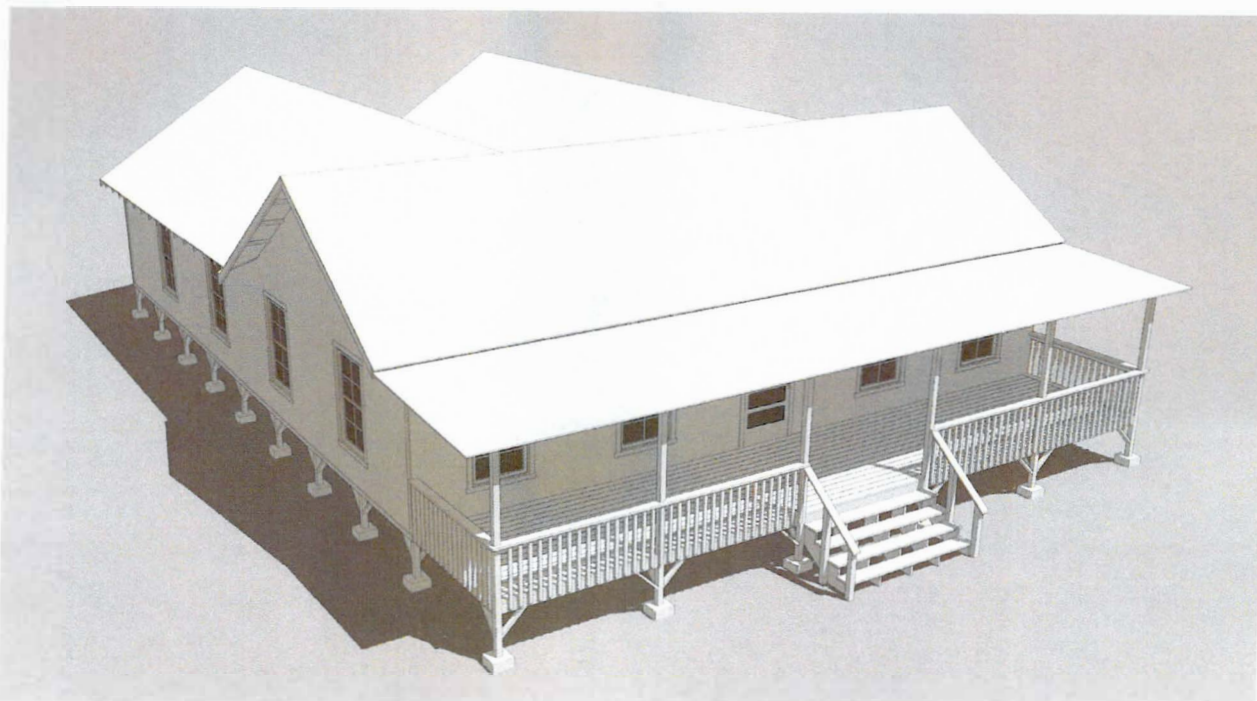
2. Roof Material Type

- i. The Numila Cottage shall be corrugated metal.

3. Miscellaneous

- i. The Luna Cottage I roof type shall be Gable.
- ii. Gable roofs shall have a decorative vent feature that does not have to be wood. The decorative vent shall include a fire mesh.

2.2.030 Luna Cottage II



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Luna Cottage II: This building type is a medium-to-large-sized detached residential structure, and it may be used for single family occupancy or dormitory uses. This building type is inspired by the Camp 9-A building type in House #152, which housed skilled labor and supervisors or “luna”.

B. Building Size and Massing

1. Massing

- i. A Luna Cottage II shall have 1 main body section.
- ii. No more than 1 main body is permissible for each Luna Cottage II.
- iii. A Luna Cottage II may have multiple wings attached to the main body.
- iv. The wing shall be attached to the rear of the main body.

B. Building Size and Massing (continued)

2. Main Body

- i. The width of the main body shall be a maximum of 40 feet.
- ii. The depth of the main body shall be a maximum of 20 feet.

3. Wing(s)

- i. The width of the wings shall be a maximum of 20 feet.
- ii. The depth of the wings shall be a maximum of 30 feet.

C. Building Frontages

- i. A Luna Cottage II shall have at least one frontage type. The permissible frontage type is Lānai, Projecting.
- ii. The frontage shall span the entire width of the main body.

D. Building Rear Exit

- i. A Luna Cottage II may have a Rear Exit type. The permissible Rear Exit types are: Stoop; Rearage, Enclosed. All other Rear Exit types are prohibited.

2.2.030 Luna Cottage II**E. Pedestrian Access**

- i. The main entrance location shall be located in the front of the Luna Cottage II.

F. Foundation

- i. The Luna Cottage II shall have a post-on-pier foundations that does not exceed 4 feet, except as required by the County of Kauai Floodplain Management Program.

G. Fenestration

- i. All windows shall be single or double hung.
- ii. As an exception, slider windows may be granted for kitchens or bathrooms; however, slider windows shall not face the front thoroughfare.

H. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

I. Height

- i. The Luna Cottage II shall have a maximum height limit of 9 feet from the finished floor to the top of wall plate.

J. Roof**1. Roof Pitch**

- i. The Luna Cottage II roof pitch ratios shall be set at 8:12.

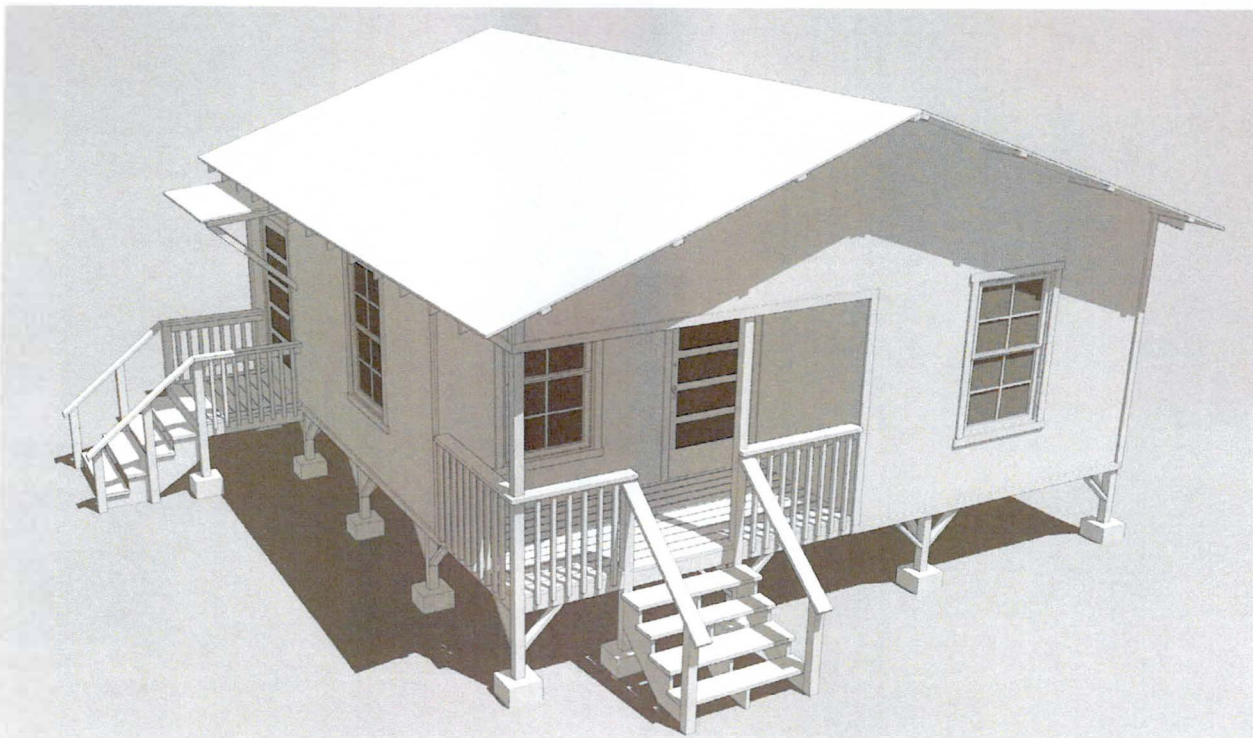
2. Roof Material Type

- i. The Luna Cottage II roof materials shall be corrugated metal.

3. Miscellaneous

- i. The Luna Cottage II roof type shall be Gable.
- ii. Gable roofs shall have a decorative vent feature that does not have to be wood. The decorative vent shall include a fire mesh.

2.2.040 HSPA Cottage



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

HSPA Cottage: This building type is a small-sized detached residential structure, and it is used for single family occupancy. This building type is inspired by the 1920 Hawaiian Sugar Planters' Association (HSPA) Plans for a single-family cottage, which served as the standard floor plan for plantation housing during that time. Some of the homes that were in Camp 9-B generally followed the HSPA 1920 floor plan and were intended for housing field laborers.

B. Building Size and Massing

1. Massing

- i. A HSPA Cottage shall have 1 main body section.
- ii. No more than 1 main body is permissible for each HSPA Cottage.

2. Main Body

- i. The width of the main body shall be 22 feet.
- ii. The depth of the main body shall be 24 feet.

C. Building Frontages

- i. A HSPA Cottage shall have at least 1 frontage type.
- ii. The permissible frontage type is: Lānai, Engaged. All other frontage types are prohibited.

D. Building Rear Exit

- i. A HSPA Cottage may have the Stoop Rear Exit type.

E. Pedestrian Access

- i. The main entrance location shall be located in the front of the HSPA Cottage.

2.2.040 HSPA**F. Foundation**

- i. The HSPA Cottage shall have a post-on-pier foundation that does not exceed 4 feet, except as required by the County of Kauai Floodplain Management Program.

G. Fenestration

- i. All windows shall be single or double hung.
- ii. As an exception, slider windows may be granted for kitchens or bathrooms; however, slider windows shall not face the front thoroughfare.

H. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

I. Height

- i. The HSPA Cottage shall have a maximum height limit of 9 feet from the finished floor to the top of wall plate.

J. Roof**1. Roof Pitch**

- i. The HSPA Cottage roof pitch ratios shall be set at a 4:12 or 5:12 pitch.

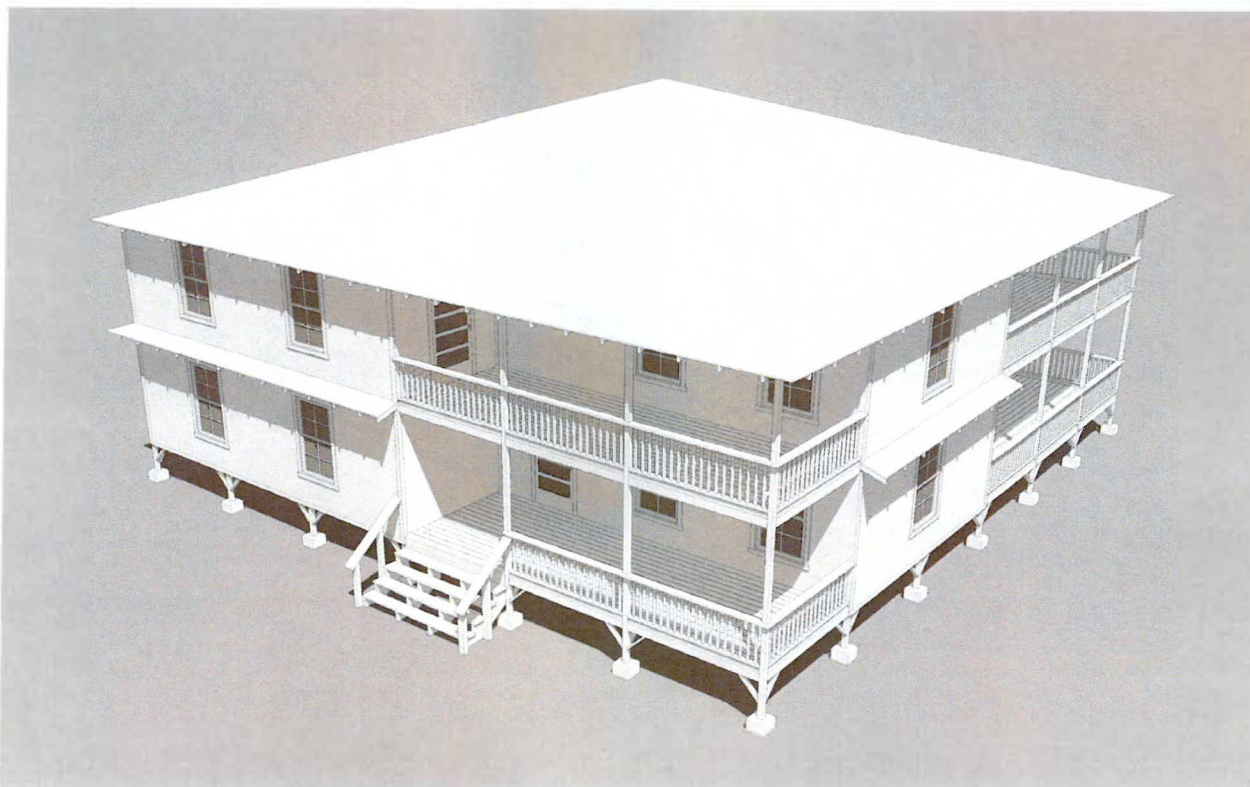
2. Roof Material Type

- i. The HSPA Cottage roof materials shall be corrugated metal.

3. Miscellaneous

- i. The HSPA Cottage roof types shall be Gable.
- ii. Gable roofs shall have a decorative vent feature that does not have to be wood. The decorative vent shall include a fire mesh.

2.2.050 Duplex



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Duplex: This Building type is a small-to-medium sized structure that consist of two side-by-side or stacked dwelling units, both facing the street and sharing one common party wall. This type has the appearance of a medium to large single-family home and is appropriately scaled to fit within primarily single-family neighborhoods or medium density neighborhoods. It enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.

B. Building Size and Massing

1. Massing

- i. A Duplex shall have one main body.
- ii. No more than one main body is permissible for each Duplex.
- iii. A Duplex may have a maximum of two wings attached to the main body.
- iv. Wings shall not be attached to each other.

B. Building Size and Massing (continued)

2. Main Body

- i. The width of the main body shall be no more than 48 feet maximum.
- ii. The depth of the main body shall be no more than 40 feet maximum.

3. Wing(s)

- i. The width of the wing shall be no more than 15 feet maximum.
- ii. The depth of the wing shall be no more than 20 feet maximum.
- iii. Where multiple wings are proposed, each wing shall have at least 10 feet of separation from each other respective wing.

C. Building Frontages

- i. A Duplex shall have at least one frontage type per unit. The permissible frontage types are: Lāna'i, Projecting; Lāna'i, Engaged; and Stoop. All other frontage types are prohibited.

2.2.050 Duplex**D. Pedestrian Access**

- i. The main pedestrian entries shall be located in the frontage of the Duplex.
- ii. Each unit shall have an individual street-facing entry on the front façade.

F. Fenestration

- i. All windows shall be single or double hung.

G. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

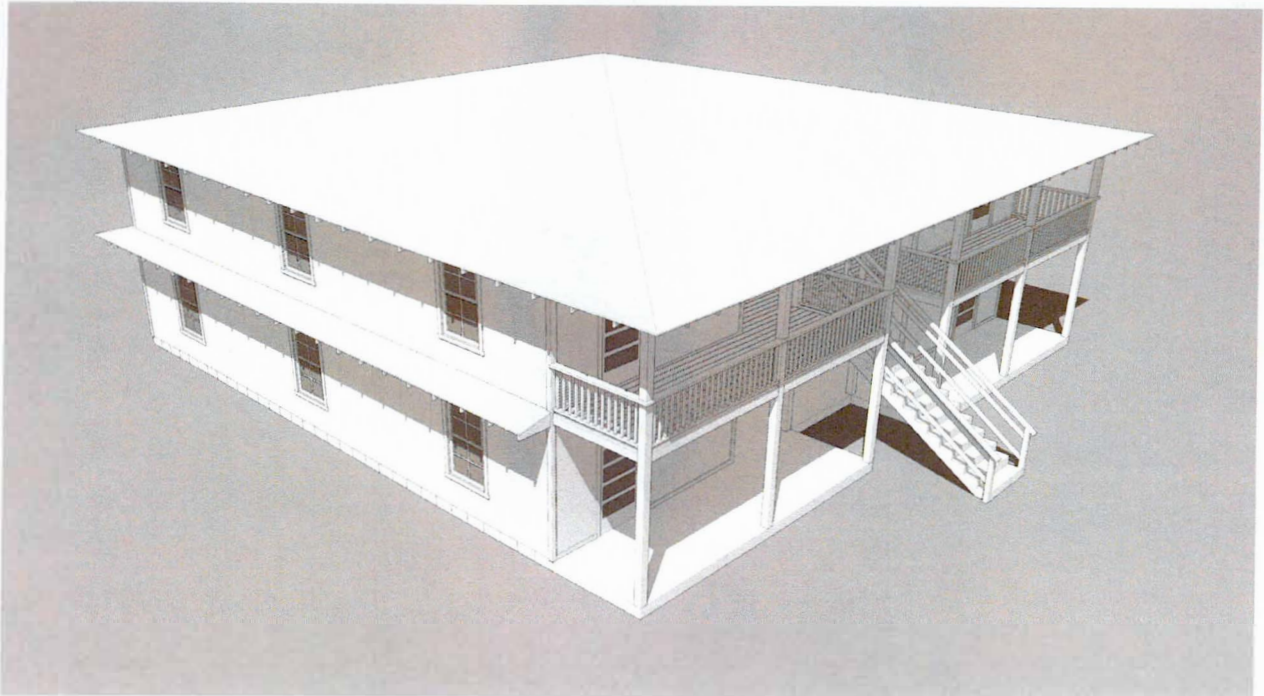
H. Height

- i. The Duplex shall be 30 feet maximum in height from the finished grade to the top of the peak of the roof. Up to four additional feet is permissible to elevate the structure to post on pier. Except as required by the County of Kauai Floodplain Management Program.
- ii. Finished grade at main entry shall not be greater than 4 feet above existing grade.
- iii. The Duplex shall not be greater than two stories in height.

I. Roof

- i. The Duplex roof material shall be corrugated metal.

2.2.060 Multiplex Small



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Multiplex Small: This building type is a medium structure that consists of three to six side-by-side and/or stacked dwelling units, typically with one shared entry or individual entries along the front. This type has the appearance of a medium-sized family home and is appropriately scaled to fit in sparingly within primarily single-family neighborhoods or into medium-density neighborhoods. This type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of house types and promoting walkability.

B. Number of Units

- i. The minimum number of units in a Multiplex Small building is three.
- ii. The maximum number of units in a Multiplex Small building is six.

B. Building Size and Massing

1. Massing

- i. A Multiplex Small building shall have one main body.
- ii. No more than one main body is permissible for each Multiplex Small building.
- iii. Wings shall not be attached to each other.

B. Building Size and Massing (continued)

2. Main Body

- i. The width of the main body shall be no more than 48 feet maximum.
- ii. The depth of the main body shall be no more than 36 feet maximum.

3. Wing(s)

- i. The width of the wing shall be no more than 24 feet maximum.
- ii. The depth of the wing shall be no more than 24 feet maximum.
- iii. Where multiple wings are proposed, each wing shall have at least 10 feet of separation from each other respective wing.

C. Building Frontages

- i. A Multiplex Small building shall have at least one frontage type. The permissible frontage types are: Lāna'i, Projecting; Lāna'i, Engaged; and Stoop. All other frontage types are prohibited.

D. Pedestrian Access

- i. The main pedestrian entries shall be located in the frontage of the Multiplex Small building.

2.2.060 Multiplex Small**E. Fenestration**

- i. All windows shall be single or double hung.

F. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

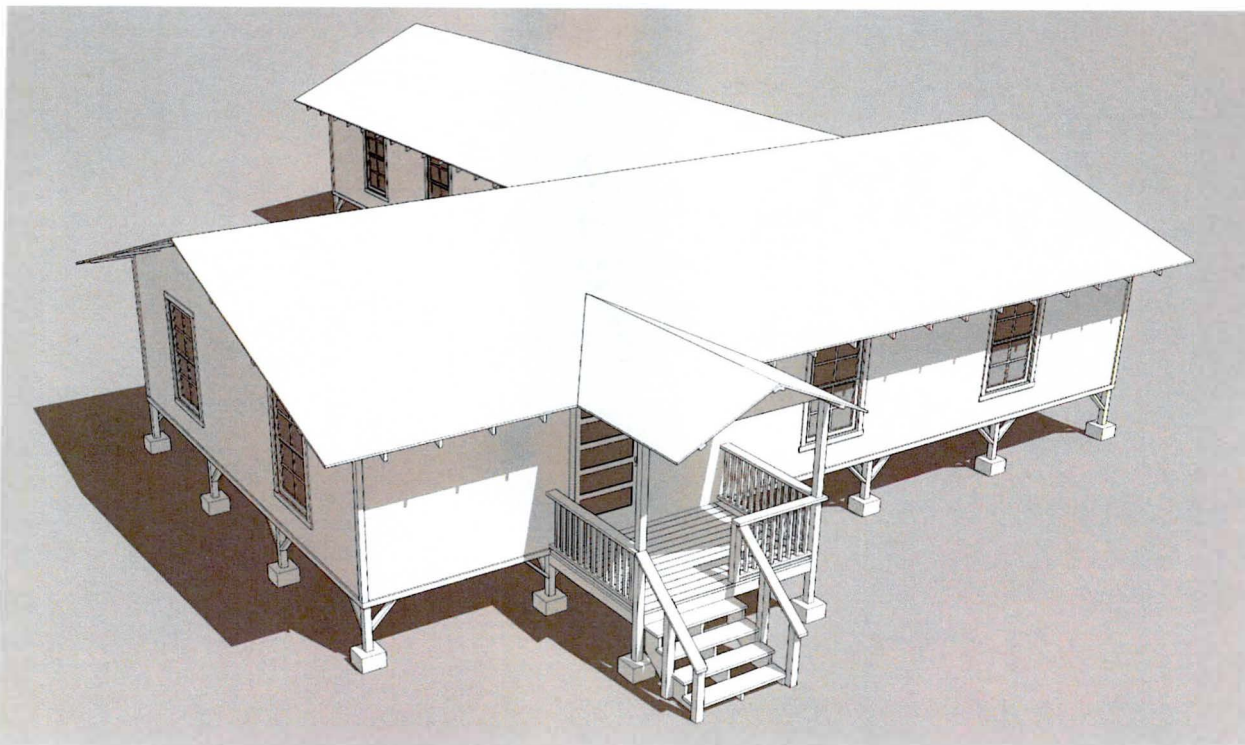
G. Height

- i. The Multiplex Small shall be 30 feet maximum in height from the finished grade to the top of the peak of the roof. Up to four additional feet is permissible to elevate the structure to post on pier. Except as required by the County of Kauai Floodplain Management Program.
- ii. Finished grade at main entry shall not be greater than 4 feet above existing grade.
- iii. The Multiplex Small shall not be greater than two stories in height.

H. Roof

- i. The Multiplex Small roof material shall be corrugated metal.

2.2.070 Dormitory



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Dormitory: This building type is a medium-sized detached residential structure for boarding or residential purposes.

B. Building Size and Massing

1. Massing

- i. A Dormitory shall have one main body.
- ii. No more than one main body is permissible for each Dormitory building type.
- iii. A Dormitory may have a maximum of two wings attached to the main body.
- iv. Wings shall not be attached to each other.

2. Main Body

- i. The width of the main body shall not be greater than 62 feet.
- ii. The depth of the main body shall not be greater than 52 feet.

3. Wing(s)

- i. The width of the wing shall not be greater than 26 feet.
- ii. The depth of the wing shall not be greater than 25 feet.

C. Building Frontages

- i. The Dormitory shall have a Lānaʻi, Projecting. All other frontage types are prohibited.

D. Pedestrian Access

- i. The main entrance location shall be located in the front of the Dormitory.

F. Fenestration

- i. All windows shall be single or double hung.

G. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

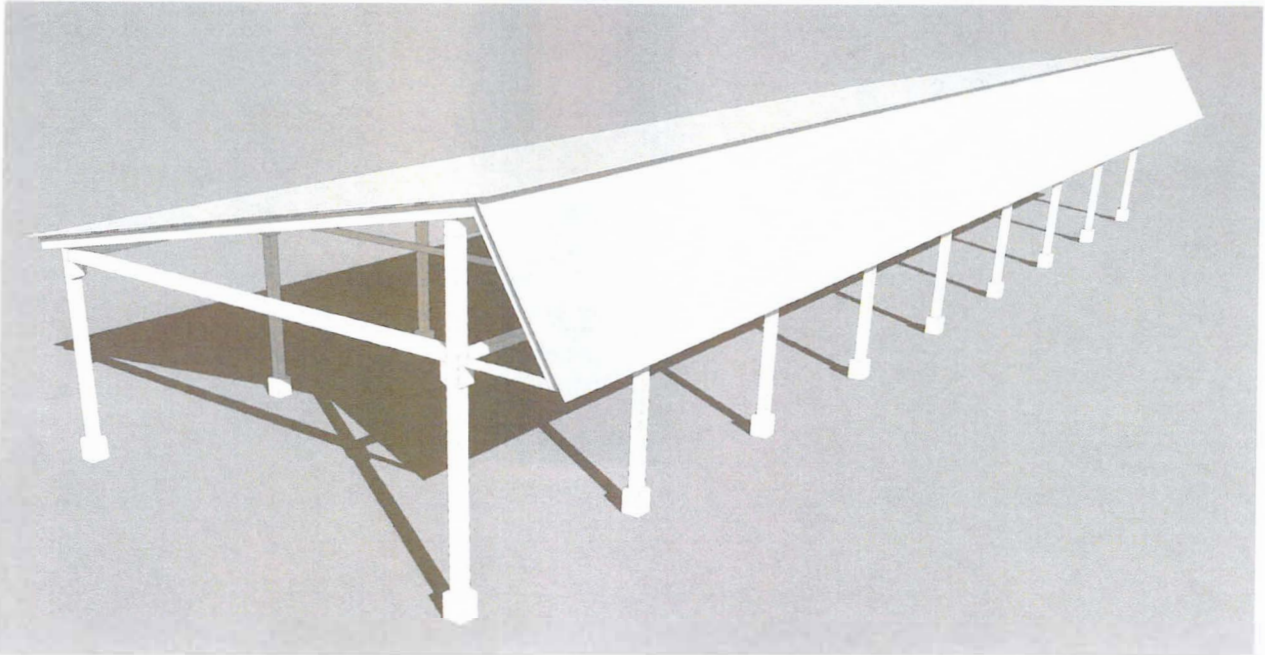
2.2.070 Dormitory**H. Height**

- i. The Dormitory shall be 20 feet maximum in height from the finished grade to the top of the peak of the roof. Up to four additional feet is permissible to elevate the structure to post on pier. Except as required by the County of Kauai Floodplain Management Program.
- ii. Finished grade at main entry shall not be greater than 4 feet above existing grade.
- iii. The Dormitory shall not be greater than one story in height.

I. Roof

- i. The Dormitory roof materials shall be corrugated metal.

2.2.080 Community Parking Facility



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Community Parking Facility: This building type is a detached parking structure and is associated with residential uses.

B. Building Size and Massing

1. Massing

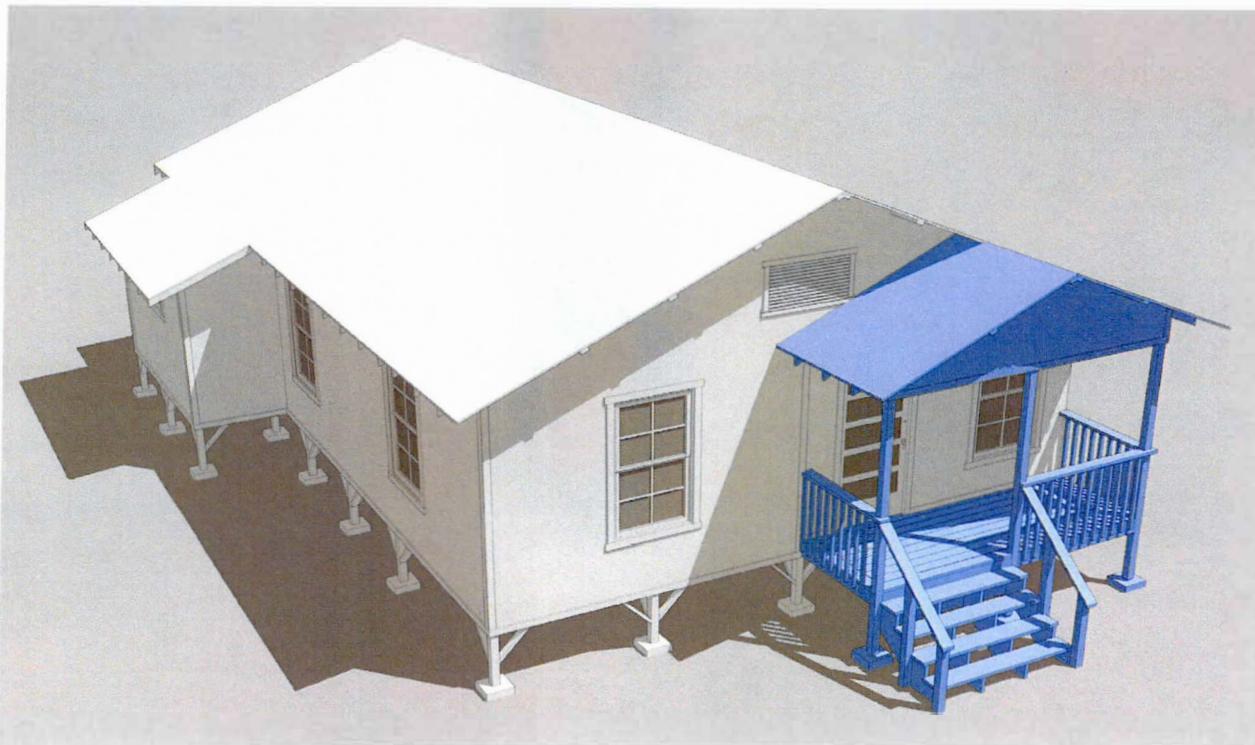
- i. A Community Parking Facility shall have 1 main body section.
- ii. No more than 1 main body is permissible for each Community Parking Facility (BFG).
- iii. The Main body shall not exceed 120 ft in width and 30 feet deep.
- iv. The maximum height shall be no more than 20 ft.



Article 2: Transect Descriptions and Building Types, Frontages

Sub-Article 2.3: Numila Camp Building Type Frontages 37-40

2.3.010	Lānai, Projecting	37
2.3.020	Lānai, Engaged	38
2.3.030	Lānai, Hybrid	39
2.3.040	Stoop	40

2.3.010 Lānai, Projecting

General note: the illustration above is intended to provide a brief overview of the Frontage type and is descriptive in nature.

A. Description

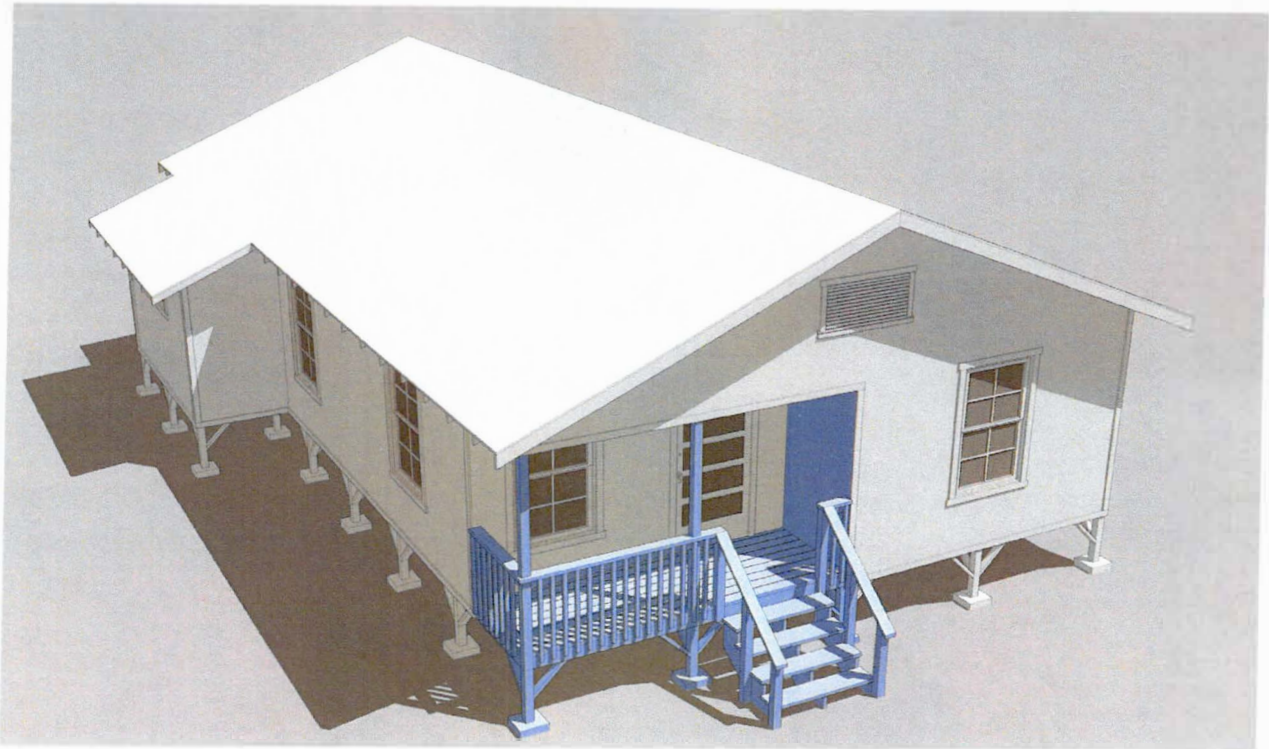
Lānai, Projecting: The main façade of the building has a small to medium setback from the thoroughfare. The Lanai, Projecting is open on 3 sides.

B. Location

- i. The Lānai, Projecting shall be located on the front of the cottage facing the thoroughfare.

C. Size

- i. The width of the frontage shall be no greater than the width of the front of the main body.
- ii. The depth of the frontage shall be a maximum of 8 feet, excluding the stairs.
- iii. The height of the Lānai shall be a minimum of 8 feet.

2.3.020 Lānai, Engaged

General note: the illustration above is intended to provide a brief overview of the Frontage type and is descriptive in nature.

A. Description

Lānai, Engaged: The main façade of the building has a small to medium setback from the thoroughfare. The Lanai, Engaged has 2 adjacent sides of the Lanai that are engaged to the building while the other two sides are open.

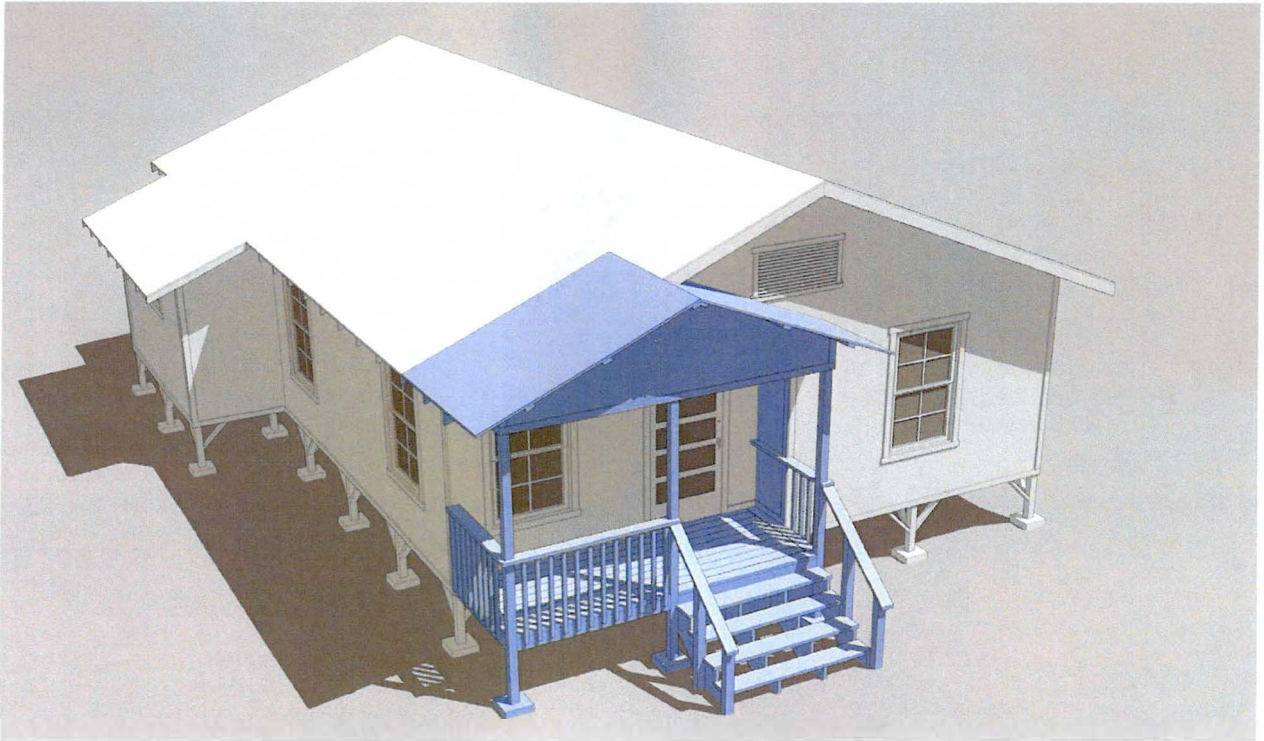
B. Location

- i. The Lānai, Engaged shall be located on the front of the cottage facing the thoroughfare.

C. Size

- i. The width of the frontage shall be half the width of the building's front wall.
- ii. The depth of the Lānai, Engaged shall be 5 feet, excluding the stairs.
- iii. The height of the Lānai, Engaged shall be a minimum of 8 feet.

2.3.030 Lānai, Hybrid



General note: the illustration above is intended to provide a brief overview of the Frontage type and is descriptive in nature.

A. Description

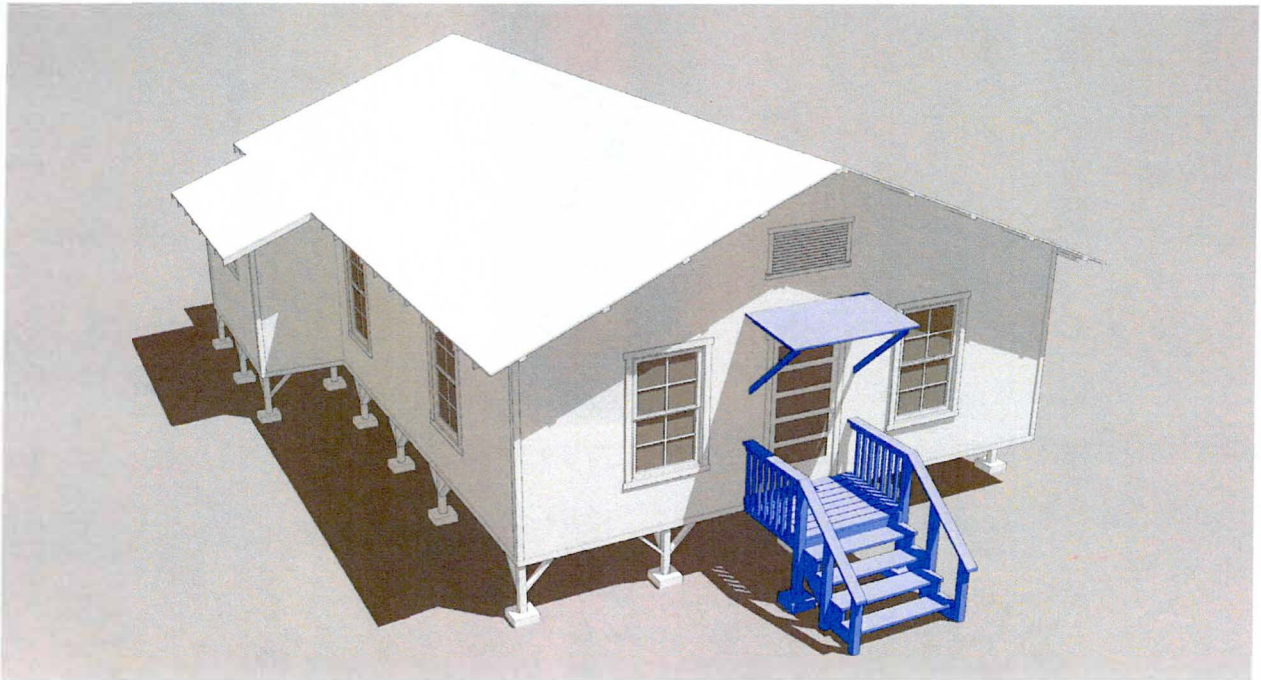
Lānai, Hybrid: The main façade of the building has a small to medium setback from the thoroughfare. The Lānai, Hybrid has a portion of space where two adjacent sides are engaged to the building while the other two sides are open, and the other portion of the space is open on 3 sides. It's architecturally non-binary.

B. Location

- i. The Lānai, Hybrid shall be located on the front of the cottage facing the thoroughfare.

C. Size

- i. The width of the frontage shall be half the width of the building's front wall.
- ii. The depth of the Lānai, Hybrid shall be 5 feet, excluding the stairs
- iii. The height of the Lānai, Hybrid shall be a minimum of 8 feet.

2.3.040 Stoop

General note: the illustration above is intended to provide a brief overview of the Frontage type and is descriptive in nature.

A. Description

Stoop: The main façade of the building is near the frontage line. This type is appropriate for residential uses with small setbacks.

B. Location

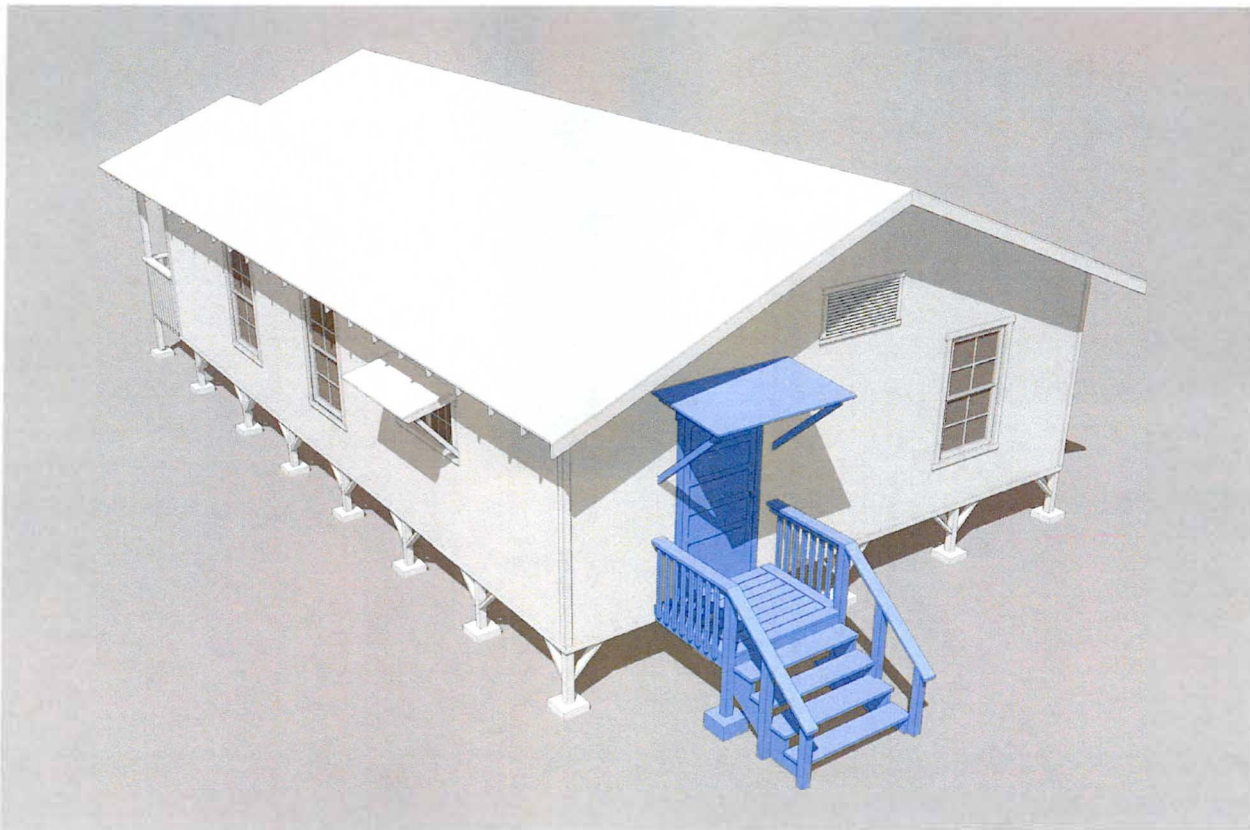
- i. The Stoop shall be located on the front of the building facing the thoroughfare.

C. Size

- i. The width of the stoop shall be a minimum of five feet and maximum of eight feet.
- ii. The depth of the Stoop shall be 5 feet, excluding the stairs.

Article 2: Transect Descriptions and Building Types, Rear Exit

Sub-Article 2.4:	Numila Camp Building Type Rear Exit	42-44
2.4.010	Rear Exit, Stoop	42
2.4.020	Rear Exit, Engaged	43
2.4.030	Rear Exit, Enclosed	44

2.4.010 Rear Exit, Stoop

General note: the illustration above is intended to provide a brief overview of the Rear Exit type and is descriptive in nature.

A. Description

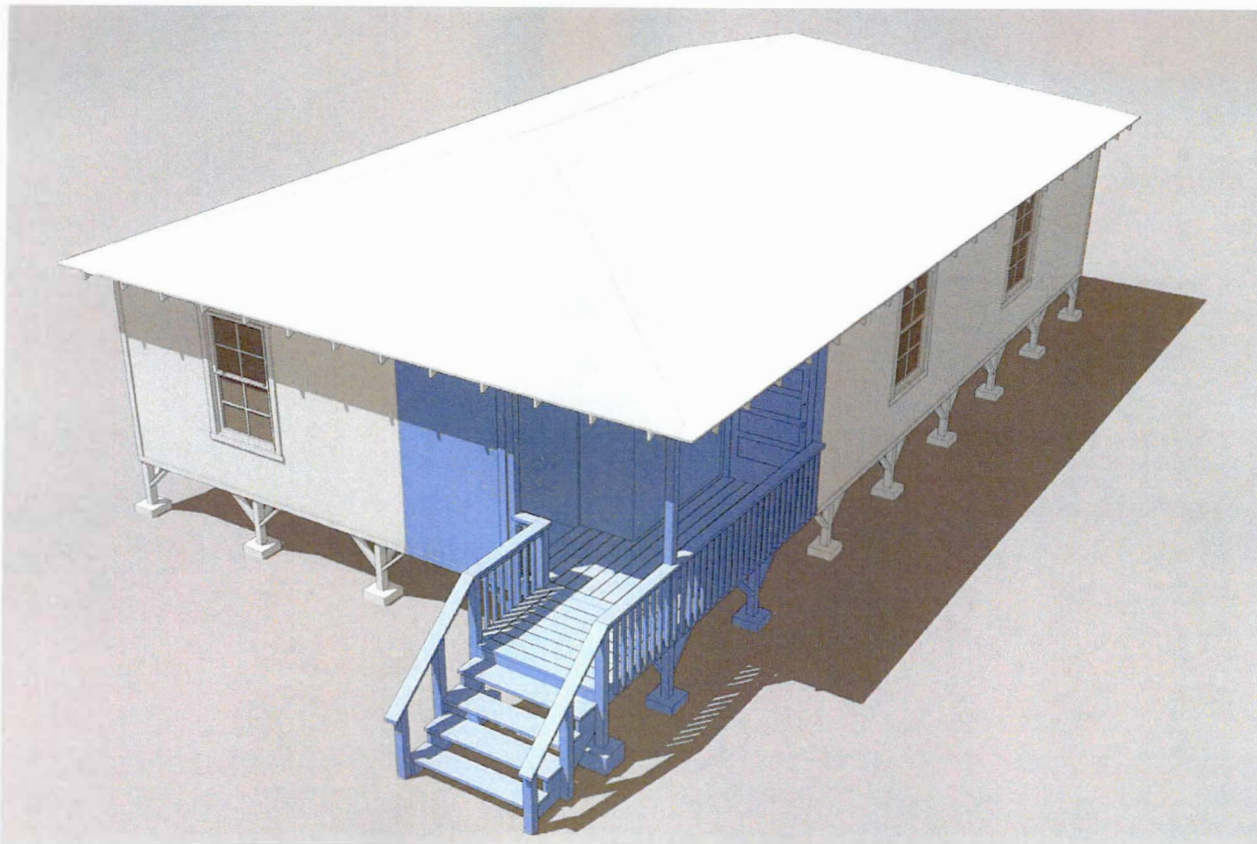
Rear Exit, Stoop: Provides access to rear accessory structures and spaces. A Rear Exit stoop is a rear entrance that may have a small series of steps and a small platform.

B. Size

- i. The width of the Rear Exit, Stoop shall be 8 feet maximum.
- ii. The depth of the Rear Exit, Stoop shall be 8 feet maximum, excluding the stairs.

C. Miscellaneous

- i. Stoops must have a roof.

2.4.020 Rear Exit, Engaged

General note: the illustration above is intended to provide a brief overview of the Rear Exit type and is descriptive in nature.

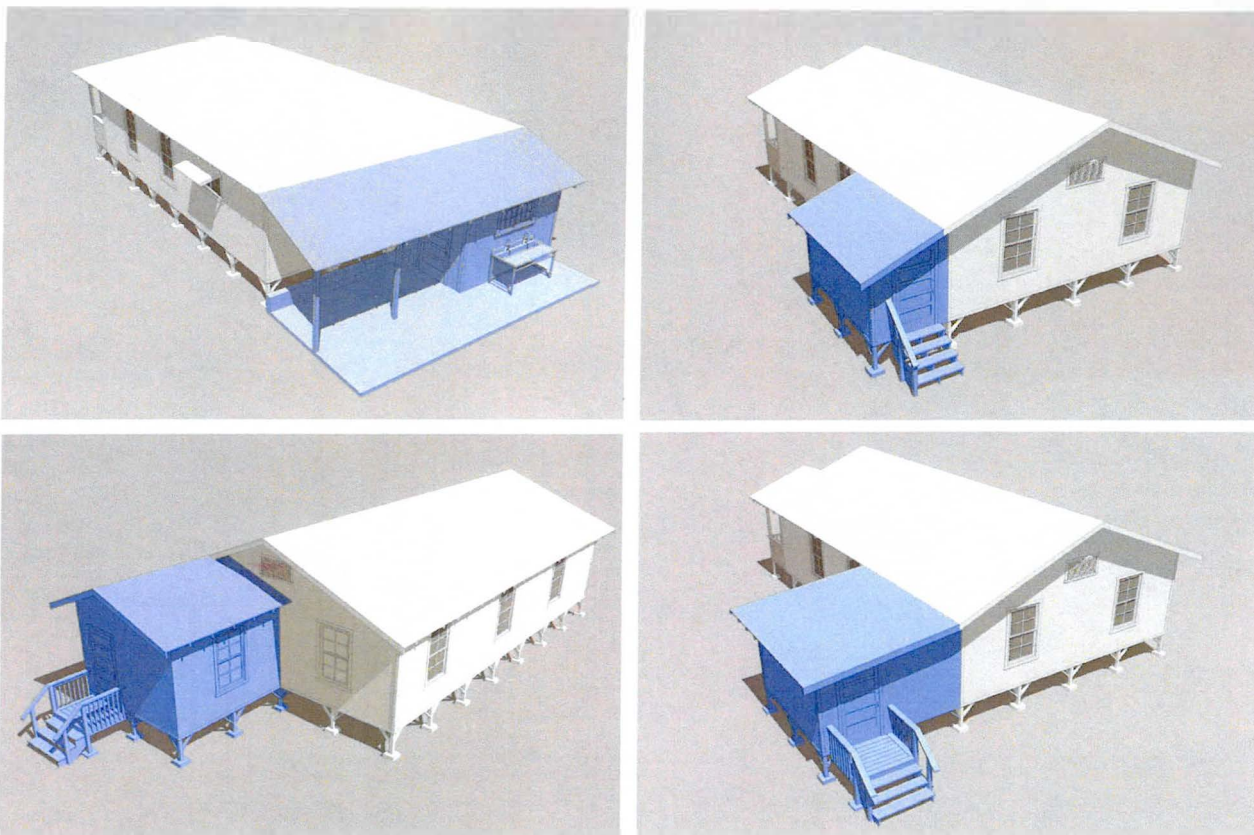
A. Description

Rear Exit, Engaged: This rear entryway links the outdoors with the interior, offering access to rear accessory structures and spaces. The resulting rear entryway may accommodate utilities including a shower, toilet, wash basin, or laundry in this versatile and practical area. The Rear Exit, Engaged has two adjacent sides on the rear of the building that are engaged to the building while the other 2 sides are open.

B. Size

- i. The width of the Rear Exit, Engaged shall be no greater than the width of the rear of the building.
- ii. The depth of the Rear Exit, Engaged shall be 12 feet maximum, excluding the stairs.

2.4.030 Rear Exit, Enclosed



General note: the illustrations above are intended to provide a brief overview of the Rear Exit, type and is descriptive in nature.

A. Description

Rear Exit, Enclosed: This rear entryway links the outdoors with the interior, offering access to rear accessory structures and spaces. The resulting rear entryway may accommodate space for utilities such as a shower, toilet, wash basin, or laundry in this versatile and practical area. The Rear Exit, Enclosed is attached to the rear or in line with the rear of the structure. It is enclosed on at least 3 sides and has a rear entry.

B. Size

- i. The width of the Rear Exit, Enclosed shall be no greater than the width of the rear of the building.
- ii. The depth of the Rear Exit, Enclosed shall be 12 feet maximum, excluding the stairs.

Article 3: Neighborhood Standards

Sub-Article 3.1: Thoroughfare Standards		46
3.1.010	Purpose	46
3.1.020	Applicability	46
3.1.030	Standards	46

Sub-Article 3.2: Civic Space Standards		47-50
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3.2.020	Standards	47
3.2.030	Civic Spaces	47-48
3.2.040	Civic Space Type Standards	49-50

Sub-Article 3.1: Thoroughfare Standards

- 3.1.010 **Purpose:** The purpose of this article is to provide optional standards for proposed thoroughfares within the plantation camp zones.
- 3.1.020 **Applicability:** Any proposed thoroughfares within the plantation camp zones.
- 3.1.030 **Standards:**
- A. All proposed roads and thoroughfares shall meet the County of Kauai Street Design Manual requirements as determined by the County Engineer.
 - B. The County Engineer may approve a thoroughfare that does not meet the Street Design Manual standards within the Plantation Camp Zones if the following criteria are met:
 1. The thoroughfare is 18 to 20 ft. in width;
 2. The thoroughfare is paved or comprised of a compacted surface approved by the Fire Department for emergency vehicle access;
 3. On street parking is prohibited;
 4. The thoroughfare's associated residences have access to a shared parking facility within a standard pedestrian shed.
 5. The shared parking facility has at least one parking stall for each of the associated residences it services.
 6. All of the residential units proposed on the thoroughfare are setback from the thoroughfare no more than 20 ft.

Sub-Article 3.2: Civic Space Standards

3.2.010 **Purpose:** The purpose of this article is to establish civic space standards for plantation camp civic space. Civic buildings and civic spaces provide important gathering places for communities and access to outdoor activities. The civic buildings and civic spaces should be carefully located and accessible to all. The following standards shall be met by providing and locating civic buildings and civic spaces.

3.2.020 **Standards:** The design of civic spaces shall meet the standards set forth in Sub-Article 3.2.

3.2.030 **Civic Spaces:** The standards established in the Sub-Article provide the transect zones with a diverse palette of parks and other publicly accessible civic spaces that are essential components of walkable urban environments.

The service area, size frontage and disposition of elements of standards of each civic space types are regulatory. The illustration and description of each civic space type are illustrative in nature and not regulatory.

- A. Service Area. Describes how the civic space relates to the County as a whole and the area that will be served by the civic space.
- B. Size. The overall range of allowed sizes of the civic space.
- C. Frontage. The relationship along property lines of a civic space to adjacent building or lots.
 - 1. Building. Civic spaces that are listed as having a “Building” Frontage shall have the fronts of buildings, either attached to the park or across a thoroughfare, facing onto the civic space for a minimum of three-quarters of the perimeter.
 - 2. Independent. Civic spaces that are listed as having an “Independent” frontage shall have the fronts of buildings, either attached to the park or across a thoroughfare, facing on to the civic space to the maximum extent possible, but may have the side or rear of a building or lot front on to the civic space.
- D. Disposition of Elements. The placement of objects within the civic space.
 - 1. Natural. Civic spaces with natural character are designed in a natural manner with no formal arrangement of elements.
 - 2. Formal. Civic spaces with a formal character have a more rigid layout that follows geometric forms and has trees and other elements arranged in formal patterns.
 - 3. Informal. Civic spaces with an informal character have a mix of formal and natural characteristics.

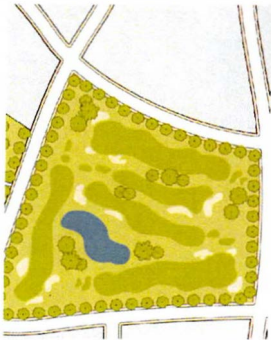
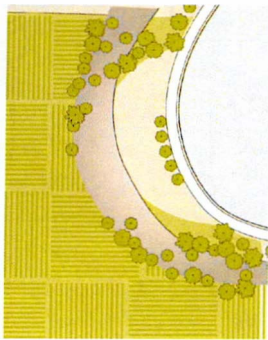
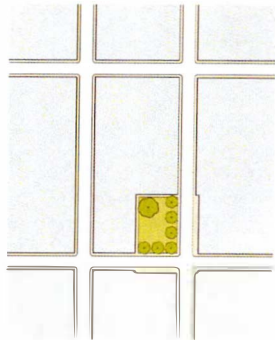
Typical Facilities. Provides a list of the typical facilities found within the civic space. This list is not intended to be a complete list of facilities allowed nor is it intended that every civic space could contain each of the facilitates listed.

Ownership and Maintenance of Required Open Space, and Civic Space. Open space areas shall be maintained as permanent open space and/or civic space through one or more of the following options:

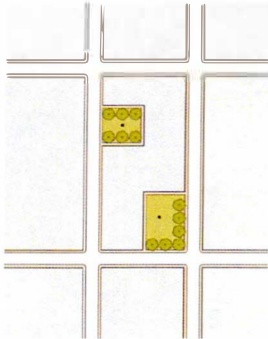
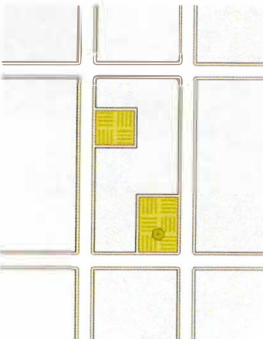
- A. Establishment of an entity to manage and maintain the open space by the property owner, in a form that ensures long-term maintenance and management;
- B. Conveyance of the land to a property owners' or homeowners' association that holds the land in common ownership and will be responsible for managing and maintain it for its intended purposes;
- C. Conveyance of the land to a third-party beneficiary, such as a nonprofit environmental or civic organization, that is organized for , capable of, and willing to accept responsibility for managing and maintaining the land for its intended purposes; or
- D. Dedication of the land to the County or other appropriate public agency that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended purposes.

The civic spaces specified in Table 3.2.030 (Civic Space Type Standards) are allowed by right or with the specified approvals in the designated transect zones.

Sub-Article 3.2: Civic Space Standards

3.2.040 Civic Space Type Standards			
Civic Space Type	Special Use Park	Overlook Park	Pocket Park
Illustration			
Description	A space that is civic in nature but that does not fit into any pre-established civic space type category.	An open space that provides space for viewing scenic or historically significant vistas, usually from a height.	An open space available for informal activities in close proximity to neighborhood residences.
Location & Size			
Location			
Service Area	Regional	Regional	Neighborhood
Size			
Minimum	No Minimum	No Minimum	4,000 square feet
Maximum	No Maximum	No Maximum	1 acre
Character			
Frontage	Building or Independent	Independent	Building
Disposition of Elements	Natural, Formal, or Informal	Natural or Informal	Formal or Informal
Typical Facilities	Passive and Active Recreation, Accessory Structure, Drinking Fountains, Community Facility < 5,000 gross square feet, Paths and Trails.	Passive Recreation, Accessory Structure, Drinking Fountains, Paths and Trails.	Passive Recreation, Accessory Structure, Drinking Fountains, Paths and Trails.

3.2.040 Civic Space Type Standards (continued)

Civic Space Type	Playground	Community Garden
Illustration		
Description	<p>An open space designed and equipped for the recreation of children. A Playground should be fenced and may include an open shelter. Playgrounds may be included within other civic spaces.</p>	<p>An open space designed as a grouping of garden plots that are available to nearby residents for small-scale cultivation. Community Gardens may be included within other civic spaces.</p>
Location & Size		
Location		
Service Area	Neighborhood	Neighborhood
Size		
Minimum	No Minimum	No Minimum
Maximum	No Maximum	No Maximum
Character		
Frontage Disposition of Elements	Independent or Building Formal or Informal	Independent or Building Formal or Informal
Typical Facilities		
	Accessory Structure, Drinking Fountains, Paths and Trails.	Accessory Structure, Drinking Fountains, Paths and Trails.

Article 4: Administration and Procedures

Sub-Article 4.1: Purpose and Applicability **52-53**

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Sub-Article 4.1: Purpose and Applicability

- 4.1.010 **Purpose:** This Article establishes procedures for the preparation, filing, and processing of applications for development permits and other entitlements required by this Code.
- 4.1.020 **Applicability:**
- A. This Form-Based Code applies to any construction, development, activity, or use within the land zoned with the SPA designation as shown in Figure 1.2.010 (Numila Transect Map).
 - B. The requirements of this Code are in addition to all applicable federal, state, and county laws and regulations governing land use and development, including Chapter 8 (Comprehensive Zoning Ordinance) and Chapter 9 (Subdivision), Kaua'i County Code 1987, as amended.
 - C. In case of conflict between any provision of this Code, Kaua'i County Code Chapter 8 (Comprehensive Zoning Ordinance) ("CZO"), and any other Kaua'i County Code, rule, or regulation conflict, this Code shall apply.
- Review Authority:**
- 4.1.030
- A. Table 4.1.030.A (Review Authority) identifies the County official or body responsible for reviewing and making decisions on each type of application required by this Code.
 - B. All applications for property located within the Plan Area are subject to the review and approval of the review authority(s) identified in Table 4.1.030.A Review Authority.

Table: 4.1.030.A: Review Authority

Approval	Reference	Planning Director	Planning Commission	County Council
Zoning Permits				
Class I	Subsec. 8-3.1(c) CZO	Decision	Appeal	
Class II	Subsec. 8-3.1(d) CZO	Decision	Appeal	
Class III	Subsec. 8-3.1(e) CZO	Decision	Appeal	
Class IV	Subsec. 8-3.1(f) CZO	Recommend	Appeal/Decision	
Use Permit	Sec. 8-3.2 CZO	Recommend	Appeal/Decision	
Variance	Sec. 8-3.2 CZO	Recommend	Appeal/Decision	
Amendment	Sec. 8-3.2 CZO	Recommend	Recommend	Decision
Minor Modification	4.2.040	Decision	Appeal/Decision	

4.1.040 **Concurrent Processing:** Multiple applications for the same project will be processed concurrently, reviewed, and approved or denied by the highest review authority designated by this Code for any of the permits or approvals (i.e., a project for which applications for a Class II Zoning Permit and a Use Permit are filed must have both applications decided by the Planning Commission, instead of the Director first deciding on the Zoning Permit as otherwise required by Table 4.1.030.A (Review Authority)).

4.1.050 **Rules of Interpretation:**

- A. Authority. The Director has the authority to interpret any provision of this Code. Whenever the Director determines that the meaning or applicability of any Code requirement is subject to interpretation, the Director may issue an official interpretation. The Director may also refer any issue of interpretation to the Planning Commission for their determination.
- B. Language.
1. The words “shall,” “must,” “will,” “is to,” and “are to” are always mandatory;
 2. “Should is not mandatory but is strongly recommended; and “may” is permissive;
 3. The present tense includes the past and future tenses; and the future tense includes the present;
 4. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise; and
 5. The words “includes” and “including” shall mean “including but not limited to”.
 6. “Applicant” means an owner or any person who has full written authorization of the owner.
 7. “Owner” means the holders of equitable and legal title of land in fee simple.
 8. When used in this Code, the terms “Code,” “this Code,” or “Form-Based Code” means the West Kaua’i Form-Based Code
- C. Time Limits. Whenever a number of days is specified in this Code, the number of days shall be construed as consecutive calendar days. A time limit shall extend to 4:30 p.m. on the following working day where the last of the specified number of days falls on a weekend or holiday.
- D. Uses Not Listed. The Director has the authority to determine other unlisted uses as similar in nature to those listed in the respective Use Tables of Article 2 (Specific to Transect Zones) as requiring a use permit, and that those similar uses may also be permissible in that respective Transect Zone with a Use Permit

Sub-Article 4.2: Permits and Approvals

4.2.010 Zoning Permits:

- A. No person shall undertake any construction or development or carry on any activity, or use, for which a zoning permit is required by this Code, or obtain a building permit for construction, development, activity, or use regulated by this Code, without first obtaining the required permit.
- B. To obtain any permit, the applicant shall show compliance with the standards established in this Code and shall submit, where necessary, a plot plan as required by CZO Sec. 8-4.6(d).
- C. Applications for zoning permits as required in this Code shall be processed in accordance with CZO Sec. 8-3.1 (Zoning Permits).
- D. For any Zoning Permit, the designated Review Authority may approve, with or without conditions, or deny the permit. The following Zoning Permits are required for the following activities:
 1. Class I Permit. A Class I Permit must be obtained for construction or development not located in a Constraint District or a Special Treatment District where the construction or development does not require a Use Permit or a Variance Permit and:
 - a. For non-residential or mixed-use projects that are generally permitted; or
 - b. For residential projects, the project consists of no more than one (1) dwelling unit.
 2. Class II Permit. A Class II Permit must be obtained for construction or development of a residential project consisting of between two (2) to ten (10) dwelling units that are not located in a Constraint District or a Special Treatment District where the construction or development does not require a Use Permit or a Variance Permit.
 3. Class III Permit. A Class III Permit must be obtained for construction or development where the construction or development does not require a Variance Permit or a Use Permit and:
 - a. For any project where a Class I or Class II Zoning Permit would otherwise be required, except that the development is located in a Constraint District or a Special Treatment District; or
 - b. For residential projects, the project consists of between eleven (11) and fifty (50) units; or

4. Class IV Permit. A Class IV Permit must be obtained for construction or development, whether or not the development is located in a Constraint District or Special Treatment District where:
 - a. For non-residential or mixed-use projects that require a use permit; or
 - b. For residential projects, the project consists of fifty-one (51) or more dwelling units; or
 - c. For any project, a Class I, II, or III Permit would otherwise be required, except that a Use Permit or a Variance Permit is required.

E. After-the-Fact Permits. In addition to the Zoning Permit filing and processing fee(s), an application for a Zoning Permit for a structure partially or fully constructed without the required approvals and/or a use that has commenced prior to the required approvals shall have an additional filing, inspection, and processing fee(s) which is double that of the original filing and processing fee(s) or five hundred dollars (\$500.00), whichever is greater.

4.2.020 **Use Permits:**

No person shall undertake any construction or development, or carry on any activity or use for which a Use Permit is required by this Code, or obtain a building permit for construction, development, activity or use for which a Use Permit is required by this Code, without first obtaining a Use Permit in accordance with CZO Sec. 8-3.2 (Use Permits).

4.2.030 **Variance:**

Request for a variance from the provisions of this Code must comply with the requirements in CZO Sec. 8-3.3 (Variance).

4.2.040 **Minor Modifications:**

The Planning Director may approve minor modifications of up to 10% of all dimensional requirements for all building types.

Sub-Article 4.3: Administration and Enforcement

4.3.010 **Amendments:**

This Code may be amended in compliance with the requirements in CZO Sec. 8-3.4.

4.3.020 **Non-Conforming Provisions:**

Nothing in the Numila Form-Based Code shall restrict or prevent an applicant from re-constructing or repairing a structure in a respective Plantation Camp transect pursuant to Section 8-8A2, subsections (a) and (b), of the Kauai County Code, 1987, as amended.

Any new densities, structures, and uses, proposed in a respective Plantation Camp transect beyond those permissible within Section 8-8A of the Kauai County Code, 1987, as amended, shall be in conformance with the rules, regulations, and standards of the subject Numila Form-Based Code.

4.3.030 **Appeals:**

- A. An applicant who seeks to appeal from an adverse decision of the Director or designee shall file a notice of appeal with the Director and the Planning Commission within thirty (30) days after the adverse decision.
- B. If the appeal is from the denial of a Class III Zoning Permit, the Director shall make the notice public and shall notify any persons who have duly requested notice of appeals.
- C. The Planning Commission shall consider the appeal at a public session within sixty (60) days of the filing of the notice of appeal and shall render its decision within that period.

4.3.040 **Fee Exemptions:**

- A. A Zoning Permit application for a housing project or portions of housing projects that are developed to be affordable to low-income households as determined by the Housing Director or authorized representative of the County Housing Agency shall be exempt from the filing and processing fee required in CZO Subsection 8-3.1(b)(1), provided such projects conform to applicable provisions of the County's affordable housing program.
- B. A Zoning Permit application for a housing project or portions of housing projects that are developed to be affordable as determined by the Housing Director or authorized representative of the County Housing Agency shall be exempt from one-half (1/2) of the filing and processing fee required in CZO Subsection 8-3.1(b)(1), provided such projects conform to applicable provisions of the County's affordable housing program.
- C. No exemptions shall be afforded for such housing projects from any fees or costs arising from compliance with CZO Subsection 8-3.1(f)(4) or (h).

4.3.050 **Enforcement:**

- A. Enforcement, legal procedures, and penalties for violations of any of the regulations and standards within the Plantation Camp Form-Based Code are established pursuant to section 10-7.2 of the Kauai County Code, 1987, as amended.

Article 5: Definitions

Sub-Article 5.1: Definitions of Terms and Phrases	58-59
5.1.010 Definitions	58-59

Sub-Article 5.1: Definitions of Terms and Phrases

5.1.010 Definitions

This Section provides definitions for specialized terms and phrases used in this Article. All other applicable definitions in Chapter 8 of the Kauai County Code or CZO apply.

Civic Space – An outdoor area dedicated for civic activities. See Sub-Article 35.2 (Civic Space Standards).

Civic Building – A structure operated by governmental or not-for-profit organizations and limited to civic and related uses.

County Engineer – The County Engineer of the Department of Public Works of the County of Kauai.

Director – Planning Director of the County of Kauai.

Foundation – The lowest load-bearing part of a building, typically including structural placement below ground level

Front – The front section of the building facing the thoroughfare or a civic space. If two or more portions of a building face a thoroughfare or a civic space, the Director shall determine which portion of the building is the front.

Frontage – The main entrance of a building located between the front of a building and a thoroughfare or civic space.

Glazing – The glass component of a building's façade.

Gable Roof – A roof with two sloping side and a gable, or wall, at each end.

Hip Gable/Dutch Gable Roof – Is a roof with a small gable at the top of a hip roof.

Hip Roof – A roof that slopes upward from all sides of the structure, having no vertical ends.

Main Body – The main body constitutes the primary structure.

Mechanical Equipment Storage – small roofed accessory structure, attached or detached, that is no larger than 40 square feet in size.

Post-on-Pier – Type of development where the weight of the structure is distributed across a series of posts installed under the home and mounted to piers, which are typically masonry blocks arranged to distribute the weight evenly.

Rear – Section of the building the opposite front of the building.

Rear Exit – Doorway situated on the Rear of the building.

Residential Use – The use of a structure or site for human habitation that may include a home, abode, or place where an individual is actually living at a specific point in time. Residences do not include transient accommodations such as transient hotels, motels, tourist cabins, or trailer courts, and dormitories, fraternity or sorority houses.

Setback – A designated minimal amount of space required between a structure and the thoroughfare.

Shed Roof – A flat roof that slopes in one direction and may lean against another wall or building.

Side – Section of the building running perpendicular to the front and rear of the building.

Thoroughfare – A road or path designed for multiple users, including pedestrians, bicyclists, and vehicles.

Transect Zone – A defined area that meets the organization of the human habitat with a development intensity that meets natural and/or build form characteristics.

Wing – A wing is part of a building that is subordinate to the main body.

Exhibit D

Map Showing Amendment to the West Kaua'i Community Plan (2020) Land Use Map Figure 12 "West Kaua'i Regional Map Showing Town Plan Areas".



FIGURE 12 | Regional Town Plan Map

“EXHIBIT C”

(Proposed State Land Use District Amendment A-2025-2)

For reference

ORDINANCE NO. _____

BILL NO. _____

**A BILL FOR AN ORDINANCE AMENDING
THE STATE LAND USE DISTRICT BOUNDARY
RELATING TO A PARCEL LOCATED IN WAHIAWA, KAUA'I**

(County of Kaua'i Planning Department, Applicant) (A-2025-2)

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. Purpose. The purpose of this Ordinance is to update approximately 14.9 acres of the State Land Use District boundary and designation of Tax Map Key (TMK) (4) 2-2-001:001 from Agricultural to Urban.

SECTION 2. The State Land Use District Boundary designation for approximately 14.9 acres of the parcel in Wahiawa, Kaua'i, identified as TMK (4) 2-2-001:001, as shown on the attached map as Exhibit A, is hereby amended from the State "Agricultural" Land Use District (A) to the State "Urban" Land Use District (U), subject to the following conditions:

1. The State Land Use District Boundary Amendment shall be limited to the area delineated in Exhibit A.
2. The Landowner shall resolve and comply with the applicable standards and requirements, if any, of all State of Hawai'i and County of Kaua'i departments and agencies.
3. The Landowner is advised that additional government agency conditions may be imposed. It shall be the Landowner's responsibility to resolve those conditions with the respective agencies.

SECTION 3. The Planning Department is directed to note the changes on the official Zoning Maps on file with the Department.

SECTION 4. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 5. This Ordinance shall take effect upon its approval.

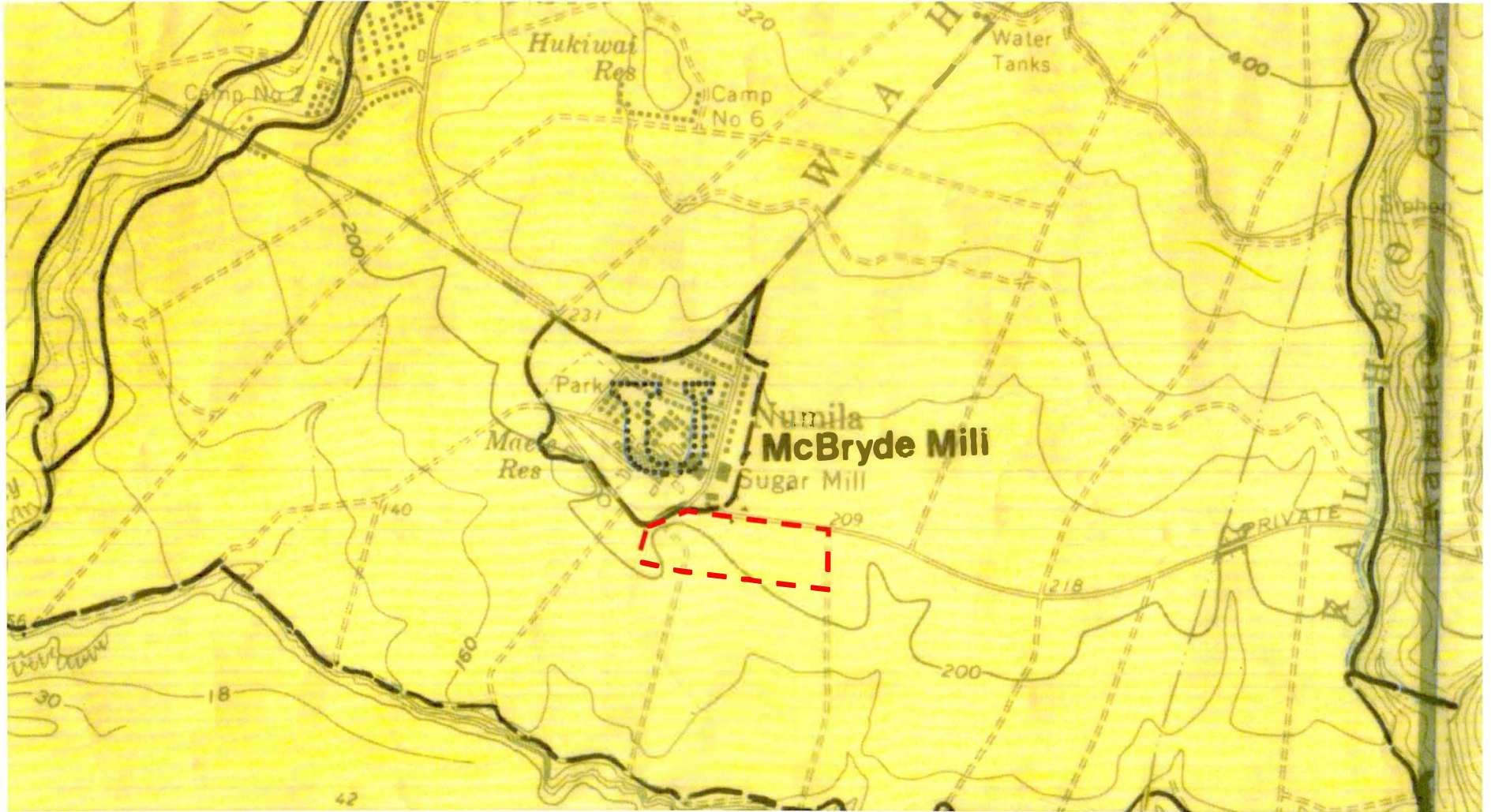
Introduced by:

(By Request)

DATE OF INTRODUCTION:

Lihu'e, Kaua'i, Hawai'i

Exhibit A



State Land Use District (SLUD) Boundary Amendment from Agricultural (A) to Urban (U)

Wahiawa, Kauai, Hawaii

 State Land Use District (SLUD) District Boundary Update from Agriculture (A) to Urban (U)

“EXHIBIT D”

(Proposed Zoning Amendment ZA-2025-3)

For reference

ORDINANCE NO. _____

BILL NO. _____

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 8,
KAUA'I COUNTY CODE 1987, AS AMENDED,
RELATING TO ZONING BOUNDARIES IN WAHIAWA, KAUA'I**

(County of Kaua'i Planning Department, Applicant) (ZA-2025-3)

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII':

SECTION 1. Purpose. The purpose of this Ordinance is to update the County of Kaua'i Zoning Map ZM-200 to reflect zoning designation updates within the subject parcel Tax Map Key (TMK) (4) 2-2-001:001, from "Agricultural" (Ag) to "Residential-1" (R-1).

SECTION 2. Findings. The Council finds that the West Kaua'i Community Plan (WKCP), adopted by the County of Kaua'i in December 2020, recognizes the opportunity to "ensure redevelopment and renovation projects reflect the historic character of Numila."

The Council finds that TMK (4) 2-2-001:001 is not designated as Important Agricultural Lands by the Hawai'i State Land Use Commission.

The Council finds the Numila Camp amendment boundaries are delineated by the map in Exhibit A and contain an area of approximately 14.9 acres.

SECTION 3. The Comprehensive Zoning Ordinance (CZO) is hereby amended by amending ZM-200 within the CZO referenced in Section 8-2.3 by making the following changes to ZM-200 as shown in Exhibit A of this Ordinance which are attached hereto and incorporated by reference, subject to the following conditions:

1. The Landowner is advised that additional government agency conditions may be imposed. It shall be the Landowner's responsibility to resolve those conditions with the respective agencies.

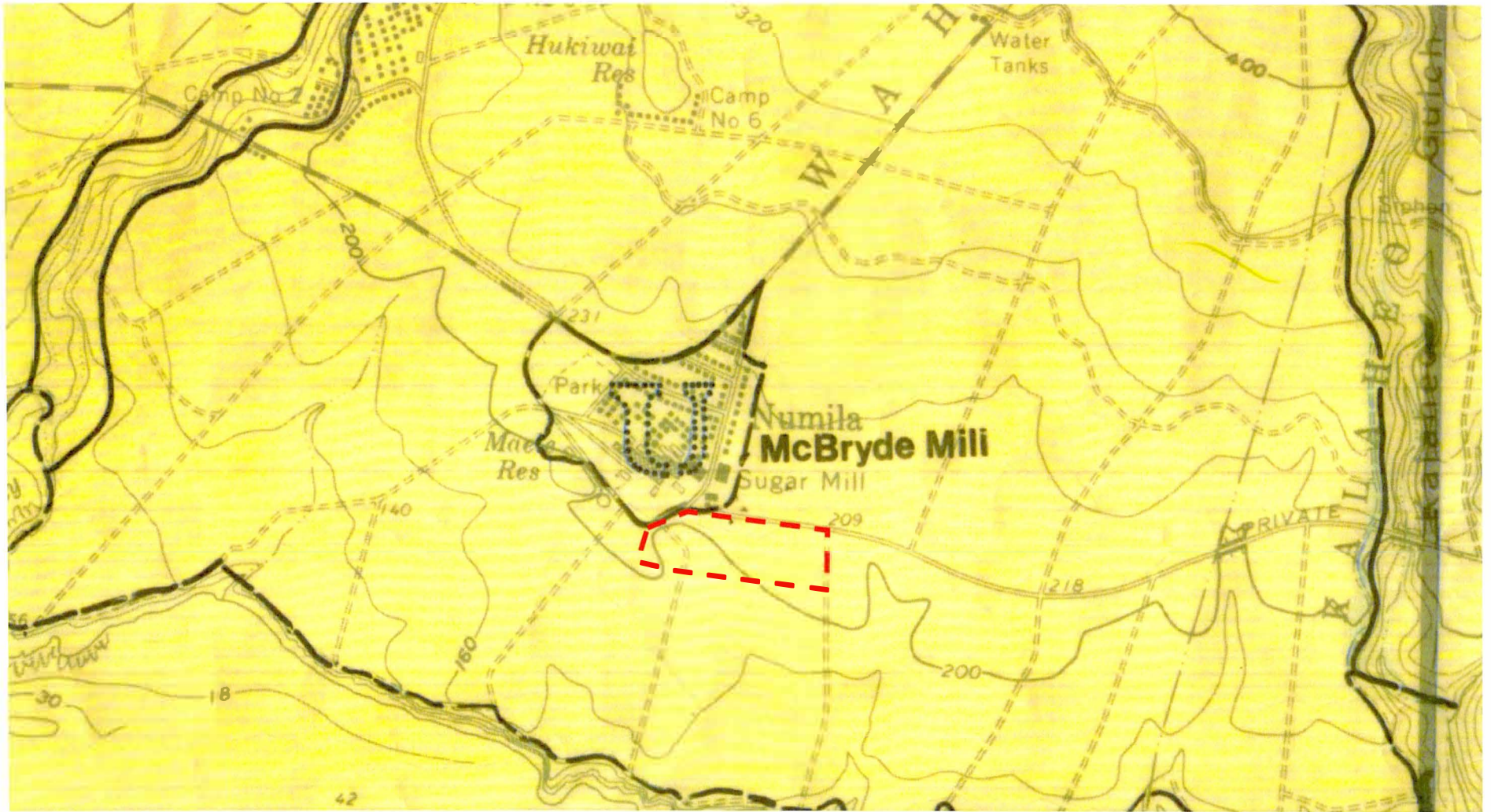
SECTION 4. The Planning Department is directed to note the changes on the official Zoning Maps on file with the Department.

SECTION 5. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 6. This Ordinance shall take effect upon its approval.

Introduced by:

Exhibit A



Amendment to Zoning Map ZM-200 from Agricultural (AG) to Residential-1 (R-1)

Wahiawa, Kauai, Hawaii

 Agricultural (AG) to Residential-1 (R-1) District Boundary Update

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



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

TRANSMITTAL OF AGENCY COMMENTS TO PLANNING COMMISSION

DATE: March 4, 2025

PERMIT NUMBER(S): GPA-2025-2

APPLICANT(S): KAUAI PLANNING DEPARTMENT

Attached for the Planning Commission's reference are agency comments for the permit referenced above.

F.4.a.2.
MAR 11 2025

MAR 3 '25 AM 9:12
PLANNING DEPT



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

FROM: Kaaina S. Hull, Director

Planner: Shelea Koga

2/11/2025

SUBJECT: General Plan Amendment GPA-2025-2
Tax Map Key: 220010010000
Applicant: Planning Department
Amendment from Agriculture to Plantation Camp

TO:

- | | |
|---|--|
| <input type="checkbox"/> State Department of Transportation - STP | <input checked="" type="checkbox"/> County DPW - Engineering |
| <input checked="" type="checkbox"/> State DOT - Highways, Kauai (info only) | <input 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 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)

This matter is scheduled for a public hearing before the County of Kauai Planning Commission on 3/11/2025 at the Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Kauai, at 9:00 am or soon thereafter. If we do not receive your agency comments within one (1) month from the date of this request, we will assume that there are no objections to this permit request. Mahalo!



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

DATE: Feb 26, 2025

TO: To whom it may concern

FROM: Ellis Jones
District Environmental Health Program Chief

SUBJECT: RESPONSE_Amendment for Plantation Camp_A-2025-2

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

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

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

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

Clean Air Branch

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

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

Clean Water Branch

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

Hazard Evaluation & Emergency Response Office

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

Indoor and Radiological Health Branch

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

Safe Drinking Water Branch

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

Solid & Hazardous Waste Branch

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

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

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

Wastewater Branch

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

Sanitation / Local DOH Comments:

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

Other

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

Ellis Jones

Ellis Jones

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

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR
 JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



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

DIRECTOR'S REPORT

I. SUMMARY

Action Required by Planning Commission: Consideration of multiple bills amending Chapter 8 of the Kaua'i County Code 1987, as amended, regarding the Comprehensive Zoning Ordinance (CZO), the Kaua'i Kākou – Kaua'i County General Plan, the State Land Use District, and the West Kaua'i Community Plan.

Permit Application Nos. Zoning Amendment ZA-2025-3
 Zoning Amendment ZA-2025-4
 General Plan Amendment GPA-2025-2
 State Land Use Amendment A-2025-2

Name of Applicant(s) COUNTY OF KAUA'I, PLANNING DEPARTMENT

II. PERMIT INFORMATION

AMENDMENTS	
<input checked="" type="checkbox"/> Zoning Amendment	Pursuant to KCC Section 8-3.4(a), as amended, a Zoning Amendment is necessary when changing the boundaries of districts or by changing text whenever the public necessity and convenience and the general welfare require an amendment.
<input checked="" type="checkbox"/> General Plan Amendment	Pursuant to KCC Section 7-3.1, as amended, the General Plan of the County of Kaua'i may be amended by ordinance, in accordance with the Charter. An amendment may change provisions of this ordinance; text provisions or map designations of the General Plan document; or any of these in combination.
<input checked="" type="checkbox"/> State Land Use District Amendment	Pursuant to KCC Section 11-1, as amended, a State Land Use District Boundary Amendment Ordinance, organized as a Zoning Amendment, is required to reclassify a State Land Use District designation.

III. LEGAL REQUIREMENTS

KCC Section 8-3.4	
Public Hearing Date:	March 11, 2025
Date of Publication:	February 7, 2025
Date of Director's Report:	February 26, 2025

F.4.a.1.
 F.4.b.1.
 F.4.c.1.
 F.4.d.1.
 March 11, 2025

IV. DESCRIPTION OF PROPOSED BILLS

There are four separate amendments associated with the proposed Numila Camp area:

- 1. General Plan Amendment (GPA-2025-2)** – Proposes to amend Figure 5-1 (Kaua’i Land Use Map) and Figure 5-2 (West Kaua’i Land Use Map) of the *Kaua’i Kakou – Kaua’i County General Plan* from Agriculture to Plantation Camp (Exhibit A).
- 2. West Kaua’i Community Plan Amendment (ZA-2025-4)** – Proposes amendments to Chapter 10, Article 3 of the *Kaua’i County Code 1987, as amended*, related to the West Kaua’i Community Plan (Exhibit B). This includes:
 - o Amending Section 10-3 to establish a Special Planning Area “P” (SPA-P), which shall also be known as the “Numila Plantation Camp Walkable Mixed-Use District.” The Special Planning Area shall be adopted with a new map ZM-NC-100 (Numila Camp) and adopted within the West Kaua’i Community Plan.
 - o Updating figure 12 of the West Kaua’i Community plan, Regional Town Plan Map to change the land use designation within the SPA-P boundaries from Agriculture to Plantation Camp.
- 3. State Land Use District Amendment (A-2025-2)** – Proposes to change approximately 14.9 acres of the State Land Use District boundary and designation of Tax Map Key (TMK) (4)-2-2-001:001 from Agricultural to Urban (Exhibit C).
- 4. Zoning Map Amendment (ZA-2025-3)** – Proposes to amend approximately 14.9 acres of Zoning Map ZM-200 to reflect zoning changes for TMK (4)-2-2-001:001 from Agricultural (Ag) to Residential-1 (R-1) (Exhibit D).

The proposed ordinances to amend County Zoning, the State Land Use District, the General Plan, and the West Kaua’i Community Plan aim to encourage redevelopment within the existing Numila Camp while allowing for new growth in an adjacent area that maintains and enhances its distinct form and character.

V. APPLICANT'S REASONS/JUSTIFICATION

The Numila Plantation Camp Form-Based Code (FBC) guides development in alignment with the West Kaua'i Community Plan and the County of Kaua'i General Plan. This FBC establishes a regulatory framework to preserve the character of the existing plantation camps, including Numila Camp, while allowing for limited infill development and housing expansion. The Plantation Camps should remain compact and walkable with well-defined borders and small cottages, surrounded by working agricultural fields and activity. The intent of the code would:

1. Promote, preserve, and enhance existing community design and development patterns that reflect the distinct character of Numila's historic plantation camp.
2. Support and maintain affordable-by-design housing stock.
3. Encourage appropriately scaled infill development within or near the historic boundaries of the camps.

Form-Based Codes (FBC) are a development regime that encourages the development of communities with a focus on "building form and character" as opposed to development frameworks based on the separation of uses, regularly referred to as Euclidian zoning. FBCs have been adopted to serve a variety of purposes that can include historic preservation, economic development, sustainability, affordable housing, and general planning. FBC follows a natural to urban transect model, that progressively experience greater density in line with desired development outcomes. The model transect is divided into six transect zones or T-zones: Natural (T1), Rural (T2), Sub-Urban (T3), General Urban (T4), Urban Center (T5), and Urban Core (T6). Kaua'i only experiences four transect types (T1-T4).

The development of FBCs included an intensive inventory process and an exercise to identify unique or historical characteristics that define the respective towns and villages. The Numila Plantation Camp transect is considered a special district due to the unique patterns which were identified. The transects within the Numila Camp are T3 Numila (T3N-PC), T3 Numila Flex (T3NF-PC), T3 Numila HSPA (T3NH-PC), and T3 Numila Luna (T3NL-PC). Each Plantation Camp transect type reinforces and/or maintains the historic patterns of the Numila Community. The Numila FBC incorporates detailed regulations specific to building types, street standards, and civic space that are sensitive to the surrounding local character. The regulations set forth in the Form-Base Code help to maintain the unique characteristics of Numila Camp.

Creating design standards specific to these areas ensures history and culture are a part of the future development. The Plantation Camp Form-Based Code includes elements such as roof pitches, siding materials, building massing, building types, frontages, setbacks, rear exists and wings, and are regulated to reinforce existing character and to create new, compatible neighborhoods in Numila Camp. For example, the building type regulations in T3 Numila (T3N-PC) capture the form and characteristics of the historical Numila cottages. Crafting regulations that require unique features such as single or double hung windows, 5:12 or 6:12 roof pitches, wood-based material, decorative vents, post and pier, and height of the wall ensures that new cottages or reconstructed cottages will maintain the same look and feel of the surrounding cottages.

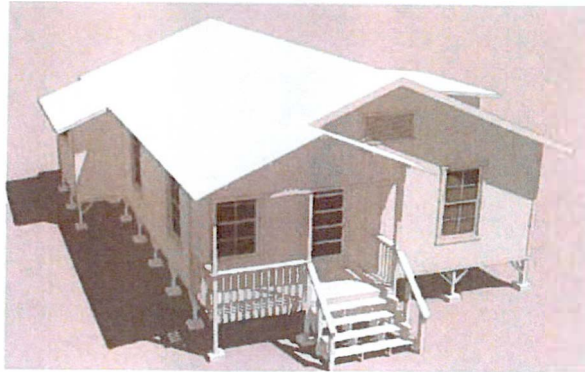


Figure 1: Example of applying the T3 Numila (T3N-PC) regulations.



Figure 2, 3, 4: Pictures of Numila Camp Cottages.

Form-Based Code differs from the existing use-base code requirements in the Comprehensive Zoning Ordinance in that the primary emphasis is on building and streetscape “form”, the importance of how the proposed development is integrated with the existing town character. This is a more comprehensive approach that includes the regulation of building types, street design, and civic space requirements. These standards are crafted to regulate the specific and desired qualities of areas identified through the inventory and data collection process.

The County of Kaua’i has adopted multiple Form-Based Codes tailored to preserve the unique and localized characteristics of South Kaua’i, West Kaua’i, and the Kaumakani Plantation Camps. During the South Kaua’i and West Kaua’i Community planning efforts, the community sought to preserve and revitalize their town cores. Form-Base Codes were ideally suited to meet this community goal. Since the adoption of the South Kaua’i, West Kaua’i, and the Kaumakani Plantation Camp Form-Based Code, the Planning Department and the respective communities have seen the value of this development approach.

Consistent with the West Kauai towns of Waimea, Kekaha, ‘Ele’ele, and Hanapēpē, the Numila Camp supports unique town and village features that can benefit from the establishment of a Form-Based Code. The Numila Camp Form-Based Code is a tool that

seeks to maintain the existing character of the Numila Camp while simultaneously establishing design guidelines that inform buildout scenarios.

Implementing the Numila Form-Based Code requires several land use and zoning amendments to align with the intended development vision for the area. These changes will allow for the redevelopment of the historic Numila Camp footprint.

1. **General Plan Amendment (GPA-2025-2)** – The General Plan amendment updates the Kaua’i Land Use Map and West Kaua’i Land Use Map within the General Plan to reflect a change from Agriculture to Plantation Camp, aligning with the historic residential uses of the area and future vision for lands adjacent to the existing Numila camp. This designation supports the continued use and nominal expansion of the area for residential purposes.
2. **West Kaua’i Community Plan Amendment (ZA-2025-4)** – Updates to the West Kaua’i Community Plan ensure consistency between local planning documents and the Numila FBC. The amendment revises the **Regional Town Plan Map (Figure 12)** to change the land use designation within the **Special Planning Area – Plantation Camp (SPA-P)** from Agriculture to Plantation Camp, supporting the envisioned small-town character and historic Numila Camp development. The proposal also amends Section 10-3 to establish a Special Planning Area “P” (SPA-P), which shall also be known as the “Numila Plantation Camp Walkable Mixed-Use District.” The Special Planning Area shall be adopted with a new map ZM-NC-100 (Numila Camp) and adopted within the West Kaua’i Community Plan.
3. **State Land Use District Amendment (A-2025-2)** – This amendment is needed to reclassify **14.9 acres** from Agricultural to Urban, allowing for residential development adjacent to the historic Numila Camp residential footprint to allow for a nominal expansion of the area for residential purposes while keeping within the form and character of the historic camp.
4. **Zoning Map Amendment (ZA-2025-3)** – This change updates the zoning from Agricultural (Ag) to Residential-1 (R-1) allowing for residential development within the historic Numila Camp area and adjacent lands.

VI. AGENCY COMMENTS

Comments from applicable government agencies are being sought and are expected at the time of the public hearing scheduled for March 11, 2025.

VII. PRELIMINARY EVALUATION

In evaluating the proposed zoning amendment, the following aspect should be taken into consideration:

1. Comprehensive Zoning Ordinance (CZO)

The proposed amendment is to be evaluated pursuant to Section 8-3.4(d) of the CZO, Kaua'i County Code (KCC), as amended. The section, reads:

“(d) Consideration. In considering an amendment, the Planning Commission shall consider the purposes of the existing and proposed changes to the Zoning Ordinance. A change in the Zoning Map or text shall not be made unless the change will further the public necessity and convenience and the general welfare.”

As previously mentioned, the intent of the amendment is to amend the West Kaua'i Community Plan to add Special Planning Area “P” (SPA-P), which shall be referred to as the “Numila Plantation Camp Walkable Mixed Use District.” Amending the code to include Special Planning Area “P” would further accommodate public necessity and for convenience.

2. General Plan

The 2018 General Plan sets forth a vision, goals, and policies to guide future growth on Kaua'i. The proposed amendment is consistent with the overall vision and policies outlined in the 2018 General Plan.

A. Section 1.4, entitled “Policies to Guide Growth”

- i. **Policy #1: “Manage Growth to Preserve Rural Character”**
The new design standards that correspond with Special Planning Area “P” will ensure the rural characteristics of our communities are maintained through the preservation of the Numila Camp’s building form and characteristics.
- ii. **Policy #2: Provide Affordable Housing While Facilitating a Diversity of Privately-Developed Housing for Local Families.**
According to the General Plan, Communities that cater to a high-end market, resulting in enclaves of similar household incomes and housing types, are no longer acceptable. The design standards that correspond with Special Planning Area “P” limit development to building standards that cater to and support the local housing market. These design standards will provide an opportunity to create housing for local families.
- iii. **Policy #3: Recognize the Identity of Kaua'i’s individual Towns and Districts.**
Policy #3 of the General Plan states that Kauai’s towns and planning districts are distinct, each with its own character, opportunities, and needs. The design standards outlined for Numila Camp acknowledge the characteristics and features that generate the unique community identity of the Numila Camp.

B. Section 3.0 Actions by Sector, Subsection Sector VII, entitled "Heritage Resources" states for code changes:

- i. Update and create Special Planning Areas in towns to ensure new development and redevelopment of existing sites or structures is done in a "historically sensitive" manner. The proposed Numila Camp Form-Based Code implements these exact code changes recommended by the General Plan creating design standards to preserve the historic character of Numila Camp.

X. PRELIMINARY CONCLUSION

Based on the foregoing, it is concluded that the proposal is reasonable and appropriate. It is also consistent with the policies and recommendations of the Kaua'i General Plan.

XI. PRELIMINARY RECOMMENDATION

Based on the foregoing evaluation and conclusion, it is hereby Zoning Amendment ZA-2025-3, Zoning Amendment ZA-2025-4, General Plan Amendment GPA-2025-2 and State Land Use District Amendment A-2025-2 be **APPROVED**.

By  _____
SHELEA KOGA
Planner

Approved & Recommended to Commission:

By  _____
KA'AINA S. FULL
Director of Planning

Date: 2/25/2025

“EXHIBIT A”

(Proposed General Plan Amendment GPA-2025-2)

For reference

ORDINANCE NO. _____

BILL NO. _____

**A BILL FOR AN ORDINANCE AMENDING
"KAUA'I KĀKOU – KAUA'I COUNTY GENERAL PLAN" (2018)
RELATING TO A PARCEL LOCATED IN WAHIAWA, KAUA'I**

(County of Kaua'i Planning Department, Applicant) (GPA-2025-2)

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. Findings and Purpose. The purpose of this Ordinance is to update the booklet entitled "Kaua'i Kākou – Kaua'i County General Plan" (2018) (incorporated by reference in Chapter 7, Kaua'i County Code 1987, as amended) (The General Plan for the County of Kaua'i). The subject property, identified as Tax Map Key (TMK) Parcel (4) 2-2-001:001 and referred to hereafter as "Numila Camp," is located adjacent to Kaua'i Coffee Visitor Center and the Numila Sugar Mill, situated along the makai side of Halewili Road.

The Council finds the Numila Camp amendment boundaries are delineated by the map in Exhibit A and contain an area of approximately 14.9 acres.

The Council finds that TMK Parcel (4) 2-2-001:001 is not designated as Important Agricultural Lands by the Hawai'i State Land Use Commission.

The Council finds that the Numila Plantation Camp areas maintain a unique sense of identity and has historic features and qualities that should be perpetuated.

The Council finds that the current landowner (BBCP Kaua'i Operating LLC) has consented to this General Plan amendment.

SECTION 2: The booklet entitled "Kaua'i Kākou – Kaua'i County General Plan" (2018) is amended as follows:

1. Amend page 229 by deleting Figure 5-1, Kaua'i Land Use Map (as previously amended by Ordinance No. 1084), and replacing it with a new map, Figure 5-1, Kaua'i Land Use Map, as shown on the map attached to this Ordinance as Exhibit B, and on file with the Planning Department, County of Kaua'i.
2. Amend page 233 by deleting the amended Figure 5-2, West Kaua'i Land Use Map (as previously amended by ordinance No. 1084), and replacing it with a new map, Figure 5-3 West Kaua'i Land Use Map as shown on the map attached to this Ordinance as Exhibit C, and on file with the Planning Department, County of Kaua'i.

SECTION 3. The Planning Department is directed to note the changes on the official Zoning Maps on file with the Department.

SECTION 4. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 5. This Ordinance shall take effect upon its approval.

Introduced by:

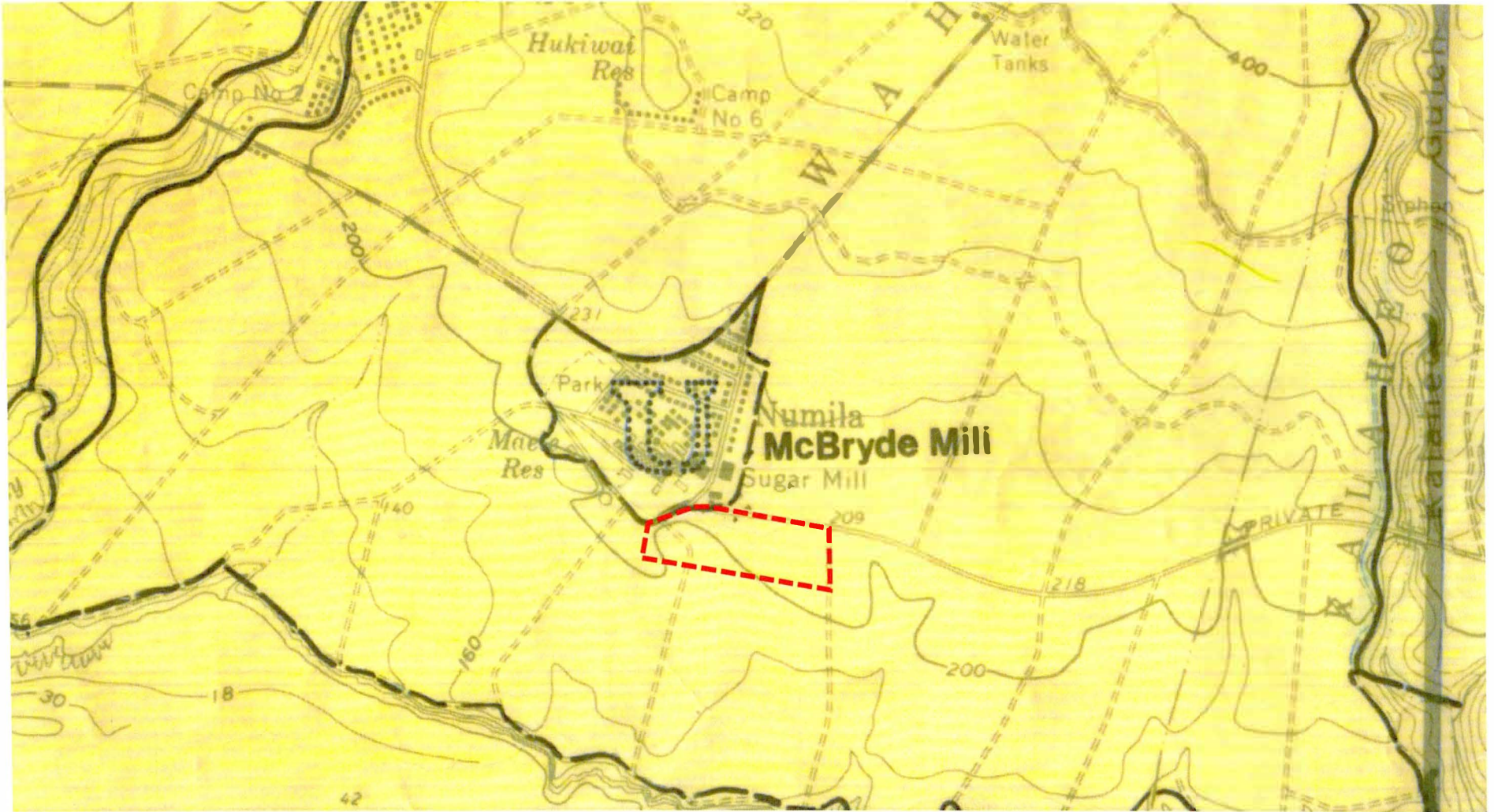
(By Request)

DATE OF INTRODUCTION:

Līhu'e, Kaua'i, Hawai'i

Exhibit A

Location Map



Zoning Amendment Location Map

 Amendment Boundaries

Exhibit B

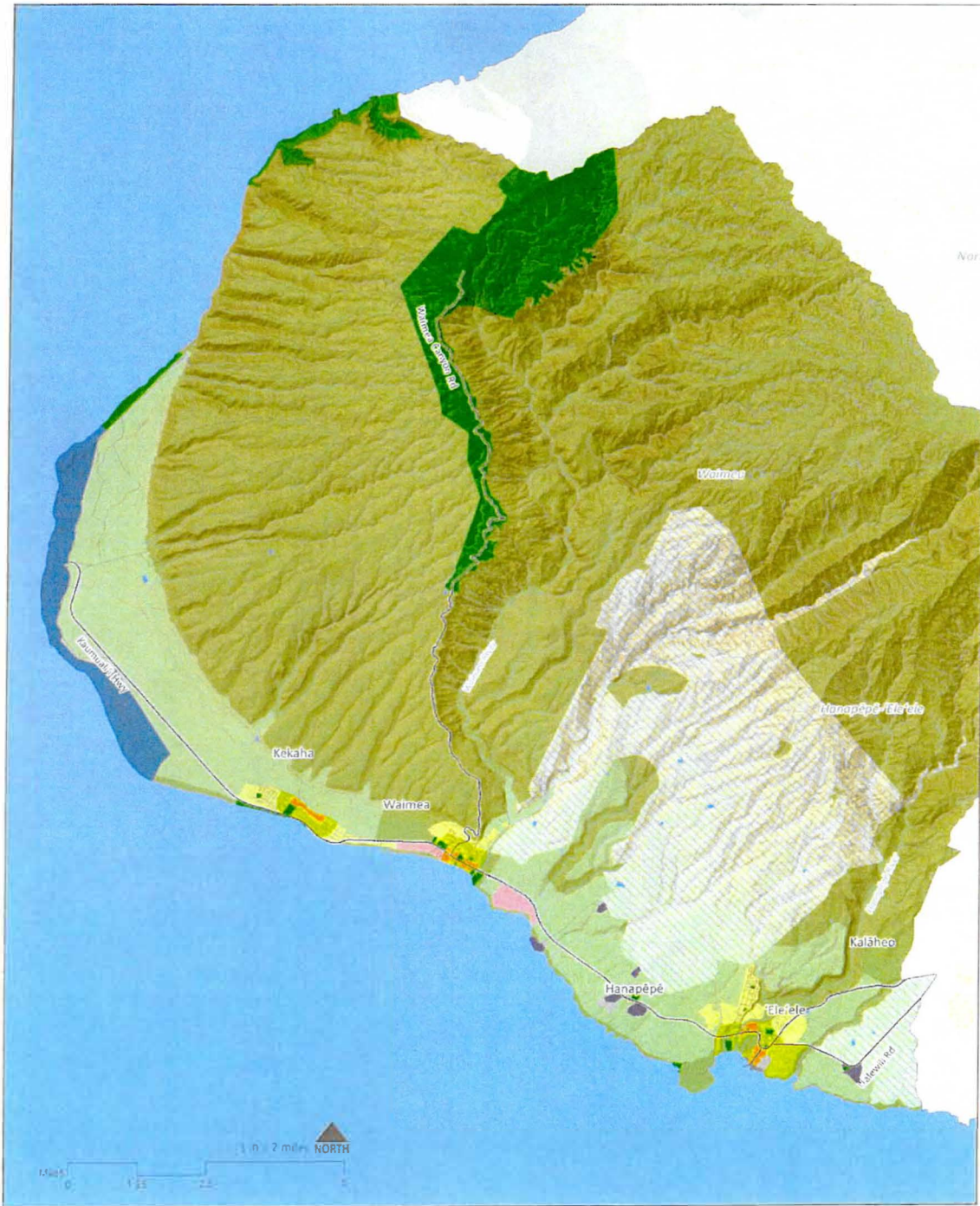
Map Showing Amendment to the Kaua'i General Plan (2018) Land Use Map Figure 5-1 "Kaua'i Land Use Map"

-  Planning District Boundary
-  Major Roads
-  Roads
-  Streams
-  USGS 40 ft. Contours
-  Urban Edge Boundary
-  Reservoirs
-  Natural
-  Agricultural
-  Agricultural (IAL)
-  Parks and Recreation
-  Golf Course
-  Homestead
-  Residential Community
-  Urban Center
-  Neighborhood Center
-  Neighborhood General
-  Large Town
-  Small Town
-  Resort
-  Provisional Resort (Pending Community Plan Process)
-  University Zone
-  Plantation Camp
-  Industrial
-  Transportation
-  Military
-  Provisional Agriculture

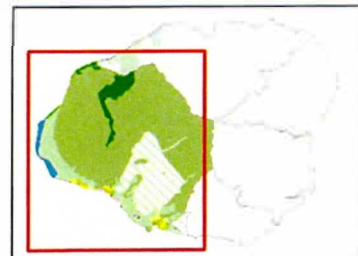


Exhibit C

Map Showing Proposed Amendment to the Kaua'i General Plan (2018) Land Use Map
 Figure 5-3 Hanapēpē to 'Ele'ele to Figure 5-2 "West Kaua'i District"



- | | | |
|----------------------------|-----------------------|-----------------|
| — Major Roads | Natural | Resort |
| — Roads | Agricultural | Plantation Camp |
| — Streams | Agricultural (IAL) | Industrial |
| — USGS 40 ft. Contours | Parks and Recreation | Transportation |
| Planning District Boundary | Residential Community | Military |
| Reservoirs | Neighborhood Center | |
| | Neighborhood General | |



“EXHIBIT B”

(Proposed Zoning Amendment ZA-2025-4)

For reference

ORDINANCE NO. _____

BILL NO. _____

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 10 ARTICLE 3, KAUA'I COUNTY CODE 1987, AS
AMENDED, RELATING TO THE
WEST KAUA'I COMMUNITY PLAN IMPLEMENTING ORDINANCE (2020)**

(County of Kaua'i Planning Department, Applicant) (ZA-2025-4)

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. Findings and Purpose. The purpose of this Ordinance is to amend Chapter 10, Article 3, Kauai County Code 1987, as amended, relating to the West Kauai Community Plan. The proposal amends Section 10-3 of the Kauai County Code relating to text and mapping requirements to establish a Special Planning Area "P", which shall be referred to as the "Numila Plantation Camp Walkable Mixed Use District", and be designated as "SPA-P" as shown on Zoning Maps ZM-NC-100 (Numila Camp) involving a portion of a property further identified as Tax Map Key 2-2-001:001. The proposal also amends the West Kaua'i Regional Map to reflect land use designation updates from "Agriculture" to "Plantation Camp" within the SPA-P boundaries.

The Council finds the Numila Camp amendment boundaries delineated by the map in Exhibit A.

The Council finds that TMK Parcel (4) 2-2-001:001 is not designated as Important Agricultural Lands by the Hawai'i State Land Use Commission.

The Council finds that the West Kaua'i Community Plan (WKCP), adopted by the County of Kaua'i in December 2020, recognizes the opportunity to "ensure redevelopment and renovation projects reflect the historic character of Numila Camp."

The Council finds that the current landowner (BBCP Kaua'i Operating LLC) has consented to this West Kaua'i Community Plan amendment.

SECTION 2. Amend Section 10-3 of the Kaua'i County Code to add a Special Planning Area "P" (SPA-P), which shall also be known as the "Numila Plantation Camp Walkable Mixed Use District". The Special Planning Area shall be adopted with a new map ZM-NC-100 (Numila Camp) and adopted within the West Kaua'i Community Plan as attached in Exhibit B. The corresponding design standards in text format shall be adopted within the West Kaua'i Community Plan as attached in Exhibit C.

SECTION 3. The booklet entitled "West Kaua'i Community Plan" (2020) is amended as follows:

1. Amend page 126 by deleting Figure 12, Regional Town Plan Map, and replacing it with a new map, Figure 12, Regional Town Plan Map, as shown on the map attached to this Ordinance as Exhibit D, and on file with the Planning Department, County of Kaua'i.

SECTION 4. The content of Chapter 10, Article 3, West Kaua'i Community Plan Implementing Ordinance, Kaua'i County Code, as amended is amended as follows:

§ 10-3.1. Title and Purpose.

- (a) This Article shall be known and may be cited as the "West Kaua'i Community Plan Implementing Ordinance." It is adopted:
- (1) To provide design and development standards in order to implement the detailed planning goals and objectives for the West Kaua'i Planning District;
 - (2) To establish special planning areas, future growth areas, land uses, and development and design standards to guide and regulate future development;
 - (3) To protect certain physical characteristics found to be of particular public value, as provided in Chapter 8, Article 11, Section 6, Kaua'i County Code 1987, as amended (Special Planning Areas); and
 - (4) Establish exceptions, modifications, or additions to the provisions of Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance) and Chapter 9, Kaua'i County Code 1987, as amended (Subdivision Ordinance) in order to more specifically provide for the regulation of land use, subdivision, and development practices within the West Kaua'i Planning District.
- (b) Nature of the West Kaua'i Community Plan Ordinance. This Article provides the necessary framework and guidelines to direct future development and capital improvements in the West Kaua'i area, whose boundary is described in the report entitled "West Kaua'i Community Plan." Additionally, this Article supplements Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance) and Chapter 9, Kaua'i County Code 1987, as amended (Subdivision Ordinance) by regulating use and development standards within the West Kaua'i Special Planning Areas, as identified in the zoning maps or surveyed maps, or both, attached to Ordinance No. 1083, [and] Ordinance No. 1138, and Ordinance No. XXXX, on file with the Planning Department, County of Kaua'i.
- (c) The guidelines of this Article are based on the report entitled "West Kaua'i Community Plan" (Planning Commission draft approved in 2020, as amended by the Kaua'i County Council in 2020, and as may be subsequently amended), a booklet whose major components include:
- (1) Regional and town plan maps;
 - (2) Policies for the West Kaua'i region as a whole;
 - (3) Goals and objectives for Kekaha, Waimea, Hanapēpē, 'Ele'ele, Port Allen, Kaumakani, Pākalā Village, Numila, and other areas; and
 - (4) Appendices.
- (Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

§ 10-3.2. Vision and Goals.

The vision and goals for the region referred to in this Article, which shall be known as the West Kaua'i Planning District, and its communities are described in the report entitled "West Kaua'i Community Plan."

(Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

§ 10-3.3. Application of Regulations.

- (a) The West Kaua'i Form-Based Code, attached as Appendix "C", [and] the Plantation Camp Form-Based Code, attached as Appendix "D", and the Numila Plantation Camp Form-Based Code, attached as Appendix "E," to the West Kaua'i Community Plan, are by reference incorporated herein and made a part hereof. The provisions of the West Kaua'i Form-Based Code, [and] the Plantation Camp Form Based Code, and the Numila Plantation Camp Form Based Code shall apply to all new development located within the Special Planning Areas, as identified in the zoning maps or surveyed maps, or both, attached to Ordinance No. 1083, [and] Ordinance No. 1138, and Ordinance No. XXX, on file with the Planning Department, County of Kaua'i.
- (b) The regulations and procedures established in Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance) shall apply within the Special Planning Areas of the West Kaua'i Planning District, except to the extent that such regulations or procedures are changed or modified by the provisions of the West Kaua'i Form-Based Code. When the provisions of this Article differ with respect to the provisions of Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance) and Chapter 9, Kaua'i County Code 1987, as amended (Subdivision Ordinance), the West Kaua'i Form-Based Code shall supersede such provisions as provided in Chapter 8, Article 11, Kaua'i County Code 1987, as amended (Special Treatment Districts (ST)).

(Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

§ 10-3.4. Existing Conditions.

- (a) This Article does not mandate the immediate modification of structures and uses lawfully in existence upon the enactment of this Article.
- (b) The requirements of this Article will not be triggered by routine maintenance not requiring a zoning permit.
- (c) Existing Buildings and Structures. Buildings and structures lawfully in existence upon the enactment of this Article that do not conform to the provisions of this Article are subject to the requirements of Chapter 8, Article 13, Section 1, Kaua'i County Code 1987, as amended (Nonconforming Buildings and Structures).
- (d) Existing Uses. Uses lawfully in existence upon the enactment of this Article that are not consistent with the Special Planning Areas will be allowed to continue on the parcel of record as provided in Chapter 8, Article 13, Section 2, Kaua'i County Code 1987, as amended (Nonconforming Uses).

(Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

§ 10-3.5. Special Planning Areas, Designation, and Procedures.

- (a) Designation of Special Planning Areas "K," "L," "M," "N," [and] "O[.]," and "P." The boundaries of the following form-based code districts are hereby adopted as described in the West Kaua'i Form-Based Code and the Plantation Camp Form-Based Code, attached as Appendix "C," [and]

Appendix "D," and Appendix "E" to the West Kaua'i Community Plan, and shall be referred to as follows:

- (1) Special Planning Area "K," which shall also be known as the "Kekaha Town Walkable Mixed Use District" and be designated as "SPA-K" as shown on the zoning map attached to Ordinance No. 1083 as Exhibit 1, and on file with the Planning Department, County of Kaua'i.
- (2) Special Planning Area "L," which shall also be known as the "Waimea Town Walkable Mixed Use District" and be designated as "SPA-L" as shown on the zoning map attached to Ordinance No. 1083 as Exhibit 2, and on file with the Planning Department, County of Kaua'i.
- (3) Special Planning Area "M," which shall also be known as the "Hanapēpē Town Walkable Mixed Use District" and be designated as "SPA-M" as shown on the zoning map attached to Ordinance No. 1083 as Exhibit 3, and on file with the Planning Department, County of Kaua'i.
- (4) Special Planning Area "N," which shall also be known as the "Ele'ele-Port Allen Walkable Mixed Use District" and be designated as "SPA-N" as shown on the zoning map attached to Ordinance No. 1083 as Exhibit 4, and on file with the Planning Department, County of Kaua'i.
- (5) Special Planning Area "O," which shall also be known as the "Kaumakani Plantation Camp Walkable Mixed Use District" and designated "SPA-O" as shown on the zoning and surveyed maps attached to Ordinance No. 1138 as Exhibit 1, Exhibit 2a, and Exhibit 2b, and on file with the Planning Department, County of Kaua'i.

(6) Special Planning Area "P," which shall also be known as the "Numila Plantation Camp Walkable Mixed Use District" and designated "SPA-P" as shown on the zoning map attached to Ordinance No. XXXX as Exhibit B, and on file with the Planning Department, County of Kaua'i.

- (b) Designation of Zoning Maps. In order to carry out the purpose of this Article, the zoning maps ZM-K100 (Kekaha), ZM-W100 (Waimea), and ZM H200 (Hanapēpē) of Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance), are hereby amended. Zoning Map ZM-KV-100 (Kaumakani Village), [and] ZM-KA-100 (Kaumakani Avenue), and ZM-NC-100 (Numila Camp) is hereby adopted.

(Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

§ 10-3.6. Implementation of the West Kaua'i Community Plan.

The West Kaua'i Community Plan shall serve as a guide for all development within the West Kaua'i area.

(Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

SECTION 5. The Planning Department is directed to note the changes on the official Zoning Maps on file with the Department.

SECTION 6. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 7. This Ordinance shall take effect upon its approval.

Introduced by:

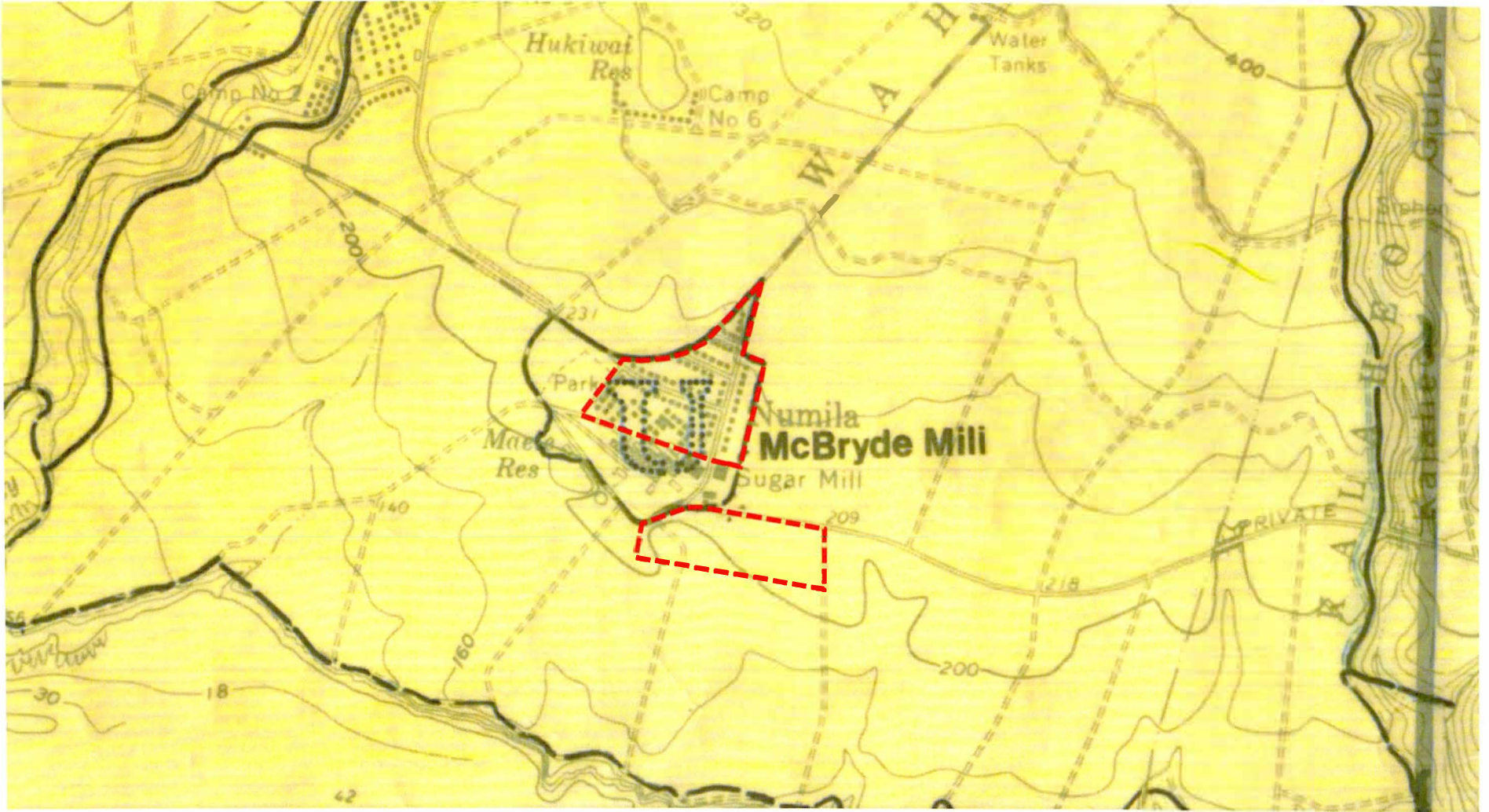
(By Request)

DATE OF INTRODUCTION:

Līhu'e, Kaua'i, Hawai'i

Exhibit A

Location Map

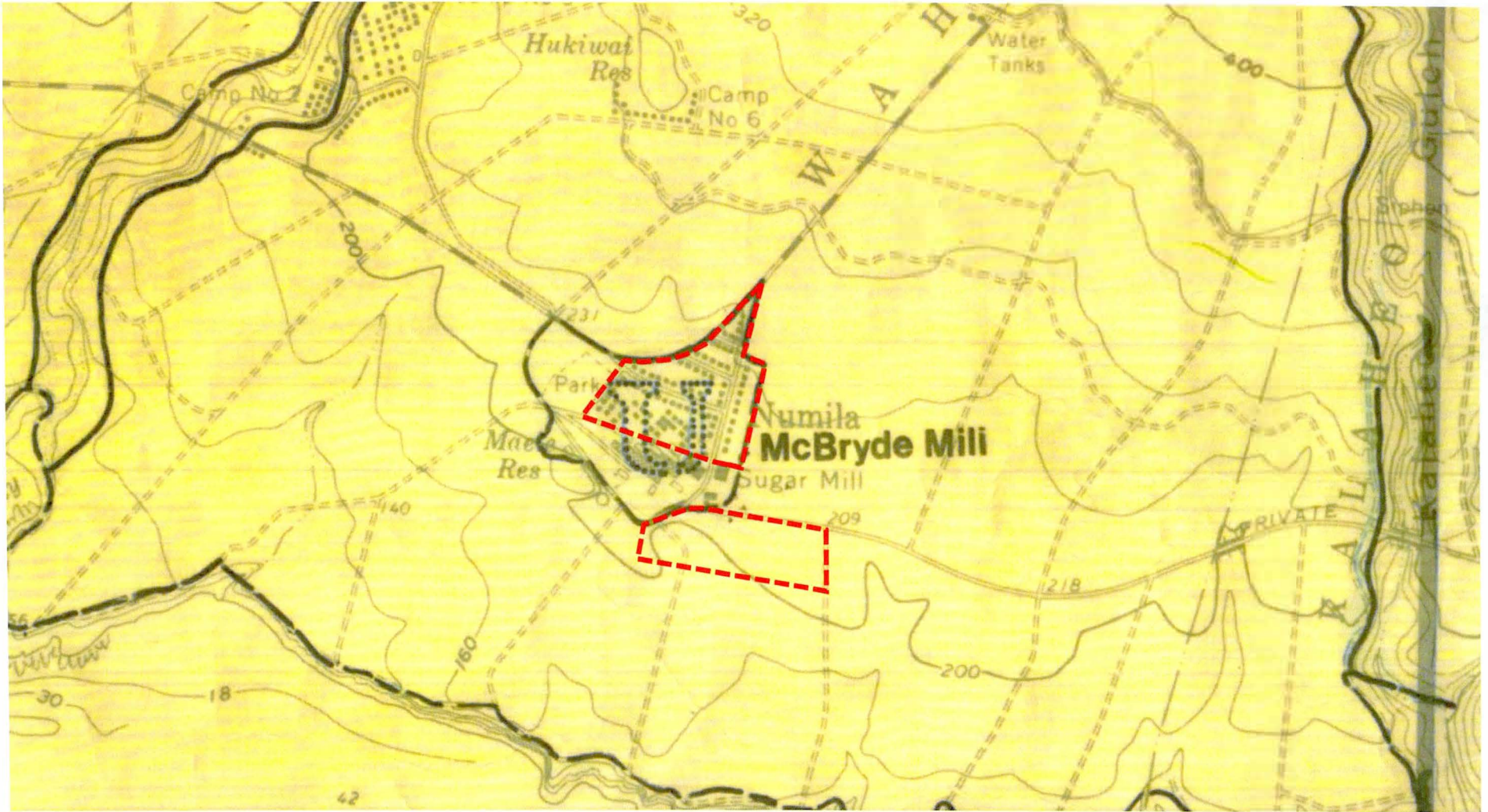


Zoning Amendment Location Map

 Amendment Boundaries

Exhibit B

Location Map



Zoning Map ZM-NC-100 (Numila Camp)



SPA-P Boundary - Numila Plantation Camp Walkable Mixed Use District
Wahiawa, Kauai, Hawaii

Exhibit C



Numila Camp Form-Based Code

Prepared by the County of Kaua'i Planning Department



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Sub-Article 1.1 Purpose

1.1.010 Purpose and Intent

The Numila Form-Based Code guides development in a manner consistent with the goals of the West Kaua'i Community Plan and County of Kaua'i General Plan. This Form-Based Code provides a regulatory framework to regenerate development that is inspired by Numila Plantation Camp.

The Code is guided by policy that supports new construction of plantation homes that are inspired by several historic building types that were once located throughout the Numila Plantation Camp. The intent of the code is to allow new infill construction to be in keeping with the form and character of the former plantation camp and to provide affordable housing stock that can support agricultural activity. Specifically, the code:

- A. Promotes and enhances existing community design and development patterns that reflect the distinct character of the historic plantation camp at Numila;
- B. Promotes and maintains workforce housing stock.
- C. Encourages appropriately-scaled infill development that is located within or near the historic confines of the camp.

1.1.020 Using Zoning to Reinforce West Kaua'i's Places

Zoning is a tool that can be used to help implement the community's vision of a place. Form-Based Code is one form of zoning tool that emphasizes the physical form and character over the separation of use. This provides an alternative approach to Euclidean zoning, which is the type of zoning in the CZO (Chapter 8 of the Kaua'i County Code 1987, as amended). Kaua'i has five distinct place types based on historic settlement patterns. They include the following:

- A. Rural crossroads;
- B. Plantation camps;
- C. Small village;
- D. Large village;
- E. Town.

As it pertains to plantation camps, Form-Based Code can activate former plantation camp lands and allow for new construction to be developed in a manner that will be in keeping with the historic plantation camps that once thrived in these areas.

1.1.030 Plantation Camp Place Type

During the Plantation era, workers lived in plantation camps located near or adjacent to the sugar mills and cane fields. These camps were built to a pedestrian-oriented scale that made it possible to traverse by foot to work and services. The fields that surrounded the towns provided a *de facto* greenbelt. The relationship between the plantation camps and agricultural lands reinforced the region's rural identity. Even with the rise of the automobile and the trend of suburban development patterns, the legacy of these camps remains in West Kaua'i.

The 2018 General Plan identifies existing plantation camps in the Future Land Use Map. The Plantation Camp is defined as an historic remnant of former plantation housing that is not connected to an existing town and is surrounded by the agricultural district. Some plantation camps were demolished and have since reverted to agricultural uses. Today's remaining plantation camps are clusters of houses with little or no retail or public facilities. Five plantation camps are designated in the General Plan and include Numila, Kaumakani Village, Kaumakani Avenue, Ka'awanui Camp, and Pakala Camp. Plantation camps are important vestiges of Kaua'i's sugar plantation history. Each camp maintains a unique sense of identity and has features and qualities that its residents would like to see preserved.

Until recently, the County zoning for these areas was "Agriculture". The 2021 West Kaua'i Community Plan (WKCP) updated the County zoning for those plantation camps located within the SLUD-Urban District, which include Numila, Kaumakani Village, Kaumakani Avenue, and Pakala Camp. Two new zoning districts were created in the WKCP: Plantation Camp District and Special Treatment – Coastal Edge District.

Numila:

The Numila Plantation Camp, also known as "Camp 9", "Mill Camp", and "New Mill", was once part of a thriving network of eighteen camps that provided housing for employees of the McBryde Sugar Plantation. Numila, which developed closest to the mill, is the last remaining plantation camp on former McBryde lands and at one point in time had approximately 185 dwellings with a population of 700-750 people (A&B, 2023). The Numila Plantation Camp was broken down into three main sections of housing: 9-A for skilled labor and lunas and 9-B and 9-C for laborers who worked at the mill (A&B, 2023). Many of the camp homes were simple, single-family residences that were occupied by a diversity of ethnic groups that worked for the plantation. In addition to dwellings, Numila Plantation Camp had other amenities such as a camp store, gas station, movie theatre, pool hall/ club house, bath house, barber shop, clinic, and at least one church (A&B, 2023).

Alexander & Baldwin, Inc. (2023) *Numila Camp Closure and Removal Project Summary*.

1.1.040 The West Kauai Numila Camp Transect

The Form Based Code transect is an organizing principle used in form-based code that establishes a hierarchy of zones, which contain places and building types and replaces use as the organizing principle. Typically, the model transect is divided into six transect zones or T-zones: Natural (T1), Rural (T2), Sub-Urban (T3), General Urban (T4), Urban Center (T5), and Urban Core (T6). However, Kaua'i's various form based codes that were instituted in several town cores and plantation camps contain only four transects (T1 to T4).

The Numila Camp Form-Based Code uses transect zones to create new, compatible neighborhoods that are inspired by the former historic plantation camp of Numila. Each transect zone has its own set of standards that will help to guide the desired form and character of an area that will be inspired by the historic uses and building types that once occupied these areas. The Numila Form Based Code contains transects that comprise a special district due to its unique pattern unlike other Kaua'i form base code transects.

The West Kauai Numila Camp Transect Zones:

- A. T3 Numila – Plantation Camp (T3N-PC) The form and character of this transect zone will be primarily one-story, single-family residences with accessory structures located to the rear of the single-family residences. This transect zone will also maintain similar features to the historic plantation camp layout in terms of setbacks, scale, and massing. Historically, the boundaries of this transect zone was formerly known as the Camp 9-B section of Numila Plantation Camp, which housed laborers.
- B. T3 Numila Luna – Plantation Camp (T3NL-PC) - The form and character of this transect zone will be primarily for one story, medium to large sized dwelling units that may be used as single family residences or multi-family units. Historically, the boundaries of this transect was formerly known as the Camp 9-A section of Numila Plantation Camp. Camp 9-A housed skilled labor and supervisors or “luna”.
- C. T3 Numila HSPA – Plantation Camp (T3H-PC) - The form and character of this transect zone will be a concentration of smaller housing units surrounding the existing mill and agricultural buildings. Historically, the boundaries of this transect was formerly known as the older Camp 9-B section of Numila Plantation Camp, which housed laborers.
- D. T3 Numila Flex – Plantation Camp (T3NF-PC) – The form and character of this transect zone supports a limited amount of new development that is compatible with the historic neighborhood design of the Numila Camp and of West Kaua'i communities. New development will provide an opportunity for new single family and multifamily buildings that will integrate compatible medium-density residential building types, such as a multiplex small, with historic building types.

1.1.050 **Lack of Lot Lines**

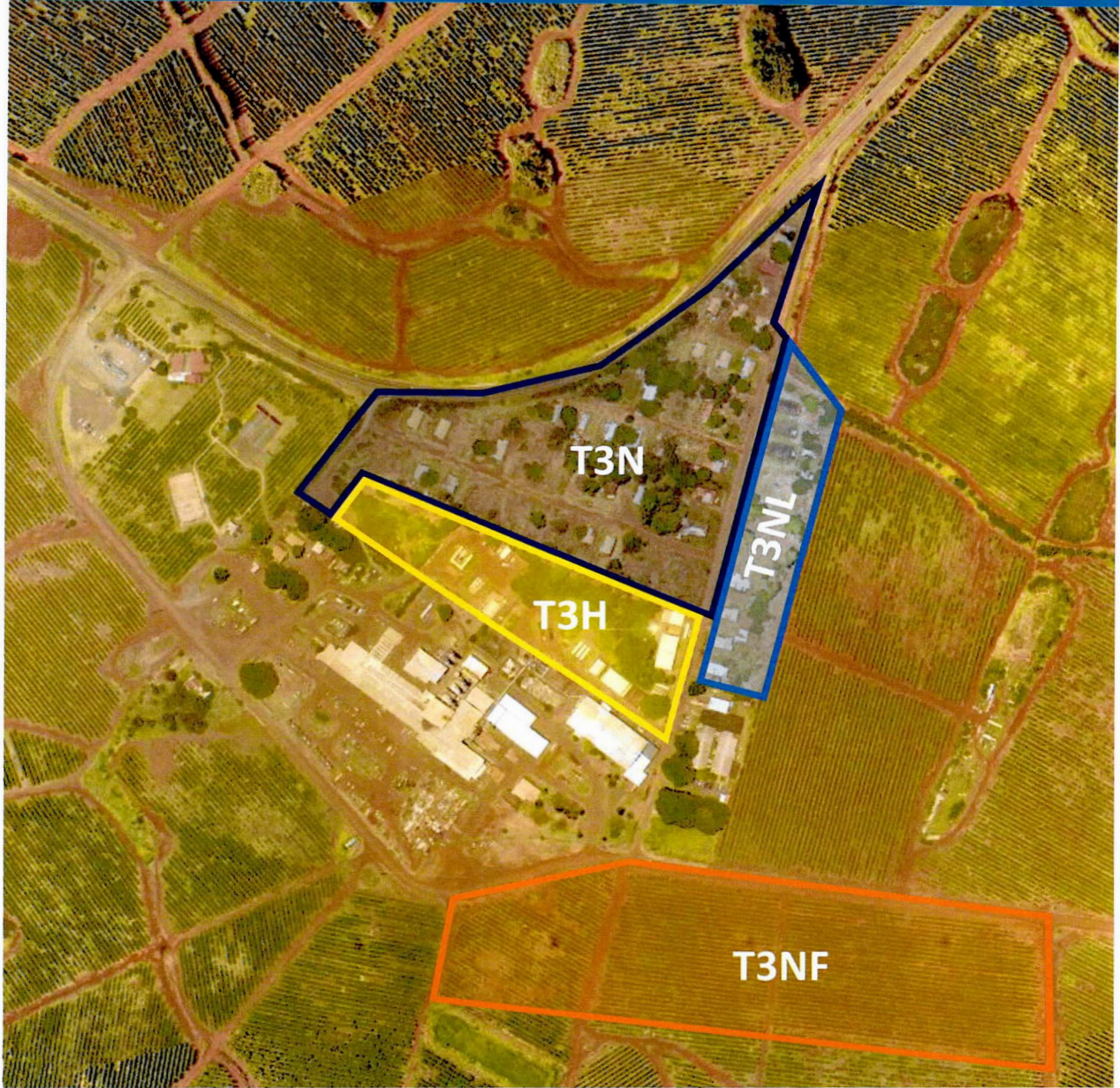
Design standards for form-based codes generally promote and facilitate orientation of structures to public roads and civic spaces that facilitate an interface between the private and the public realm. In particular, form-based codes rely on setbacks and build-to-lines in relation to lot lines to orient proposed structures with public areas. Unique to the subject Numila Form-Based Code Transects is that they overlay one large single lot of record. The subject Numila Transects and their corresponding dwellings and structures are not separated by individual lot lines. Without individual lot lines, the subject Code utilizes building-to-building and building-to-thoroughfare standards to establish the interface between the private and public realm. This approach is unique but necessary to achieve a high-quality public realm inherent within the existing plantation camp environment.

Sub-Article 1.2 Transect Map

1.2.010 Transect Map

The transect zones established in this Article are mapped on the Transect Map on the following page:

Figure 1.2.010 Numila Transect Map



- T3N Numila – Plantation Camp
- T3NL Numila Luna – Plantation Camp
- T3H Numila – HSPA – Plantation Camp
- T3NF Numila Flex – Plantation Camp

Article 2: Transect Descriptions and Building Types

Sub-Article 2.1: Numila Transect Zone Descriptions	12-19
2.1.010 T3 Numila – Plantation Camp (T3N-PC)	12-13
2.1.020 T3 Numila Luna – Plantation Camp (T3NL-PC)	14-15
2.1.030 T3 Numila HSPA – Plantation Camp (T3H-PC)	16-17
2.1.040 T3 Numila Flex – Plantation Camp (T3NF-PC)	18-19

2.1.010 T3 Numila - Plantation Camp (T3N-PC)



General note: the illustration above is intended to provide a brief overview of the transect zone and is descriptive in nature.

A. Transect Zone Intent and Description

This Zone maintains the historical pattern and intensity of the Numila Plantation Camp while allowing new construction to occur on sites that were previously demolished.

B. Building Types

1. Permissible Building Types Standards

- | | |
|---------------------------------|---------|
| i. Numila Cottage | 2.2.010 |
| ii. *Community Parking Facility | 2.2.080 |

- Except for accessory structures, all other building types are prohibited.

C. Use Table

- | | |
|---------------------|---------------|
| i. Residential Uses | Permitted Use |
| ii. Home Businesses | Permitted Use |

- Residential use within the Numila Cottage building type is the only permissible use within this transect. Home businesses are a permissible residential use within a Numila Cottage. All other uses are prohibited.

T3 Numila - Plantation Camp (T3N-PC)**D. Building Placement****1. Front Thoroughfare Setbacks**

- i. There is a 20 foot minimum setback from the front thoroughfare.
- ii. There is a 35 foot maximum setback from the front thoroughfare.

2. Building-to-Building Setbacks

- i. There is a 30 foot minimum setback between cottages.
- ii. There is 10 foot minimum setback from all structures (i.e., from cottages or other accessory structures)

3. Side Thoroughfare Setbacks

- i. There is a 20 foot minimum setback from the side thoroughfare for cottages.
- ii. There is a 35 foot minimum setback from the side thoroughfare for accessory structures.

4. Building Placement Notes

- i. Fences may encroach into the front or side setback; however, fences shall not exceed 4 feet in height.

E. Parking**1. Required Spaces**

- i. 1 off-thoroughfare parking stall is required per cottage.
- ii. Each cottage shall have a detached garage or carport.
- iii. Garage or carport structures may be shared between 2 cottages, and these shared garages shall accommodate at least 2 vehicles.

2. Parking Setback

- i. All off-thoroughfare parking areas shall be setback behind the respective cottage's rear wall.

F. Accessory Structures

- i. Non-habitable detached accessory structures do not require a building type and shall be located behind the rear of the building.
- ii. Accessory structures are allowed throughout this transect.
- iii. Accessory structures shall not exceed 600 square feet in size.
- iv. Accessory structures shall be limited to no more than 2 per building.
- v. Permissible roof types for accessory structures are Gable, Hip, Flat, and single-sloping shed roofs.
- vi. All Accessory Structures shall have a maximum of 9 feet from the finished floor to top of wall plate.

G. *Community Parking Facility

- i. The Community Parking Facility may be constructed to accommodate the required parking stalls.
- ii. There is a 10 foot minimum setback from the front thoroughfare for the Community Parking Facility.

2.1.020 T3 Numila Luna - Plantation Camp (T3NF-PC)



General note: the illustration above is intended to provide a brief overview of the transect zone and is descriptive in nature.

A. Transect Zone Intent and Description

This Zone maintains the historical pattern and intensity of the Numila Plantation Camp while allowing new construction to occur on sites that were previously demolished.

B. Building Types

1. Permissible Building Types	Standards
i. Luna Cottage I	2.2.020
ii. Luna Cottage II	2.2.030
iii. *Community Parking Facility	2.2.080

- With the exception of accessory structures, all other building types are prohibited.

C. Use Table

i. Residential Uses	Permitted Use
ii. Home Businesses	Permitted Use
iii. Dormitory	Permitted Use

- Residential use within the building types is the only permissible use within this transect. Home businesses are a permissible residential use within the above building types. All other uses are prohibited.

T3 Numila Luna - Plantation Camp (T3NL-PC)**D. Building Placement****1. Front Thoroughfare Setbacks**

- i. There is a 20 foot minimum setback from the front thoroughfare.
- ii. There is a 35 foot maximum setback from the front thoroughfare.

2. Building-to-Building Setbacks

- i. There is a 30 foot minimum setback between cottages.
- ii. There is 10 foot minimum setback from all structures (i.e., from cottages or other accessory structures)

4. Building Placement Notes

- i. Fences may encroach into the front or side setback; however, fences shall not exceed 4 feet in height.

E. Parking**1. Required Spaces**

- i. 1 off-thoroughfare parking stall is required per cottage.
- ii. Each cottage shall have a garage or carport.
- iii. Garage or carport structures may be shared between 2 cottages, and these shared garages shall accommodate at least 2 vehicles.

2. Parking Setback

- i. All off-thoroughfare parking areas shall be setback behind the respective building type's rear wall.

F. Accessory Structures

- i. Non-habitable detached accessory structures do not require a building type and shall be located behind the rear of the building.
- ii. Accessory structures are allowed throughout this transect.
- iii. Accessory structures shall not exceed 600 square feet in size.
- iv. Accessory structures shall be limited to no more than 2 per building.
- v. Permissible roof types for accessory structures are Gable, Hip, Flat, and single-sloping shed roofs.
- vi. All Accessory Structures shall have a maximum of 9 feet from the finished floor to top of wall plate.

G. *Community Parking Facility

- i. The Community Parking Facility may be constructed to accommodate the required parking stalls.
- ii. There is a 10 foot minimum setback from the front thoroughfare for the Community Parking Facility.

2.1.030 T3 Numila HSPA - Plantation Camp (T3NH-PC)



General note: the illustration above is intended to provide a brief overview of the transect zone and is descriptive in nature.

A. Transect Zone Intent and Description

This zone continues the historical pattern and intensity of the Numila plantation camp through the HSPA Cottage Building Type.

B. Building Types

1. Permissible Building Types Standards

i. HSPA Cottage	2.2.040
ii. *Community Parking Facility	2.2.080

- With the exception of accessory structures, all other building types are prohibited.

C. Use Table

i. Residential Uses	Permitted Use
ii. Home Businesses	Permitted Use

- Residential use within the HSPA Cottage is the only permissible use within this transect. Home businesses are a permissible residential use within a HSPA Cottage. All other uses are prohibited.

T3 Numila HSPA- Plantation Camp (T3NH-PC)**D. Building Placement****1. Front Thoroughfare Setbacks**

- i. There is a 5 foot minimum setback from the front thoroughfare.
- ii. There is a 10 foot maximum setback from the front thoroughfare.

2. Building-to-Building Setbacks

- i. There is a 10 foot minimum setback between cottages.
- ii. There is 10 foot minimum setback from all structures (i.e., from cottages or other accessory structures)

3. Side Thoroughfare Setbacks

- i. There is a 10 foot minimum setback from the side thoroughfare for cottages.
- ii. There is a 10 foot minimum setback from the side thoroughfare for accessory structures.

4. Building Placement Notes

- i. Fences may encroach into the front or side setback; however, fences shall not exceed 4 feet in height.

E. Parking**1. Required Spaces**

- i. 1 off-thoroughfare parking stall is required per HSPA Cottage. The required stall can be located in a Community Parking Facility.

F. Accessory Structures

- i. Non-habitable detached accessory structures do not require a building type and shall be located behind the rear of the building.
- ii. Accessory structures are allowed throughout this transect.
- iii. Accessory structures shall not exceed 600 square feet in size.
- iv. Accessory structures shall be limited to no more than 2 per building.
- v. Permissible roof types for accessory structures are Gable, Hip, Flat, and single-sloping shed roofs.
- vi. All Accessory Structures shall have a maximum of 9 feet from the finished floor to top of wall plate.

G. *Community Parking Facility

- i. The Community Parking Facility may be constructed to accommodate the required parking stalls.
- ii. There is a 10 foot minimum setback from the front thoroughfare for the Community Parking Facility.

2.1.040 T3 Numila Flex - Plantation Camp (T3NF-PC)



General note: the illustration above is intended to provide a brief overview of the transect zone and is descriptive in nature.

A. Transect Zone Intent and Description

This zone is adjacent to the historic Numila Camp residential footprint and allows for a nominal expansion of the area for residential purposes while preserving the form and character of the historic camp (See Figure 1.2.010 on page 10).

B. Building Types

1. Permissible Building Types	Standards
i. Numila Cottage	2.2.010
ii. Luna Cottage I	2.2.020
iii. Luna Cottage II	2.2.030
iv. HSPA Cottage	2.2.040
v. Duplex	2.2.050
vi. Multiplex Small	2.2.060
vii. Dormitory	2.2.070
viii. *Community Parking Facility	2.2.080

- With the exception of accessory structures, all other building types are prohibited.

C. Use Table

i. Residential Uses	Permitted Use
ii. Home Businesses	Permitted Use
iii. Dormitory	Permitted Use
<ul style="list-style-type: none"> • Residential use within the HSPA Cottage is the only permissible use within this transect. Home businesses are a permissible residential use within a HSPA Cottage. All other uses are prohibited. 	

T3 Numila Flex - Plantation Camp (T3NF-PC)**D. Building Placement****1. Front Thoroughfare Setbacks**

- i. There is a 10 foot minimum setback from the front thoroughfare.

2. Building-to-Building Setbacks

- i. There is a 5 foot minimum setback between buildings or accessory structures.

3. Side Thoroughfare Setbacks

- i. There is a 10 foot minimum setback from the side thoroughfare.

4. Building Placement Notes

- i. Fences may encroach into the front or side setback; however, fences shall not exceed 4 feet in height.

E. Parking**1. Required Spaces**

- i. 1 off-thoroughfare parking stall is required per building. The required stall can be located in a Community Parking Facility.

F. Accessory Structures

- i. Non-habitable detached accessory structures do not require a building type and shall be located behind the rear of the building.
- ii. Accessory structures are allowed throughout this transect.
- iii. Accessory structures shall not exceed 600 square feet in size.
- iv. Accessory structures shall be limited to no more than 2 per building.
- v. Permissible roof types for accessory structures are Gable, Hip, Flat, and single-sloping shed roofs.
- vi. All Accessory Structures shall have a maximum of 9 feet from the finished floor to top of wall plate.

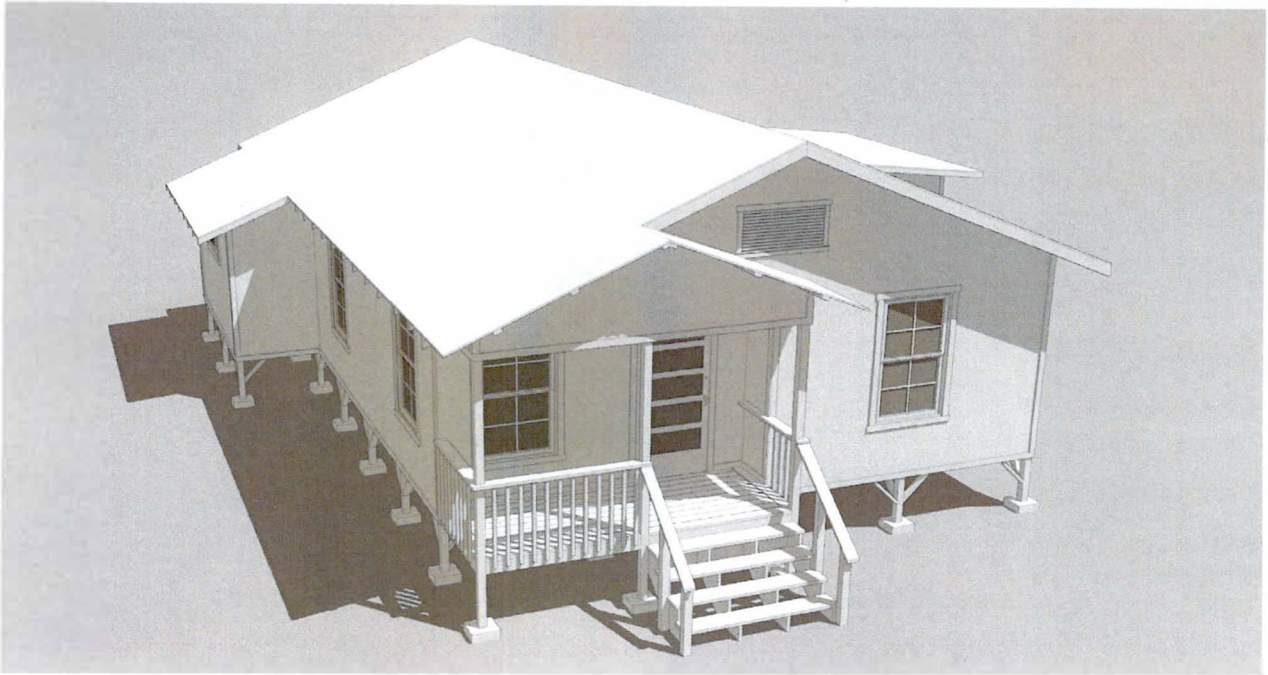
G. *Community Parking Facility

- i. The Community Parking Facility may be constructed to accommodate the required parking stalls.
- ii. There is a 10 foot minimum setback from the front thoroughfare for the Community Parking Facility.

Article 2: Transect Descriptions and Building Types

Sub-Article 2.2: Numila Camp Building Types		21-35
2.2.010	Numila Cottage	21-22
2.2.020	Luna Cottage I	23-24
2.2.030	Luna Cottage II	25-26
2.2.040	HSPA Cottage	27-28
2.2.050	Duplex	29-30
2.2.060	Multiplex Small	31-32
2.2.070	Dormitory	33
2.2.080	Community Parking Facility	35

2.2.010 Numila Cottage



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Numila Cottage: This building type is a medium-sized detached residential structure, and it is used for single family occupancy. This building type is inspired by the various plantation camp homes that were located throughout Camp 9-B, which housed laborers. Some of the homes in the Camp 9-B section were originally relocated from the Camp 9-C portion of Numila Plantation Camp.

B. Building Size and Massing

1. Massing

- i. A Numila Cottage shall have 1 main body section.
- ii. No more than 1 main body is permissible for each Numila Cottage.
- iii. A Numila Cottage may have 1 wing attached to the main body.
- iv. The wing shall be located entirely along 1 of the main body's side walls.

2. Main Body

- i. The minimum width of the main body shall be 22 feet and a maximum of 26 feet.
- ii. The minimum depth of the main body shall be 28 feet and a maximum of 40 feet.

B. Building Size and Massing (continued)

3. Wing(s)

- i. The width of the wing shall be no more than 4 feet maximum.
- ii. The depth of the wing shall be no more than 12 feet maximum.

C. Building Frontages

- i. A Numila Cottage shall have at least 1 frontage type.
- ii. The permissible frontage types are: Lānai, Projecting; Lānai, Engaged; Lānai, Hybrid. All other frontage types are prohibited.

D. Building Rear Exit

- i. A Numila Cottage may a Rear Exit type. The permissible Rear Exit types are: Rear Exit, Stoop; Rear Exit, Engaged; Rear Exit, Enclosed.

E. Pedestrian Access

- i. The main entrance location shall be located in the frontage of the Numila Cottage.

2.2.010 Numila Cottage**F. Foundation**

- i. The Numila Cottage shall have a post-on-pier foundation that does not exceed 4 feet, except as required by the County of Kauai Floodplain Management Program.

G. Fenestration

- i. All windows shall be single or double hung.
- ii. As an exception, slider windows may be granted for kitchens or bathrooms; however, slider windows shall not face the front thoroughfare.

H. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

I. Height

- i. The Numila Cottage shall have a maximum height of 9 feet from the finished floor to the top of wall plate.
- ii. Finished grade at the main entry shall not be greater than 4 feet above existing grade.

J. Roof**1. Roof Pitch**

- i. The Numila Cottage roof pitch ratios shall be set at a 5:12 or 6:12 pitch.

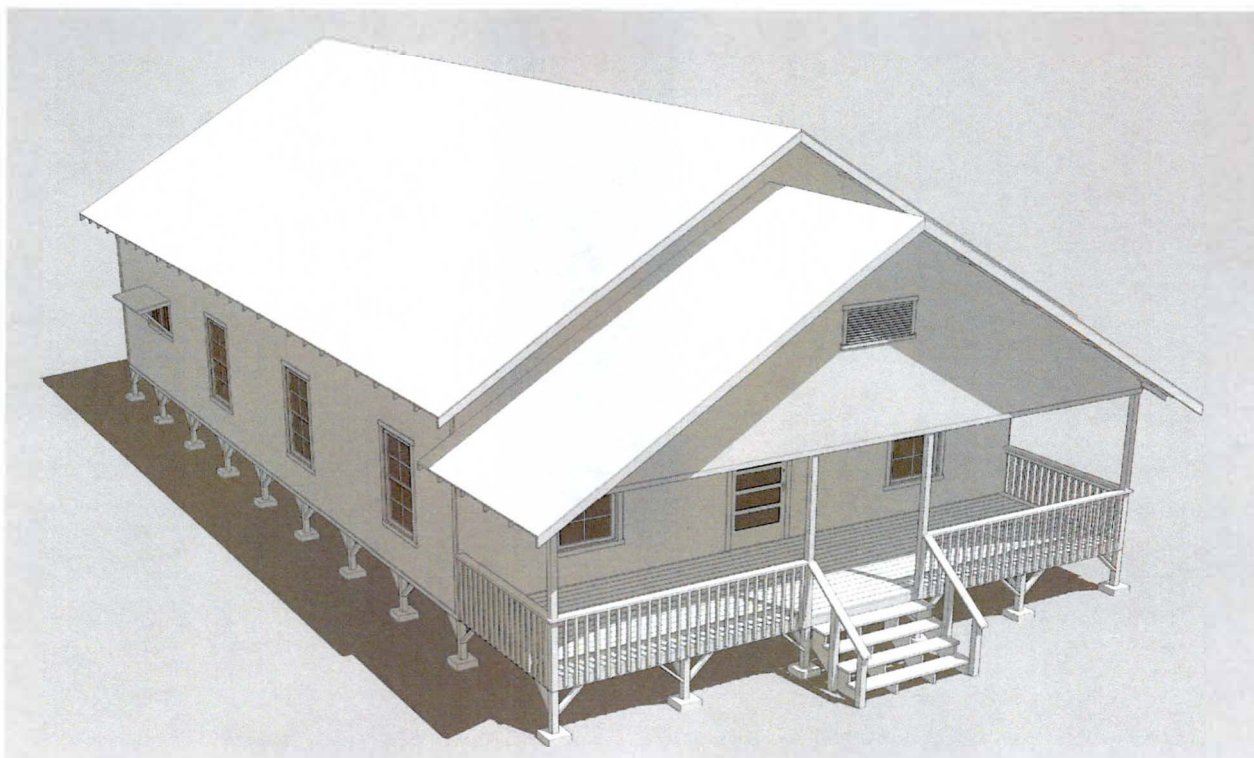
2. Roof Material Type

- i. The Numila Cottage roof materials shall be corrugated metal.

3. Miscellaneous

- i. The Numila Cottage roof types shall be Gable, Hip, or Dutch-Gable.
- ii. Gable roofs shall have a decorative vent feature that does not have to be wood. The decorative vent shall include a fire mesh.

2.2.020 Luna Cottage I



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Luna Cottage I: This building type is a medium-to-large-sized detached residential structure, and it may be used for single family occupancy or dormitory uses. This building type is inspired by the Camp 9-A building type found in House #164, 165, and 166, which housed skilled labor and supervisors or “luna”.

B. Building Size and Massing

1. Massing

- i. A Luna Cottage I shall have 1 main body section.
- ii. No more than 1 main body is permissible for each Luna Cottage I.
- iii. Wings are prohibited on the Luna Cottage I.

2. Main Body

- i. The minimum width of the main body shall be 24 feet and a maximum of 30 feet.
- ii. The minimum depth of the main body shall be 34 feet and a maximum of 48 feet maximum.

C. Building Frontages

- i. A Luna Cottage I shall have at least 1 frontage type. The permissible frontage type is Lānai, Projecting.

D. Building Rear Exit

- i. A Luna Cottage I may have a Rear Exit. The permissible Rear Exit types are: Stoop; Rearage, Enclosed. All other rearage types are prohibited.

E. Pedestrian Access

- i. The main entrance shall be located in the front of the Luna Cottage I.

F. Foundation

- i. The Luna Cottage I shall have a post-on-pier foundation that does not exceed 4 feet, except as required by the County of Kauai Floodplain Management Program.

2.2.020 Luna Cottage I**G. Fenestration**

- i. All windows shall be single or double hung.
- ii. As an exception, slider windows may be granted for kitchens or bathrooms; however, slider windows shall not face the front thoroughfare.

H. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

I. Height

- i. The Luna Cottage I shall have a maximum height limit of 12 feet from the finished floor to the top of wall plate.

J. Roof**1. Roof Pitch**

- i. The Luna Cottage I roof pitch ratios shall be set at 8:12.

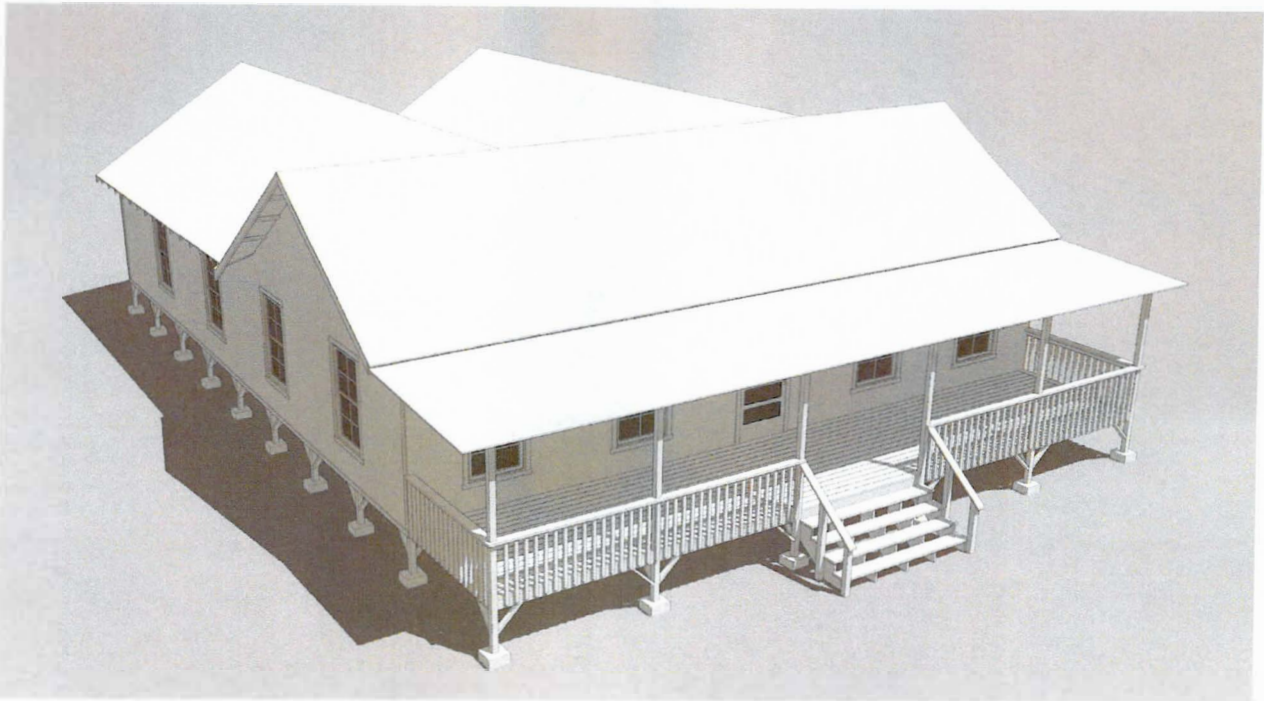
2. Roof Material Type

- i. The Numila Cottage shall be corrugated metal.

3. Miscellaneous

- i. The Luna Cottage I roof type shall be Gable.
- ii. Gable roofs shall have a decorative vent feature that does not have to be wood. The decorative vent shall include a fire mesh.

2.2.030 Luna Cottage II



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Luna Cottage II: This building type is a medium-to-large-sized detached residential structure, and it may be used for single family occupancy or dormitory uses. This building type is inspired by the Camp 9-A building type in House #152, which housed skilled labor and supervisors or “luna”.

B. Building Size and Massing

1. Massing

- i. A Luna Cottage II shall have 1 main body section.
- ii. No more than 1 main body is permissible for each Luna Cottage II.
- iii. A Luna Cottage II may have multiple wings attached to the main body.
- iv. The wing shall be attached to the rear of the main body.

B. Building Size and Massing (continued)

2. Main Body

- i. The width of the main body shall be a maximum of 40 feet.
- ii. The depth of the main body shall be a maximum of 20 feet.

3. Wing(s)

- i. The width of the wings shall be a maximum of 20 feet.
- ii. The depth of the wings shall be a maximum of 30 feet.

C. Building Frontages

- i. A Luna Cottage II shall have at least one frontage type. The permissible frontage type is Lānai, Projecting.
- ii. The frontage shall span the entire width of the main body.

D. Building Rear Exit

- i. A Luna Cottage II may have a Rear Exit type. The permissible Rear Exit types are: Stoop; Rearage, Enclosed. All other Rear Exit types are prohibited.

2.2.030 Luna Cottage II**E. Pedestrian Access**

- i. The main entrance location shall be located in the front of the Luna Cottage II.

F. Foundation

- i. The Luna Cottage II shall have a post-on-pier foundations that does not exceed 4 feet, except as required by the County of Kauai Floodplain Management Program.

G. Fenestration

- i. All windows shall be single or double hung.
- ii. As an exception, slider windows may be granted for kitchens or bathrooms; however, slider windows shall not face the front thoroughfare.

H. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

I. Height

- i. The Luna Cottage II shall have a maximum height limit of 9 feet from the finished floor to the top of wall plate.

J. Roof**1. Roof Pitch**

- i. The Luna Cottage II roof pitch ratios shall be set at 8:12.

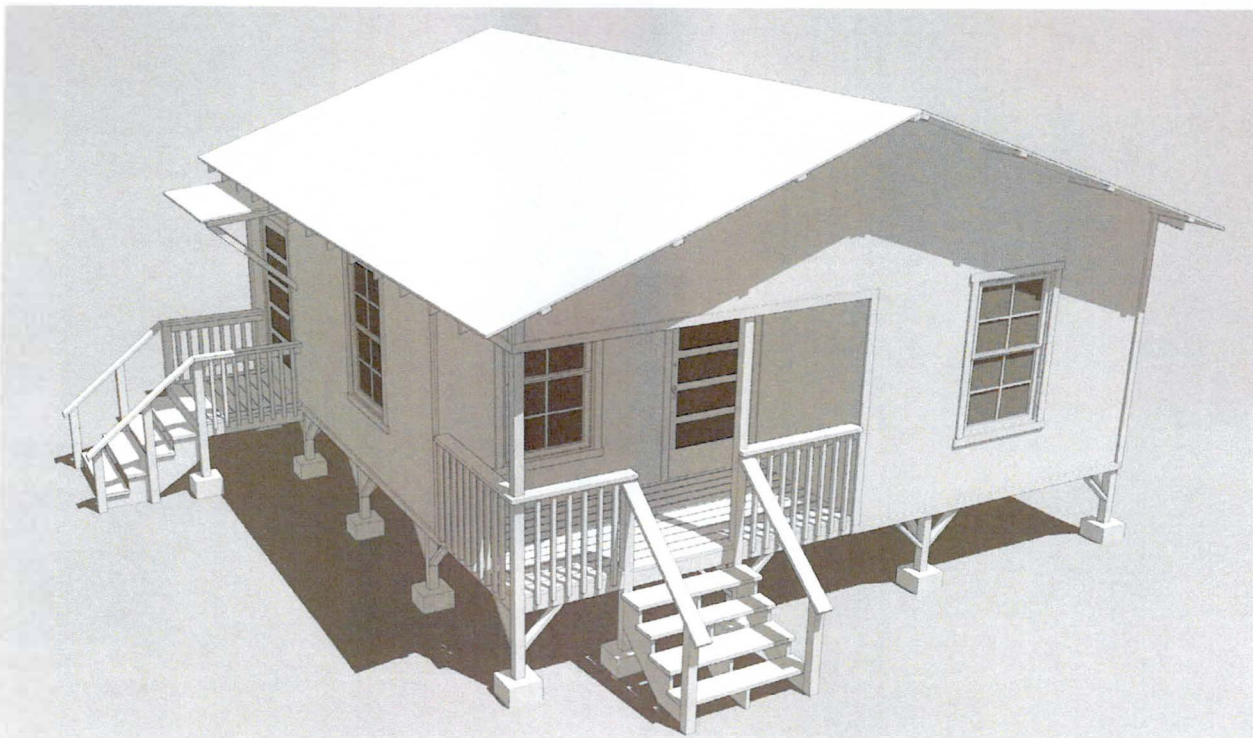
2. Roof Material Type

- i. The Luna Cottage II roof materials shall be corrugated metal.

3. Miscellaneous

- i. The Luna Cottage II roof type shall be Gable.
- ii. Gable roofs shall have a decorative vent feature that does not have to be wood. The decorative vent shall include a fire mesh.

2.2.040 HSPA Cottage



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

HSPA Cottage: This building type is a small-sized detached residential structure, and it is used for single family occupancy. This building type is inspired by the 1920 Hawaiian Sugar Planters' Association (HSPA) Plans for a single-family cottage, which served as the standard floor plan for plantation housing during that time. Some of the homes that were in Camp 9-B generally followed the HSPA 1920 floor plan and were intended for housing field laborers.

B. Building Size and Massing

1. Massing

- i. A HSPA Cottage shall have 1 main body section.
- ii. No more than 1 main body is permissible for each HSPA Cottage.

2. Main Body

- i. The width of the main body shall be 22 feet.
- ii. The depth of the main body shall be 24 feet.

C. Building Frontages

- i. A HSPA Cottage shall have at least 1 frontage type.
- ii. The permissible frontage type is: Lānai, Engaged. All other frontage types are prohibited.

D. Building Rear Exit

- i. A HSPA Cottage may have the Stoop Rear Exit type.

E. Pedestrian Access

- i. The main entrance location shall be located in the front of the HSPA Cottage.

2.2.040 HSPA**F. Foundation**

- i. The HSPA Cottage shall have a post-on-pier foundation that does not exceed 4 feet, except as required by the County of Kauai Floodplain Management Program.

G. Fenestration

- i. All windows shall be single or double hung.
- ii. As an exception, slider windows may be granted for kitchens or bathrooms; however, slider windows shall not face the front thoroughfare.

H. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

I. Height

- i. The HSPA Cottage shall have a maximum height limit of 9 feet from the finished floor to the top of wall plate.

J. Roof**1. Roof Pitch**

- i. The HSPA Cottage roof pitch ratios shall be set at a 4:12 or 5:12 pitch.

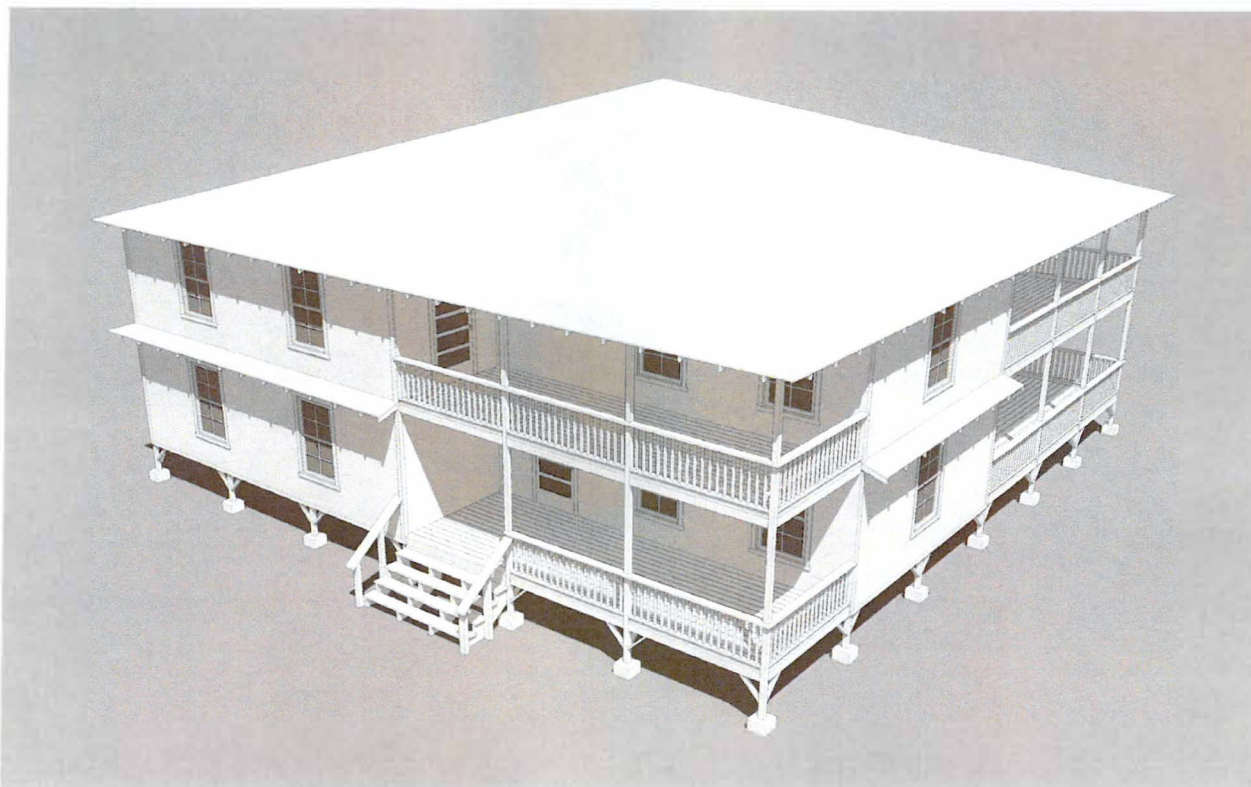
2. Roof Material Type

- i. The HSPA Cottage roof materials shall be corrugated metal.

3. Miscellaneous

- i. The HSPA Cottage roof types shall be Gable.
- ii. Gable roofs shall have a decorative vent feature that does not have to be wood. The decorative vent shall include a fire mesh.

2.2.050 Duplex



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Duplex: This Building type is a small-to-medium sized structure that consist of two side-by-side or stacked dwelling units, both facing the street and sharing one common party wall. This type has the appearance of a medium to large single-family home and is appropriately scaled to fit within primarily single-family neighborhoods or medium density neighborhoods. It enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.

B. Building Size and Massing

1. Massing

- i. A Duplex shall have one main body.
- ii. No more than one main body is permissible for each Duplex.
- iii. A Duplex may have a maximum of two wings attached to the main body.
- iv. Wings shall not be attached to each other.

B. Building Size and Massing (continued)

2. Main Body

- i. The width of the main body shall be no more than 48 feet maximum.
- ii. The depth of the main body shall be no more than 40 feet maximum.

3. Wing(s)

- i. The width of the wing shall be no more than 15 feet maximum.
- ii. The depth of the wing shall be no more than 20 feet maximum.
- iii. Where multiple wings are proposed, each wing shall have at least 10 feet of separation from each other respective wing.

C. Building Frontages

- i. A Duplex shall have at least one frontage type per unit. The permissible frontage types are: Lāna‘i, Projecting; Lāna‘i, Engaged; and Stoop. All other frontage types are prohibited.

2.2.050 Duplex**D. Pedestrian Access**

- i. The main pedestrian entries shall be located in the frontage of the Duplex.
- ii. Each unit shall have an individual street-facing entry on the front façade.

F. Fenestration

- i. All windows shall be single or double hung.

G. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

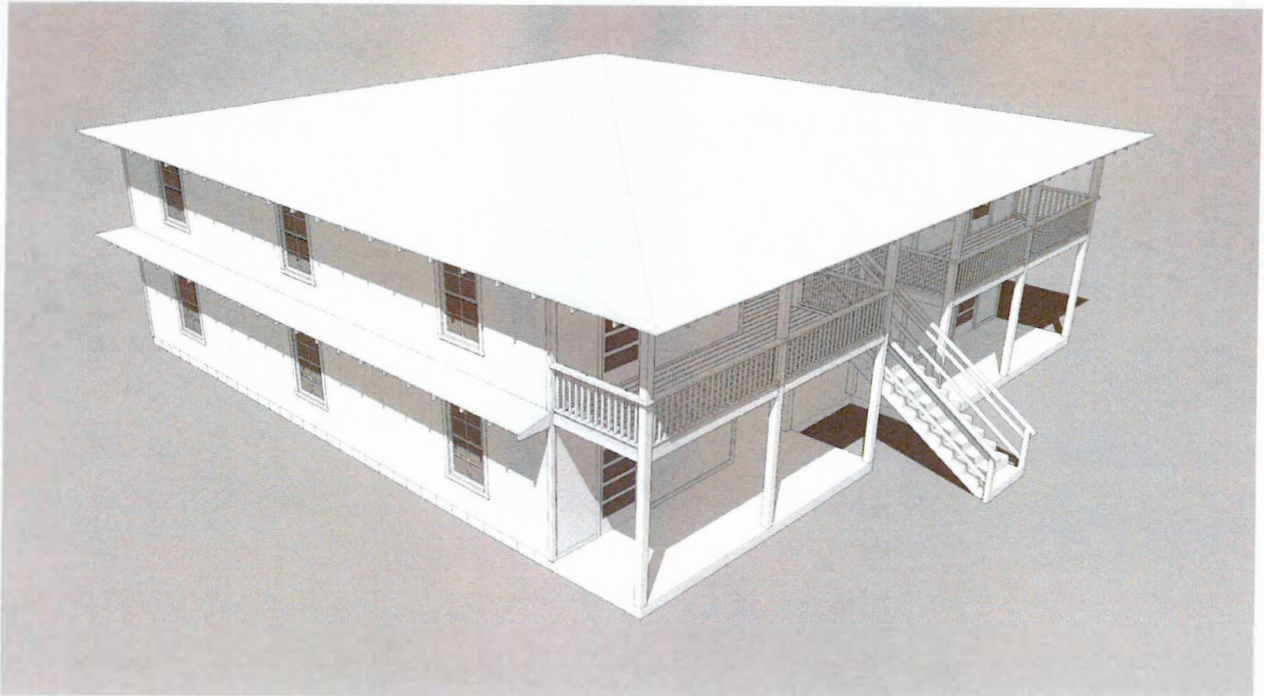
H. Height

- i. The Duplex shall be 30 feet maximum in height from the finished grade to the top of the peak of the roof. Up to four additional feet is permissible to elevate the structure to post on pier. Except as required by the County of Kauai Floodplain Management Program.
- ii. Finished grade at main entry shall not be greater than 4 feet above existing grade.
- iii. The Duplex shall not be greater than two stories in height.

I. Roof

- i. The Duplex roof material shall be corrugated metal.

2.2.060 Multiplex Small



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Multiplex Small: This building type is a medium structure that consists of three to six side-by-side and/or stacked dwelling units, typically with one shared entry or individual entries along the front. This type has the appearance of a medium-sized family home and is appropriately scaled to fit in sparingly within primarily single-family neighborhoods or into medium-density neighborhoods. This type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of house types and promoting walkability.

B. Number of Units

- i. The minimum number of units in a Multiplex Small building is three.
- ii. The maximum number of units in a Multiplex Small building is six.

B. Building Size and Massing

1. Massing

- i. A Multiplex Small building shall have one main body.
- ii. No more than one main body is permissible for each Multiplex Small building.
- iii. Wings shall not be attached to each other.

B. Building Size and Massing (continued)

2. Main Body

- i. The width of the main body shall be no more than 48 feet maximum.
- ii. The depth of the main body shall be no more than 36 feet maximum.

3. Wing(s)

- i. The width of the wing shall be no more than 24 feet maximum.
- ii. The depth of the wing shall be no more than 24 feet maximum.
- iii. Where multiple wings are proposed, each wing shall have at least 10 feet of separation from each other respective wing.

C. Building Frontages

- i. A Multiplex Small building shall have at least one frontage type. The permissible frontage types are: Lāna'i, Projecting; Lāna'i, Engaged; and Stoop. All other frontage types are prohibited.

D. Pedestrian Access

- i. The main pedestrian entries shall be located in the frontage of the Multiplex Small building.

2.2.060 Multiplex Small**E. Fenestration**

- i. All windows shall be single or double hung.

F. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

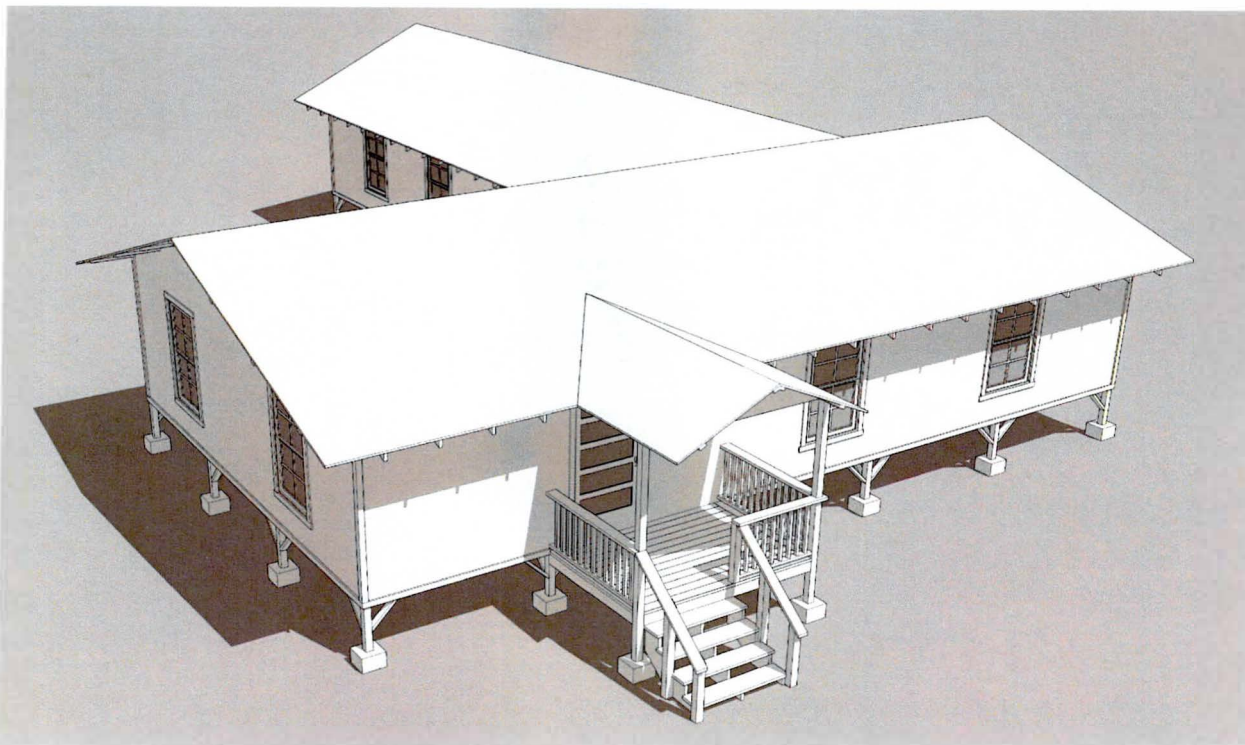
G. Height

- i. The Multiplex Small shall be 30 feet maximum in height from the finished grade to the top of the peak of the roof. Up to four additional feet is permissible to elevate the structure to post on pier. Except as required by the County of Kauai Floodplain Management Program.
- ii. Finished grade at main entry shall not be greater than 4 feet above existing grade.
- iii. The Multiplex Small shall not be greater than two stories in height.

H. Roof

- i. The Multiplex Small roof material shall be corrugated metal.

2.2.070 Dormitory



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Dormitory: This building type is a medium-sized detached residential structure for boarding or residential purposes.

B. Building Size and Massing

1. Massing

- i. A Dormitory shall have one main body.
- ii. No more than one main body is permissible for each Dormitory building type.
- iii. A Dormitory may have a maximum of two wings attached to the main body.
- iv. Wings shall not be attached to each other.

2. Main Body

- i. The width of the main body shall not be greater than 62 feet.
- ii. The depth of the main body shall not be greater than 52 feet.

3. Wing(s)

- i. The width of the wing shall not be greater than 26 feet.
- ii. The depth of the wing shall not be greater than 25 feet.

C. Building Frontages

- i. The Dormitory shall have a Lānaʻi, Projecting. All other frontage types are prohibited.

D. Pedestrian Access

- i. The main entrance location shall be located in the front of the Dormitory.

F. Fenestration

- i. All windows shall be single or double hung.

G. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

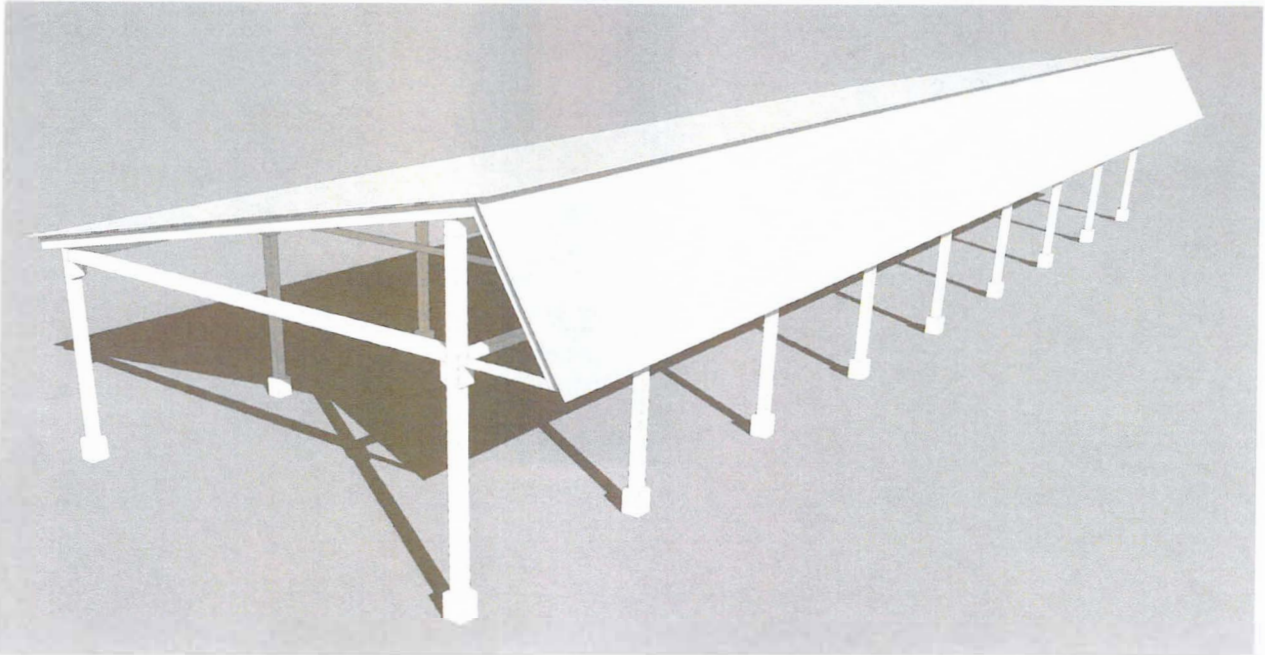
2.2.070 Dormitory**H. Height**

- i. The Dormitory shall be 20 feet maximum in height from the finished grade to the top of the peak of the roof. Up to four additional feet is permissible to elevate the structure to post on pier. Except as required by the County of Kauai Floodplain Management Program.
- ii. Finished grade at main entry shall not be greater than 4 feet above existing grade.
- iii. The Dormitory shall not be greater than one story in height.

I. Roof

- i. The Dormitory roof materials shall be corrugated metal.

2.2.080 Community Parking Facility



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Community Parking Facility: This building type is a detached parking structure and is associated with residential uses.

B. Building Size and Massing

1. Massing

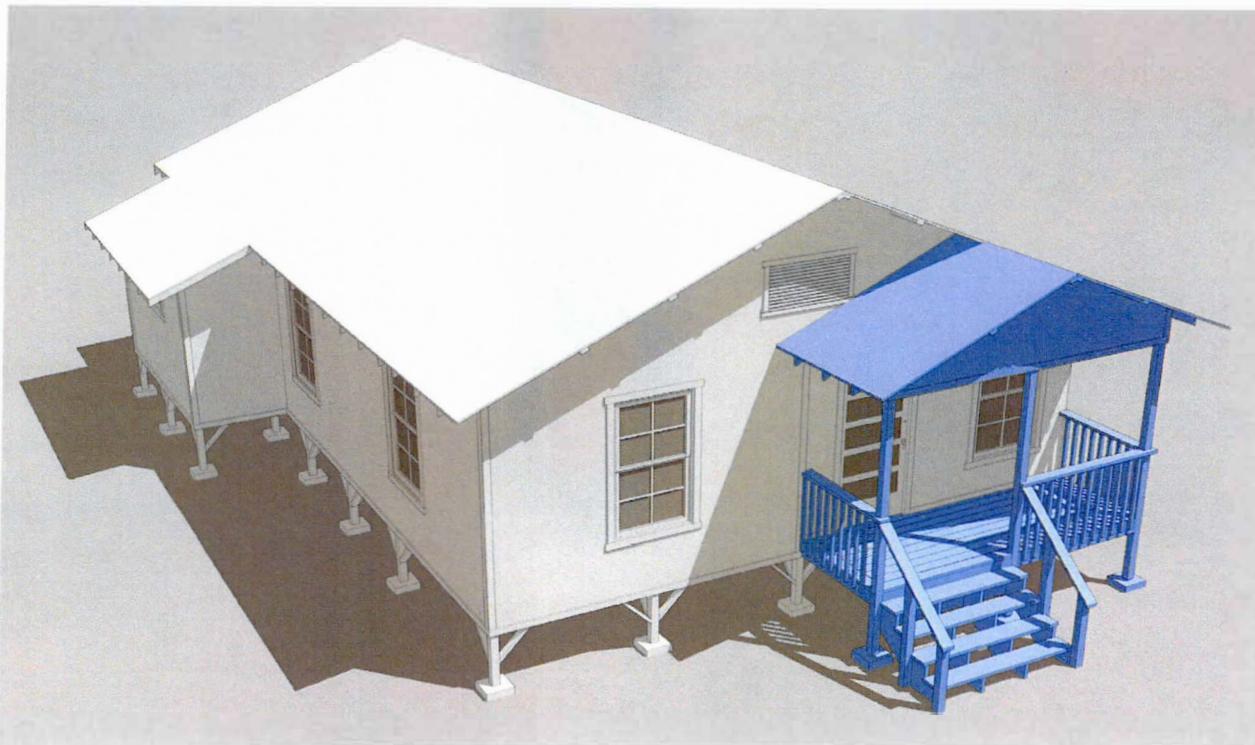
- i. A Community Parking Facility shall have 1 main body section.
- ii. No more than 1 main body is permissible for each Community Parking Facility (BFG).
- iii. The Main body shall not exceed 120 ft in width and 30 feet deep.
- iv. The maximum height shall be no more than 20 ft.



Article 2: Transect Descriptions and Building Types, Frontages

Sub-Article 2.3: Numila Camp Building Type Frontages 37-40

2.3.010	Lānai, Projecting	37
2.3.020	Lānai, Engaged	38
2.3.030	Lānai, Hybrid	39
2.3.040	Stoop	40

2.3.010 Lānai, Projecting

General note: the illustration above is intended to provide a brief overview of the Frontage type and is descriptive in nature.

A. Description

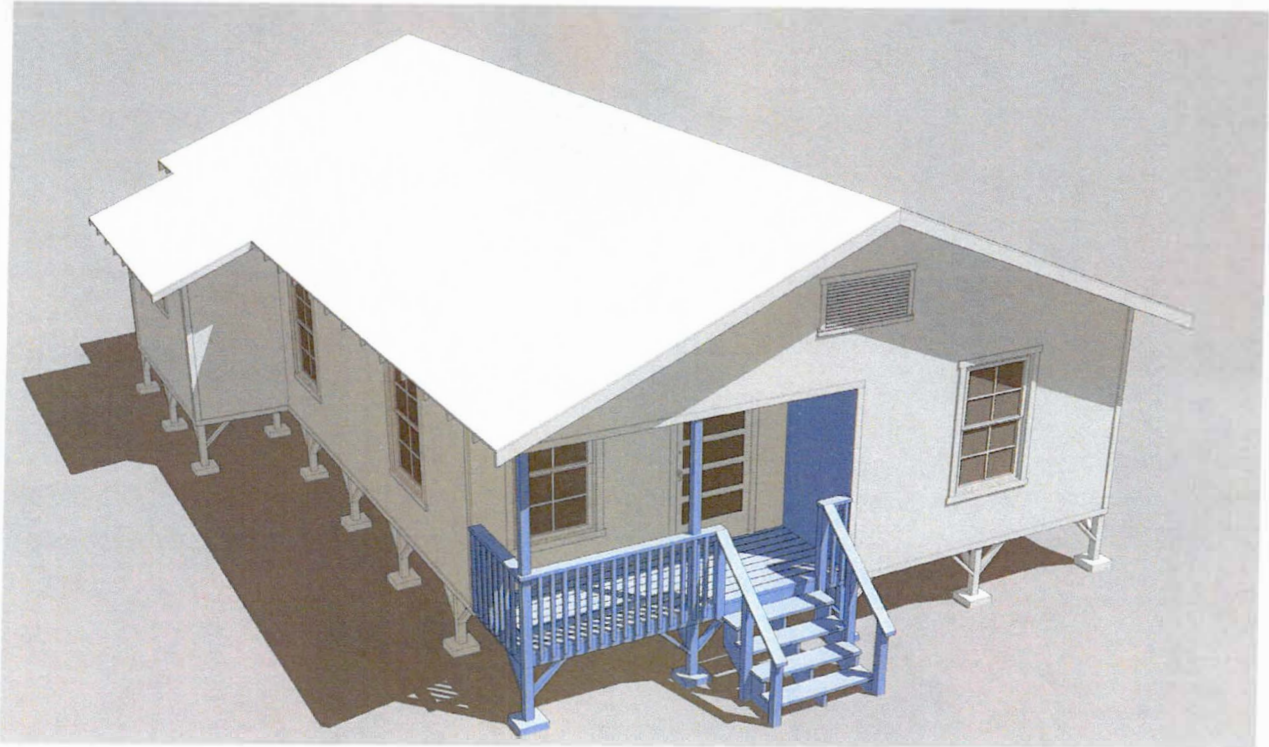
Lānai, Projecting: The main façade of the building has a small to medium setback from the thoroughfare. The Lanai, Projecting is open on 3 sides.

B. Location

- i. The Lānai, Projecting shall be located on the front of the cottage facing the thoroughfare.

C. Size

- i. The width of the frontage shall be no greater than the width of the front of the main body.
- ii. The depth of the frontage shall be a maximum of 8 feet, excluding the stairs.
- iii. The height of the Lānai shall be a minimum of 8 feet.

2.3.020 Lānai, Engaged

General note: the illustration above is intended to provide a brief overview of the Frontage type and is descriptive in nature.

A. Description

Lānai, Engaged: The main façade of the building has a small to medium setback from the thoroughfare. The Lanai, Engaged has 2 adjacent sides of the Lanai that are engaged to the building while the other two sides are open.

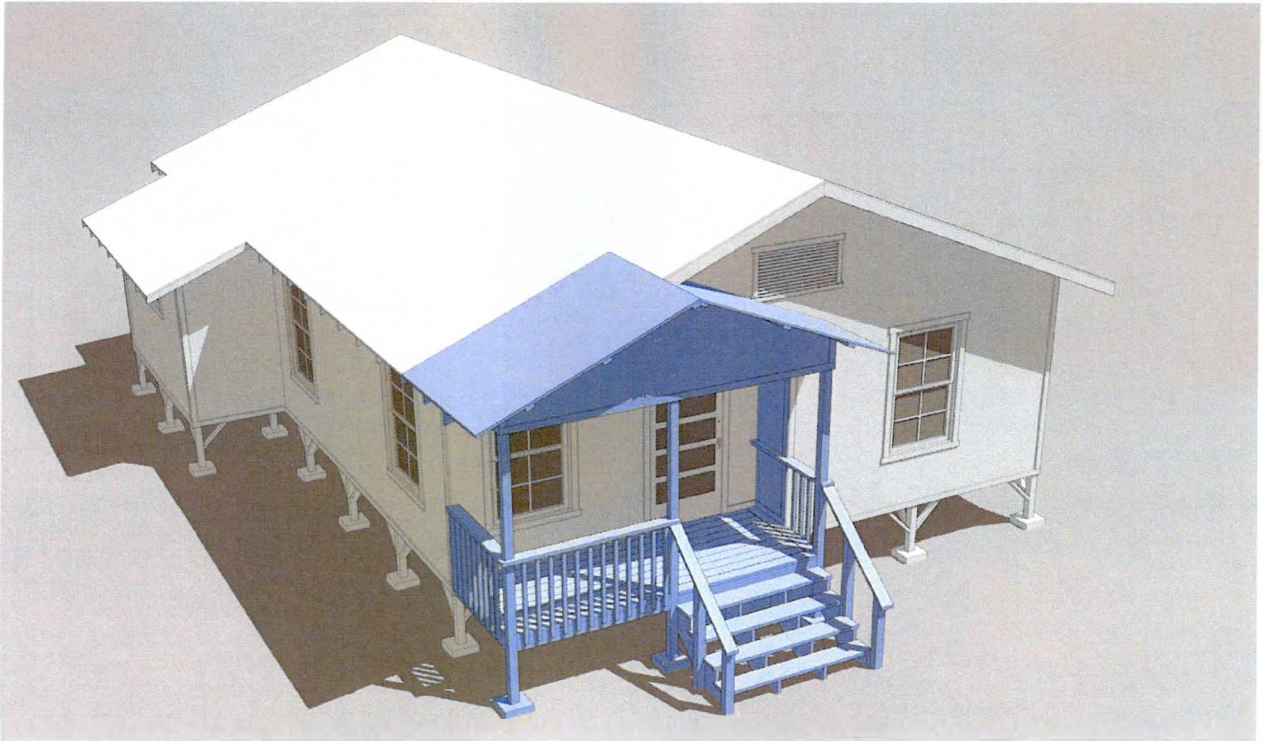
B. Location

- i. The Lānai, Engaged shall be located on the front of the cottage facing the thoroughfare.

C. Size

- i. The width of the frontage shall be half the width of the building's front wall.
- ii. The depth of the Lānai, Engaged shall be 5 feet, excluding the stairs.
- iii. The height of the Lānai, Engaged shall be a minimum of 8 feet.

2.3.030 Lānai, Hybrid



General note: the illustration above is intended to provide a brief overview of the Frontage type and is descriptive in nature.

A. Description

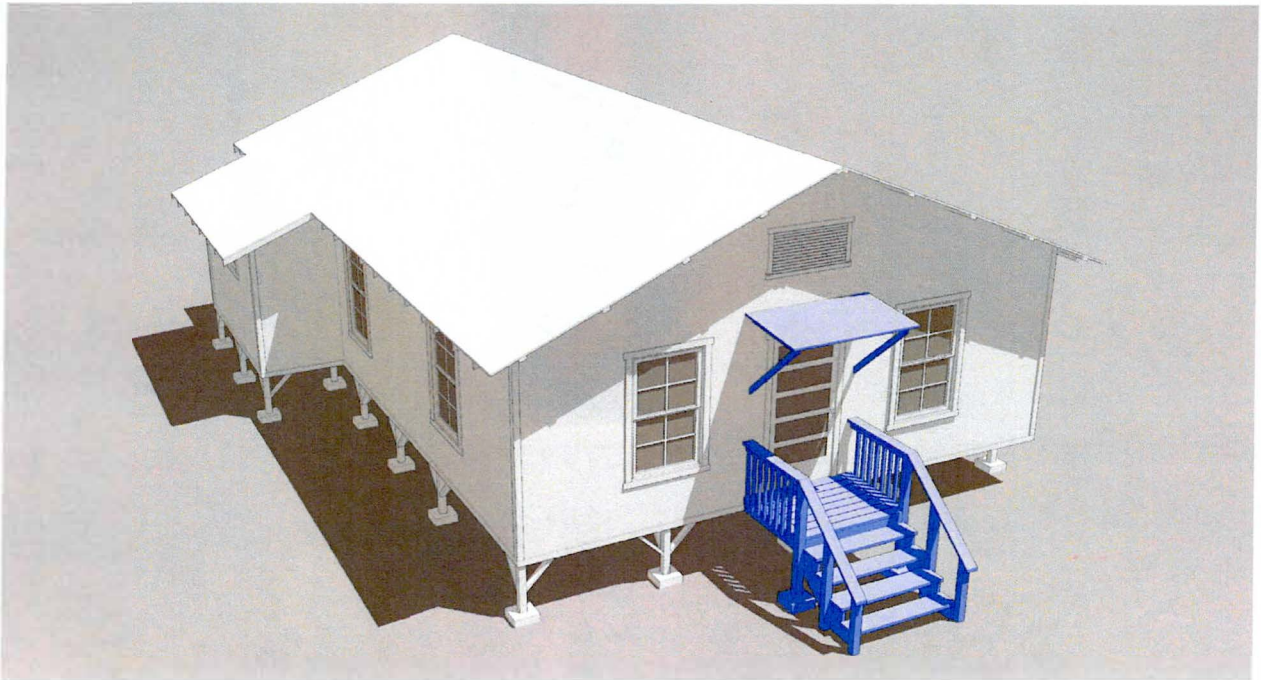
Lānai, Hybrid: The main façade of the building has a small to medium setback from the thoroughfare. The Lānai, Hybrid has a portion of space where two adjacent sides are engaged to the building while the other two sides are open, and the other portion of the space is open on 3 sides. It's architecturally non-binary.

B. Location

- i. The Lānai, Hybrid shall be located on the front of the cottage facing the thoroughfare.

C. Size

- i. The width of the frontage shall be half the width of the building's front wall.
- ii. The depth of the Lānai, Hybrid shall be 5 feet, excluding the stairs
- iii. The height of the Lānai, Hybrid shall be a minimum of 8 feet.

2.3.040 Stoop

General note: the illustration above is intended to provide a brief overview of the Frontage type and is descriptive in nature.

A. Description

Stoop: The main façade of the building is near the frontage line. This type is appropriate for residential uses with small setbacks.

B. Location

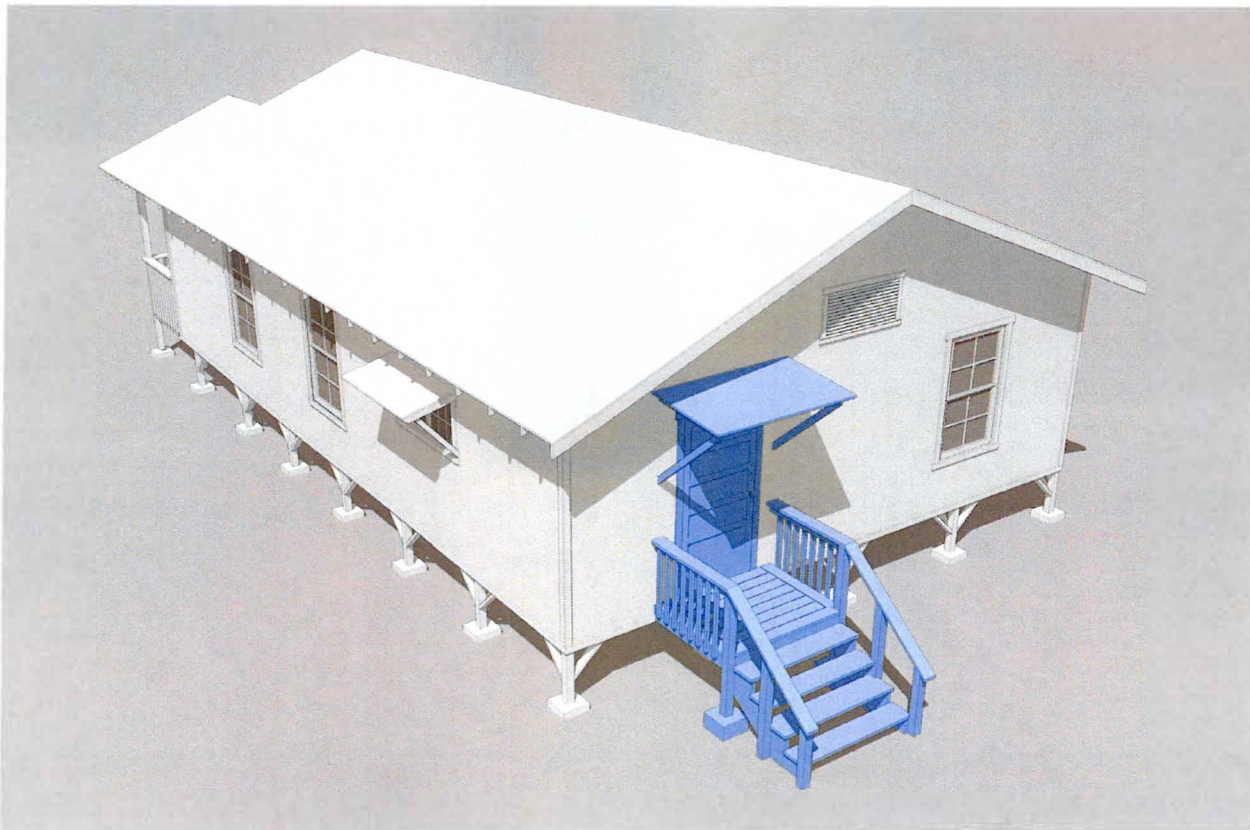
- i. The Stoop shall be located on the front of the building facing the thoroughfare.

C. Size

- i. The width of the stoop shall be a minimum of five feet and maximum of eight feet.
- ii. The depth of the Stoop shall be 5 feet, excluding the stairs.

Article 2: Transect Descriptions and Building Types, Rear Exit

Sub-Article 2.4:	Numila Camp Building Type Rear Exit	42-44
2.4.010	Rear Exit, Stoop	42
2.4.020	Rear Exit, Engaged	43
2.4.030	Rear Exit, Enclosed	44

2.4.010 Rear Exit, Stoop

General note: the illustration above is intended to provide a brief overview of the Rear Exit type and is descriptive in nature.

A. Description

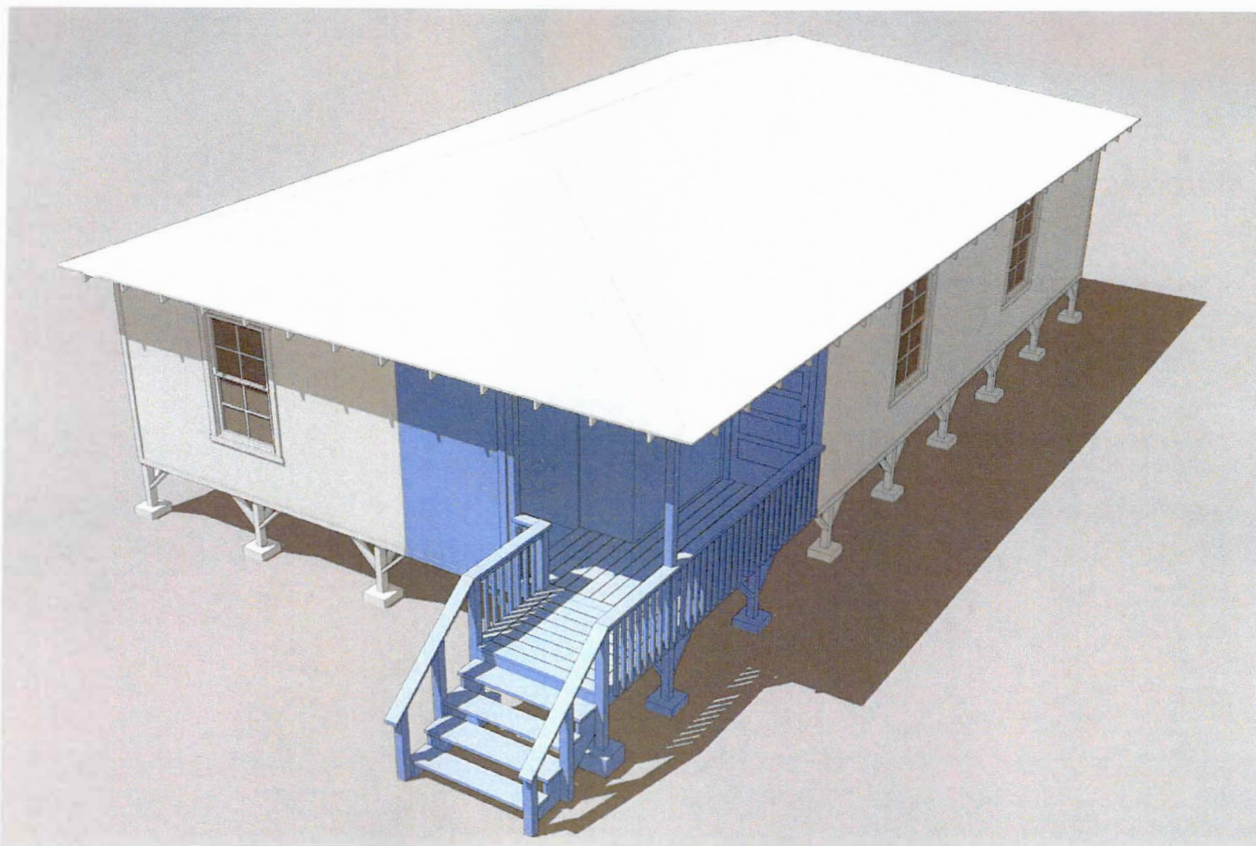
Rear Exit, Stoop: Provides access to rear accessory structures and spaces. A Rear Exit stoop is a rear entrance that may have a small series of steps and a small platform.

B. Size

- i. The width of the Rear Exit, Stoop shall be 8 feet maximum.
- ii. The depth of the Rear Exit, Stoop shall be 8 feet maximum, excluding the stairs.

C. Miscellaneous

- i. Stoops must have a roof.

2.4.020 Rear Exit, Engaged

General note: the illustration above is intended to provide a brief overview of the Rear Exit type and is descriptive in nature.

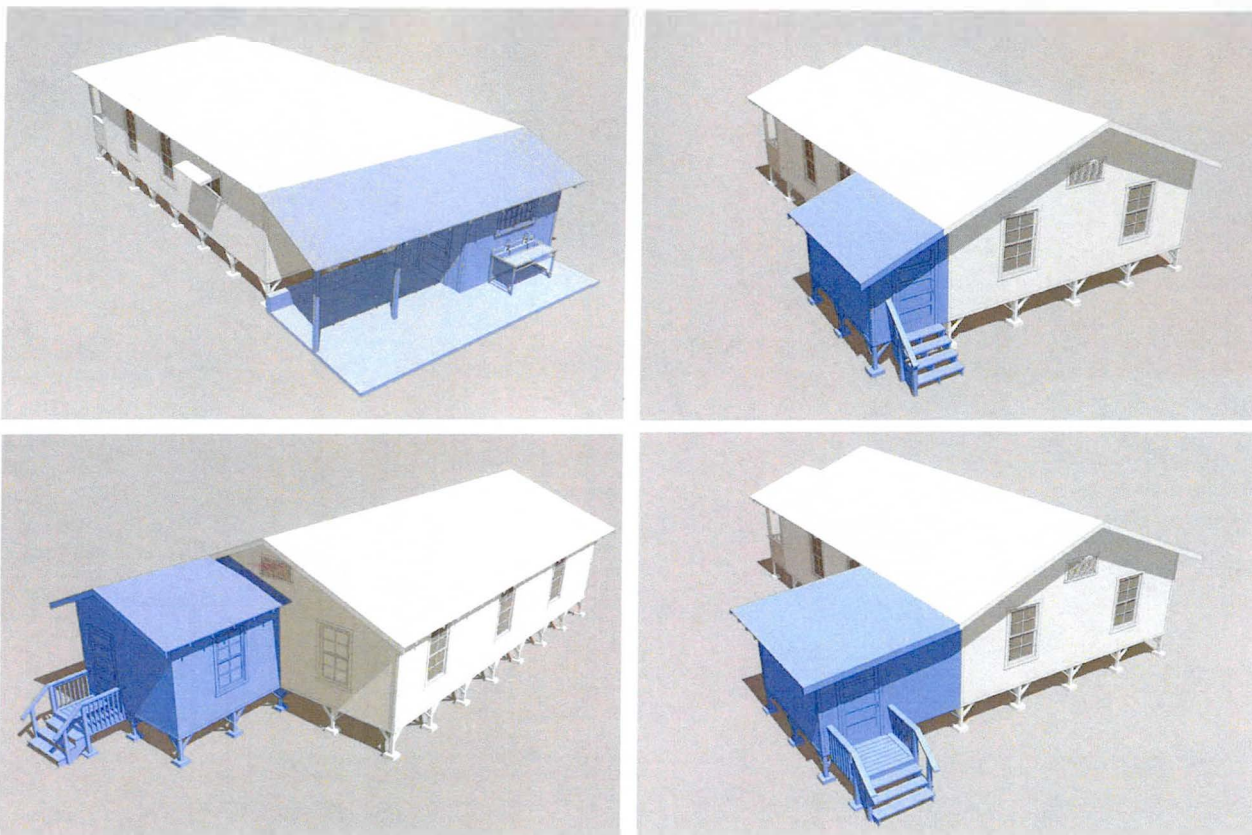
A. Description

Rear Exit, Engaged: This rear entryway links the outdoors with the interior, offering access to rear accessory structures and spaces. The resulting rear entryway may accommodate utilities including a shower, toilet, wash basin, or laundry in this versatile and practical area. The Rear Exit, Engaged has two adjacent sides on the rear of the building that are engaged to the building while the other 2 sides are open.

B. Size

- i. The width of the Rear Exit, Engaged shall be no greater than the width of the rear of the building.
- ii. The depth of the Rear Exit, Engaged shall be 12 feet maximum, excluding the stairs.

2.4.030 Rear Exit, Enclosed



General note: the illustrations above are intended to provide a brief overview of the Rear Exit, type and is descriptive in nature.

A. Description

Rear Exit, Enclosed: This rear entryway links the outdoors with the interior, offering access to rear accessory structures and spaces. The resulting rear entryway may accommodate space for utilities such as a shower, toilet, wash basin, or laundry in this versatile and practical area. The Rear Exit, Enclosed is attached to the rear or in line with the rear of the structure. It is enclosed on at least 3 sides and has a rear entry.

B. Size

- i. The width of the Rear Exit, Enclosed shall be no greater than the width of the rear of the building.
- ii. The depth of the Rear Exit, Enclosed shall be 12 feet maximum, excluding the stairs.

Article 3: Neighborhood Standards

Sub-Article 3.1: Thoroughfare Standards		46
3.1.010	Purpose	46
3.1.020	Applicability	46
3.1.030	Standards	46

Sub-Article 3.2: Civic Space Standards		47-50
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3.2.020	Standards	47
3.2.030	Civic Spaces	47-48
3.2.040	Civic Space Type Standards	49-50

Sub-Article 3.1: Thoroughfare Standards

- 3.1.010 **Purpose:** The purpose of this article is to provide optional standards for proposed thoroughfares within the plantation camp zones.
- 3.1.020 **Applicability:** Any proposed thoroughfares within the plantation camp zones.
- 3.1.030 **Standards:**
- A. All proposed roads and thoroughfares shall meet the County of Kauai Street Design Manual requirements as determined by the County Engineer.
 - B. The County Engineer may approve a thoroughfare that does not meet the Street Design Manual standards within the Plantation Camp Zones if the following criteria are met:
 1. The thoroughfare is 18 to 20 ft. in width;
 2. The thoroughfare is paved or comprised of a compacted surface approved by the Fire Department for emergency vehicle access;
 3. On street parking is prohibited;
 4. The thoroughfare's associated residences have access to a shared parking facility within a standard pedestrian shed.
 5. The shared parking facility has at least one parking stall for each of the associated residences it services.
 6. All of the residential units proposed on the thoroughfare are setback from the thoroughfare no more than 20 ft.

Sub-Article 3.2: Civic Space Standards

3.2.010 **Purpose:** The purpose of this article is to establish civic space standards for plantation camp civic space. Civic buildings and civic spaces provide important gathering places for communities and access to outdoor activities. The civic buildings and civic spaces should be carefully located and accessible to all. The following standards shall be met by providing and locating civic buildings and civic spaces.

3.2.020 **Standards:** The design of civic spaces shall meet the standards set forth in Sub-Article 3.2.

3.2.030 **Civic Spaces:** The standards established in the Sub-Article provide the transect zones with a diverse palette of parks and other publicly accessible civic spaces that are essential components of walkable urban environments.

The service area, size frontage and disposition of elements of standards of each civic space types are regulatory. The illustration and description of each civic space type are illustrative in nature and not regulatory.

- A. Service Area. Describes how the civic space relates to the County as a whole and the area that will be served by the civic space.
- B. Size. The overall range of allowed sizes of the civic space.
- C. Frontage. The relationship along property lines of a civic space to adjacent building or lots.
 - 1. Building. Civic spaces that are listed as having a “Building” Frontage shall have the fronts of buildings, either attached to the park or across a thoroughfare, facing onto the civic space for a minimum of three-quarters of the perimeter.
 - 2. Independent. Civic spaces that are listed as having an “Independent” frontage shall have the fronts of buildings, either attached to the park or across a thoroughfare, facing on to the civic space to the maximum extent possible, but may have the side or rear of a building or lot front on to the civic space.
- D. Disposition of Elements. The placement of objects within the civic space.
 - 1. Natural. Civic spaces with natural character are designed in a natural manner with no formal arrangement of elements.
 - 2. Formal. Civic spaces with a formal character have a more rigid layout that follows geometric forms and has trees and other elements arranged in formal patterns.
 - 3. Informal. Civic spaces with an informal character have a mix of formal and natural characteristics.

Typical Facilities. Provides a list of the typical facilities found within the civic space. This list is not intended to be a complete list of facilities allowed nor is it intended that every civic space could contain each of the facilitates listed.

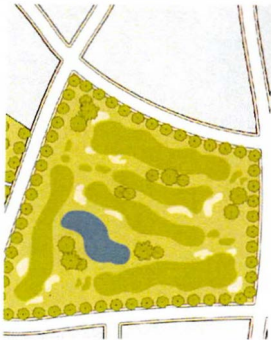
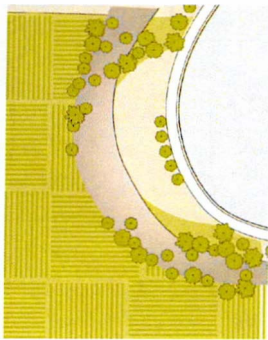
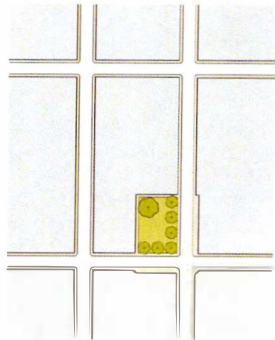
Ownership and Maintenance of Required Open Space, and Civic Space. Open space areas shall be maintained as permanent open space and/or civic space through one or more of the following options:

- A. Establishment of an entity to manage and maintain the open space by the property owner, in a form that ensures long-term maintenance and management;
- B. Conveyance of the land to a property owners' or homeowners' association that holds the land in common ownership and will be responsible for managing and maintain it for its intended purposes;
- C. Conveyance of the land to a third-party beneficiary, such as a nonprofit environmental or civic organization, that is organized for , capable of, and willing to accept responsibility for managing and maintaining the land for its intended purposes; or
- D. Dedication of the land to the County or other appropriate public agency that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended purposes.

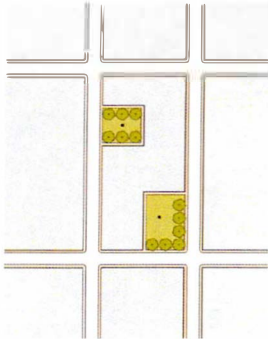
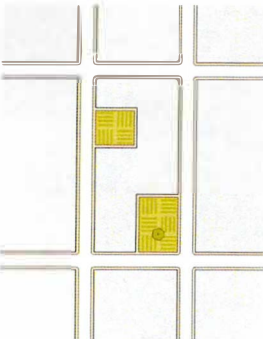
The civic spaces specified in Table 3.2.030 (Civic Space Type Standards) are allowed by right or with the specified approvals in the designated transect zones.

Sub-Article 3.2: Civic Space Standards

3.2.040 Civic Space Type Standards

Civic Space Type	Special Use Park	Overlook Park	Pocket Park
Illustration			
Description	A space that is civic in nature but that does not fit into any pre-established civic space type category.	An open space that provides space for viewing scenic or historically significant vistas, usually from a height.	An open space available for informal activities in close proximity to neighborhood residences.
Location & Size			
Location			
Service Area	Regional	Regional	Neighborhood
Size			
Minimum	No Minimum	No Minimum	4,000 square feet
Maximum	No Maximum	No Maximum	1 acre
Character			
Frontage	Building or Independent	Independent	Building
Disposition of Elements	Natural, Formal, or Informal	Natural or Informal	Formal or Informal
Typical Facilities	Passive and Active Recreation, Accessory Structure, Drinking Fountains, Community Facility < 5,000 gross square feet, Paths and Trails.	Passive Recreation, Accessory Structure, Drinking Fountains, Paths and Trails.	Passive Recreation, Accessory Structure, Drinking Fountains, Paths and Trails.

3.2.040 Civic Space Type Standards (continued)

Civic Space Type	Playground	Community Garden
Illustration		
Description	<p>An open space designed and equipped for the recreation of children. A Playground should be fenced and may include an open shelter. Playgrounds may be included within other civic spaces.</p>	<p>An open space designed as a grouping of garden plots that are available to nearby residents for small-scale cultivation. Community Gardens may be included within other civic spaces.</p>
Location & Size		
Location		
Service Area	Neighborhood	Neighborhood
Size		
Minimum	No Minimum	No Minimum
Maximum	No Maximum	No Maximum
Character		
Frontage Disposition of Elements	Independent or Building Formal or Informal	Independent or Building Formal or Informal
Typical Facilities		
	Accessory Structure, Drinking Fountains, Paths and Trails.	Accessory Structure, Drinking Fountains, Paths and Trails.

Article 4: Administration and Procedures

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Sub-Article 4.1: Purpose and Applicability

- 4.1.010 **Purpose:** This Article establishes procedures for the preparation, filing, and processing of applications for development permits and other entitlements required by this Code.
- 4.1.020 **Applicability:**
- A. This Form-Based Code applies to any construction, development, activity, or use within the land zoned with the SPA designation as shown in Figure 1.2.010 (Numila Transect Map).
 - B. The requirements of this Code are in addition to all applicable federal, state, and county laws and regulations governing land use and development, including Chapter 8 (Comprehensive Zoning Ordinance) and Chapter 9 (Subdivision), Kaua’i County Code 1987, as amended.
 - C. In case of conflict between any provision of this Code, Kaua’i County Code Chapter 8 (Comprehensive Zoning Ordinance) (“CZO”), and any other Kaua’i County Code, rule, or regulation conflict, this Code shall apply.
- Review Authority:**
- 4.1.030
- A. Table 4.1.030.A (Review Authority) identifies the County official or body responsible for reviewing and making decisions on each type of application required by this Code.
 - B. All applications for property located within the Plan Area are subject to the review and approval of the review authority(s) identified in Table 4.1.030.A Review Authority.

Table: 4.1.030.A: Review Authority

Approval	Reference	Planning Director	Planning Commission	County Council
Zoning Permits				
Class I	Subsec. 8-3.1(c) CZO	Decision	Appeal	
Class II	Subsec. 8-3.1(d) CZO	Decision	Appeal	
Class III	Subsec. 8-3.1(e) CZO	Decision	Appeal	
Class IV	Subsec. 8-3.1(f) CZO	Recommend	Appeal/Decision	
Use Permit	Sec. 8-3.2 CZO	Recommend	Appeal/Decision	
Variance	Sec. 8-3.2 CZO	Recommend	Appeal/Decision	
Amendment	Sec. 8-3.2 CZO	Recommend	Recommend	Decision
Minor Modification	4.2.040	Decision	Appeal/Decision	

4.1.040 **Concurrent Processing:** Multiple applications for the same project will be processed concurrently, reviewed, and approved or denied by the highest review authority designated by this Code for any of the permits or approvals (i.e., a project for which applications for a Class II Zoning Permit and a Use Permit are filed must have both applications decided by the Planning Commission, instead of the Director first deciding on the Zoning Permit as otherwise required by Table 4.1.030.A (Review Authority)).

4.1.050 **Rules of Interpretation:**

- A. Authority. The Director has the authority to interpret any provision of this Code. Whenever the Director determines that the meaning or applicability of any Code requirement is subject to interpretation, the Director may issue an official interpretation. The Director may also refer any issue of interpretation to the Planning Commission for their determination.
- B. Language.
1. The words “shall,” “must,” “will,” “is to,” and “are to” are always mandatory;
 2. “Should is not mandatory but is strongly recommended; and “may” is permissive;
 3. The present tense includes the past and future tenses; and the future tense includes the present;
 4. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise; and
 5. The words “includes” and “including” shall mean “including but not limited to”.
 6. “Applicant” means an owner or any person who has full written authorization of the owner.
 7. “Owner” means the holders of equitable and legal title of land in fee simple.
 8. When used in this Code, the terms “Code,” “this Code,” or “Form-Based Code” means the West Kaua’i Form-Based Code
- C. Time Limits. Whenever a number of days is specified in this Code, the number of days shall be construed as consecutive calendar days. A time limit shall extend to 4:30 p.m. on the following working day where the last of the specified number of days falls on a weekend or holiday.
- D. Uses Not Listed. The Director has the authority to determine other unlisted uses as similar in nature to those listed in the respective Use Tables of Article 2 (Specific to Transect Zones) as requiring a use permit, and that those similar uses may also be permissible in that respective Transect Zone with a Use Permit

Sub-Article 4.2: Permits and Approvals

4.2.010 Zoning Permits:

- A. No person shall undertake any construction or development or carry on any activity, or use, for which a zoning permit is required by this Code, or obtain a building permit for construction, development, activity, or use regulated by this Code, without first obtaining the required permit.
- B. To obtain any permit, the applicant shall show compliance with the standards established in this Code and shall submit, where necessary, a plot plan as required by CZO Sec. 8-4.6(d).
- C. Applications for zoning permits as required in this Code shall be processed in accordance with CZO Sec. 8-3.1 (Zoning Permits).
- D. For any Zoning Permit, the designated Review Authority may approve, with or without conditions, or deny the permit. The following Zoning Permits are required for the following activities:
 1. Class I Permit. A Class I Permit must be obtained for construction or development not located in a Constraint District or a Special Treatment District where the construction or development does not require a Use Permit or a Variance Permit and:
 - a. For non-residential or mixed-use projects that are generally permitted; or
 - b. For residential projects, the project consists of no more than one (1) dwelling unit.
 2. Class II Permit. A Class II Permit must be obtained for construction or development of a residential project consisting of between two (2) to ten (10) dwelling units that are not located in a Constraint District or a Special Treatment District where the construction or development does not require a Use Permit or a Variance Permit.
 3. Class III Permit. A Class III Permit must be obtained for construction or development where the construction or development does not require a Variance Permit or a Use Permit and:
 - a. For any project where a Class I or Class II Zoning Permit would otherwise be required, except that the development is located in a Constraint District or a Special Treatment District; or
 - b. For residential projects, the project consists of between eleven (11) and fifty (50) units; or

4. Class IV Permit. A Class IV Permit must be obtained for construction or development, whether or not the development is located in a Constraint District or Special Treatment District where:
 - a. For non-residential or mixed-use projects that require a use permit; or
 - b. For residential projects, the project consists of fifty-one (51) or more dwelling units; or
 - c. For any project, a Class I, II, or III Permit would otherwise be required, except that a Use Permit or a Variance Permit is required.

E. After-the-Fact Permits. In addition to the Zoning Permit filing and processing fee(s), an application for a Zoning Permit for a structure partially or fully constructed without the required approvals and/or a use that has commenced prior to the required approvals shall have an additional filing, inspection, and processing fee(s) which is double that of the original filing and processing fee(s) or five hundred dollars (\$500.00), whichever is greater.

4.2.020 **Use Permits:**

No person shall undertake any construction or development, or carry on any activity or use for which a Use Permit is required by this Code, or obtain a building permit for construction, development, activity or use for which a Use Permit is required by this Code, without first obtaining a Use Permit in accordance with CZO Sec. 8-3.2 (Use Permits).

4.2.030 **Variance:**

Request for a variance from the provisions of this Code must comply with the requirements in CZO Sec. 8-3.3 (Variance).

4.2.040 **Minor Modifications:**

The Planning Director may approve minor modifications of up to 10% of all dimensional requirements for all building types.

Sub-Article 4.3: Administration and Enforcement

4.3.010 **Amendments:**

This Code may be amended in compliance with the requirements in CZO Sec. 8-3.4.

4.3.020 **Non-Conforming Provisions:**

Nothing in the Numila Form-Based Code shall restrict or prevent an applicant from re-constructing or repairing a structure in a respective Plantation Camp transect pursuant to Section 8-8A2, subsections (a) and (b), of the Kauai County Code, 1987, as amended.

Any new densities, structures, and uses, proposed in a respective Plantation Camp transect beyond those permissible within Section 8-8A of the Kauai County Code, 1987, as amended, shall be in conformance with the rules, regulations, and standards of the subject Numila Form-Based Code.

4.3.030 **Appeals:**

- A. An applicant who seeks to appeal from an adverse decision of the Director or designee shall file a notice of appeal with the Director and the Planning Commission within thirty (30) days after the adverse decision.
- B. If the appeal is from the denial of a Class III Zoning Permit, the Director shall make the notice public and shall notify any persons who have duly requested notice of appeals.
- C. The Planning Commission shall consider the appeal at a public session within sixty (60) days of the filing of the notice of appeal and shall render its decision within that period.

4.3.040 **Fee Exemptions:**

- A. A Zoning Permit application for a housing project or portions of housing projects that are developed to be affordable to low-income households as determined by the Housing Director or authorized representative of the County Housing Agency shall be exempt from the filing and processing fee required in CZO Subsection 8-3.1(b)(1), provided such projects conform to applicable provisions of the County's affordable housing program.
- B. A Zoning Permit application for a housing project or portions of housing projects that are developed to be affordable as determined by the Housing Director or authorized representative of the County Housing Agency shall be exempt from one-half (1/2) of the filing and processing fee required in CZO Subsection 8-3.1(b)(1), provided such projects conform to applicable provisions of the County's affordable housing program.
- C. No exemptions shall be afforded for such housing projects from any fees or costs arising from compliance with CZO Subsection 8-3.1(f)(4) or (h).

4.3.050 **Enforcement:**

- A. Enforcement, legal procedures, and penalties for violations of any of the regulations and standards within the Plantation Camp Form-Based Code are established pursuant to section 10-7.2 of the Kauai County Code, 1987, as amended.

Article 5: Definitions

Sub-Article 5.1: Definitions of Terms and Phrases	58-59
5.1.010 Definitions	58-59

Sub-Article 5.1: Definitions of Terms and Phrases

5.1.010 Definitions

This Section provides definitions for specialized terms and phrases used in this Article. All other applicable definitions in Chapter 8 of the Kauai County Code or CZO apply.

Civic Space – An outdoor area dedicated for civic activities. See Sub-Article 35.2 (Civic Space Standards).

Civic Building – A structure operated by governmental or not-for-profit organizations and limited to civic and related uses.

County Engineer – The County Engineer of the Department of Public Works of the County of Kauai.

Director – Planning Director of the County of Kauai.

Foundation – The lowest load-bearing part of a building, typically including structural placement below ground level

Front – The front section of the building facing the thoroughfare or a civic space. If two or more portions of a building face a thoroughfare or a civic space, the Director shall determine which portion of the building is the front.

Frontage – The main entrance of a building located between the front of a building and a thoroughfare or civic space.

Glazing – The glass component of a building's façade.

Gable Roof – A roof with two sloping side and a gable, or wall, at each end.

Hip Gable/Dutch Gable Roof – Is a roof with a small gable at the top of a hip roof.

Hip Roof – A roof that slopes upward from all sides of the structure, having no vertical ends.

Main Body – The main body constitutes the primary structure.

Mechanical Equipment Storage – small roofed accessory structure, attached or detached, that is no larger than 40 square feet in size.

Post-on-Pier – Type of development where the weight of the structure is distributed across a series of posts installed under the home and mounted to piers, which are typically masonry blocks arranged to distribute the weight evenly.

Rear – Section of the building the opposite front of the building.

Rear Exit – Doorway situated on the Rear of the building.

Residential Use – The use of a structure or site for human habitation that may include a home, abode, or place where an individual is actually living at a specific point in time. Residences do not include transient accommodations such as transient hotels, motels, tourist cabins, or trailer courts, and dormitories, fraternity or sorority houses.

Setback – A designated minimal amount of space required between a structure and the thoroughfare.

Shed Roof – A flat roof that slopes in one direction and may lean against another wall or building.

Side – Section of the building running perpendicular to the front and rear of the building.

Thoroughfare – A road or path designed for multiple users, including pedestrians, bicyclists, and vehicles.

Transect Zone – A defined area that meets the organization of the human habitat with a development intensity that meets natural and/or build form characteristics.

Wing – A wing is part of a building that is subordinate to the main body.

Exhibit D

Map Showing Amendment to the West Kaua'i Community Plan (2020) Land Use Map Figure 12 "West Kaua'i Regional Map Showing Town Plan Areas".



FIGURE 12 | Regional Town Plan Map

“EXHIBIT C”

(Proposed State Land Use District Amendment A-2025-2)

For reference

ORDINANCE NO. _____

BILL NO. _____

**A BILL FOR AN ORDINANCE AMENDING
THE STATE LAND USE DISTRICT BOUNDARY
RELATING TO A PARCEL LOCATED IN WAHIAWA, KAUA'I**

(County of Kaua'i Planning Department, Applicant) (A-2025-2)

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. Purpose. The purpose of this Ordinance is to update approximately 14.9 acres of the State Land Use District boundary and designation of Tax Map Key (TMK) (4) 2-2-001:001 from Agricultural to Urban.

SECTION 2. The State Land Use District Boundary designation for approximately 14.9 acres of the parcel in Wahiawa, Kaua'i, identified as TMK (4) 2-2-001:001, as shown on the attached map as Exhibit A, is hereby amended from the State "Agricultural" Land Use District (A) to the State "Urban" Land Use District (U), subject to the following conditions:

1. The State Land Use District Boundary Amendment shall be limited to the area delineated in Exhibit A.
2. The Landowner shall resolve and comply with the applicable standards and requirements, if any, of all State of Hawai'i and County of Kaua'i departments and agencies.
3. The Landowner is advised that additional government agency conditions may be imposed. It shall be the Landowner's responsibility to resolve those conditions with the respective agencies.

SECTION 3. The Planning Department is directed to note the changes on the official Zoning Maps on file with the Department.

SECTION 4. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 5. This Ordinance shall take effect upon its approval.

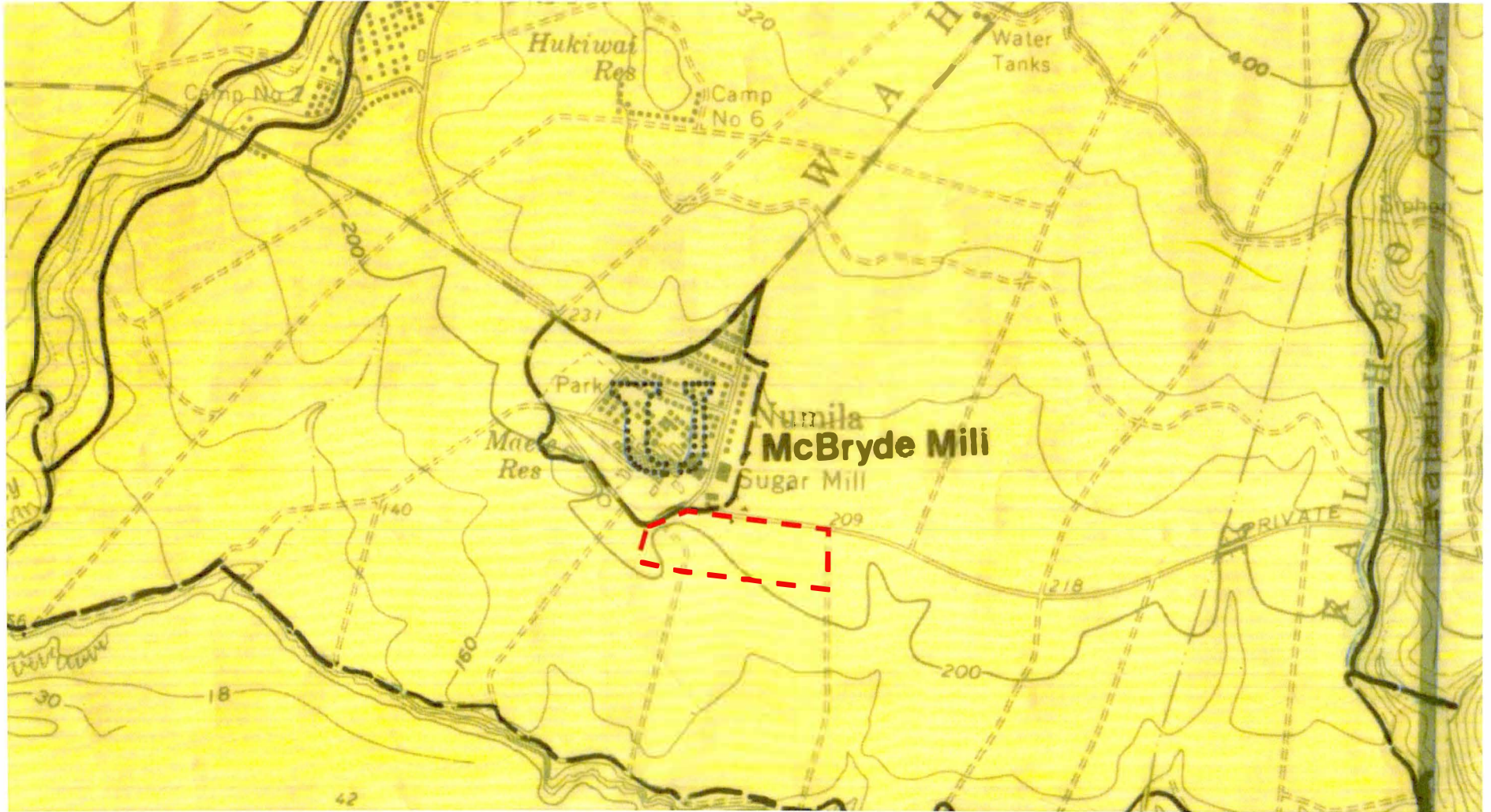
Introduced by:

(By Request)

DATE OF INTRODUCTION:

Lihu'e, Kaua'i, Hawai'i

Exhibit A



State Land Use District (SLUD) Boundary Amendment from Agricultural (A) to Urban (U)

Wahiawa, Kaua'i, Hawai'i

 State Land Use District (SLUD) District Boundary Update from Agriculture (A) to Urban (U)

“EXHIBIT D”

(Proposed Zoning Amendment ZA-2025-3)

For reference

ORDINANCE NO. _____

BILL NO. _____

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 8,
KAUA'I COUNTY CODE 1987, AS AMENDED,
RELATING TO ZONING BOUNDARIES IN WAHIAWA, KAUA'I**

(County of Kaua'i Planning Department, Applicant) (ZA-2025-3)

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII':

SECTION 1. Purpose. The purpose of this Ordinance is to update the County of Kaua'i Zoning Map ZM-200 to reflect zoning designation updates within the subject parcel Tax Map Key (TMK) (4) 2-2-001:001, from "Agricultural" (Ag) to "Residential-1" (R-1).

SECTION 2. Findings. The Council finds that the West Kaua'i Community Plan (WKCP), adopted by the County of Kaua'i in December 2020, recognizes the opportunity to "ensure redevelopment and renovation projects reflect the historic character of Numila."

The Council finds that TMK (4) 2-2-001:001 is not designated as Important Agricultural Lands by the Hawai'i State Land Use Commission.

The Council finds the Numila Camp amendment boundaries are delineated by the map in Exhibit A and contain an area of approximately 14.9 acres.

SECTION 3. The Comprehensive Zoning Ordinance (CZO) is hereby amended by amending ZM-200 within the CZO referenced in Section 8-2.3 by making the following changes to ZM-200 as shown in Exhibit A of this Ordinance which are attached hereto and incorporated by reference, subject to the following conditions:

1. The Landowner is advised that additional government agency conditions may be imposed. It shall be the Landowner's responsibility to resolve those conditions with the respective agencies.

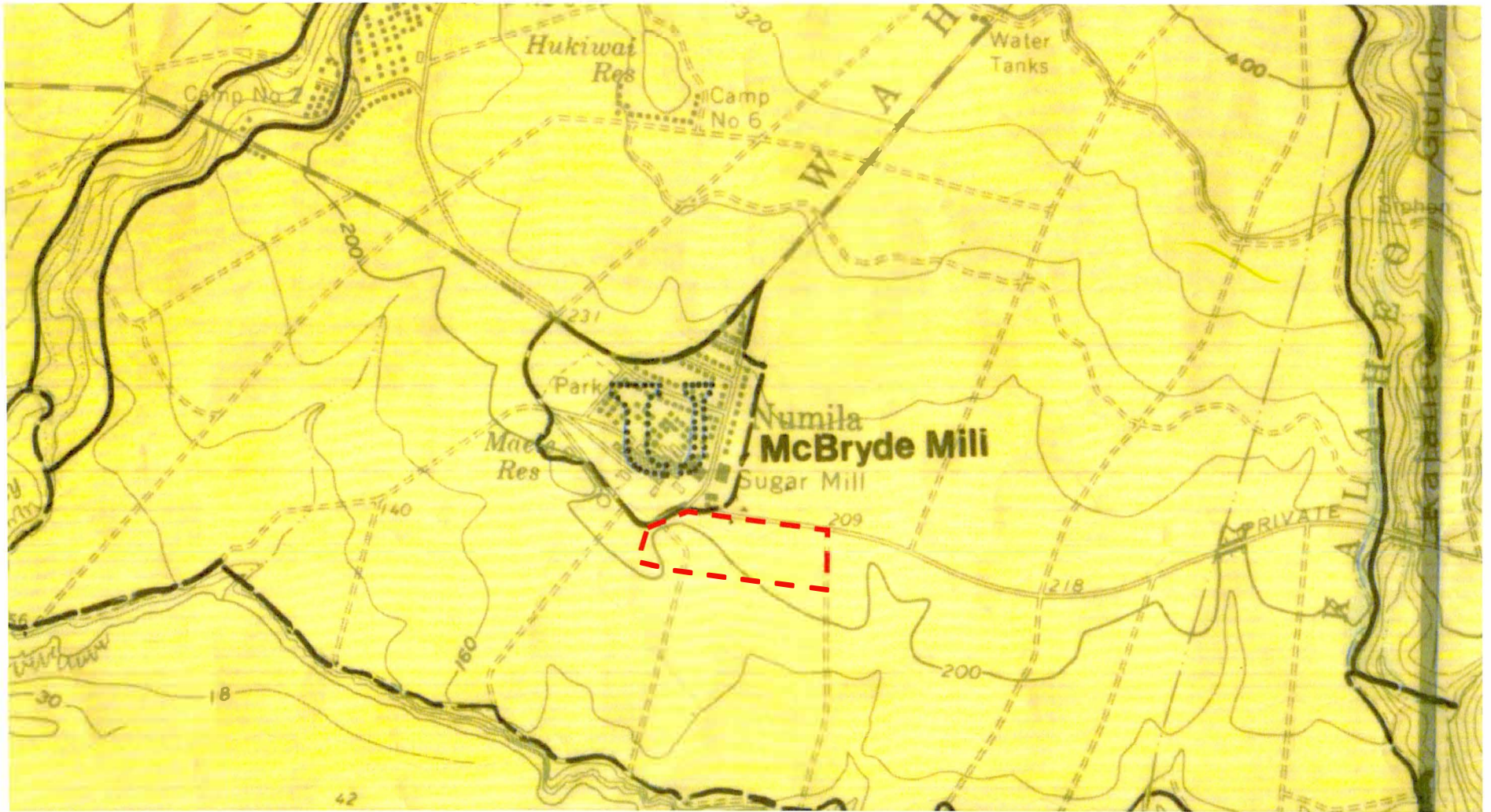
SECTION 4. The Planning Department is directed to note the changes on the official Zoning Maps on file with the Department.

SECTION 5. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 6. This Ordinance shall take effect upon its approval.

Introduced by:

Exhibit A



Amendment to Zoning Map ZM-200 from Agricultural (AG) to Residential-1 (R-1)

Wahiawa, Kauai, Hawaii

 Agricultural (AG) to Residential-1 (R-1) District Boundary Update

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR
 JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



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

DIRECTOR'S REPORT

I. SUMMARY

Action Required by Planning Commission: Consideration of multiple bills amending Chapter 8 of the Kaua'i County Code 1987, as amended, regarding the Comprehensive Zoning Ordinance (CZO), the Kaua'i Kākou – Kaua'i County General Plan, the State Land Use District, and the West Kaua'i Community Plan.

Permit Application Nos. Zoning Amendment ZA-2025-3
 Zoning Amendment ZA-2025-4
 General Plan Amendment GPA-2025-2
 State Land Use Amendment A-2025-2

Name of Applicant(s) COUNTY OF KAUA'I, PLANNING DEPARTMENT

II. PERMIT INFORMATION

AMENDMENTS	
<input checked="" type="checkbox"/> Zoning Amendment	Pursuant to KCC Section 8-3.4(a), as amended, a Zoning Amendment is necessary when changing the boundaries of districts or by changing text whenever the public necessity and convenience and the general welfare require an amendment.
<input checked="" type="checkbox"/> General Plan Amendment	Pursuant to KCC Section 7-3.1, as amended, the General Plan of the County of Kaua'i may be amended by ordinance, in accordance with the Charter. An amendment may change provisions of this ordinance; text provisions or map designations of the General Plan document; or any of these in combination.
<input checked="" type="checkbox"/> State Land Use District Amendment	Pursuant to KCC Section 11-1, as amended, a State Land Use District Boundary Amendment Ordinance, organized as a Zoning Amendment, is required to reclassify a State Land Use District designation.

III. LEGAL REQUIREMENTS

KCC Section 8-3.4	
Public Hearing Date:	March 11, 2025
Date of Publication:	February 7, 2025
Date of Director's Report:	February 26, 2025

F.4.a.1.
 F.4.b.1.
 F.4.c.1.
 F.4.d.1.
 March 11, 2025

IV. DESCRIPTION OF PROPOSED BILLS

There are four separate amendments associated with the proposed Numila Camp area:

1. **General Plan Amendment (GPA-2025-2)** – Proposes to amend Figure 5-1 (Kaua'i Land Use Map) and Figure 5-2 (West Kaua'i Land Use Map) of the *Kaua'i Kakou – Kaua'i County General Plan* from Agriculture to Plantation Camp (Exhibit A).
2. **West Kaua'i Community Plan Amendment (ZA-2025-4)** – Proposes amendments to Chapter 10, Article 3 of the *Kaua'i County Code 1987, as amended*, related to the West Kaua'i Community Plan (Exhibit B). This includes:
 - o Amending Section 10-3 to establish a Special Planning Area "P" (SPA-P), which shall also be known as the "Numila Plantation Camp Walkable Mixed-Use District." The Special Planning Area shall be adopted with a new map ZM-NC-100 (Numila Camp) and adopted within the West Kaua'i Community Plan.
 - o Updating figure 12 of the West Kaua'i Community plan, Regional Town Plan Map to change the land use designation within the SPA-P boundaries from Agriculture to Plantation Camp.
3. **State Land Use District Amendment (A-2025-2)** – Proposes to change approximately 14.9 acres of the State Land Use District boundary and designation of Tax Map Key (TMK) (4)-2-2-001:001 from Agricultural to Urban (Exhibit C).
4. **Zoning Map Amendment (ZA-2025-3)** – Proposes to amend approximately 14.9 acres of Zoning Map ZM-200 to reflect zoning changes for TMK (4)-2-2-001:001 from Agricultural (Ag) to Residential-1 (R-1) (Exhibit D).

The proposed ordinances to amend County Zoning, the State Land Use District, the General Plan, and the West Kaua'i Community Plan aim to encourage redevelopment within the existing Numila Camp while allowing for new growth in an adjacent area that maintains and enhances its distinct form and character.

V. APPLICANT’S REASONS/JUSTIFICATION

The Numila Plantation Camp Form-Based Code (FBC) guides development in alignment with the West Kaua’i Community Plan and the County of Kaua’i General Plan. This FBC establishes a regulatory framework to preserve the character of the existing plantation camps, including Numila Camp, while allowing for limited infill development and housing expansion. The Plantation Camps should remain compact and walkable with well-defined borders and small cottages, surrounded by working agricultural fields and activity. The intent of the code would:

1. Promote, preserve, and enhance existing community design and development patterns that reflect the distinct character of Numila’s historic plantation camp.
2. Support and maintain affordable-by-design housing stock.
3. Encourage appropriately scaled infill development within or near the historic boundaries of the camps.

Form-Based Codes (FBC) are a development regime that encourages the development of communities with a focus on “building form and character” as opposed to development frameworks based on the separation of uses, regularly referred to as Euclidian zoning. FBCs have been adopted to serve a variety of purposes that can include historic preservation, economic development, sustainability, affordable housing, and general planning. FBC follows a natural to urban transect model, that progressively experience greater density in line with desired development outcomes. The model transect is divided into six transect zones or T-zones: Natural (T1), Rural (T2), Sub-Urban (T3), General Urban (T4), Urban Center (T5), and Urban Core (T6). Kaua’i only experiences four transect types (T1-T4).

The development of FBCs included an intensive inventory process and an exercise to identify unique or historical characteristics that define the respective towns and villages. The Numila Plantation Camp transect is considered a special district due to the unique patterns which were identified. The transects within the Numila Camp are T3 Numila (T3N-PC), T3 Numila Flex (T3NF-PC), T3 Numila HSPA (T3NH-PC), and T3 Numila Luna (T3NL-PC). Each Plantation Camp transect type reinforces and/or maintains the historic patterns of the Numila Community. The Numila FBC incorporates detailed regulations specific to building types, street standards, and civic space that are sensitive to the surrounding local character. The regulations set forth in the Form-Base Code help to maintain the unique characteristics of Numila Camp.

Creating design standards specific to these areas ensures history and culture are a part of the future development. The Plantation Camp Form-Based Code includes elements such as roof pitches, siding materials, building massing, building types, frontages, setbacks, rear exists and wings, and are regulated to reinforce existing character and to create new, compatible neighborhoods in Numila Camp. For example, the building type regulations in T3 Numila (T3N-PC) capture the form and characteristics of the historical Numila cottages. Crafting regulations that require unique features such as single or double hung windows, 5:12 or 6:12 roof pitches, wood-based material, decorative vents, post and pier, and height of the wall ensures that new cottages or reconstructed cottages will maintain the same look and feel of the surrounding cottages.

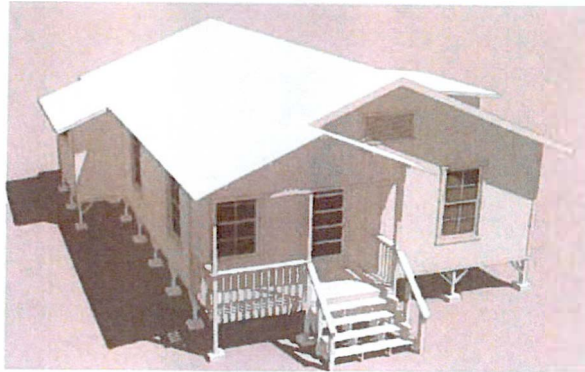


Figure 1: Example of applying the T3 Numila (T3N-PC) regulations.

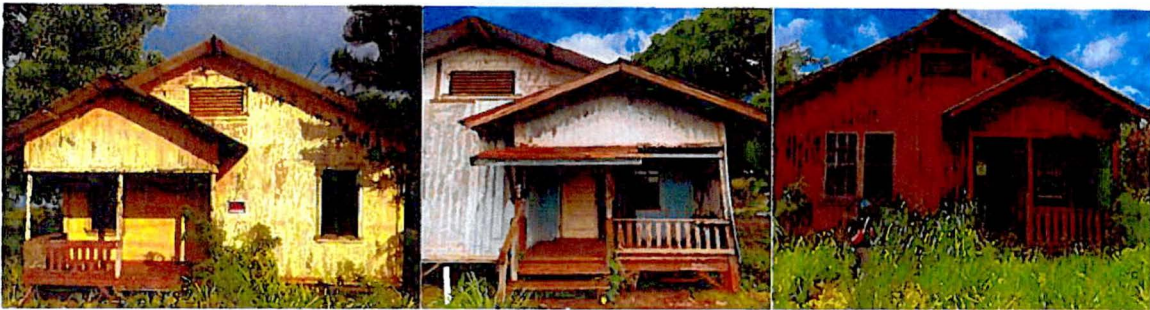


Figure 2, 3, 4: Pictures of Numila Camp Cottages.

Form-Based Code differs from the existing use-base code requirements in the Comprehensive Zoning Ordinance in that the primary emphasis is on building and streetscape “form”, the importance of how the proposed development is integrated with the existing town character. This is a more comprehensive approach that includes the regulation of building types, street design, and civic space requirements. These standards are crafted to regulate the specific and desired qualities of areas identified through the inventory and data collection process.

The County of Kaua’i has adopted multiple Form-Based Codes tailored to preserve the unique and localized characteristics of South Kaua’i, West Kaua’i, and the Kaumakani Plantation Camps. During the South Kaua’i and West Kaua’i Community planning efforts, the community sought to preserve and revitalize their town cores. Form-Base Codes were ideally suited to meet this community goal. Since the adoption of the South Kaua’i, West Kaua’i, and the Kaumakani Plantation Camp Form-Based Code, the Planning Department and the respective communities have seen the value of this development approach.

Consistent with the West Kauai towns of Waimea, Kekaha, ‘Ele’ele, and Hanapēpē, the Numila Camp supports unique town and village features that can benefit from the establishment of a Form-Based Code. The Numila Camp Form-Based Code is a tool that

seeks to maintain the existing character of the Numila Camp while simultaneously establishing design guidelines that inform buildout scenarios.

Implementing the Numila Form-Based Code requires several land use and zoning amendments to align with the intended development vision for the area. These changes will allow for the redevelopment of the historic Numila Camp footprint.

1. **General Plan Amendment (GPA-2025-2)** – The General Plan amendment updates the Kaua’i Land Use Map and West Kaua’i Land Use Map within the General Plan to reflect a change from Agriculture to Plantation Camp, aligning with the historic residential uses of the area and future vision for lands adjacent to the existing Numila camp. This designation supports the continued use and nominal expansion of the area for residential purposes.
2. **West Kaua’i Community Plan Amendment (ZA-2025-4)** – Updates to the West Kaua’i Community Plan ensure consistency between local planning documents and the Numila FBC. The amendment revises the **Regional Town Plan Map (Figure 12)** to change the land use designation within the **Special Planning Area – Plantation Camp (SPA-P)** from Agriculture to Plantation Camp, supporting the envisioned small-town character and historic Numila Camp development. The proposal also amends Section 10-3 to establish a Special Planning Area “P” (SPA-P), which shall also be known as the “Numila Plantation Camp Walkable Mixed-Use District.” The Special Planning Area shall be adopted with a new map ZM-NC-100 (Numila Camp) and adopted within the West Kaua’i Community Plan.
3. **State Land Use District Amendment (A-2025-2)** – This amendment is needed to reclassify **14.9 acres** from Agricultural to Urban, allowing for residential development adjacent to the historic Numila Camp residential footprint to allow for a nominal expansion of the area for residential purposes while keeping within the form and character of the historic camp.
4. **Zoning Map Amendment (ZA-2025-3)** – This change updates the zoning from Agricultural (Ag) to Residential-1 (R-1) allowing for residential development within the historic Numila Camp area and adjacent lands.

VI. AGENCY COMMENTS

Comments from applicable government agencies are being sought and are expected at the time of the public hearing scheduled for March 11, 2025.

VII. PRELIMINARY EVALUATION

In evaluating the proposed zoning amendment, the following aspect should be taken into consideration:

1. Comprehensive Zoning Ordinance (CZO)

The proposed amendment is to be evaluated pursuant to Section 8-3.4(d) of the CZO, Kaua'i County Code (KCC), as amended. The section, reads:

“(d) Consideration. In considering an amendment, the Planning Commission shall consider the purposes of the existing and proposed changes to the Zoning Ordinance. A change in the Zoning Map or text shall not be made unless the change will further the public necessity and convenience and the general welfare.”

As previously mentioned, the intent of the amendment is to amend the West Kaua'i Community Plan to add Special Planning Area “P” (SPA-P), which shall be referred to as the “Numila Plantation Camp Walkable Mixed Use District.” Amending the code to include Special Planning Area “P” would further accommodate public necessity and for convenience.

2. General Plan

The 2018 General Plan sets forth a vision, goals, and policies to guide future growth on Kaua'i. The proposed amendment is consistent with the overall vision and policies outlined in the 2018 General Plan.

A. Section 1.4, entitled “Policies to Guide Growth”

- i. **Policy #1: “Manage Growth to Preserve Rural Character”**
The new design standards that correspond with Special Planning Area “P” will ensure the rural characteristics of our communities are maintained through the preservation of the Numila Camp’s building form and characteristics.
- ii. **Policy #2: Provide Affordable Housing While Facilitating a Diversity of Privately-Developed Housing for Local Families.**
According to the General Plan, Communities that cater to a high-end market, resulting in enclaves of similar household incomes and housing types, are no longer acceptable. The design standards that correspond with Special Planning Area “P” limit development to building standards that cater to and support the local housing market. These design standards will provide an opportunity to create housing for local families.
- iii. **Policy #3: Recognize the Identity of Kaua'i’s individual Towns and Districts.**
Policy #3 of the General Plan states that Kauai’s towns and planning districts are distinct, each with its own character, opportunities, and needs. The design standards outlined for Numila Camp acknowledge the characteristics and features that generate the unique community identity of the Numila Camp.

B. Section 3.0 Actions by Sector, Subsection Sector VII, entitled "Heritage Resources" states for code changes:

- i. Update and create Special Planning Areas in towns to ensure new development and redevelopment of existing sites or structures is done in a "historically sensitive" manner. The proposed Numila Camp Form-Based Code implements these exact code changes recommended by the General Plan creating design standards to preserve the historic character of Numila Camp.

X. PRELIMINARY CONCLUSION

Based on the foregoing, it is concluded that the proposal is reasonable and appropriate. It is also consistent with the policies and recommendations of the Kaua'i General Plan.

XI. PRELIMINARY RECOMMENDATION

Based on the foregoing evaluation and conclusion, it is hereby Zoning Amendment ZA-2025-3, Zoning Amendment ZA-2025-4, General Plan Amendment GPA-2025-2 and State Land Use District Amendment A-2025-2 be **APPROVED**.

By  _____
SHELEA KOGA
Planner

Approved & Recommended to Commission:

By  _____
KA'AINA S. FULL
Director of Planning

Date: 2/25/2025

“EXHIBIT A”

(Proposed General Plan Amendment GPA-2025-2)

For reference

ORDINANCE NO. _____

BILL NO. _____

**A BILL FOR AN ORDINANCE AMENDING
"KAUA'I KĀKOU – KAUA'I COUNTY GENERAL PLAN" (2018)
RELATING TO A PARCEL LOCATED IN WAHIAWA, KAUA'I**

(County of Kaua'i Planning Department, Applicant) (GPA-2025-2)

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. Findings and Purpose. The purpose of this Ordinance is to update the booklet entitled "Kaua'i Kākou – Kaua'i County General Plan" (2018) (incorporated by reference in Chapter 7, Kaua'i County Code 1987, as amended) (The General Plan for the County of Kaua'i). The subject property, identified as Tax Map Key (TMK) Parcel (4) 2-2-001:001 and referred to hereafter as "Numila Camp," is located adjacent to Kaua'i Coffee Visitor Center and the Numila Sugar Mill, situated along the makai side of Halewili Road.

The Council finds the Numila Camp amendment boundaries are delineated by the map in Exhibit A and contain an area of approximately 14.9 acres.

The Council finds that TMK Parcel (4) 2-2-001:001 is not designated as Important Agricultural Lands by the Hawai'i State Land Use Commission.

The Council finds that the Numila Plantation Camp areas maintain a unique sense of identity and has historic features and qualities that should be perpetuated.

The Council finds that the current landowner (BBCP Kaua'i Operating LLC) has consented to this General Plan amendment.

SECTION 2: The booklet entitled "Kaua'i Kākou – Kaua'i County General Plan" (2018) is amended as follows:

1. Amend page 229 by deleting Figure 5-1, Kaua'i Land Use Map (as previously amended by Ordinance No. 1084), and replacing it with a new map, Figure 5-1, Kaua'i Land Use Map, as shown on the map attached to this Ordinance as Exhibit B, and on file with the Planning Department, County of Kaua'i.
2. Amend page 233 by deleting the amended Figure 5-2, West Kaua'i Land Use Map (as previously amended by ordinance No. 1084), and replacing it with a new map, Figure 5-3 West Kaua'i Land Use Map as shown on the map attached to this Ordinance as Exhibit C, and on file with the Planning Department, County of Kaua'i.

SECTION 3. The Planning Department is directed to note the changes on the official Zoning Maps on file with the Department.

SECTION 4. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 5. This Ordinance shall take effect upon its approval.

Introduced by:

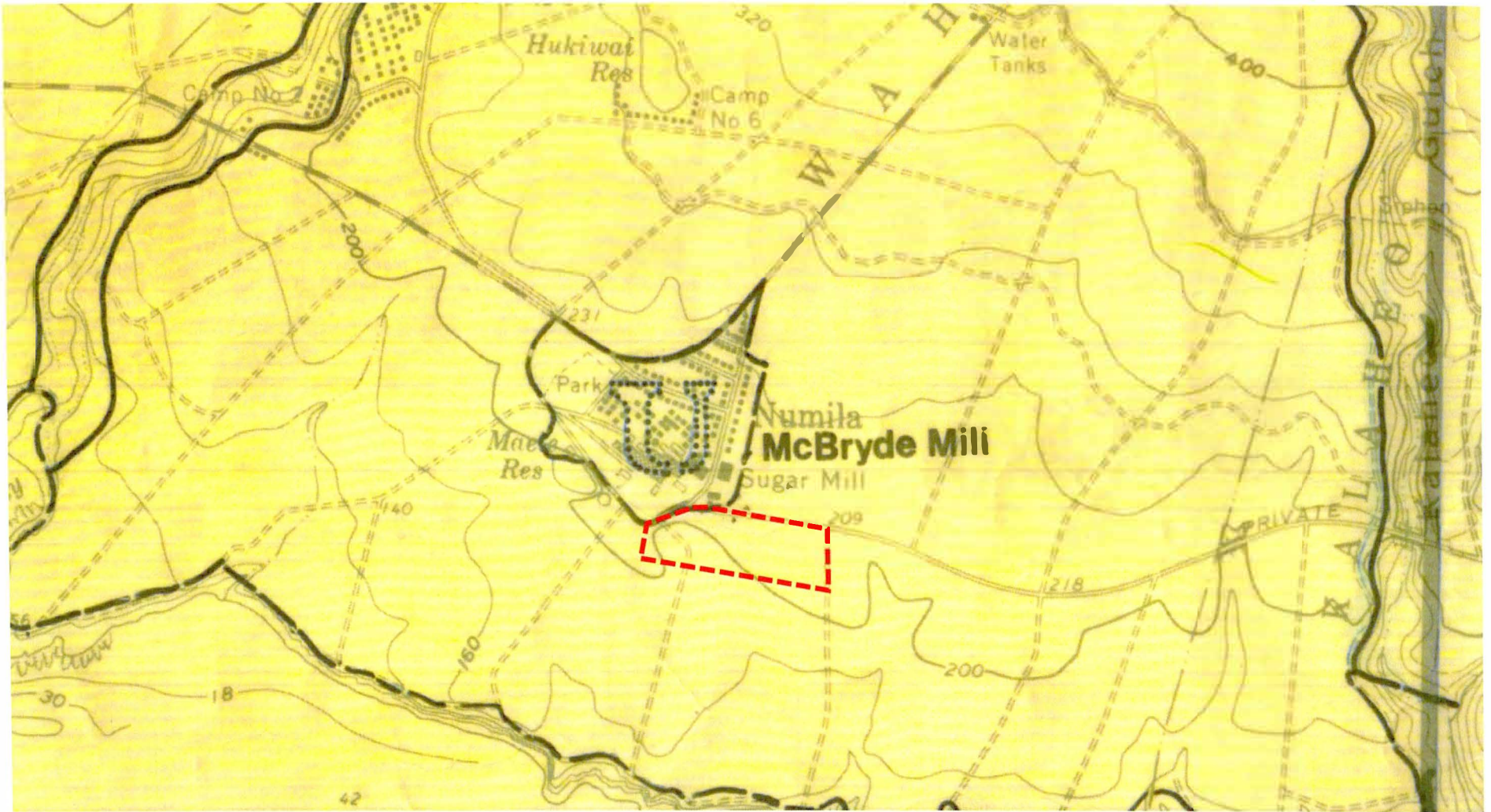
(By Request)

DATE OF INTRODUCTION:

Līhu'e, Kaua'i, Hawai'i

Exhibit A

Location Map



Zoning Amendment Location Map

 Amendment Boundaries

Exhibit B

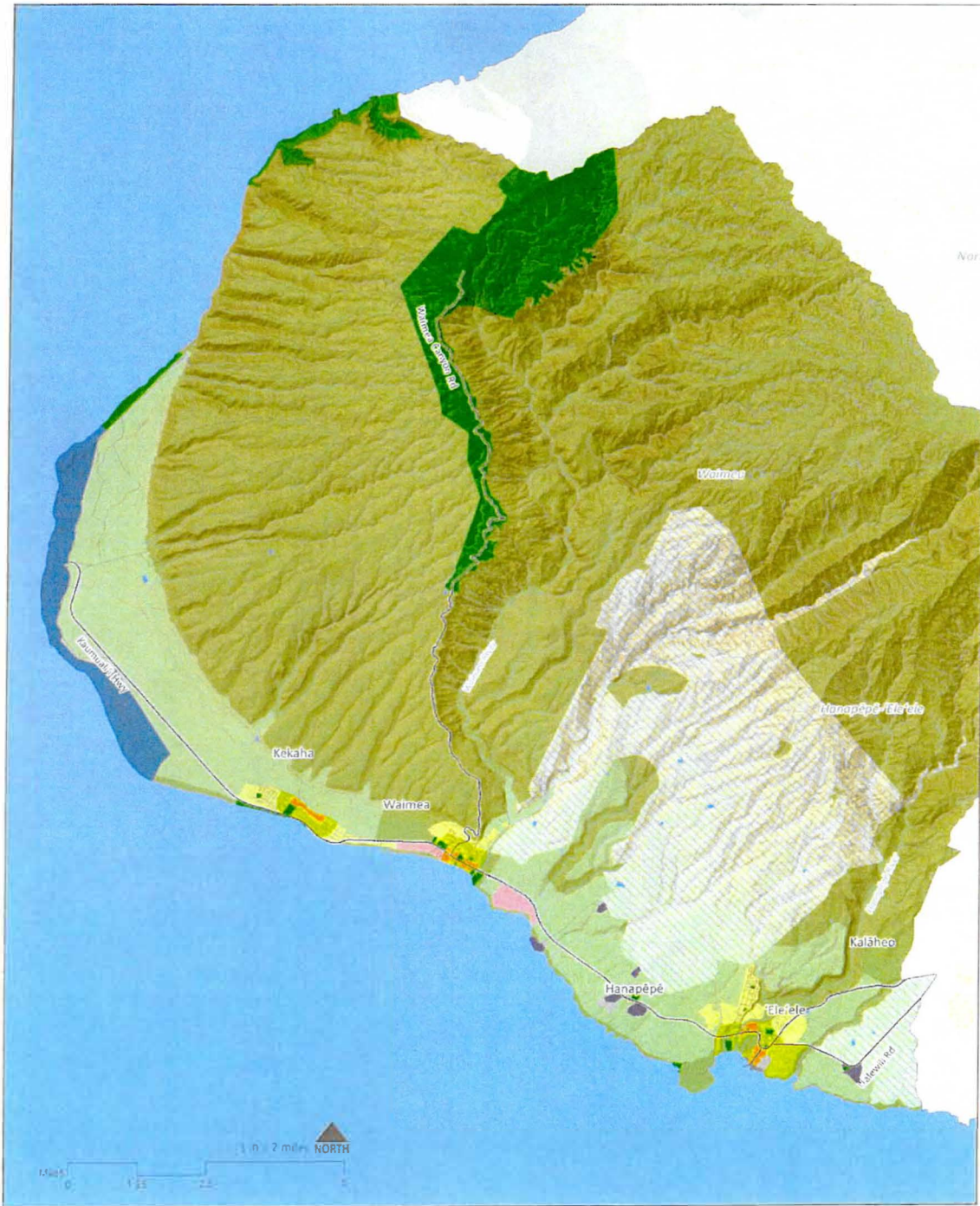
Map Showing Amendment to the Kaua'i General Plan (2018) Land Use Map Figure 5-1 "Kaua'i Land Use Map"

-  Planning District Boundary
-  Major Roads
-  Roads
-  Streams
-  USGS 40 ft. Contours
-  Urban Edge Boundary
-  Reservoirs
-  Natural
-  Agricultural
-  Agricultural (IAL)
-  Parks and Recreation
-  Golf Course
-  Homestead
-  Residential Community
-  Urban Center
-  Neighborhood Center
-  Neighborhood General
-  Large Town
-  Small Town
-  Resort
-  Provisional Resort (Pending Community Plan Process)
-  University Zone
-  Plantation Camp
-  Industrial
-  Transportation
-  Military
-  Provisional Agriculture

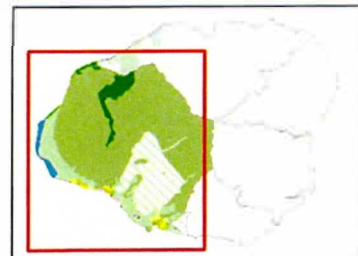


Exhibit C

Map Showing Proposed Amendment to the Kaua'i General Plan (2018) Land Use Map
 Figure 5-3 Hanapēpē to 'Ele'ele to Figure 5-2 "West Kaua'i District"



- | | | |
|----------------------------|-----------------------|-----------------|
| — Major Roads | Natural | Resort |
| — Roads | Agricultural | Plantation Camp |
| — Streams | Agricultural (IAL) | Industrial |
| — USGS 40 ft. Contours | Parks and Recreation | Transportation |
| Planning District Boundary | Residential Community | Military |
| Reservoirs | Neighborhood Center | |
| | Neighborhood General | |



“EXHIBIT B”

(Proposed Zoning Amendment ZA-2025-4)

For reference

ORDINANCE NO. _____

BILL NO. _____

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 10 ARTICLE 3, KAUA'I COUNTY CODE 1987, AS
AMENDED, RELATING TO THE
WEST KAUA'I COMMUNITY PLAN IMPLEMENTING ORDINANCE (2020)**

(County of Kaua'i Planning Department, Applicant) (ZA-2025-4)

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. Findings and Purpose. The purpose of this Ordinance is to amend Chapter 10, Article 3, Kauai County Code 1987, as amended, relating to the West Kauai Community Plan. The proposal amends Section 10-3 of the Kauai County Code relating to text and mapping requirements to establish a Special Planning Area "P", which shall be referred to as the "Numila Plantation Camp Walkable Mixed Use District", and be designated as "SPA-P" as shown on Zoning Maps ZM-NC-100 (Numila Camp) involving a portion of a property further identified as Tax Map Key 2-2-001:001. The proposal also amends the West Kaua'i Regional Map to reflect land use designation updates from "Agriculture" to "Plantation Camp" within the SPA-P boundaries.

The Council finds the Numila Camp amendment boundaries delineated by the map in Exhibit A.

The Council finds that TMK Parcel (4) 2-2-001:001 is not designated as Important Agricultural Lands by the Hawai'i State Land Use Commission.

The Council finds that the West Kaua'i Community Plan (WKCP), adopted by the County of Kaua'i in December 2020, recognizes the opportunity to "ensure redevelopment and renovation projects reflect the historic character of Numila Camp."

The Council finds that the current landowner (BBCP Kaua'i Operating LLC) has consented to this West Kaua'i Community Plan amendment.

SECTION 2. Amend Section 10-3 of the Kaua'i County Code to add a Special Planning Area "P" (SPA-P), which shall also be known as the "Numila Plantation Camp Walkable Mixed Use District". The Special Planning Area shall be adopted with a new map ZM-NC-100 (Numila Camp) and adopted within the West Kaua'i Community Plan as attached in Exhibit B. The corresponding design standards in text format shall be adopted within the West Kaua'i Community Plan as attached in Exhibit C.

SECTION 3. The booklet entitled "West Kaua'i Community Plan" (2020) is amended as follows:

1. Amend page 126 by deleting Figure 12, Regional Town Plan Map, and replacing it with a new map, Figure 12, Regional Town Plan Map, as shown on the map attached to this Ordinance as Exhibit D, and on file with the Planning Department, County of Kaua'i.

SECTION 4. The content of Chapter 10, Article 3, West Kaua'i Community Plan Implementing Ordinance, Kaua'i County Code, as amended is amended as follows:

§ 10-3.1. Title and Purpose.

- (a) This Article shall be known and may be cited as the "West Kaua'i Community Plan Implementing Ordinance." It is adopted:
- (1) To provide design and development standards in order to implement the detailed planning goals and objectives for the West Kaua'i Planning District;
 - (2) To establish special planning areas, future growth areas, land uses, and development and design standards to guide and regulate future development;
 - (3) To protect certain physical characteristics found to be of particular public value, as provided in Chapter 8, Article 11, Section 6, Kaua'i County Code 1987, as amended (Special Planning Areas); and
 - (4) Establish exceptions, modifications, or additions to the provisions of Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance) and Chapter 9, Kaua'i County Code 1987, as amended (Subdivision Ordinance) in order to more specifically provide for the regulation of land use, subdivision, and development practices within the West Kaua'i Planning District.
- (b) Nature of the West Kaua'i Community Plan Ordinance. This Article provides the necessary framework and guidelines to direct future development and capital improvements in the West Kaua'i area, whose boundary is described in the report entitled "West Kaua'i Community Plan." Additionally, this Article supplements Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance) and Chapter 9, Kaua'i County Code 1987, as amended (Subdivision Ordinance) by regulating use and development standards within the West Kaua'i Special Planning Areas, as identified in the zoning maps or surveyed maps, or both, attached to Ordinance No. 1083, [and] Ordinance No. 1138, and Ordinance No. XXXX, on file with the Planning Department, County of Kaua'i.
- (c) The guidelines of this Article are based on the report entitled "West Kaua'i Community Plan" (Planning Commission draft approved in 2020, as amended by the Kaua'i County Council in 2020, and as may be subsequently amended), a booklet whose major components include:
- (1) Regional and town plan maps;
 - (2) Policies for the West Kaua'i region as a whole;
 - (3) Goals and objectives for Kekaha, Waimea, Hanapēpē, 'Ele'ele, Port Allen, Kaumakani, Pākalā Village, Numila, and other areas; and
 - (4) Appendices.
- (Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

§ 10-3.2. Vision and Goals.

The vision and goals for the region referred to in this Article, which shall be known as the West Kaua'i Planning District, and its communities are described in the report entitled "West Kaua'i Community Plan."

(Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

§ 10-3.3. Application of Regulations.

- (a) The West Kaua'i Form-Based Code, attached as Appendix "C", [and] the Plantation Camp Form-Based Code, attached as Appendix "D", and the Numila Plantation Camp Form-Based Code, attached as Appendix "E," to the West Kaua'i Community Plan, are by reference incorporated herein and made a part hereof. The provisions of the West Kaua'i Form-Based Code, [and] the Plantation Camp Form Based Code, and the Numila Plantation Camp Form Based Code shall apply to all new development located within the Special Planning Areas, as identified in the zoning maps or surveyed maps, or both, attached to Ordinance No. 1083, [and] Ordinance No. 1138, and Ordinance No. XXX, on file with the Planning Department, County of Kaua'i.
- (b) The regulations and procedures established in Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance) shall apply within the Special Planning Areas of the West Kaua'i Planning District, except to the extent that such regulations or procedures are changed or modified by the provisions of the West Kaua'i Form-Based Code. When the provisions of this Article differ with respect to the provisions of Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance) and Chapter 9, Kaua'i County Code 1987, as amended (Subdivision Ordinance), the West Kaua'i Form-Based Code shall supersede such provisions as provided in Chapter 8, Article 11, Kaua'i County Code 1987, as amended (Special Treatment Districts (ST)).

(Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

§ 10-3.4. Existing Conditions.

- (a) This Article does not mandate the immediate modification of structures and uses lawfully in existence upon the enactment of this Article.
- (b) The requirements of this Article will not be triggered by routine maintenance not requiring a zoning permit.
- (c) Existing Buildings and Structures. Buildings and structures lawfully in existence upon the enactment of this Article that do not conform to the provisions of this Article are subject to the requirements of Chapter 8, Article 13, Section 1, Kaua'i County Code 1987, as amended (Nonconforming Buildings and Structures).
- (d) Existing Uses. Uses lawfully in existence upon the enactment of this Article that are not consistent with the Special Planning Areas will be allowed to continue on the parcel of record as provided in Chapter 8, Article 13, Section 2, Kaua'i County Code 1987, as amended (Nonconforming Uses).

(Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

§ 10-3.5. Special Planning Areas, Designation, and Procedures.

- (a) Designation of Special Planning Areas "K," "L," "M," "N," [and] "O[.]," and "P." The boundaries of the following form-based code districts are hereby adopted as described in the West Kaua'i Form-Based Code and the Plantation Camp Form-Based Code, attached as Appendix "C," [and]

Appendix "D," and Appendix "E" to the West Kaua'i Community Plan, and shall be referred to as follows:

- (1) Special Planning Area "K," which shall also be known as the "Kekaha Town Walkable Mixed Use District" and be designated as "SPA-K" as shown on the zoning map attached to Ordinance No. 1083 as Exhibit 1, and on file with the Planning Department, County of Kaua'i.
- (2) Special Planning Area "L," which shall also be known as the "Waimea Town Walkable Mixed Use District" and be designated as "SPA-L" as shown on the zoning map attached to Ordinance No. 1083 as Exhibit 2, and on file with the Planning Department, County of Kaua'i.
- (3) Special Planning Area "M," which shall also be known as the "Hanapēpē Town Walkable Mixed Use District" and be designated as "SPA-M" as shown on the zoning map attached to Ordinance No. 1083 as Exhibit 3, and on file with the Planning Department, County of Kaua'i.
- (4) Special Planning Area "N," which shall also be known as the "Ele'ele-Port Allen Walkable Mixed Use District" and be designated as "SPA-N" as shown on the zoning map attached to Ordinance No. 1083 as Exhibit 4, and on file with the Planning Department, County of Kaua'i.
- (5) Special Planning Area "O," which shall also be known as the "Kaumakani Plantation Camp Walkable Mixed Use District" and designated "SPA-O" as shown on the zoning and surveyed maps attached to Ordinance No. 1138 as Exhibit 1, Exhibit 2a, and Exhibit 2b, and on file with the Planning Department, County of Kaua'i.

(6) Special Planning Area "P," which shall also be known as the "Numila Plantation Camp Walkable Mixed Use District" and designated "SPA-P" as shown on the zoning map attached to Ordinance No. XXXX as Exhibit B, and on file with the Planning Department, County of Kaua'i.

- (b) Designation of Zoning Maps. In order to carry out the purpose of this Article, the zoning maps ZM-K100 (Kekaha), ZM-W100 (Waimea), and ZM H200 (Hanapēpē) of Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance), are hereby amended. Zoning Map ZM-KV-100 (Kaumakani Village), [and] ZM-KA-100 (Kaumakani Avenue), and ZM-NC-100 (Numila Camp) is hereby adopted.

(Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

§ 10-3.6. Implementation of the West Kaua'i Community Plan.

The West Kaua'i Community Plan shall serve as a guide for all development within the West Kaua'i area.

(Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

SECTION 5. The Planning Department is directed to note the changes on the official Zoning Maps on file with the Department.

SECTION 6. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 7. This Ordinance shall take effect upon its approval.

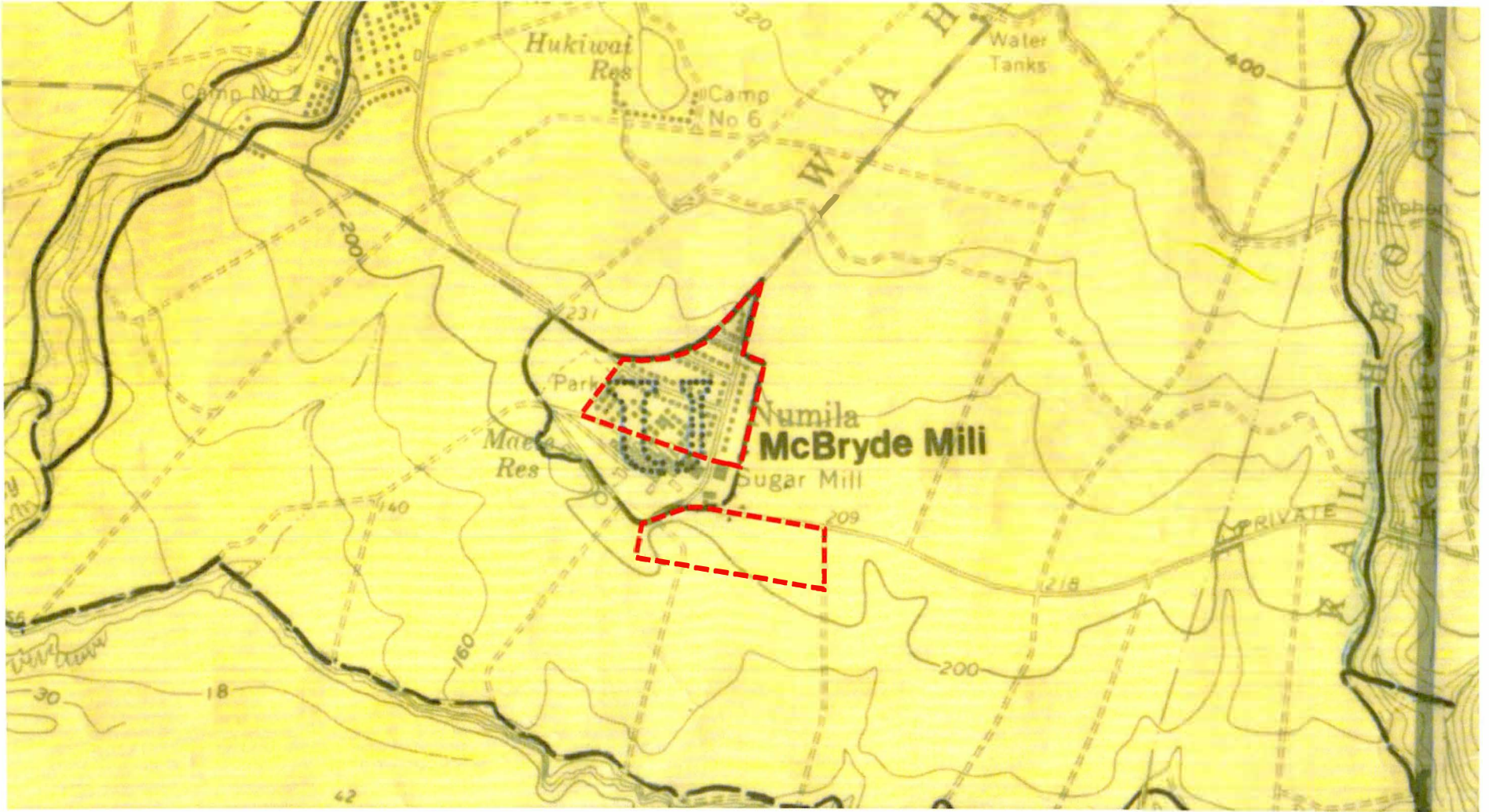
Introduced by:

(By Request)

DATE OF INTRODUCTION:

Līhu'e, Kaua'i, Hawai'i

Exhibit A
Location Map

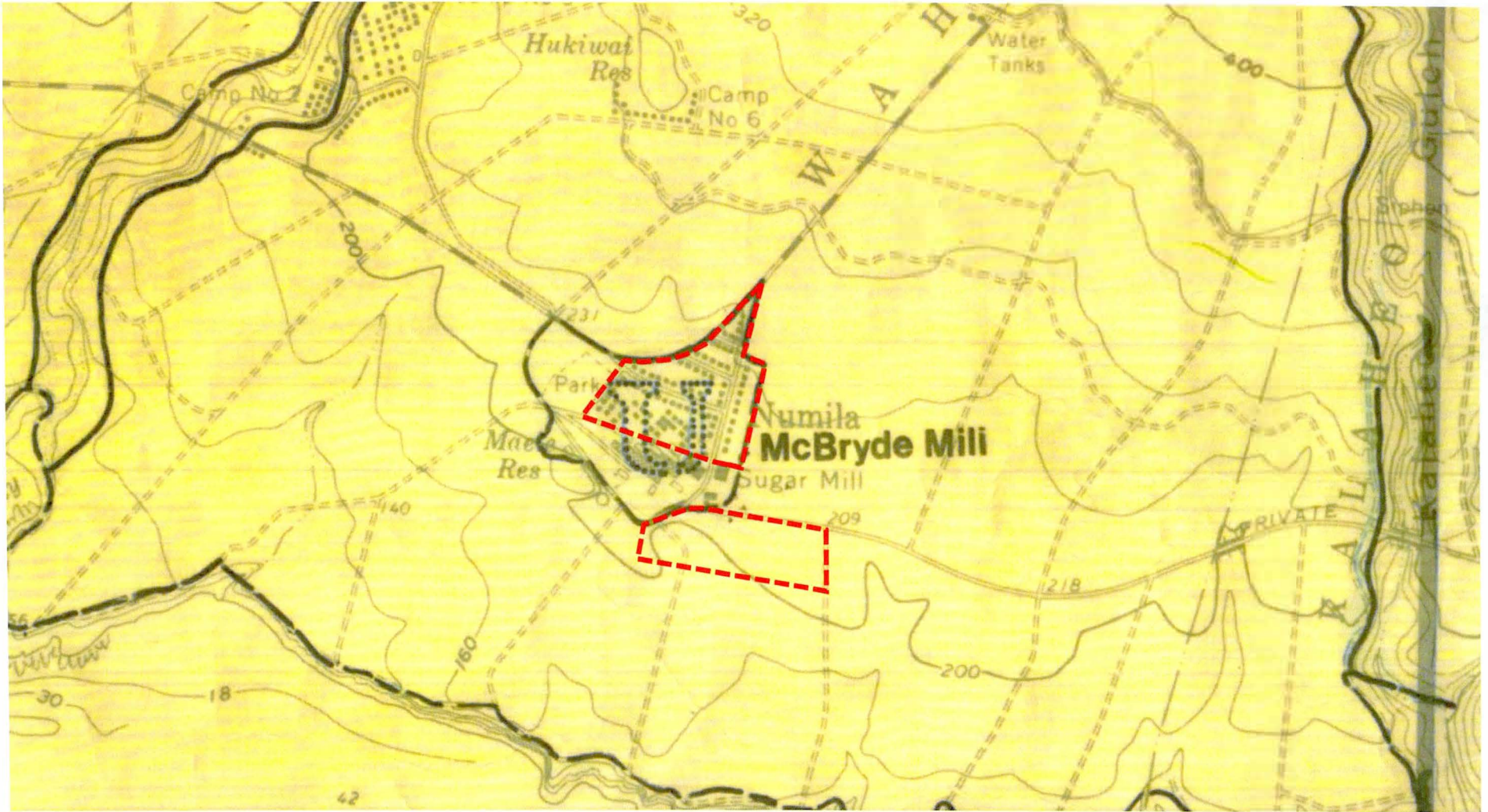


Zoning Amendment Location Map

 Amendment Boundaries

Exhibit B

Location Map



Zoning Map ZM-NC-100 (Numila Camp)



SPA-P Boundary - Numila Plantation Camp Walkable Mixed Use District
Wahiawa, Kauai, Hawaii

Exhibit C



Numila Camp Form-Based Code

Prepared by the County of Kaua'i Planning Department



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Sub-Article 1.1 Purpose

1.1.010 Purpose and Intent

The Numila Form-Based Code guides development in a manner consistent with the goals of the West Kaua'i Community Plan and County of Kaua'i General Plan. This Form-Based Code provides a regulatory framework to regenerate development that is inspired by Numila Plantation Camp.

The Code is guided by policy that supports new construction of plantation homes that are inspired by several historic building types that were once located throughout the Numila Plantation Camp. The intent of the code is to allow new infill construction to be in keeping with the form and character of the former plantation camp and to provide affordable housing stock that can support agricultural activity. Specifically, the code:

- A. Promotes and enhances existing community design and development patterns that reflect the distinct character of the historic plantation camp at Numila;
- B. Promotes and maintains workforce housing stock.
- C. Encourages appropriately-scaled infill development that is located within or near the historic confines of the camp.

1.1.020 Using Zoning to Reinforce West Kaua'i's Places

Zoning is a tool that can be used to help implement the community's vision of a place. Form-Based Code is one form of zoning tool that emphasizes the physical form and character over the separation of use. This provides an alternative approach to Euclidean zoning, which is the type of zoning in the CZO (Chapter 8 of the Kaua'i County Code 1987, as amended). Kaua'i has five distinct place types based on historic settlement patterns. They include the following:

- A. Rural crossroads;
- B. Plantation camps;
- C. Small village;
- D. Large village;
- E. Town.

As it pertains to plantation camps, Form-Based Code can activate former plantation camp lands and allow for new construction to be developed in a manner that will be in keeping with the historic plantation camps that once thrived in these areas.

1.1.030 Plantation Camp Place Type

During the Plantation era, workers lived in plantation camps located near or adjacent to the sugar mills and cane fields. These camps were built to a pedestrian-oriented scale that made it possible to traverse by foot to work and services. The fields that surrounded the towns provided a *de facto* greenbelt. The relationship between the plantation camps and agricultural lands reinforced the region's rural identity. Even with the rise of the automobile and the trend of suburban development patterns, the legacy of these camps remains in West Kaua'i.

The 2018 General Plan identifies existing plantation camps in the Future Land Use Map. The Plantation Camp is defined as an historic remnant of former plantation housing that is not connected to an existing town and is surrounded by the agricultural district. Some plantation camps were demolished and have since reverted to agricultural uses. Today's remaining plantation camps are clusters of houses with little or no retail or public facilities. Five plantation camps are designated in the General Plan and include Numila, Kaumakani Village, Kaumakani Avenue, Ka'awanui Camp, and Pakala Camp. Plantation camps are important vestiges of Kaua'i's sugar plantation history. Each camp maintains a unique sense of identity and has features and qualities that its residents would like to see preserved.

Until recently, the County zoning for these areas was "Agriculture". The 2021 West Kaua'i Community Plan (WKCP) updated the County zoning for those plantation camps located within the SLUD-Urban District, which include Numila, Kaumakani Village, Kaumakani Avenue, and Pakala Camp. Two new zoning districts were created in the WKCP: Plantation Camp District and Special Treatment – Coastal Edge District.

Numila:

The Numila Plantation Camp, also known as "Camp 9", "Mill Camp", and "New Mill", was once part of a thriving network of eighteen camps that provided housing for employees of the McBryde Sugar Plantation. Numila, which developed closest to the mill, is the last remaining plantation camp on former McBryde lands and at one point in time had approximately 185 dwellings with a population of 700-750 people (A&B, 2023). The Numila Plantation Camp was broken down into three main sections of housing: 9-A for skilled labor and lunas and 9-B and 9-C for laborers who worked at the mill (A&B, 2023). Many of the camp homes were simple, single-family residences that were occupied by a diversity of ethnic groups that worked for the plantation. In addition to dwellings, Numila Plantation Camp had other amenities such as a camp store, gas station, movie theatre, pool hall/ club house, bath house, barber shop, clinic, and at least one church (A&B, 2023).

Alexander & Baldwin, Inc. (2023) *Numila Camp Closure and Removal Project Summary*.

1.1.040 The West Kauai Numila Camp Transect

The Form Based Code transect is an organizing principle used in form-based code that establishes a hierarchy of zones, which contain places and building types and replaces use as the organizing principle. Typically, the model transect is divided into six transect zones or T-zones: Natural (T1), Rural (T2), Sub-Urban (T3), General Urban (T4), Urban Center (T5), and Urban Core (T6). However, Kaua'i's various form based codes that were instituted in several town cores and plantation camps contain only four transects (T1 to T4).

The Numila Camp Form-Based Code uses transect zones to create new, compatible neighborhoods that are inspired by the former historic plantation camp of Numila. Each transect zone has its own set of standards that will help to guide the desired form and character of an area that will be inspired by the historic uses and building types that once occupied these areas. The Numila Form Based Code contains transects that comprise a special district due to its unique pattern unlike other Kaua'i form base code transects.

The West Kauai Numila Camp Transect Zones:

- A. T3 Numila – Plantation Camp (T3N-PC) The form and character of this transect zone will be primarily one-story, single-family residences with accessory structures located to the rear of the single-family residences. This transect zone will also maintain similar features to the historic plantation camp layout in terms of setbacks, scale, and massing. Historically, the boundaries of this transect zone was formerly known as the Camp 9-B section of Numila Plantation Camp, which housed laborers.
- B. T3 Numila Luna – Plantation Camp (T3NL-PC) - The form and character of this transect zone will be primarily for one story, medium to large sized dwelling units that may be used as single family residences or multi-family units. Historically, the boundaries of this transect was formerly known as the Camp 9-A section of Numila Plantation Camp. Camp 9-A housed skilled labor and supervisors or “luna”.
- C. T3 Numila HSPA – Plantation Camp (T3H-PC) - The form and character of this transect zone will be a concentration of smaller housing units surrounding the existing mill and agricultural buildings. Historically, the boundaries of this transect was formerly known as the older Camp 9-B section of Numila Plantation Camp, which housed laborers.
- D. T3 Numila Flex – Plantation Camp (T3NF-PC) – The from and character of this transect zone supports a limited amount of new development that is compatible with the historic neighborhood design of the Numila Camp and of West Kaua'i communities. New development will provide an opportunity for new single family and multifamily buildings that will integrate compatible medium-density residential building types, such as a multiplex small, with historic building types.

1.1.050 **Lack of Lot Lines**

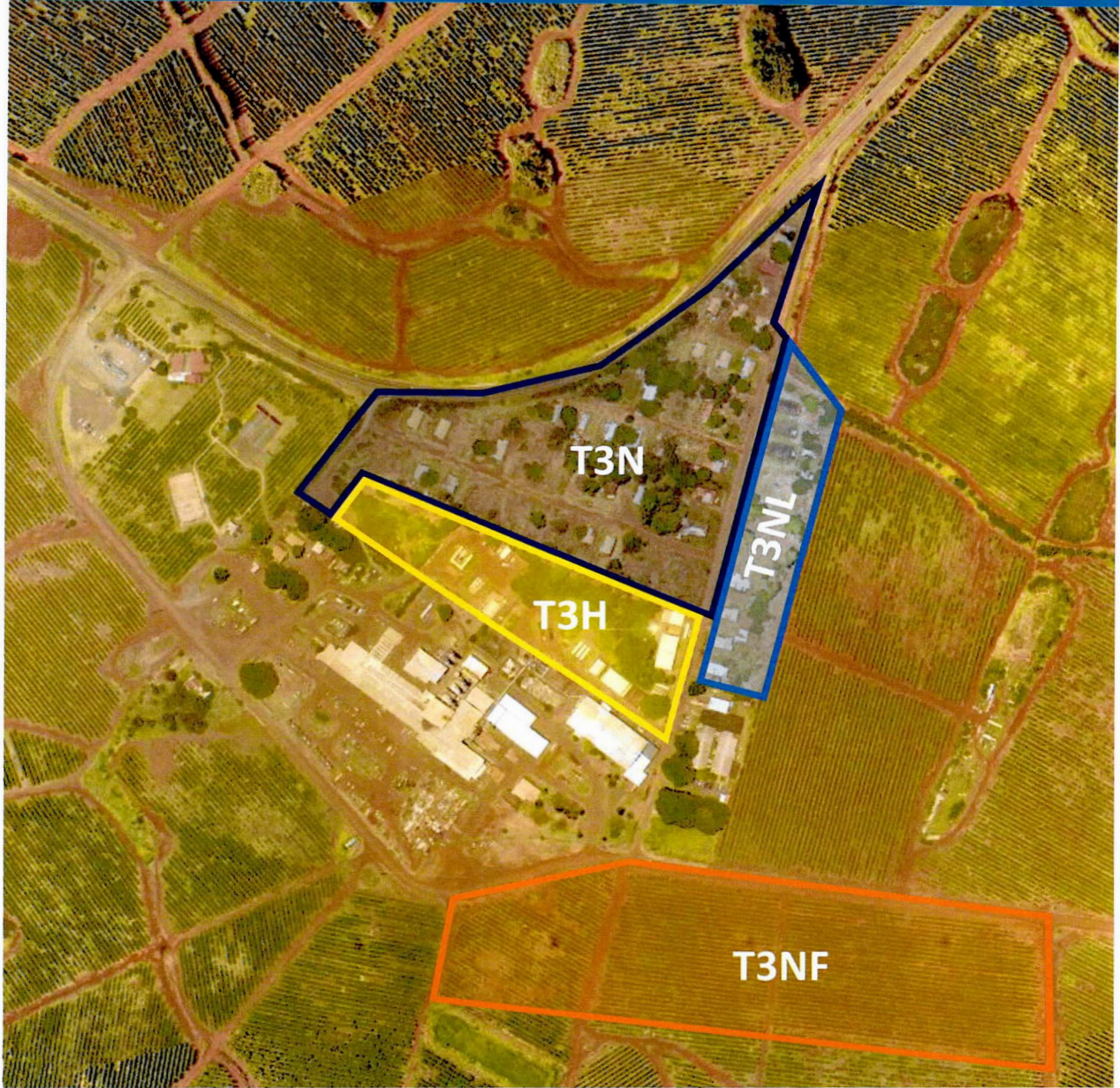
Design standards for form-based codes generally promote and facilitate orientation of structures to public roads and civic spaces that facilitate an interface between the private and the public realm. In particular, form-based codes rely on setbacks and build-to-lines in relation to lot lines to orient proposed structures with public areas. Unique to the subject Numila Form-Based Code Transects is that they overlay one large single lot of record. The subject Numila Transects and their corresponding dwellings and structures are not separated by individual lot lines. Without individual lot lines, the subject Code utilizes building-to-building and building-to-thoroughfare standards to establish the interface between the private and public realm. This approach is unique but necessary to achieve a high-quality public realm inherent within the existing plantation camp environment.

Sub-Article 1.2 Transect Map

1.2.010 Transect Map

The transect zones established in this Article are mapped on the Transect Map on the following page:

Figure 1.2.010 Numila Transect Map



- T3N Numila – Plantation Camp
- T3NL Numila Luna – Plantation Camp
- T3H Numila – HSPA – Plantation Camp
- T3NF Numila Flex – Plantation Camp

Article 2: Transect Descriptions and Building Types

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2.1.030 T3 Numila HSPA – Plantation Camp (T3H-PC)	16-17
2.1.040 T3 Numila Flex – Plantation Camp (T3NF-PC)	18-19

2.1.010 T3 Numila - Plantation Camp (T3N-PC)



General note: the illustration above is intended to provide a brief overview of the transect zone and is descriptive in nature.

A. Transect Zone Intent and Description

This Zone maintains the historical pattern and intensity of the Numila Plantation Camp while allowing new construction to occur on sites that were previously demolished.

B. Building Types

1. Permissible Building Types Standards

- | | |
|---------------------------------|---------|
| i. Numila Cottage | 2.2.010 |
| ii. *Community Parking Facility | 2.2.080 |

- Except for accessory structures, all other building types are prohibited.

C. Use Table

- | | |
|---------------------|---------------|
| i. Residential Uses | Permitted Use |
| ii. Home Businesses | Permitted Use |

- Residential use within the Numila Cottage building type is the only permissible use within this transect. Home businesses are a permissible residential use within a Numila Cottage. All other uses are prohibited.

T3 Numila - Plantation Camp (T3N-PC)**D. Building Placement****1. Front Thoroughfare Setbacks**

- i. There is a 20 foot minimum setback from the front thoroughfare.
- ii. There is a 35 foot maximum setback from the front thoroughfare.

2. Building-to-Building Setbacks

- i. There is a 30 foot minimum setback between cottages.
- ii. There is 10 foot minimum setback from all structures (i.e., from cottages or other accessory structures)

3. Side Thoroughfare Setbacks

- i. There is a 20 foot minimum setback from the side thoroughfare for cottages.
- ii. There is a 35 foot minimum setback from the side thoroughfare for accessory structures.

4. Building Placement Notes

- i. Fences may encroach into the front or side setback; however, fences shall not exceed 4 feet in height.

E. Parking**1. Required Spaces**

- i. 1 off-thoroughfare parking stall is required per cottage.
- ii. Each cottage shall have a detached garage or carport.
- iii. Garage or carport structures may be shared between 2 cottages, and these shared garages shall accommodate at least 2 vehicles.

2. Parking Setback

- i. All off-thoroughfare parking areas shall be setback behind the respective cottage's rear wall.

F. Accessory Structures

- i. Non-habitable detached accessory structures do not require a building type and shall be located behind the rear of the building.
- ii. Accessory structures are allowed throughout this transect.
- iii. Accessory structures shall not exceed 600 square feet in size.
- iv. Accessory structures shall be limited to no more than 2 per building.
- v. Permissible roof types for accessory structures are Gable, Hip, Flat, and single-sloping shed roofs.
- vi. All Accessory Structures shall have a maximum of 9 feet from the finished floor to top of wall plate.

G. *Community Parking Facility

- i. The Community Parking Facility may be constructed to accommodate the required parking stalls.
- ii. There is a 10 foot minimum setback from the front thoroughfare for the Community Parking Facility.

2.1.020 T3 Numila Luna - Plantation Camp (T3NF-PC)



General note: the illustration above is intended to provide a brief overview of the transect zone and is descriptive in nature.

A. Transect Zone Intent and Description

This Zone maintains the historical pattern and intensity of the Numila Plantation Camp while allowing new construction to occur on sites that were previously demolished.

B. Building Types

1. Permissible Building Types	Standards
i. Luna Cottage I	2.2.020
ii. Luna Cottage II	2.2.030
iii. *Community Parking Facility	2.2.080

- With the exception of accessory structures, all other building types are prohibited.

C. Use Table

i. Residential Uses	Permitted Use
ii. Home Businesses	Permitted Use
iii. Dormitory	Permitted Use

- Residential use within the building types is the only permissible use within this transect. Home businesses are a permissible residential use within the above building types. All other uses are prohibited.

T3 Numila Luna - Plantation Camp (T3NL-PC)**D. Building Placement****1. Front Thoroughfare Setbacks**

- i. There is a 20 foot minimum setback from the front thoroughfare.
- ii. There is a 35 foot maximum setback from the front thoroughfare.

2. Building-to-Building Setbacks

- i. There is a 30 foot minimum setback between cottages.
- ii. There is 10 foot minimum setback from all structures (i.e., from cottages or other accessory structures)

4. Building Placement Notes

- i. Fences may encroach into the front or side setback; however, fences shall not exceed 4 feet in height.

E. Parking**1. Required Spaces**

- i. 1 off-thoroughfare parking stall is required per cottage.
- ii. Each cottage shall have a garage or carport.
- iii. Garage or carport structures may be shared between 2 cottages, and these shared garages shall accommodate at least 2 vehicles.

2. Parking Setback

- i. All off-thoroughfare parking areas shall be setback behind the respective building type's rear wall.

F. Accessory Structures

- i. Non-habitable detached accessory structures do not require a building type and shall be located behind the rear of the building.
- ii. Accessory structures are allowed throughout this transect.
- iii. Accessory structures shall not exceed 600 square feet in size.
- iv. Accessory structures shall be limited to no more than 2 per building.
- v. Permissible roof types for accessory structures are Gable, Hip, Flat, and single-sloping shed roofs.
- vi. All Accessory Structures shall have a maximum of 9 feet from the finished floor to top of wall plate.

G. *Community Parking Facility

- i. The Community Parking Facility may be constructed to accommodate the required parking stalls.
- ii. There is a 10 foot minimum setback from the front thoroughfare for the Community Parking Facility.

2.1.030 T3 Numila HSPA - Plantation Camp (T3NH-PC)



General note: the illustration above is intended to provide a brief overview of the transect zone and is descriptive in nature.

A. Transect Zone Intent and Description

This zone continues the historical pattern and intensity of the Numila plantation camp through the HSPA Cottage Building Type.

B. Building Types

1. Permissible Building Types Standards

i. HSPA Cottage	2.2.040
ii. *Community Parking Facility	2.2.080

- With the exception of accessory structures, all other building types are prohibited.

C. Use Table

i. Residential Uses	Permitted Use
ii. Home Businesses	Permitted Use

- Residential use within the HSPA Cottage is the only permissible use within this transect. Home businesses are a permissible residential use within a HSPA Cottage. All other uses are prohibited.

T3 Numila HSPA- Plantation Camp (T3NH-PC)**D. Building Placement****1. Front Thoroughfare Setbacks**

- i. There is a 5 foot minimum setback from the front thoroughfare.
- ii. There is a 10 foot maximum setback from the front thoroughfare.

2. Building-to-Building Setbacks

- i. There is a 10 foot minimum setback between cottages.
- ii. There is 10 foot minimum setback from all structures (i.e., from cottages or other accessory structures)

3. Side Thoroughfare Setbacks

- i. There is a 10 foot minimum setback from the side thoroughfare for cottages.
- ii. There is a 10 foot minimum setback from the side thoroughfare for accessory structures.

4. Building Placement Notes

- i. Fences may encroach into the front or side setback; however, fences shall not exceed 4 feet in height.

E. Parking**1. Required Spaces**

- i. 1 off-thoroughfare parking stall is required per HSPA Cottage. The required stall can be located in a Community Parking Facility.

F. Accessory Structures

- i. Non-habitable detached accessory structures do not require a building type and shall be located behind the rear of the building.
- ii. Accessory structures are allowed throughout this transect.
- iii. Accessory structures shall not exceed 600 square feet in size.
- iv. Accessory structures shall be limited to no more than 2 per building.
- v. Permissible roof types for accessory structures are Gable, Hip, Flat, and single-sloping shed roofs.
- vi. All Accessory Structures shall have a maximum of 9 feet from the finished floor to top of wall plate.

G. *Community Parking Facility

- i. The Community Parking Facility may be constructed to accommodate the required parking stalls.
- ii. There is a 10 foot minimum setback from the front thoroughfare for the Community Parking Facility.

2.1.040 T3 Numila Flex - Plantation Camp (T3NF-PC)



General note: the illustration above is intended to provide a brief overview of the transect zone and is descriptive in nature.

A. Transect Zone Intent and Description

This zone is adjacent to the historic Numila Camp residential footprint and allows for a nominal expansion of the area for residential purposes while preserving the form and character of the historic camp (See Figure 1.2.010 on page 10).

B. Building Types

1. Permissible Building Types	Standards
i. Numila Cottage	2.2.010
ii. Luna Cottage I	2.2.020
iii. Luna Cottage II	2.2.030
iv. HSPA Cottage	2.2.040
v. Duplex	2.2.050
vi. Multiplex Small	2.2.060
vii. Dormitory	2.2.070
viii. *Community Parking Facility	2.2.080

- With the exception of accessory structures, all other building types are prohibited.

C. Use Table

i. Residential Uses	Permitted Use
ii. Home Businesses	Permitted Use
iii. Dormitory	Permitted Use
<ul style="list-style-type: none"> • Residential use within the HSPA Cottage is the only permissible use within this transect. Home businesses are a permissible residential use within a HSPA Cottage. All other uses are prohibited. 	

T3 Numila Flex - Plantation Camp (T3NF-PC)**D. Building Placement****1. Front Thoroughfare Setbacks**

- i. There is a 10 foot minimum setback from the front thoroughfare.

2. Building-to-Building Setbacks

- i. There is a 5 foot minimum setback between buildings or accessory structures.

3. Side Thoroughfare Setbacks

- i. There is a 10 foot minimum setback from the side thoroughfare.

4. Building Placement Notes

- i. Fences may encroach into the front or side setback; however, fences shall not exceed 4 feet in height.

E. Parking**1. Required Spaces**

- i. 1 off-thoroughfare parking stall is required per building. The required stall can be located in a Community Parking Facility.

F. Accessory Structures

- i. Non-habitable detached accessory structures do not require a building type and shall be located behind the rear of the building.
- ii. Accessory structures are allowed throughout this transect.
- iii. Accessory structures shall not exceed 600 square feet in size.
- iv. Accessory structures shall be limited to no more than 2 per building.
- v. Permissible roof types for accessory structures are Gable, Hip, Flat, and single-sloping shed roofs.
- vi. All Accessory Structures shall have a maximum of 9 feet from the finished floor to top of wall plate.

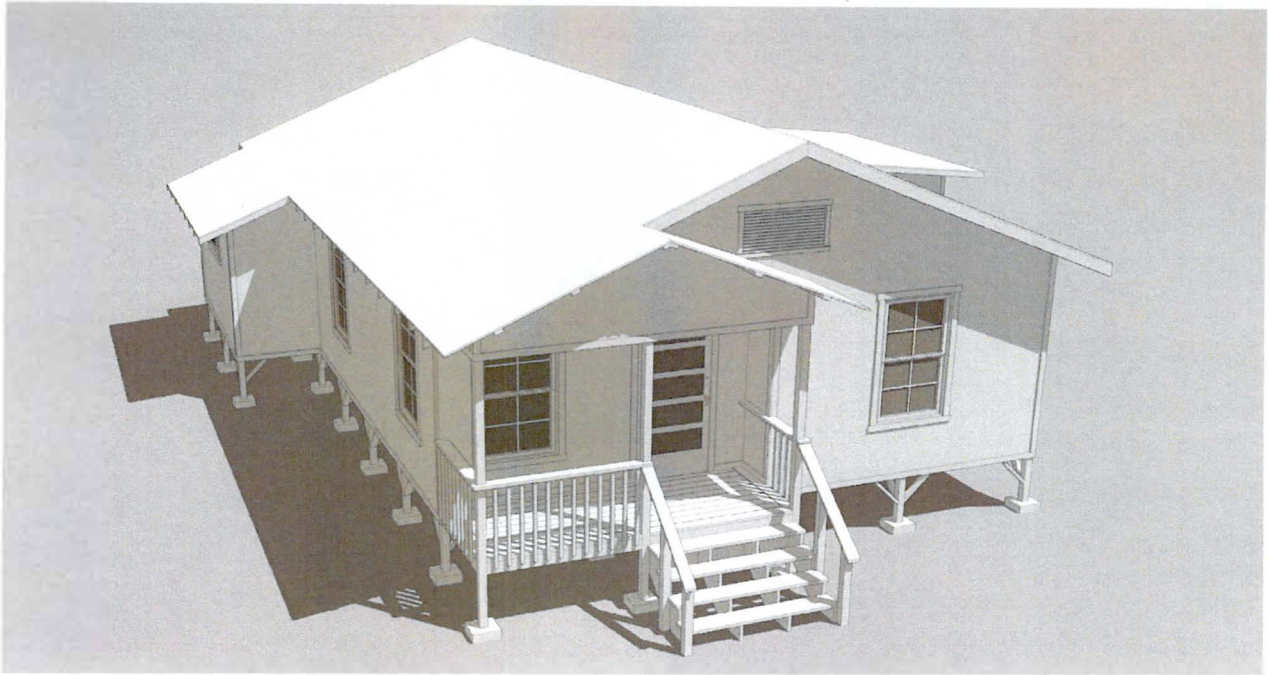
G. *Community Parking Facility

- i. The Community Parking Facility may be constructed to accommodate the required parking stalls.
- ii. There is a 10 foot minimum setback from the front thoroughfare for the Community Parking Facility.

Article 2: Transect Descriptions and Building Types

Sub-Article 2.2: Numila Camp Building Types		21-35
2.2.010	Numila Cottage	21-22
2.2.020	Luna Cottage I	23-24
2.2.030	Luna Cottage II	25-26
2.2.040	HSPA Cottage	27-28
2.2.050	Duplex	29-30
2.2.060	Multiplex Small	31-32
2.2.070	Dormitory	33
2.2.080	Community Parking Facility	35

2.2.010 Numila Cottage



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Numila Cottage: This building type is a medium-sized detached residential structure, and it is used for single family occupancy. This building type is inspired by the various plantation camp homes that were located throughout Camp 9-B, which housed laborers. Some of the homes in the Camp 9-B section were originally relocated from the Camp 9-C portion of Numila Plantation Camp.

B. Building Size and Massing

1. Massing

- i. A Numila Cottage shall have 1 main body section.
- ii. No more than 1 main body is permissible for each Numila Cottage.
- iii. A Numila Cottage may have 1 wing attached to the main body.
- iv. The wing shall be located entirely along 1 of the main body's side walls.

2. Main Body

- i. The minimum width of the main body shall be 22 feet and a maximum of 26 feet.
- ii. The minimum depth of the main body shall be 28 feet and a maximum of 40 feet.

B. Building Size and Massing (continued)

3. Wing(s)

- i. The width of the wing shall be no more than 4 feet maximum.
- ii. The depth of the wing shall be no more than 12 feet maximum.

C. Building Frontages

- i. A Numila Cottage shall have at least 1 frontage type.
- ii. The permissible frontage types are: Lānai, Projecting; Lānai, Engaged; Lānai, Hybrid. All other frontage types are prohibited.

D. Building Rear Exit

- i. A Numila Cottage may a Rear Exit type. The permissible Rear Exit types are: Rear Exit, Stoop; Rear Exit, Engaged; Rear Exit, Enclosed.

E. Pedestrian Access

- i. The main entrance location shall be located in the frontage of the Numila Cottage.

2.2.010 Numila Cottage**F. Foundation**

- i. The Numila Cottage shall have a post-on-pier foundation that does not exceed 4 feet, except as required by the County of Kauai Floodplain Management Program.

G. Fenestration

- i. All windows shall be single or double hung.
- ii. As an exception, slider windows may be granted for kitchens or bathrooms; however, slider windows shall not face the front thoroughfare.

H. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

I. Height

- i. The Numila Cottage shall have a maximum height of 9 feet from the finished floor to the top of wall plate.
- ii. Finished grade at the main entry shall not be greater than 4 feet above existing grade.

J. Roof**1. Roof Pitch**

- i. The Numila Cottage roof pitch ratios shall be set at a 5:12 or 6:12 pitch.

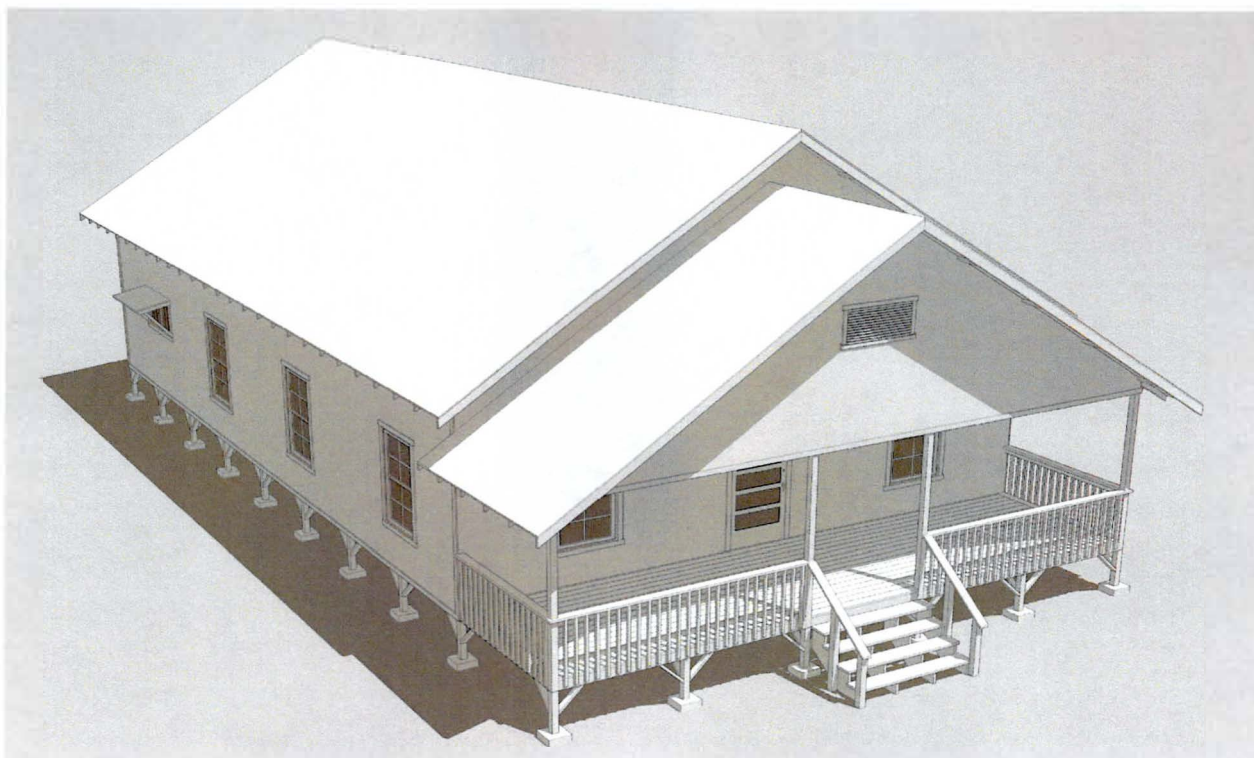
2. Roof Material Type

- i. The Numila Cottage roof materials shall be corrugated metal.

3. Miscellaneous

- i. The Numila Cottage roof types shall be Gable, Hip, or Dutch-Gable.
- ii. Gable roofs shall have a decorative vent feature that does not have to be wood. The decorative vent shall include a fire mesh.

2.2.020 Luna Cottage I



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Luna Cottage I: This building type is a medium-to-large-sized detached residential structure, and it may be used for single family occupancy or dormitory uses. This building type is inspired by the Camp 9-A building type found in House #164, 165, and 166, which housed skilled labor and supervisors or “luna”.

B. Building Size and Massing

1. Massing

- i. A Luna Cottage I shall have 1 main body section.
- ii. No more than 1 main body is permissible for each Luna Cottage I.
- iii. Wings are prohibited on the Luna Cottage I.

2. Main Body

- i. The minimum width of the main body shall be 24 feet and a maximum of 30 feet.
- ii. The minimum depth of the main body shall be 34 feet and a maximum of 48 feet maximum.

C. Building Frontages

- i. A Luna Cottage I shall have at least 1 frontage type. The permissible frontage type is Lānai, Projecting.

D. Building Rear Exit

- i. A Luna Cottage I may have a Rear Exit. The permissible Rear Exit types are: Stoop; Rearage, Enclosed. All other rearage types are prohibited.

E. Pedestrian Access

- i. The main entrance shall be located in the front of the Luna Cottage I.

F. Foundation

- i. The Luna Cottage I shall have a post-on-pier foundation that does not exceed 4 feet, except as required by the County of Kauai Floodplain Management Program.

2.2.020 Luna Cottage I**G. Fenestration**

- i. All windows shall be single or double hung.
- ii. As an exception, slider windows may be granted for kitchens or bathrooms; however, slider windows shall not face the front thoroughfare.

H. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

I. Height

- i. The Luna Cottage I shall have a maximum height limit of 12 feet from the finished floor to the top of wall plate.

J. Roof**1. Roof Pitch**

- i. The Luna Cottage I roof pitch ratios shall be set at 8:12.

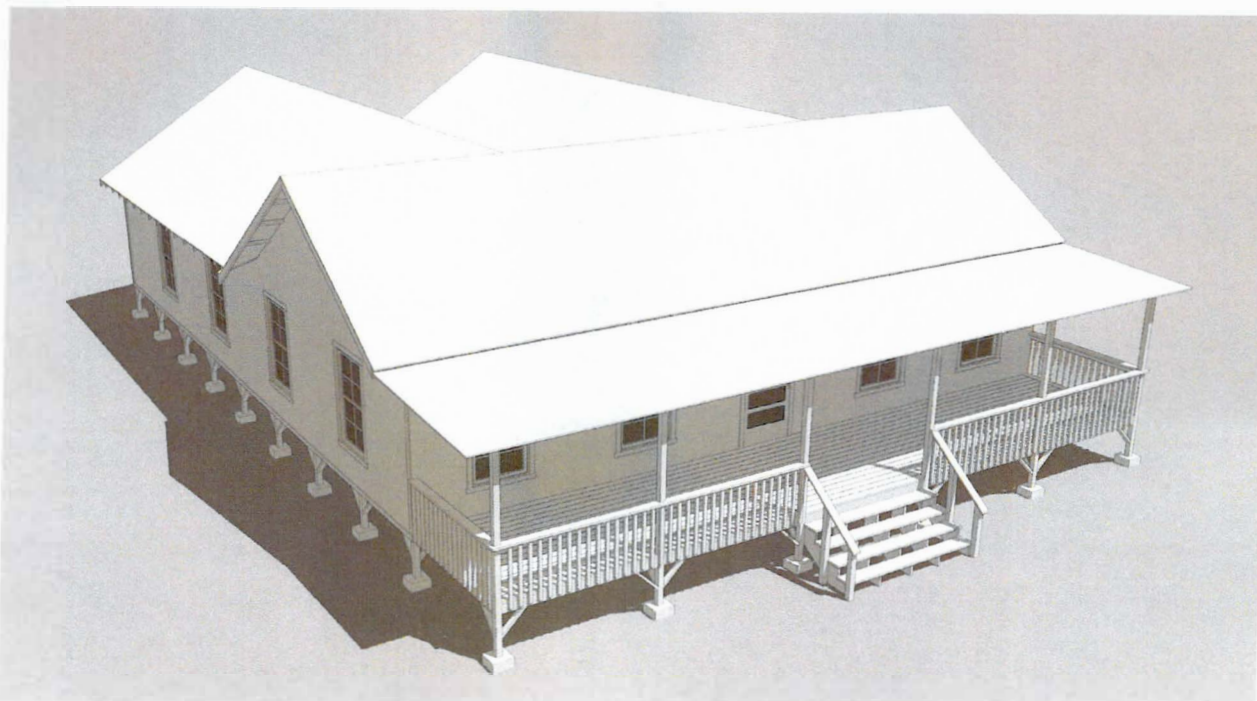
2. Roof Material Type

- i. The Numila Cottage shall be corrugated metal.

3. Miscellaneous

- i. The Luna Cottage I roof type shall be Gable.
- ii. Gable roofs shall have a decorative vent feature that does not have to be wood. The decorative vent shall include a fire mesh.

2.2.030 Luna Cottage II



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Luna Cottage II: This building type is a medium-to-large-sized detached residential structure, and it may be used for single family occupancy or dormitory uses. This building type is inspired by the Camp 9-A building type in House #152, which housed skilled labor and supervisors or “luna”.

B. Building Size and Massing

1. Massing

- i. A Luna Cottage II shall have 1 main body section.
- ii. No more than 1 main body is permissible for each Luna Cottage II.
- iii. A Luna Cottage II may have multiple wings attached to the main body.
- iv. The wing shall be attached to the rear of the main body.

B. Building Size and Massing (continued)

2. Main Body

- i. The width of the main body shall be a maximum of 40 feet.
- ii. The depth of the main body shall be a maximum of 20 feet.

3. Wing(s)

- i. The width of the wings shall be a maximum of 20 feet.
- ii. The depth of the wings shall be a maximum of 30 feet.

C. Building Frontages

- i. A Luna Cottage II shall have at least one frontage type. The permissible frontage type is Lānai, Projecting.
- ii. The frontage shall span the entire width of the main body.

D. Building Rear Exit

- i. A Luna Cottage II may have a Rear Exit type. The permissible Rear Exit types are: Stoop; Rearage, Enclosed. All other Rear Exit types are prohibited.

2.2.030 Luna Cottage II**E. Pedestrian Access**

- i. The main entrance location shall be located in the front of the Luna Cottage II.

F. Foundation

- i. The Luna Cottage II shall have a post-on-pier foundations that does not exceed 4 feet, except as required by the County of Kauai Floodplain Management Program.

G. Fenestration

- i. All windows shall be single or double hung.
- ii. As an exception, slider windows may be granted for kitchens or bathrooms; however, slider windows shall not face the front thoroughfare.

H. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

I. Height

- i. The Luna Cottage II shall have a maximum height limit of 9 feet from the finished floor to the top of wall plate.

J. Roof**1. Roof Pitch**

- i. The Luna Cottage II roof pitch ratios shall be set at 8:12.

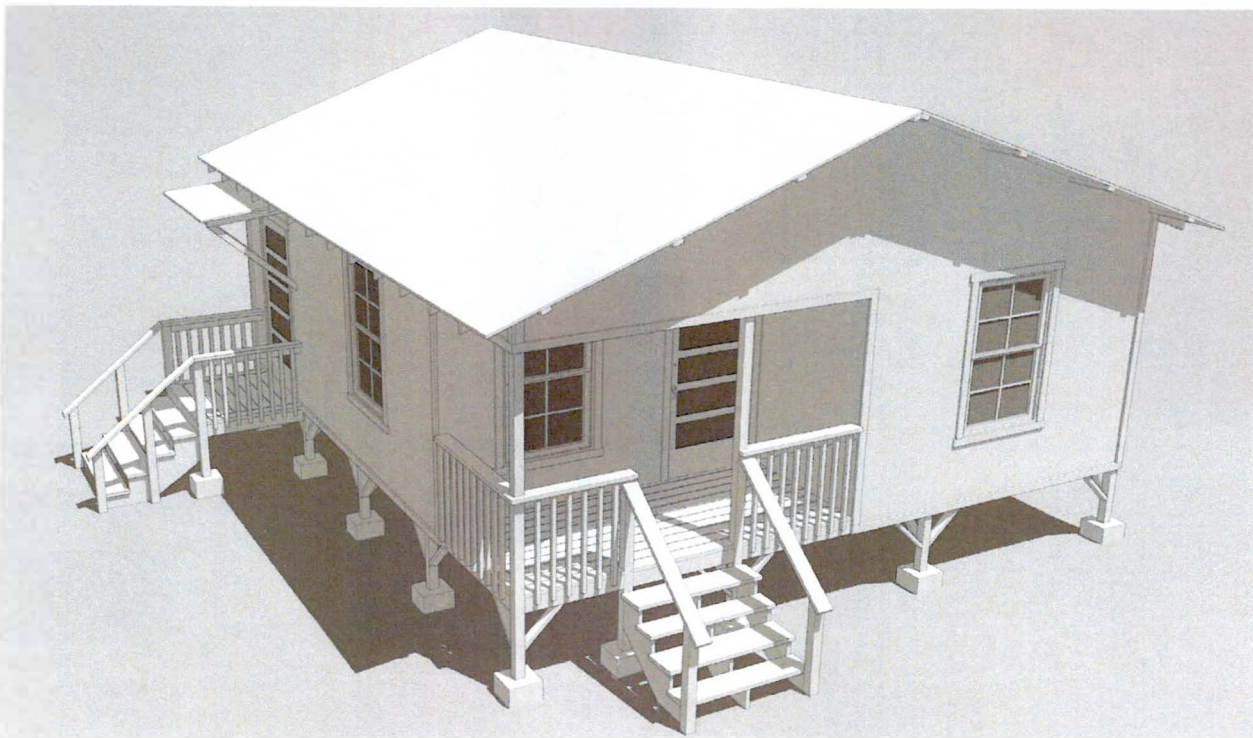
2. Roof Material Type

- i. The Luna Cottage II roof materials shall be corrugated metal.

3. Miscellaneous

- i. The Luna Cottage II roof type shall be Gable.
- ii. Gable roofs shall have a decorative vent feature that does not have to be wood. The decorative vent shall include a fire mesh.

2.2.040 HSPA Cottage



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

HSPA Cottage: This building type is a small-sized detached residential structure, and it is used for single family occupancy. This building type is inspired by the 1920 Hawaiian Sugar Planters' Association (HSPA) Plans for a single-family cottage, which served as the standard floor plan for plantation housing during that time. Some of the homes that were in Camp 9-B generally followed the HSPA 1920 floor plan and were intended for housing field laborers.

B. Building Size and Massing

1. Massing

- i. A HSPA Cottage shall have 1 main body section.
- ii. No more than 1 main body is permissible for each HSPA Cottage.

2. Main Body

- i. The width of the main body shall be 22 feet.
- ii. The depth of the main body shall be 24 feet.

C. Building Frontages

- i. A HSPA Cottage shall have at least 1 frontage type.
- ii. The permissible frontage type is: Lānai, Engaged. All other frontage types are prohibited.

D. Building Rear Exit

- i. A HSPA Cottage may have the Stoop Rear Exit type.

E. Pedestrian Access

- i. The main entrance location shall be located in the front of the HSPA Cottage.

2.2.040 HSPA**F. Foundation**

- i. The HSPA Cottage shall have a post-on-pier foundation that does not exceed 4 feet, except as required by the County of Kauai Floodplain Management Program.

G. Fenestration

- i. All windows shall be single or double hung.
- ii. As an exception, slider windows may be granted for kitchens or bathrooms; however, slider windows shall not face the front thoroughfare.

H. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

I. Height

- i. The HSPA Cottage shall have a maximum height limit of 9 feet from the finished floor to the top of wall plate.

J. Roof**1. Roof Pitch**

- i. The HSPA Cottage roof pitch ratios shall be set at a 4:12 or 5:12 pitch.

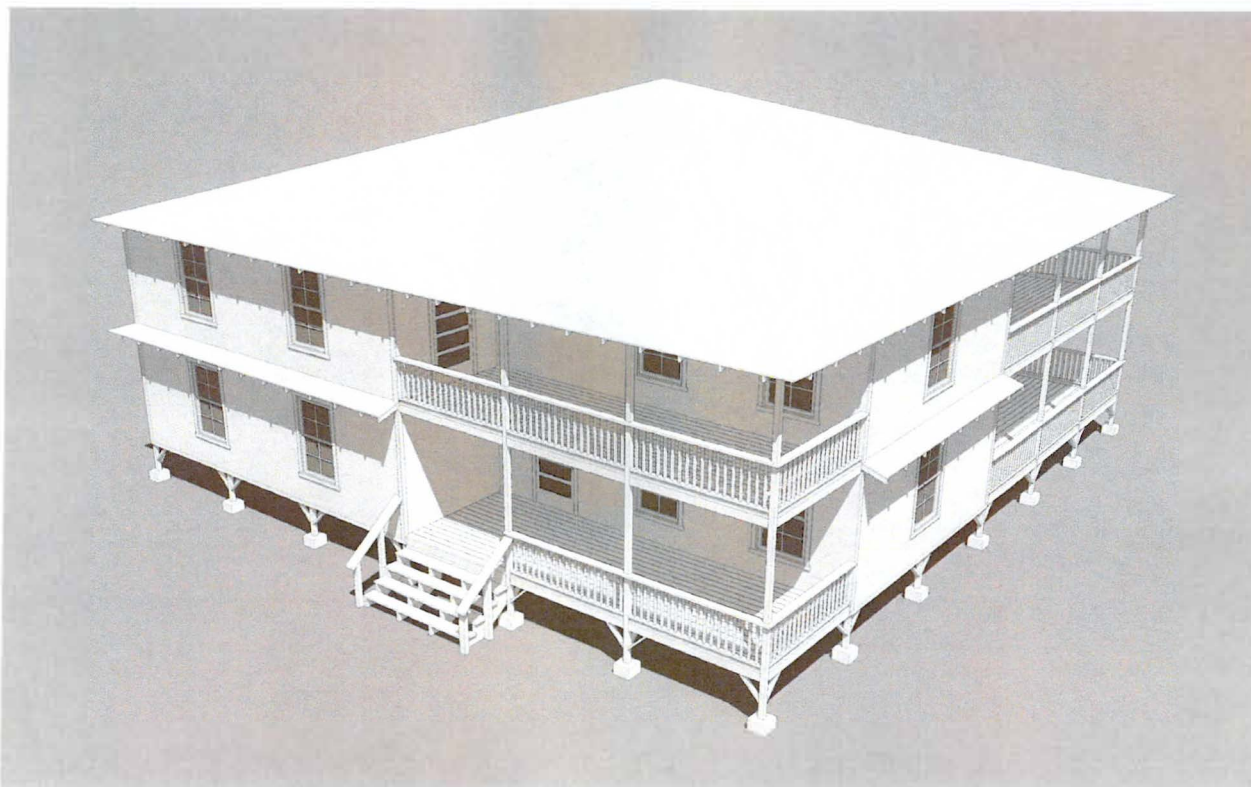
2. Roof Material Type

- i. The HSPA Cottage roof materials shall be corrugated metal.

3. Miscellaneous

- i. The HSPA Cottage roof types shall be Gable.
- ii. Gable roofs shall have a decorative vent feature that does not have to be wood. The decorative vent shall include a fire mesh.

2.2.050 Duplex



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Duplex: This Building type is a small-to-medium sized structure that consist of two side-by-side or stacked dwelling units, both facing the street and sharing one common party wall. This type has the appearance of a medium to large single-family home and is appropriately scaled to fit within primarily single-family neighborhoods or medium density neighborhoods. It enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.

B. Building Size and Massing

1. Massing

- i. A Duplex shall have one main body.
- ii. No more than one main body is permissible for each Duplex.
- iii. A Duplex may have a maximum of two wings attached to the main body.
- iv. Wings shall not be attached to each other.

B. Building Size and Massing (continued)

2. Main Body

- i. The width of the main body shall be no more than 48 feet maximum.
- ii. The depth of the main body shall be no more than 40 feet maximum.

3. Wing(s)

- i. The width of the wing shall be no more than 15 feet maximum.
- ii. The depth of the wing shall be no more than 20 feet maximum.
- iii. Where multiple wings are proposed, each wing shall have at least 10 feet of separation from each other respective wing.

C. Building Frontages

- i. A Duplex shall have at least one frontage type per unit. The permissible frontage types are: Lāna'i, Projecting; Lāna'i, Engaged; and Stoop. All other frontage types are prohibited.

2.2.050 Duplex**D. Pedestrian Access**

- i. The main pedestrian entries shall be located in the frontage of the Duplex.
- ii. Each unit shall have an individual street-facing entry on the front façade.

F. Fenestration

- i. All windows shall be single or double hung.

G. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

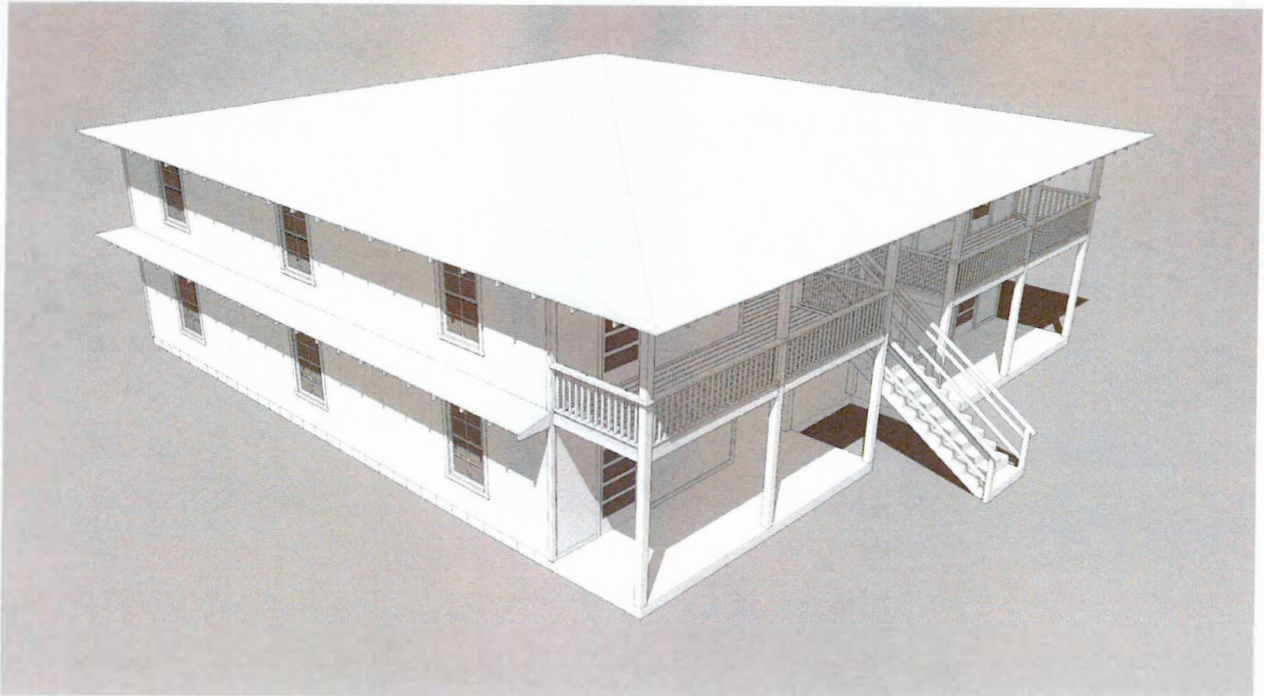
H. Height

- i. The Duplex shall be 30 feet maximum in height from the finished grade to the top of the peak of the roof. Up to four additional feet is permissible to elevate the structure to post on pier. Except as required by the County of Kauai Floodplain Management Program.
- ii. Finished grade at main entry shall not be greater than 4 feet above existing grade.
- iii. The Duplex shall not be greater than two stories in height.

I. Roof

- i. The Duplex roof material shall be corrugated metal.

2.2.060 Multiplex Small



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Multiplex Small: This building type is a medium structure that consists of three to six side-by-side and/or stacked dwelling units, typically with one shared entry or individual entries along the front. This type has the appearance of a medium-sized family home and is appropriately scaled to fit in sparingly within primarily single-family neighborhoods or into medium-density neighborhoods. This type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of house types and promoting walkability.

B. Number of Units

- i. The minimum number of units in a Multiplex Small building is three.
- ii. The maximum number of units in a Multiplex Small building is six.

B. Building Size and Massing

1. Massing

- i. A Multiplex Small building shall have one main body.
- ii. No more than one main body is permissible for each Multiplex Small building.
- iii. Wings shall not be attached to each other.

B. Building Size and Massing (continued)

2. Main Body

- i. The width of the main body shall be no more than 48 feet maximum.
- ii. The depth of the main body shall be no more than 36 feet maximum.

3. Wing(s)

- i. The width of the wing shall be no more than 24 feet maximum.
- ii. The depth of the wing shall be no more than 24 feet maximum.
- iii. Where multiple wings are proposed, each wing shall have at least 10 feet of separation from each other respective wing.

C. Building Frontages

- i. A Multiplex Small building shall have at least one frontage type. The permissible frontage types are: Lāna'i, Projecting; Lāna'i, Engaged; and Stoop. All other frontage types are prohibited.

D. Pedestrian Access

- i. The main pedestrian entries shall be located in the frontage of the Multiplex Small building.

2.2.060 Multiplex Small**E. Fenestration**

- i. All windows shall be single or double hung.

F. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

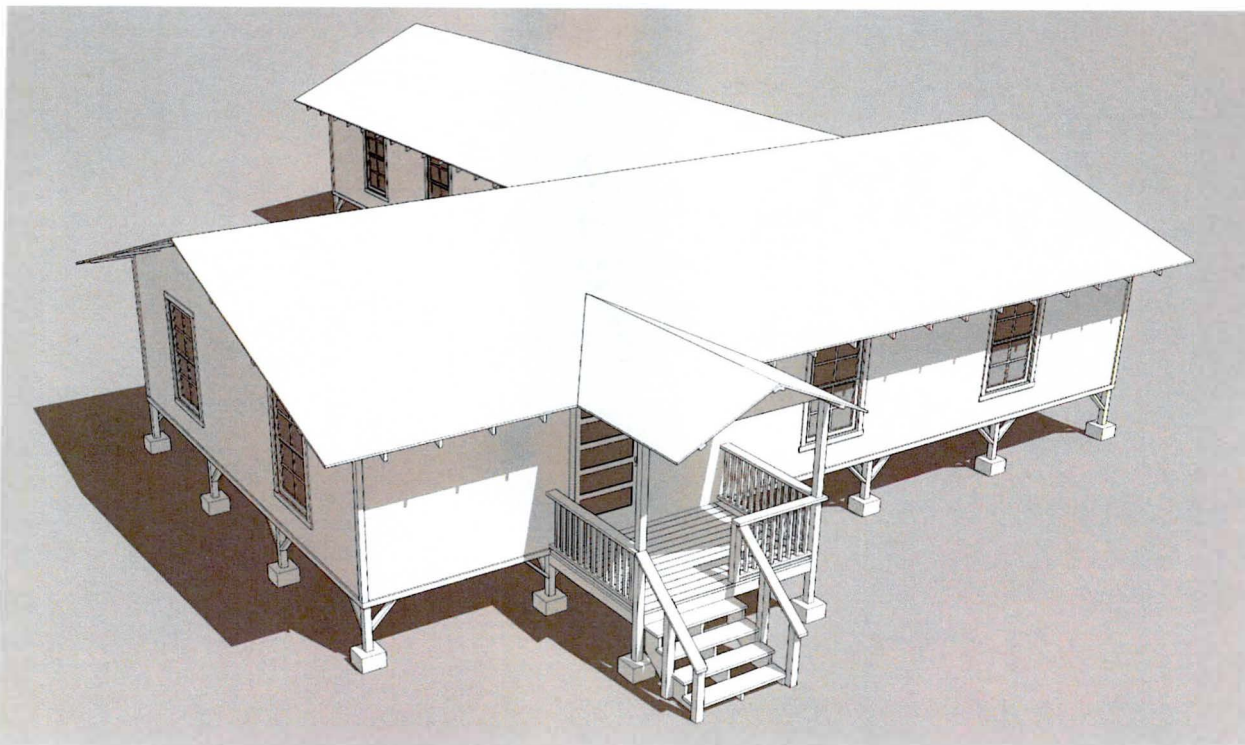
G. Height

- i. The Multiplex Small shall be 30 feet maximum in height from the finished grade to the top of the peak of the roof. Up to four additional feet is permissible to elevate the structure to post on pier. Except as required by the County of Kauai Floodplain Management Program.
- ii. Finished grade at main entry shall not be greater than 4 feet above existing grade.
- iii. The Multiplex Small shall not be greater than two stories in height.

H. Roof

- i. The Multiplex Small roof material shall be corrugated metal.

2.2.070 Dormitory



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Dormitory: This building type is a medium-sized detached residential structure for boarding or residential purposes.

B. Building Size and Massing

1. Massing

- i. A Dormitory shall have one main body.
- ii. No more than one main body is permissible for each Dormitory building type.
- iii. A Dormitory may have a maximum of two wings attached to the main body.
- iv. Wings shall not be attached to each other.

2. Main Body

- i. The width of the main body shall not be greater than 62 feet.
- ii. The depth of the main body shall not be greater than 52 feet.

3. Wing(s)

- i. The width of the wing shall not be greater than 26 feet.
- ii. The depth of the wing shall not be greater than 25 feet.

C. Building Frontages

- i. The Dormitory shall have a Lānaʻi, Projecting. All other frontage types are prohibited.

D. Pedestrian Access

- i. The main entrance location shall be located in the front of the Dormitory.

F. Fenestration

- i. All windows shall be single or double hung.

G. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

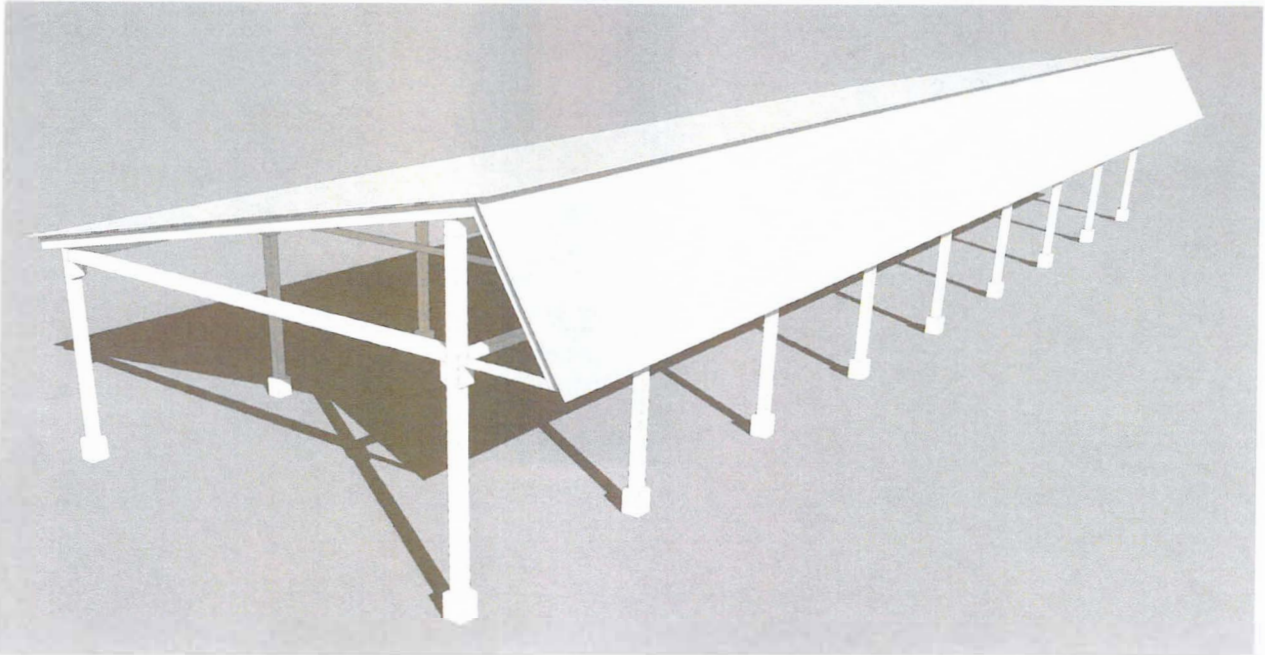
2.2.070 Dormitory**H. Height**

- i. The Dormitory shall be 20 feet maximum in height from the finished grade to the top of the peak of the roof. Up to four additional feet is permissible to elevate the structure to post on pier. Except as required by the County of Kauai Floodplain Management Program.
- ii. Finished grade at main entry shall not be greater than 4 feet above existing grade.
- iii. The Dormitory shall not be greater than one story in height.

I. Roof

- i. The Dormitory roof materials shall be corrugated metal.

2.2.080 Community Parking Facility



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Community Parking Facility: This building type is a detached parking structure and is associated with residential uses.

B. Building Size and Massing

1. Massing

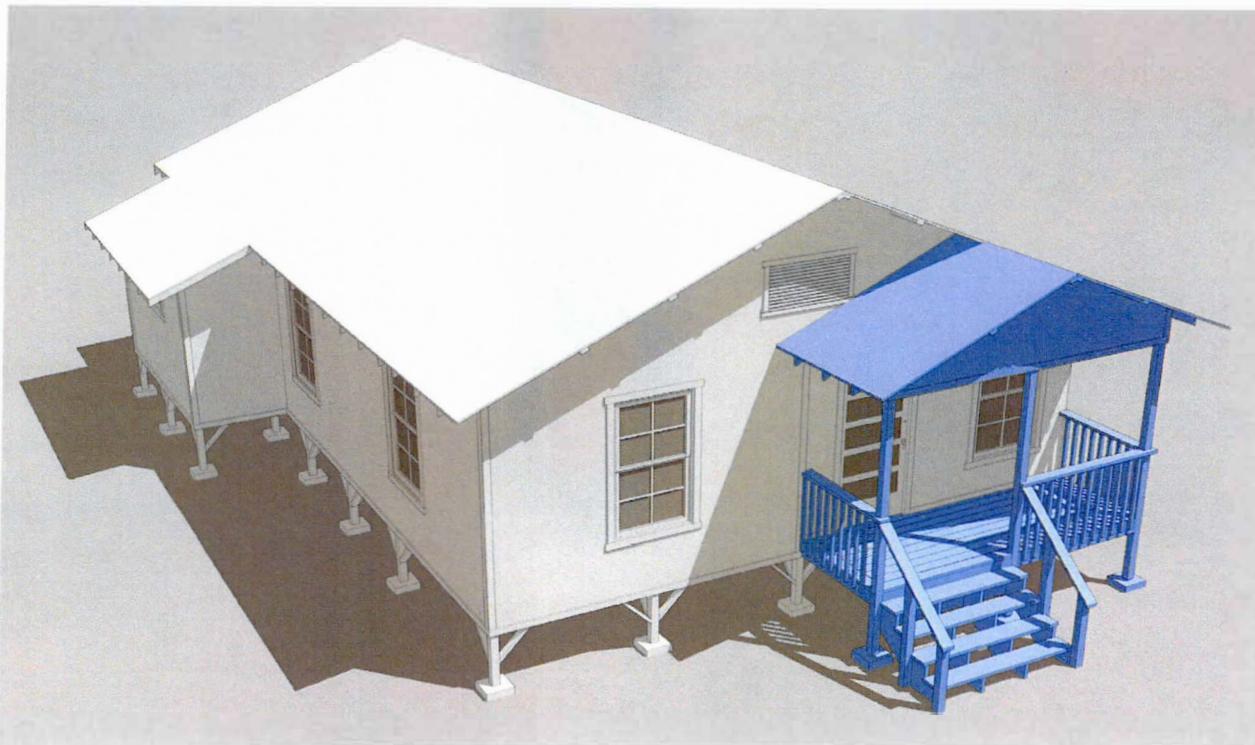
- i. A Community Parking Facility shall have 1 main body section.
- ii. No more than 1 main body is permissible for each Community Parking Facility (BFG).
- iii. The Main body shall not exceed 120 ft in width and 30 feet deep.
- iv. The maximum height shall be no more than 20 ft.



Article 2: Transect Descriptions and Building Types, Frontages

Sub-Article 2.3: Numila Camp Building Type Frontages 37-40

2.3.010	Lānai, Projecting	37
2.3.020	Lānai, Engaged	38
2.3.030	Lānai, Hybrid	39
2.3.040	Stoop	40

2.3.010 Lānai, Projecting

General note: the illustration above is intended to provide a brief overview of the Frontage type and is descriptive in nature.

A. Description

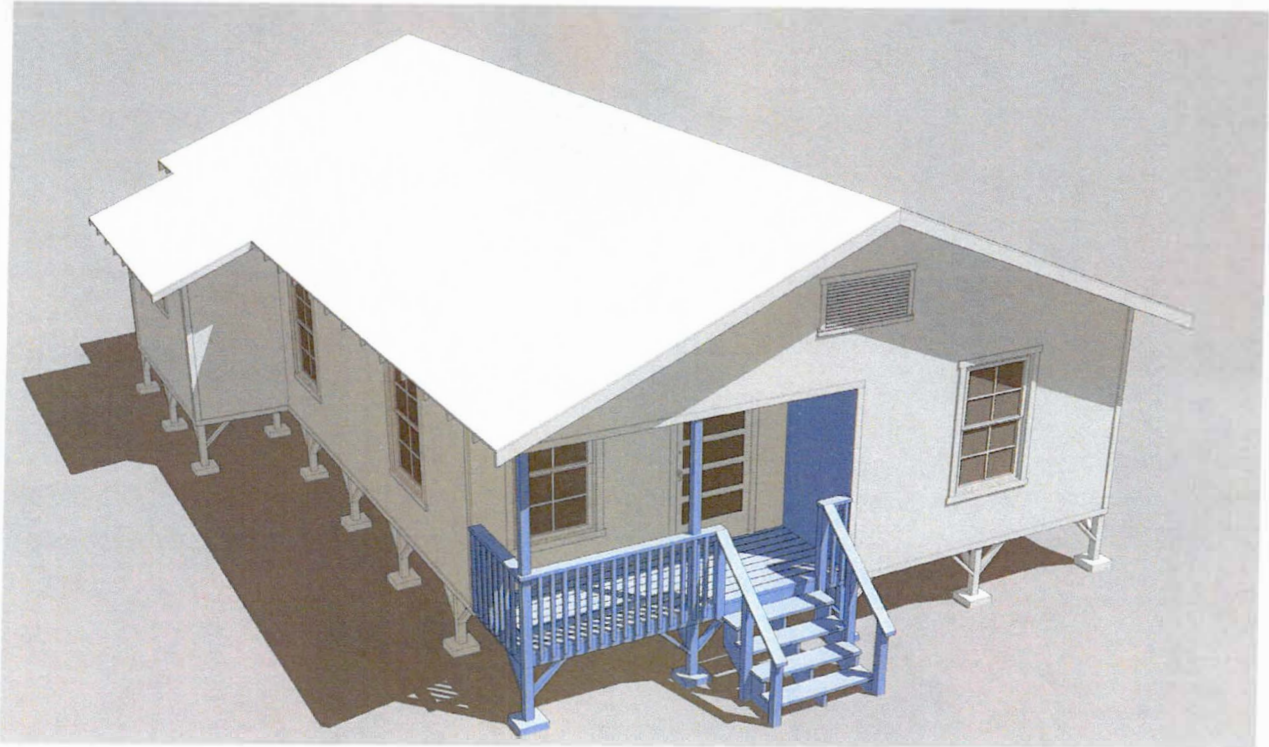
Lānai, Projecting: The main façade of the building has a small to medium setback from the thoroughfare. The Lanai, Projecting is open on 3 sides.

B. Location

- i. The Lānai, Projecting shall be located on the front of the cottage facing the thoroughfare.

C. Size

- i. The width of the frontage shall be no greater than the width of the front of the main body.
- ii. The depth of the frontage shall be a maximum of 8 feet, excluding the stairs.
- iii. The height of the Lānai shall be a minimum of 8 feet.

2.3.020 Lānai, Engaged

General note: the illustration above is intended to provide a brief overview of the Frontage type and is descriptive in nature.

A. Description

Lānai, Engaged: The main façade of the building has a small to medium setback from the thoroughfare. The Lanai, Engaged has 2 adjacent sides of the Lanai that are engaged to the building while the other two sides are open.

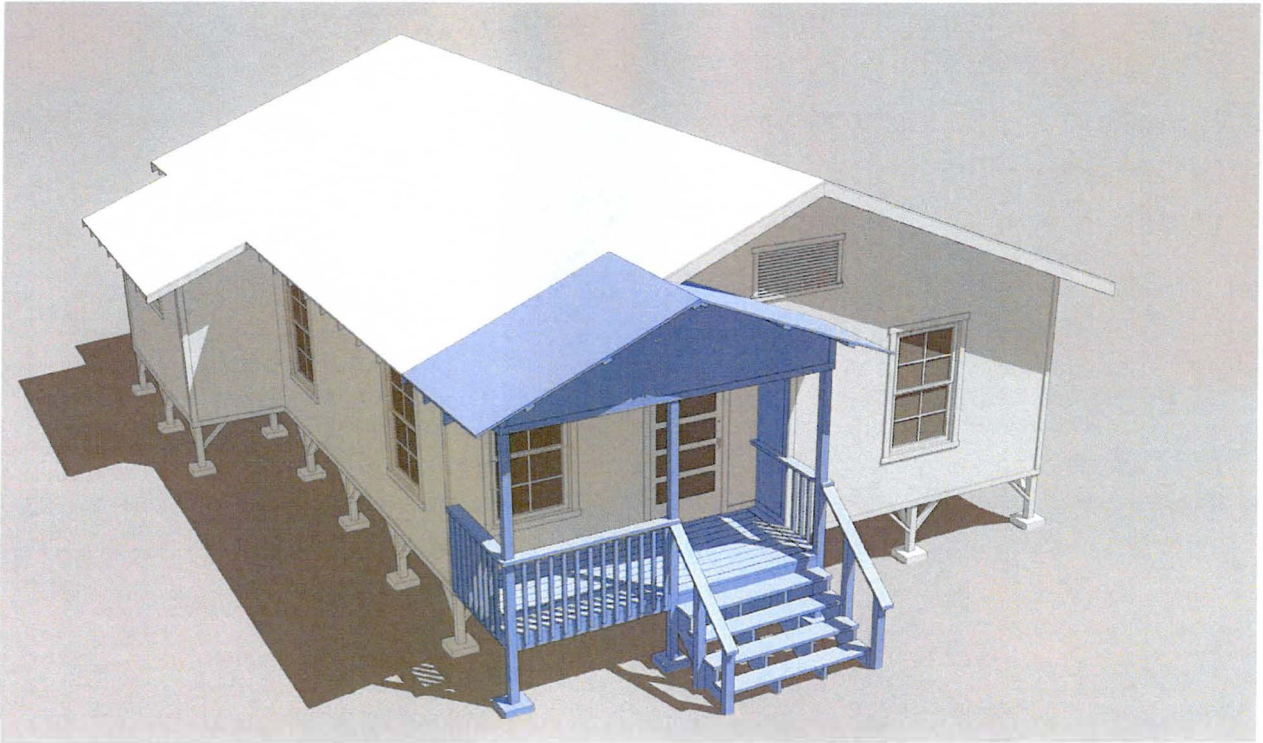
B. Location

- i. The Lānai, Engaged shall be located on the front of the cottage facing the thoroughfare.

C. Size

- i. The width of the frontage shall be half the width of the building's front wall.
- ii. The depth of the Lānai, Engaged shall be 5 feet, excluding the stairs.
- iii. The height of the Lānai, Engaged shall be a minimum of 8 feet.

2.3.030 Lānai, Hybrid



General note: the illustration above is intended to provide a brief overview of the Frontage type and is descriptive in nature.

A. Description

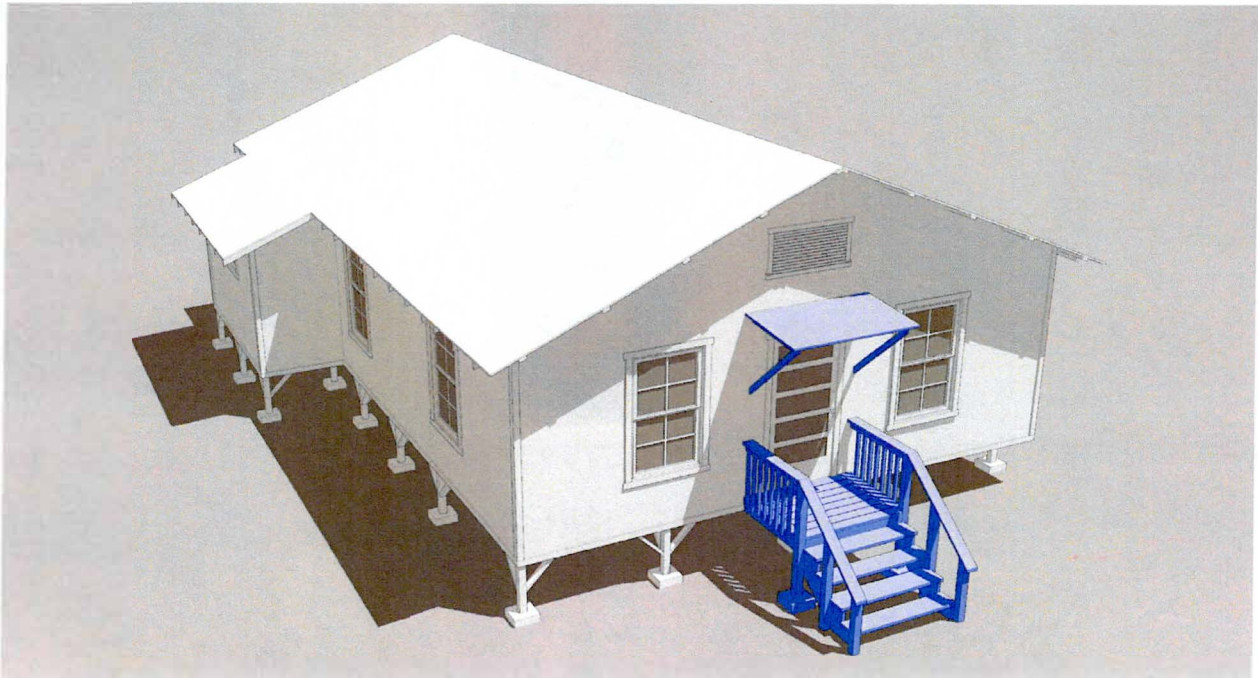
Lānai, Hybrid: The main façade of the building has a small to medium setback from the thoroughfare. The Lānai, Hybrid has a portion of space where two adjacent sides are engaged to the building while the other two sides are open, and the other portion of the space is open on 3 sides. It's architecturally non-binary.

B. Location

- i. The Lānai, Hybrid shall be located on the front of the cottage facing the thoroughfare.

C. Size

- i. The width of the frontage shall be half the width of the building's front wall.
- ii. The depth of the Lānai, Hybrid shall be 5 feet, excluding the stairs
- iii. The height of the Lānai, Hybrid shall be a minimum of 8 feet.

2.3.040 Stoop

General note: the illustration above is intended to provide a brief overview of the Frontage type and is descriptive in nature.

A. Description

Stoop: The main façade of the building is near the frontage line. This type is appropriate for residential uses with small setbacks.

B. Location

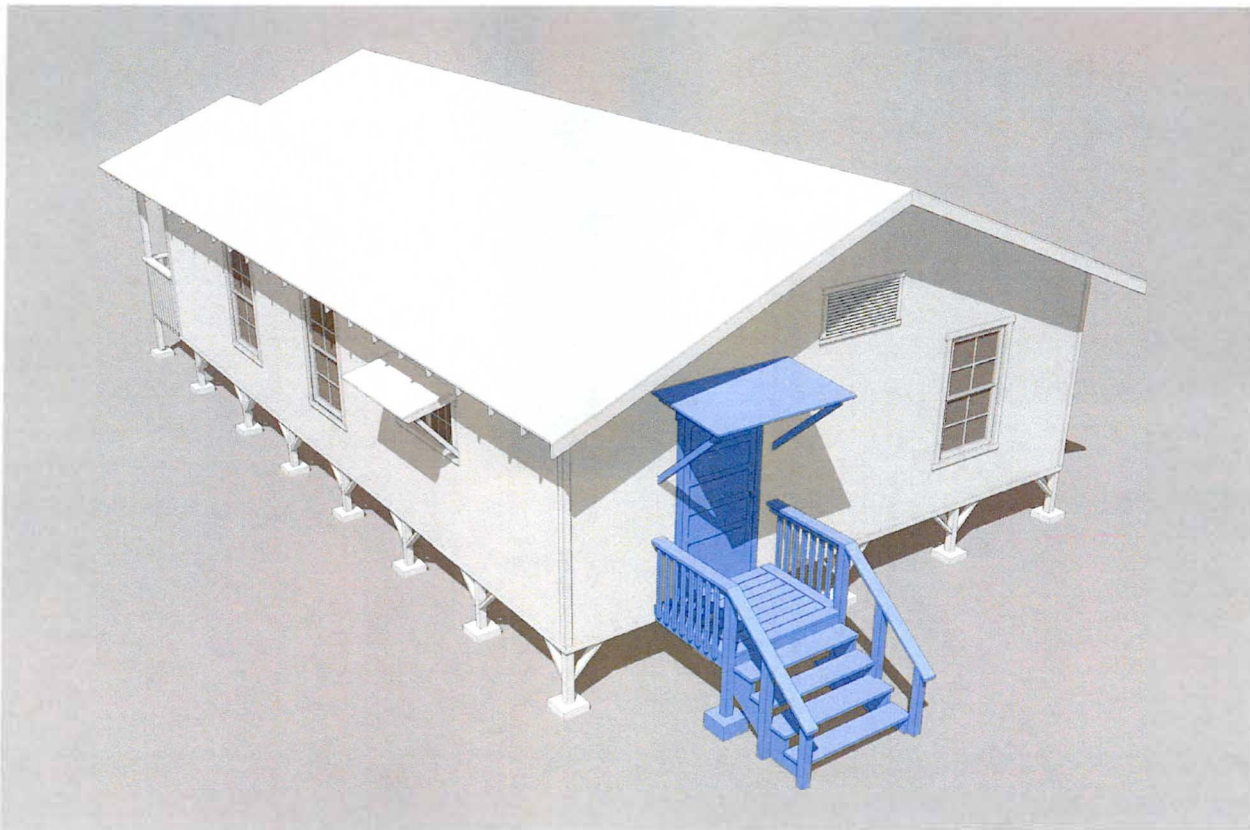
- i. The Stoop shall be located on the front of the building facing the thoroughfare.

C. Size

- i. The width of the stoop shall be a minimum of five feet and maximum of eight feet.
- ii. The depth of the Stoop shall be 5 feet, excluding the stairs.

Article 2: Transect Descriptions and Building Types, Rear Exit

Sub-Article 2.4:	Numila Camp Building Type Rear Exit	42-44
2.4.010	Rear Exit, Stoop	42
2.4.020	Rear Exit, Engaged	43
2.4.030	Rear Exit, Enclosed	44

2.4.010 Rear Exit, Stoop

General note: the illustration above is intended to provide a brief overview of the Rear Exit type and is descriptive in nature.

A. Description

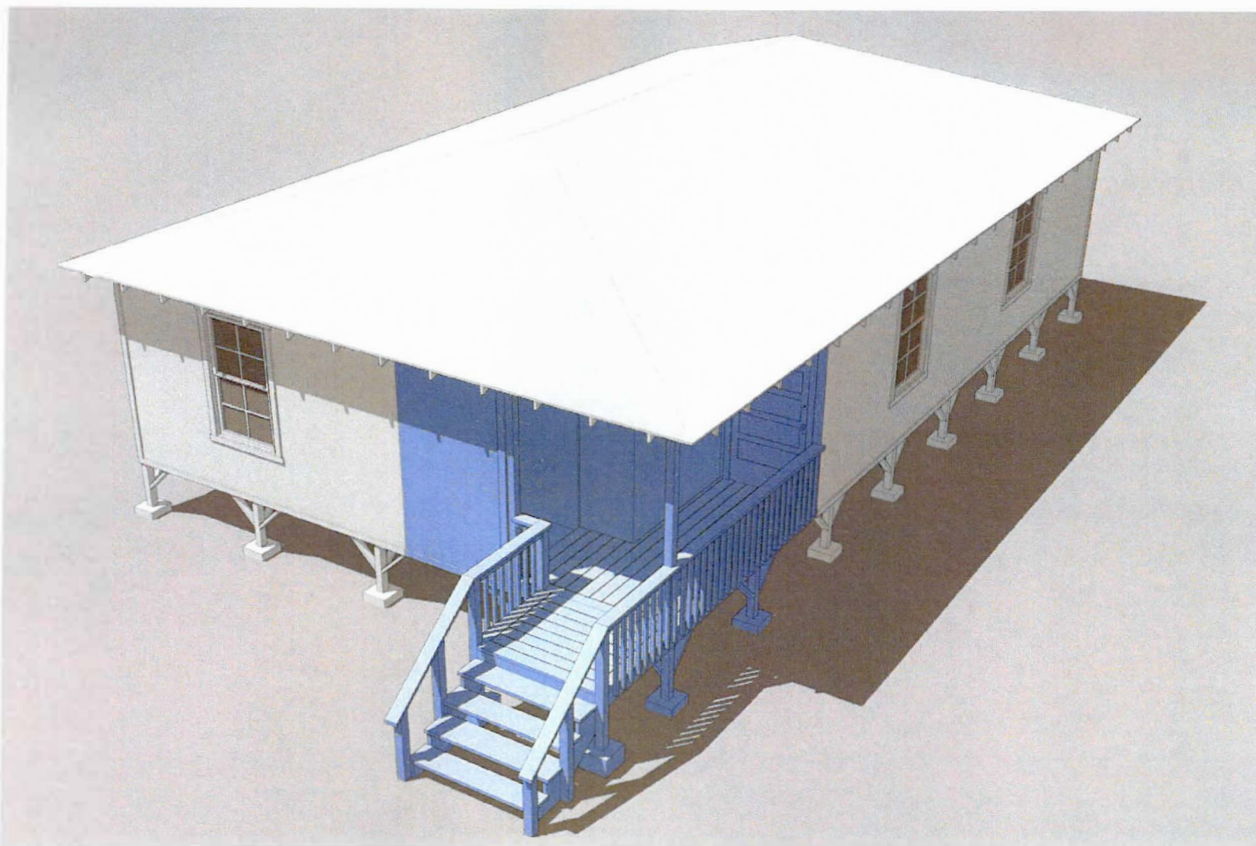
Rear Exit, Stoop: Provides access to rear accessory structures and spaces. A Rear Exit stoop is a rear entrance that may have a small series of steps and a small platform.

B. Size

- i. The width of the Rear Exit, Stoop shall be 8 feet maximum.
- ii. The depth of the Rear Exit, Stoop shall be 8 feet maximum, excluding the stairs.

C. Miscellaneous

- i. Stoops must have a roof.

2.4.020 Rear Exit, Engaged

General note: the illustration above is intended to provide a brief overview of the Rear Exit type and is descriptive in nature.

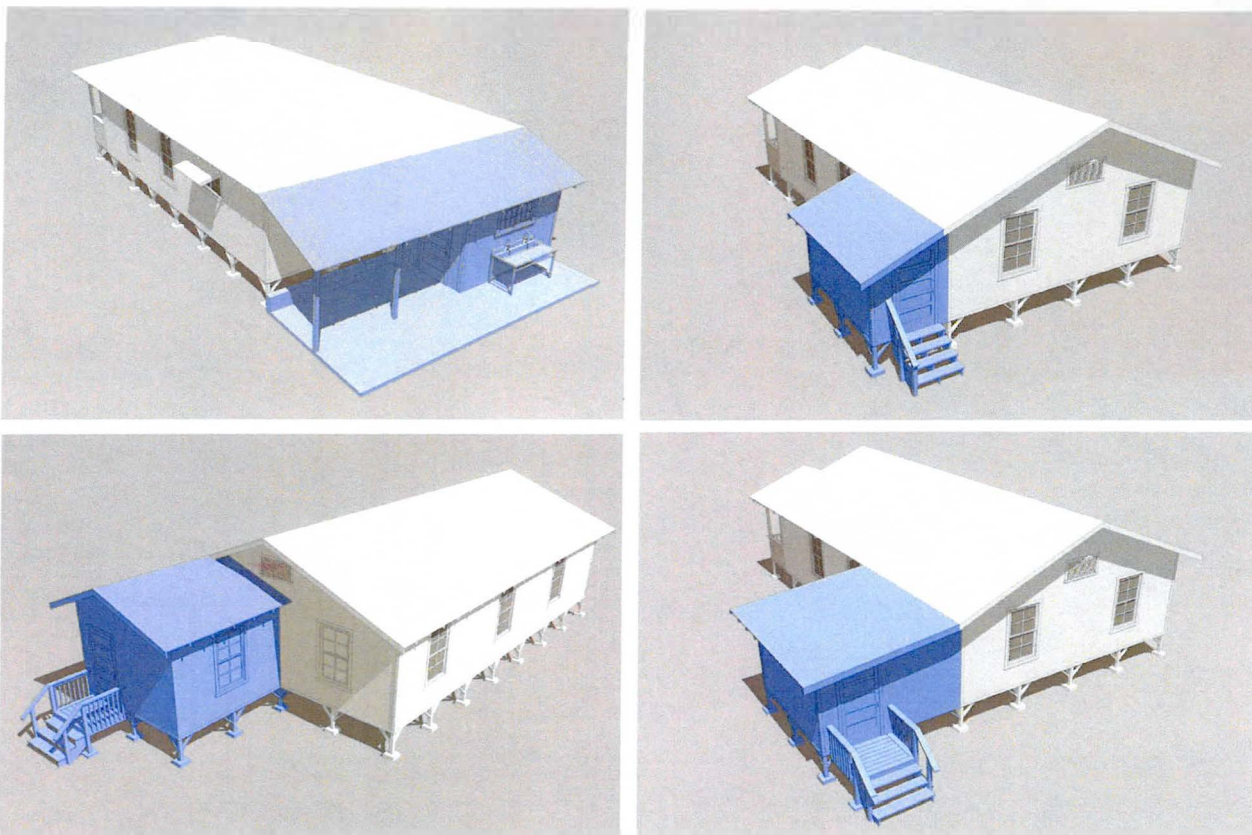
A. Description

Rear Exit, Engaged: This rear entryway links the outdoors with the interior, offering access to rear accessory structures and spaces. The resulting rear entryway may accommodate utilities including a shower, toilet, wash basin, or laundry in this versatile and practical area. The Rear Exit, Engaged has two adjacent sides on the rear of the building that are engaged to the building while the other 2 sides are open.

B. Size

- i. The width of the Rear Exit, Engaged shall be no greater than the width of the rear of the building.
- ii. The depth of the Rear Exit, Engaged shall be 12 feet maximum, excluding the stairs.

2.4.030 Rear Exit, Enclosed



General note: the illustrations above are intended to provide a brief overview of the Rear Exit, type and is descriptive in nature.

A. Description

Rear Exit, Enclosed: This rear entryway links the outdoors with the interior, offering access to rear accessory structures and spaces. The resulting rear entryway may accommodate space for utilities such as a shower, toilet, wash basin, or laundry in this versatile and practical area. The Rear Exit, Enclosed is attached to the rear or in line with the rear of the structure. It is enclosed on at least 3 sides and has a rear entry.

B. Size

- i. The width of the Rear Exit, Enclosed shall be no greater than the width of the rear of the building.
- ii. The depth of the Rear Exit, Enclosed shall be 12 feet maximum, excluding the stairs.

Article 3: Neighborhood Standards

Sub-Article 3.1: Thoroughfare Standards		46
3.1.010	Purpose	46
3.1.020	Applicability	46
3.1.030	Standards	46

Sub-Article 3.2: Civic Space Standards		47-50
3.2.010	Purpose	47
3.2.020	Standards	47
3.2.030	Civic Spaces	47-48
3.2.040	Civic Space Type Standards	49-50

Sub-Article 3.1: Thoroughfare Standards

- 3.1.010 **Purpose:** The purpose of this article is to provide optional standards for proposed thoroughfares within the plantation camp zones.
- 3.1.020 **Applicability:** Any proposed thoroughfares within the plantation camp zones.
- 3.1.030 **Standards:**
- A. All proposed roads and thoroughfares shall meet the County of Kauai Street Design Manual requirements as determined by the County Engineer.
 - B. The County Engineer may approve a thoroughfare that does not meet the Street Design Manual standards within the Plantation Camp Zones if the following criteria are met:
 - 1. The thoroughfare is 18 to 20 ft. in width;
 - 2. The thoroughfare is paved or comprised of a compacted surface approved by the Fire Department for emergency vehicle access;
 - 3. On street parking is prohibited;
 - 4. The thoroughfare's associated residences have access to a shared parking facility within a standard pedestrian shed.
 - 5. The shared parking facility has at least one parking stall for each of the associated residences it services.
 - 6. All of the residential units proposed on the thoroughfare are setback from the thoroughfare no more than 20 ft.

Sub-Article 3.2: Civic Space Standards

3.2.010 **Purpose:** The purpose of this article is to establish civic space standards for plantation camp civic space. Civic buildings and civic spaces provide important gathering places for communities and access to outdoor activities. The civic buildings and civic spaces should be carefully located and accessible to all. The following standards shall be met by providing and locating civic buildings and civic spaces.

3.2.020 **Standards:** The design of civic spaces shall meet the standards set forth in Sub-Article 3.2.

3.2.030 **Civic Spaces:** The standards established in the Sub-Article provide the transect zones with a diverse palette of parks and other publicly accessible civic spaces that are essential components of walkable urban environments.

The service area, size frontage and disposition of elements of standards of each civic space types are regulatory. The illustration and description of each civic space type are illustrative in nature and not regulatory.

- A. Service Area. Describes how the civic space relates to the County as a whole and the area that will be served by the civic space.
- B. Size. The overall range of allowed sizes of the civic space.
- C. Frontage. The relationship along property lines of a civic space to adjacent building or lots.
 - 1. Building. Civic spaces that are listed as having a “Building” Frontage shall have the fronts of buildings, either attached to the park or across a thoroughfare, facing onto the civic space for a minimum of three-quarters of the perimeter.
 - 2. Independent. Civic spaces that are listed as having an “Independent” frontage shall have the fronts of buildings, either attached to the park or across a thoroughfare, facing on to the civic space to the maximum extent possible, but may have the side or rear of a building or lot front on to the civic space.
- D. Disposition of Elements. The placement of objects within the civic space.
 - 1. Natural. Civic spaces with natural character are designed in a natural manner with no formal arrangement of elements.
 - 2. Formal. Civic spaces with a formal character have a more rigid layout that follows geometric forms and has trees and other elements arranged in formal patterns.
 - 3. Informal. Civic spaces with an informal character have a mix of formal and natural characteristics.

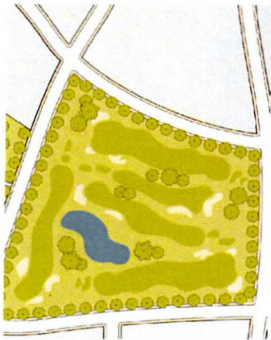
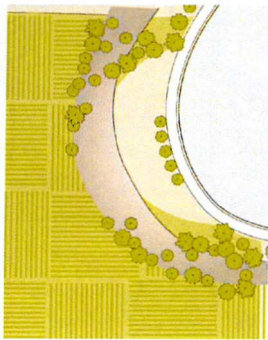
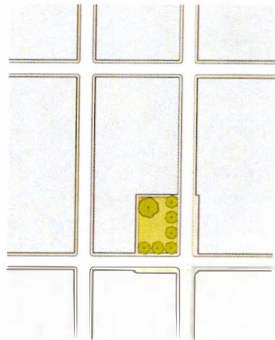
Typical Facilities. Provides a list of the typical facilities found within the civic space. This list is not intended to be a complete list of facilities allowed nor is it intended that every civic space could contain each of the facilitates listed.

Ownership and Maintenance of Required Open Space, and Civic Space. Open space areas shall be maintained as permanent open space and/or civic space through one or more of the following options:

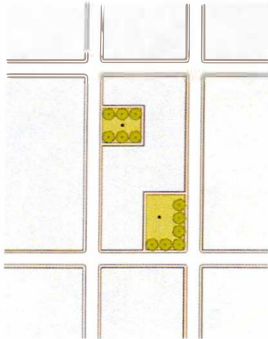
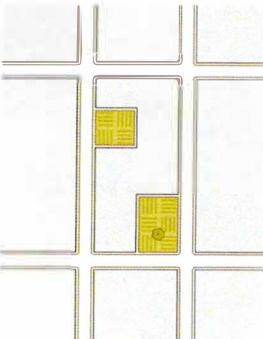
- A. Establishment of an entity to manage and maintain the open space by the property owner, in a form that ensures long-term maintenance and management;
- B. Conveyance of the land to a property owners' or homeowners' association that holds the land in common ownership and will be responsible for managing and maintain it for its intended purposes;
- C. Conveyance of the land to a third-party beneficiary, such as a nonprofit environmental or civic organization, that is organized for , capable of, and willing to accept responsibility for managing and maintaining the land for its intended purposes; or
- D. Dedication of the land to the County or other appropriate public agency that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended purposes.

The civic spaces specified in Table 3.2.030 (Civic Space Type Standards) are allowed by right or with the specified approvals in the designated transect zones.

Sub-Article 3.2: Civic Space Standards

3.2.040 Civic Space Type Standards			
Civic Space Type	Special Use Park	Overlook Park	Pocket Park
Illustration			
Description	A space that is civic in nature but that does not fit into any pre-established civic space type category.	An open space that provides space for viewing scenic or historically significant vistas, usually from a height.	An open space available for informal activities in close proximity to neighborhood residences.
Location & Size			
Location			
Service Area	Regional	Regional	Neighborhood
Size			
Minimum	No Minimum	No Minimum	4,000 square feet
Maximum	No Maximum	No Maximum	1 acre
Character			
Frontage	Building or Independent	Independent	Building
Disposition of Elements	Natural, Formal, or Informal	Natural or Informal	Formal or Informal
Typical Facilities	Passive and Active Recreation, Accessory Structure, Drinking Fountains, Community Facility < 5,000 gross square feet, Paths and Trails.	Passive Recreation, Accessory Structure, Drinking Fountains, Paths and Trails.	Passive Recreation, Accessory Structure, Drinking Fountains, Paths and Trails.

3.2.040 Civic Space Type Standards (continued)

Civic Space Type	Playground	Community Garden
Illustration		
Description	<p>An open space designed and equipped for the recreation of children. A Playground should be fenced and may include an open shelter. Playgrounds may be included within other civic spaces.</p>	<p>An open space designed as a grouping of garden plots that are available to nearby residents for small-scale cultivation. Community Gardens may be included within other civic spaces.</p>
Location & Size		
Location	Neighborhood	Neighborhood
Service Area	Neighborhood	Neighborhood
Size	No Minimum	No Minimum
Minimum	No Minimum	No Minimum
Maximum	No Maximum	No Maximum
Character		
Frontage Disposition of Elements	Independent or Building Formal or Informal	Independent or Building Formal or Informal
Typical Facilities	Accessory Structure, Drinking Fountains, Paths and Trails.	Accessory Structure, Drinking Fountains, Paths and Trails.

Article 4: Administration and Procedures

Sub-Article 4.1: Purpose and Applicability 52-53

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Sub-Article 4.1: Purpose and Applicability

- 4.1.010 **Purpose:** This Article establishes procedures for the preparation, filing, and processing of applications for development permits and other entitlements required by this Code.
- 4.1.020 **Applicability:**
- A. This Form-Based Code applies to any construction, development, activity, or use within the land zoned with the SPA designation as shown in Figure 1.2.010 (Numila Transect Map).
 - B. The requirements of this Code are in addition to all applicable federal, state, and county laws and regulations governing land use and development, including Chapter 8 (Comprehensive Zoning Ordinance) and Chapter 9 (Subdivision), Kaua’i County Code 1987, as amended.
 - C. In case of conflict between any provision of this Code, Kaua’i County Code Chapter 8 (Comprehensive Zoning Ordinance) (“CZO”), and any other Kaua’i County Code, rule, or regulation conflict, this Code shall apply.
- Review Authority:**
- 4.1.030
- A. Table 4.1.030.A (Review Authority) identifies the County official or body responsible for reviewing and making decisions on each type of application required by this Code.
 - B. All applications for property located within the Plan Area are subject to the review and approval of the review authority(s) identified in Table 4.1.030.A Review Authority.

Table: 4.1.030.A: Review Authority

Approval	Reference	Planning Director	Planning Commission	County Council
Zoning Permits				
Class I	Subsec. 8-3.1(c) CZO	Decision	Appeal	
Class II	Subsec. 8-3.1(d) CZO	Decision	Appeal	
Class III	Subsec. 8-3.1(e) CZO	Decision	Appeal	
Class IV	Subsec. 8-3.1(f) CZO	Recommend	Appeal/Decision	
Use Permit	Sec. 8-3.2 CZO	Recommend	Appeal/Decision	
Variance	Sec. 8-3.2 CZO	Recommend	Appeal/Decision	
Amendment	Sec. 8-3.2 CZO	Recommend	Recommend	Decision
Minor Modification	4.2.040	Decision	Appeal/Decision	

4.1.040 **Concurrent Processing:** Multiple applications for the same project will be processed concurrently, reviewed, and approved or denied by the highest review authority designated by this Code for any of the permits or approvals (i.e., a project for which applications for a Class II Zoning Permit and a Use Permit are filed must have both applications decided by the Planning Commission, instead of the Director first deciding on the Zoning Permit as otherwise required by Table 4.1.030.A (Review Authority)).

4.1.050 **Rules of Interpretation:**

- A. Authority. The Director has the authority to interpret any provision of this Code. Whenever the Director determines that the meaning or applicability of any Code requirement is subject to interpretation, the Director may issue an official interpretation. The Director may also refer any issue of interpretation to the Planning Commission for their determination.
- B. Language.
1. The words “shall,” “must,” “will,” “is to,” and “are to” are always mandatory;
 2. “Should is not mandatory but is strongly recommended; and “may” is permissive;
 3. The present tense includes the past and future tenses; and the future tense includes the present;
 4. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise; and
 5. The words “includes” and “including” shall mean “including but not limited to”.
 6. “Applicant” means an owner or any person who has full written authorization of the owner.
 7. “Owner” means the holders of equitable and legal title of land in fee simple.
 8. When used in this Code, the terms “Code,” “this Code,” or “Form-Based Code” means the West Kaua’i Form-Based Code
- C. Time Limits. Whenever a number of days is specified in this Code, the number of days shall be construed as consecutive calendar days. A time limit shall extend to 4:30 p.m. on the following working day where the last of the specified number of days falls on a weekend or holiday.
- D. Uses Not Listed. The Director has the authority to determine other unlisted uses as similar in nature to those listed in the respective Use Tables of Article 2 (Specific to Transect Zones) as requiring a use permit, and that those similar uses may also be permissible in that respective Transect Zone with a Use Permit

Sub-Article 4.2: Permits and Approvals

4.2.010 Zoning Permits:

- A. No person shall undertake any construction or development or carry on any activity, or use, for which a zoning permit is required by this Code, or obtain a building permit for construction, development, activity, or use regulated by this Code, without first obtaining the required permit.
- B. To obtain any permit, the applicant shall show compliance with the standards established in this Code and shall submit, where necessary, a plot plan as required by CZO Sec. 8-4.6(d).
- C. Applications for zoning permits as required in this Code shall be processed in accordance with CZO Sec. 8-3.1 (Zoning Permits).
- D. For any Zoning Permit, the designated Review Authority may approve, with or without conditions, or deny the permit. The following Zoning Permits are required for the following activities:
 1. Class I Permit. A Class I Permit must be obtained for construction or development not located in a Constraint District or a Special Treatment District where the construction or development does not require a Use Permit or a Variance Permit and:
 - a. For non-residential or mixed-use projects that are generally permitted; or
 - b. For residential projects, the project consists of no more than one (1) dwelling unit.
 2. Class II Permit. A Class II Permit must be obtained for construction or development of a residential project consisting of between two (2) to ten (10) dwelling units that are not located in a Constraint District or a Special Treatment District where the construction or development does not require a Use Permit or a Variance Permit.
 3. Class III Permit. A Class III Permit must be obtained for construction or development where the construction or development does not require a Variance Permit or a Use Permit and:
 - a. For any project where a Class I or Class II Zoning Permit would otherwise be required, except that the development is located in a Constraint District or a Special Treatment District; or
 - b. For residential projects, the project consists of between eleven (11) and fifty (50) units; or

4. Class IV Permit. A Class IV Permit must be obtained for construction or development, whether or not the development is located in a Constraint District or Special Treatment District where:
 - a. For non-residential or mixed-use projects that require a use permit; or
 - b. For residential projects, the project consists of fifty-one (51) or more dwelling units; or
 - c. For any project, a Class I, II, or III Permit would otherwise be required, except that a Use Permit or a Variance Permit is required.

E. After-the-Fact Permits. In addition to the Zoning Permit filing and processing fee(s), an application for a Zoning Permit for a structure partially or fully constructed without the required approvals and/or a use that has commenced prior to the required approvals shall have an additional filing, inspection, and processing fee(s) which is double that of the original filing and processing fee(s) or five hundred dollars (\$500.00), whichever is greater.

4.2.020 **Use Permits:**

No person shall undertake any construction or development, or carry on any activity or use for which a Use Permit is required by this Code, or obtain a building permit for construction, development, activity or use for which a Use Permit is required by this Code, without first obtaining a Use Permit in accordance with CZO Sec. 8-3.2 (Use Permits).

4.2.030 **Variance:**

Request for a variance from the provisions of this Code must comply with the requirements in CZO Sec. 8-3.3 (Variance).

4.2.040 **Minor Modifications:**

The Planning Director may approve minor modifications of up to 10% of all dimensional requirements for all building types.

Sub-Article 4.3: Administration and Enforcement

4.3.010 **Amendments:**

This Code may be amended in compliance with the requirements in CZO Sec. 8-3.4.

4.3.020 **Non-Conforming Provisions:**

Nothing in the Numila Form-Based Code shall restrict or prevent an applicant from re-constructing or repairing a structure in a respective Plantation Camp transect pursuant to Section 8-8A2, subsections (a) and (b), of the Kauai County Code, 1987, as amended.

Any new densities, structures, and uses, proposed in a respective Plantation Camp transect beyond those permissible within Section 8-8A of the Kauai County Code, 1987, as amended, shall be in conformance with the rules, regulations, and standards of the subject Numila Form-Based Code.

4.3.030 **Appeals:**

- A. An applicant who seeks to appeal from an adverse decision of the Director or designee shall file a notice of appeal with the Director and the Planning Commission within thirty (30) days after the adverse decision.
- B. If the appeal is from the denial of a Class III Zoning Permit, the Director shall make the notice public and shall notify any persons who have duly requested notice of appeals.
- C. The Planning Commission shall consider the appeal at a public session within sixty (60) days of the filing of the notice of appeal and shall render its decision within that period.

4.3.040 **Fee Exemptions:**

- A. A Zoning Permit application for a housing project or portions of housing projects that are developed to be affordable to low-income households as determined by the Housing Director or authorized representative of the County Housing Agency shall be exempt from the filing and processing fee required in CZO Subsection 8-3.1(b)(1), provided such projects conform to applicable provisions of the County's affordable housing program.
- B. A Zoning Permit application for a housing project or portions of housing projects that are developed to be affordable as determined by the Housing Director or authorized representative of the County Housing Agency shall be exempt from one-half (1/2) of the filing and processing fee required in CZO Subsection 8-3.1(b)(1), provided such projects conform to applicable provisions of the County's affordable housing program.
- C. No exemptions shall be afforded for such housing projects from any fees or costs arising from compliance with CZO Subsection 8-3.1(f)(4) or (h).

4.3.050 **Enforcement:**

- A. Enforcement, legal procedures, and penalties for violations of any of the regulations and standards within the Plantation Camp Form-Based Code are established pursuant to section 10-7.2 of the Kauai County Code, 1987, as amended.

Article 5: Definitions

Sub-Article 5.1: Definitions of Terms and Phrases	58-59
5.1.010 Definitions	58-59

Sub-Article 5.1: Definitions of Terms and Phrases

5.1.010 Definitions

This Section provides definitions for specialized terms and phrases used in this Article. All other applicable definitions in Chapter 8 of the Kauai County Code or CZO apply.

Civic Space – An outdoor area dedicated for civic activities. See Sub-Article 35.2 (Civic Space Standards).

Civic Building – A structure operated by governmental or not-for-profit organizations and limited to civic and related uses.

County Engineer – The County Engineer of the Department of Public Works of the County of Kauai.

Director – Planning Director of the County of Kauai.

Foundation – The lowest load-bearing part of a building, typically including structural placement below ground level

Front – The front section of the building facing the thoroughfare or a civic space. If two or more portions of a building face a thoroughfare or a civic space, the Director shall determine which portion of the building is the front.

Frontage – The main entrance of a building located between the front of a building and a thoroughfare or civic space.

Glazing – The glass component of a building's façade.

Gable Roof – A roof with two sloping side and a gable, or wall, at each end.

Hip Gable/Dutch Gable Roof – Is a roof with a small gable at the top of a hip roof.

Hip Roof – A roof that slopes upward from all sides of the structure, having no vertical ends.

Main Body – The main body constitutes the primary structure.

Mechanical Equipment Storage – small roofed accessory structure, attached or detached, that is no larger than 40 square feet in size.

Post-on-Pier – Type of development where the weight of the structure is distributed across a series of posts installed under the home and mounted to piers, which are typically masonry blocks arranged to distribute the weight evenly.

Rear – Section of the building the opposite front of the building.

Rear Exit – Doorway situated on the Rear of the building.

Residential Use – The use of a structure or site for human habitation that may include a home, abode, or place where an individual is actually living at a specific point in time. Residences do not include transient accommodations such as transient hotels, motels, tourist cabins, or trailer courts, and dormitories, fraternity or sorority houses.

Setback – A designated minimal amount of space required between a structure and the thoroughfare.

Shed Roof – A flat roof that slopes in one direction and may lean against another wall or building.

Side – Section of the building running perpendicular to the front and rear of the building.

Thoroughfare – A road or path designed for multiple users, including pedestrians, bicyclists, and vehicles.

Transect Zone – A defined area that meets the organization of the human habitat with a development intensity that meets natural and/or build form characteristics.

Wing – A wing is part of a building that is subordinate to the main body.

Exhibit D

Map Showing Amendment to the West Kaua'i Community Plan (2020) Land Use Map Figure 12 "West Kaua'i Regional Map Showing Town Plan Areas".



FIGURE 12 | Regional Town Plan Map

“EXHIBIT C”

(Proposed State Land Use District Amendment A-2025-2)

For reference

ORDINANCE NO. _____

BILL NO. _____

**A BILL FOR AN ORDINANCE AMENDING
THE STATE LAND USE DISTRICT BOUNDARY
RELATING TO A PARCEL LOCATED IN WAHIAWA, KAUA'I**

(County of Kaua'i Planning Department, Applicant) (A-2025-2)

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. Purpose. The purpose of this Ordinance is to update approximately 14.9 acres of the State Land Use District boundary and designation of Tax Map Key (TMK) (4) 2-2-001:001 from Agricultural to Urban.

SECTION 2. The State Land Use District Boundary designation for approximately 14.9 acres of the parcel in Wahiawa, Kaua'i, identified as TMK (4) 2-2-001:001, as shown on the attached map as Exhibit A, is hereby amended from the State "Agricultural" Land Use District (A) to the State "Urban" Land Use District (U), subject to the following conditions:

1. The State Land Use District Boundary Amendment shall be limited to the area delineated in Exhibit A.
2. The Landowner shall resolve and comply with the applicable standards and requirements, if any, of all State of Hawai'i and County of Kaua'i departments and agencies.
3. The Landowner is advised that additional government agency conditions may be imposed. It shall be the Landowner's responsibility to resolve those conditions with the respective agencies.

SECTION 3. The Planning Department is directed to note the changes on the official Zoning Maps on file with the Department.

SECTION 4. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 5. This Ordinance shall take effect upon its approval.

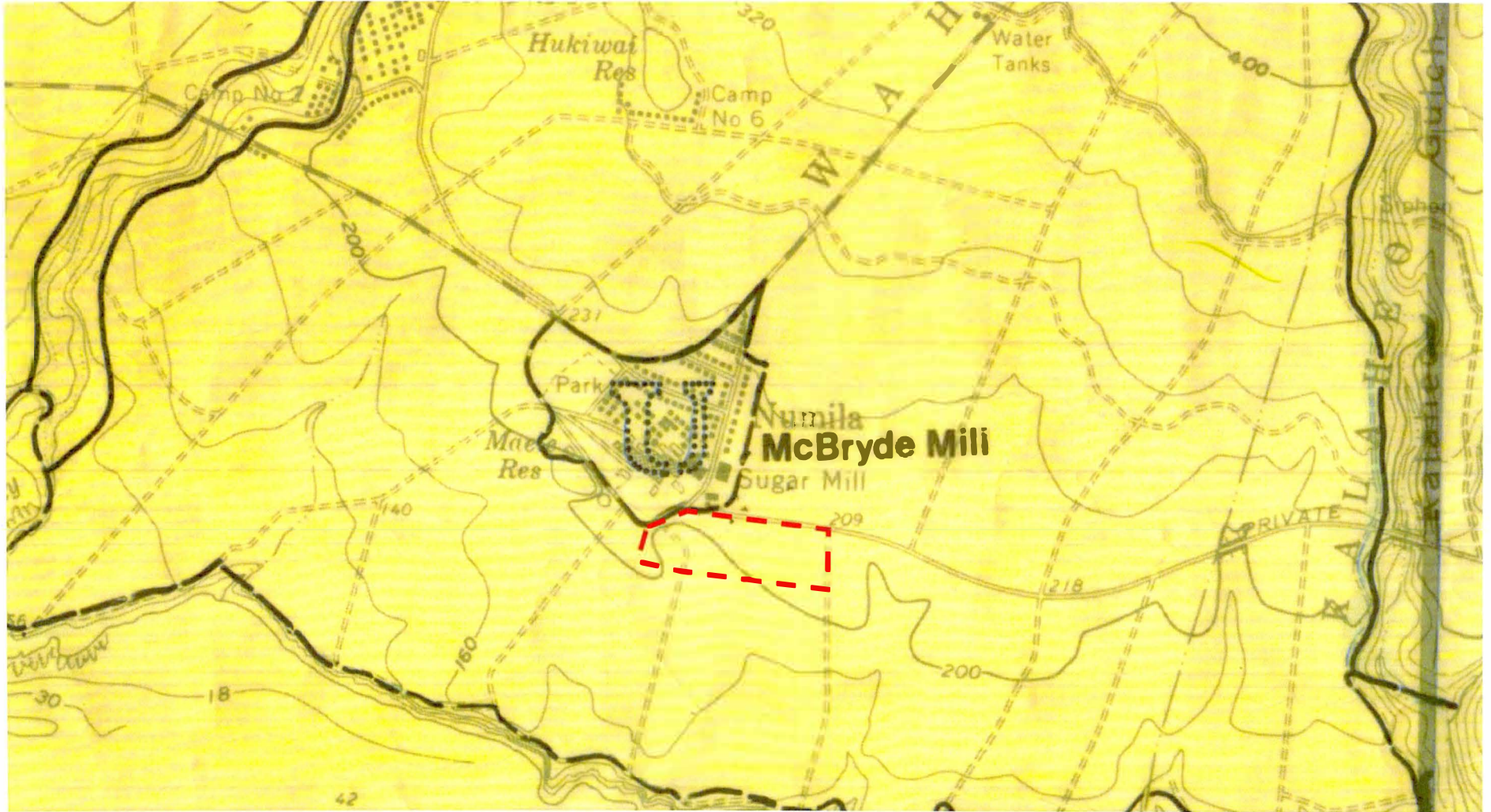
Introduced by:

(By Request)

DATE OF INTRODUCTION:

Lihu'e, Kaua'i, Hawai'i

Exhibit A



State Land Use District (SLUD) Boundary Amendment from Agricultural (A) to Urban (U)

Wahiawa, Kauai, Hawaii

 State Land Use District (SLUD) District Boundary Update from Agriculture (A) to Urban (U)

“EXHIBIT D”

(Proposed Zoning Amendment ZA-2025-3)

For reference

ORDINANCE NO. _____

BILL NO. _____

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 8,
KAUA'I COUNTY CODE 1987, AS AMENDED,
RELATING TO ZONING BOUNDARIES IN WAHIAWA, KAUA'I**

(County of Kaua'i Planning Department, Applicant) (ZA-2025-3)

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII':

SECTION 1. Purpose. The purpose of this Ordinance is to update the County of Kaua'i Zoning Map ZM-200 to reflect zoning designation updates within the subject parcel Tax Map Key (TMK) (4) 2-2-001:001, from "Agricultural" (Ag) to "Residential-1" (R-1).

SECTION 2. Findings. The Council finds that the West Kaua'i Community Plan (WKCP), adopted by the County of Kaua'i in December 2020, recognizes the opportunity to "ensure redevelopment and renovation projects reflect the historic character of Numila."

The Council finds that TMK (4) 2-2-001:001 is not designated as Important Agricultural Lands by the Hawai'i State Land Use Commission.

The Council finds the Numila Camp amendment boundaries are delineated by the map in Exhibit A and contain an area of approximately 14.9 acres.

SECTION 3. The Comprehensive Zoning Ordinance (CZO) is hereby amended by amending ZM-200 within the CZO referenced in Section 8-2.3 by making the following changes to ZM-200 as shown in Exhibit A of this Ordinance which are attached hereto and incorporated by reference, subject to the following conditions:

1. The Landowner is advised that additional government agency conditions may be imposed. It shall be the Landowner's responsibility to resolve those conditions with the respective agencies.

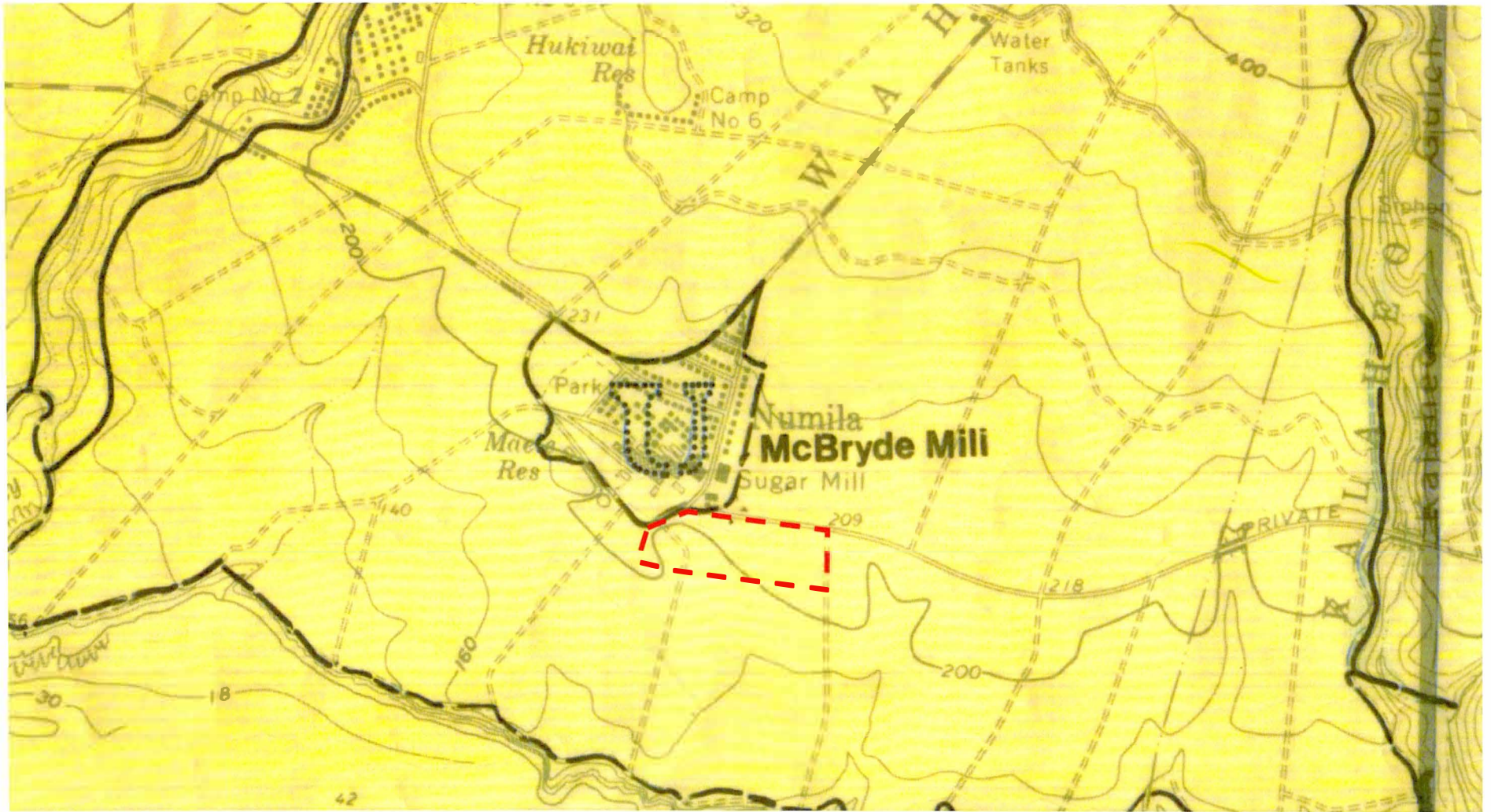
SECTION 4. The Planning Department is directed to note the changes on the official Zoning Maps on file with the Department.

SECTION 5. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 6. This Ordinance shall take effect upon its approval.

Introduced by:

Exhibit A



Amendment to Zoning Map ZM-200 from Agricultural (AG) to Residential-1 (R-1)

Wahiawa, Kauai, Hawaii

 Agricultural (AG) to Residential-1 (R-1) District Boundary Update

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



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

**TRANSMITTAL OF AGENCY COMMENTS TO
PLANNING COMMISSION**

DATE: March 4, 2025

PERMIT NUMBER(S): ZA-2025-3

APPLICANT(S): KAUAI PLANNING DEPARTMENT

Attached for the Planning Commission's reference are agency comments for the permit referenced above.

F.H.C.2.
MAR 11 2025



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

FROM: Kaaina S. Hull, Director

Planner: Shelea Koga

2/11/2025

SUBJECT: Zoning Amendment ZA-2025-3
Tax Map Key: 220010010000
Applicant: Planning Department
Rezone approximately 14.9 acres from the Agriculture District (A) to the Residential District (R-1)

TO:

- | | |
|---|--|
| <input type="checkbox"/> State Department of Transportation - STP | <input checked="" type="checkbox"/> County DPW - Engineering |
| <input checked="" type="checkbox"/> State DOT - Highways, Kauai (info only) | <input 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 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)

This matter is scheduled for a public hearing before the County of Kauai Planning Commission on 3/11/2025 at the Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Kauai, at 9:00 am or soon thereafter. If we do not receive your agency comments within one (1) month from the date of this request, we will assume that there are no objections to this permit request. Mahalo!



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

DATE: Feb 26, 2025

TO: To whom it may concern

FROM: Ellis Jones
District Environmental Health Program Chief

SUBJECT: RESPONSE_Rezone_ZA-2025-3

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

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

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

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

Clean Air Branch

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

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

Clean Water Branch

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

Hazard Evaluation & Emergency Response Office

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

Indoor and Radiological Health Branch

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

Safe Drinking Water Branch

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

Solid & Hazardous Waste Branch

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

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

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

Wastewater Branch

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

Sanitation / Local DOH Comments:

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

Other

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

Ellis Jones

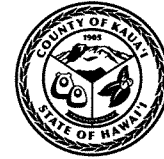
Ellis Jones

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

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



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

TRANSMITTAL OF PUBLIC TESTIMONY TO PLANNING COMMISSION

DATE: **March 4, 2025**

PERMIT NUMBER(S): **ZA-2025-3**

APPLICANT(S): **KAUAI PLANNING DEPARTMENT.**

Attached for the Planning Commission's reference is Public Testimony pertaining this application.

From: [Planning Department](#)
To: [Shelea Koga](#)
Cc: [Kaaina Hull](#)
Subject: FW: Rezoning from Ag to residential
Date: Friday, February 7, 2025 8:01:23 AM

From: Anastasia Schmoll <nctybroker@gmail.com>
Sent: Friday, February 7, 2025 6:26 AM
To: Planning Department <planningdepartment@kauai.gov>
Subject: Rezoning from Ag to residential

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.

Comment and recommendation: 1) name Anastasia Schmoll, your position/title RE BRoker, Coast and Country REalty BRE 01430464, 2) the agenda item that you are providing comment on

COUNTY ZONING AMENDMENT (ZA-2025-3) A bill for an ordinance amending Zoning Map ZM-200 (Hanapēpē) to rezone approximately 14.9 acres from the Agriculture District (A) to the Residential District (R-1) involving a parcel located immediately adjacent to the Kaua'i Coffee Visitor Center and the Numila Sugar Mill, situated on the makai side of Halewili Road in Wahiawa, further identified as Tax Map Key (TMK): (4) 2-2-001:001.

COUNTY ZONING AMENDMENT (ZA-2025-5) A bill for an ordinance amending Zoning Map ZM-200 (Hanapēpē) to rezone approximately 14.9 acres from the Agriculture District (A) to the Residential District (R-1) involving a parcel is located about one-half mile mauka and northeast of the Pakala United States Postal Service building in Makaweli, and further identified as Tax Map Key (TMK): (4) 1-7-006:006.

STATE LAND USE DISTRICT BOUNDRY AMENDMENT (A-2025-3) for a State Land Use District Boundary Amendment from the Agricultural District to the Urban District affecting a portion of approximately 14.9 acres of land situated about one-half mile mauka and northeast of the Pakala United States Postal Service building in Makaweli and further identified as Tax Map Key (TMK): (4) 1-7-006:006.

Comment and proposal for public comment; Any and all development must allocate and include 10% of construction and building to low income/ affordable housing.

Any and all Camp housing should needs to be build in compliance with current FHEO building

standards, and with HUD's HQS/NSPIRE standards of habitability.

DEPARTMENT OF PLANNING

KA'AINA HULL, DIRECTOR
 JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



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

DIRECTOR'S REPORT

I. SUMMARY

Action Required by Planning Commission: Consideration of multiple bills amending Chapter 8 of the Kaua'i County Code 1987, as amended, regarding the Comprehensive Zoning Ordinance (CZO), the Kaua'i Kākou – Kaua'i County General Plan, the State Land Use District, and the West Kaua'i Community Plan.

Permit Application Nos. Zoning Amendment ZA-2025-3
 Zoning Amendment ZA-2025-4
 General Plan Amendment GPA-2025-2
 State Land Use Amendment A-2025-2

Name of Applicant(s) COUNTY OF KAUA'I, PLANNING DEPARTMENT

II. PERMIT INFORMATION

AMENDMENTS	
<input checked="" type="checkbox"/> Zoning Amendment	Pursuant to KCC Section 8-3.4(a), as amended, a Zoning Amendment is necessary when changing the boundaries of districts or by changing text whenever the public necessity and convenience and the general welfare require an amendment.
<input checked="" type="checkbox"/> General Plan Amendment	Pursuant to KCC Section 7-3.1, as amended, the General Plan of the County of Kaua'i may be amended by ordinance, in accordance with the Charter. An amendment may change provisions of this ordinance; text provisions or map designations of the General Plan document; or any of these in combination.
<input checked="" type="checkbox"/> State Land Use District Amendment	Pursuant to KCC Section 11-1, as amended, a State Land Use District Boundary Amendment Ordinance, organized as a Zoning Amendment, is required to reclassify a State Land Use District designation.

III. LEGAL REQUIREMENTS

KCC Section 8-3.4	
Public Hearing Date:	March 11, 2025
Date of Publication:	February 7, 2025
Date of Director's Report:	February 26, 2025

F.4.a.1.
 F.4.b.1.
 F.4.c.1.
 F.4.d.1.
 March 11, 2025

IV. DESCRIPTION OF PROPOSED BILLS

There are four separate amendments associated with the proposed Numila Camp area:

- 1. General Plan Amendment (GPA-2025-2)** – Proposes to amend Figure 5-1 (Kaua'i Land Use Map) and Figure 5-2 (West Kaua'i Land Use Map) of the *Kaua'i Kakou – Kaua'i County General Plan* from Agriculture to Plantation Camp (Exhibit A).
- 2. West Kaua'i Community Plan Amendment (ZA-2025-4)** – Proposes amendments to Chapter 10, Article 3 of the *Kaua'i County Code 1987, as amended*, related to the West Kaua'i Community Plan (Exhibit B). This includes:
 - o Amending Section 10-3 to establish a Special Planning Area "P" (SPA-P), which shall also be known as the "Numila Plantation Camp Walkable Mixed-Use District." The Special Planning Area shall be adopted with a new map ZM-NC-100 (Numila Camp) and adopted within the West Kaua'i Community Plan.
 - o Updating figure 12 of the West Kaua'i Community plan, Regional Town Plan Map to change the land use designation within the SPA-P boundaries from Agriculture to Plantation Camp.
- 3. State Land Use District Amendment (A-2025-2)** – Proposes to change approximately 14.9 acres of the State Land Use District boundary and designation of Tax Map Key (TMK) (4)-2-2-001:001 from Agricultural to Urban (Exhibit C).
- 4. Zoning Map Amendment (ZA-2025-3)** – Proposes to amend approximately 14.9 acres of Zoning Map ZM-200 to reflect zoning changes for TMK (4)-2-2-001:001 from Agricultural (Ag) to Residential-1 (R-1) (Exhibit D).

The proposed ordinances to amend County Zoning, the State Land Use District, the General Plan, and the West Kaua'i Community Plan aim to encourage redevelopment within the existing Numila Camp while allowing for new growth in an adjacent area that maintains and enhances its distinct form and character.

V. APPLICANT’S REASONS/JUSTIFICATION

The Numila Plantation Camp Form-Based Code (FBC) guides development in alignment with the West Kaua’i Community Plan and the County of Kaua’i General Plan. This FBC establishes a regulatory framework to preserve the character of the existing plantation camps, including Numila Camp, while allowing for limited infill development and housing expansion. The Plantation Camps should remain compact and walkable with well-defined borders and small cottages, surrounded by working agricultural fields and activity. The intent of the code would:

1. Promote, preserve, and enhance existing community design and development patterns that reflect the distinct character of Numila’s historic plantation camp.
2. Support and maintain affordable-by-design housing stock.
3. Encourage appropriately scaled infill development within or near the historic boundaries of the camps.

Form-Based Codes (FBC) are a development regime that encourages the development of communities with a focus on “building form and character” as opposed to development frameworks based on the separation of uses, regularly referred to as Euclidian zoning. FBCs have been adopted to serve a variety of purposes that can include historic preservation, economic development, sustainability, affordable housing, and general planning. FBC follows a natural to urban transect model, that progressively experience greater density in line with desired development outcomes. The model transect is divided into six transect zones or T-zones: Natural (T1), Rural (T2), Sub-Urban (T3), General Urban (T4), Urban Center (T5), and Urban Core (T6). Kaua’i only experiences four transect types (T1-T4).

The development of FBCs included an intensive inventory process and an exercise to identify unique or historical characteristics that define the respective towns and villages. The Numila Plantation Camp transect is considered a special district due to the unique patterns which were identified. The transects within the Numila Camp are T3 Numila (T3N-PC), T3 Numila Flex (T3NF-PC), T3 Numila HSPA (T3NH-PC), and T3 Numila Luna (T3NL-PC). Each Plantation Camp transect type reinforces and/or maintains the historic patterns of the Numila Community. The Numila FBC incorporates detailed regulations specific to building types, street standards, and civic space that are sensitive to the surrounding local character. The regulations set forth in the Form-Base Code help to maintain the unique characteristics of Numila Camp.

Creating design standards specific to these areas ensures history and culture are a part of the future development. The Plantation Camp Form-Based Code includes elements such as roof pitches, siding materials, building massing, building types, frontages, setbacks, rear exists and wings, and are regulated to reinforce existing character and to create new, compatible neighborhoods in Numila Camp. For example, the building type regulations in T3 Numila (T3N-PC) capture the form and characteristics of the historical Numila cottages. Crafting regulations that require unique features such as single or double hung windows, 5:12 or 6:12 roof pitches, wood-based material, decorative vents, post and pier, and height of the wall ensures that new cottages or reconstructed cottages will maintain the same look and feel of the surrounding cottages.

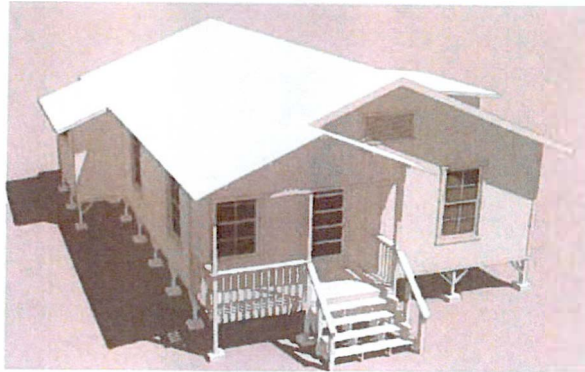


Figure 1: Example of applying the T3 Numila (T3N-PC) regulations.

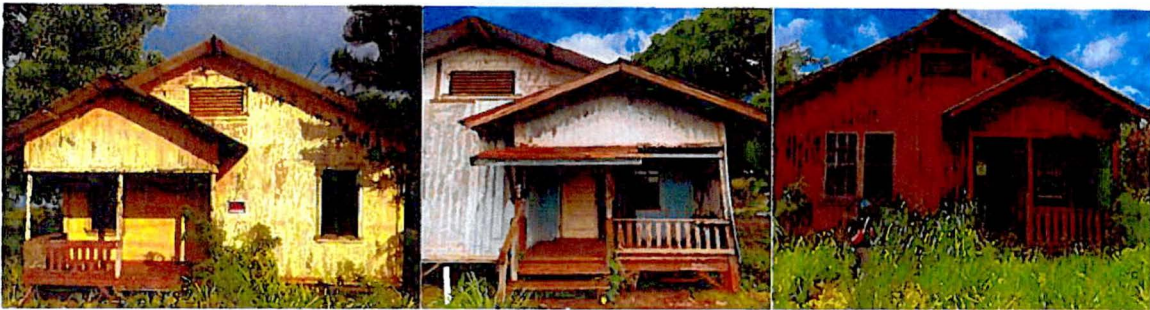


Figure 2, 3, 4: Pictures of Numila Camp Cottages.

Form-Based Code differs from the existing use-base code requirements in the Comprehensive Zoning Ordinance in that the primary emphasis is on building and streetscape “form”, the importance of how the proposed development is integrated with the existing town character. This is a more comprehensive approach that includes the regulation of building types, street design, and civic space requirements. These standards are crafted to regulate the specific and desired qualities of areas identified through the inventory and data collection process.

The County of Kaua’i has adopted multiple Form-Based Codes tailored to preserve the unique and localized characteristics of South Kaua’i, West Kaua’i, and the Kaumakani Plantation Camps. During the South Kaua’i and West Kaua’i Community planning efforts, the community sought to preserve and revitalize their town cores. Form-Base Codes were ideally suited to meet this community goal. Since the adoption of the South Kaua’i, West Kaua’i, and the Kaumakani Plantation Camp Form-Based Code, the Planning Department and the respective communities have seen the value of this development approach.

Consistent with the West Kauai towns of Waimea, Kekaha, ‘Ele’ele, and Hanapēpē, the Numila Camp supports unique town and village features that can benefit from the establishment of a Form-Based Code. The Numila Camp Form-Based Code is a tool that

seeks to maintain the existing character of the Numila Camp while simultaneously establishing design guidelines that inform buildout scenarios.

Implementing the Numila Form-Based Code requires several land use and zoning amendments to align with the intended development vision for the area. These changes will allow for the redevelopment of the historic Numila Camp footprint.

1. **General Plan Amendment (GPA-2025-2)** – The General Plan amendment updates the Kaua’i Land Use Map and West Kaua’i Land Use Map within the General Plan to reflect a change from Agriculture to Plantation Camp, aligning with the historic residential uses of the area and future vision for lands adjacent to the existing Numila camp. This designation supports the continued use and nominal expansion of the area for residential purposes.
2. **West Kaua’i Community Plan Amendment (ZA-2025-4)** – Updates to the West Kaua’i Community Plan ensure consistency between local planning documents and the Numila FBC. The amendment revises the **Regional Town Plan Map (Figure 12)** to change the land use designation within the **Special Planning Area – Plantation Camp (SPA-P)** from Agriculture to Plantation Camp, supporting the envisioned small-town character and historic Numila Camp development. The proposal also amends Section 10-3 to establish a Special Planning Area “P” (SPA-P), which shall also be known as the “Numila Plantation Camp Walkable Mixed-Use District.” The Special Planning Area shall be adopted with a new map ZM-NC-100 (Numila Camp) and adopted within the West Kaua’i Community Plan.
3. **State Land Use District Amendment (A-2025-2)** – This amendment is needed to reclassify **14.9 acres** from Agricultural to Urban, allowing for residential development adjacent to the historic Numila Camp residential footprint to allow for a nominal expansion of the area for residential purposes while keeping within the form and character of the historic camp.
4. **Zoning Map Amendment (ZA-2025-3)** – This change updates the zoning from Agricultural (Ag) to Residential-1 (R-1) allowing for residential development within the historic Numila Camp area and adjacent lands.

VI. AGENCY COMMENTS

Comments from applicable government agencies are being sought and are expected at the time of the public hearing scheduled for March 11, 2025.

VII. PRELIMINARY EVALUATION

In evaluating the proposed zoning amendment, the following aspect should be taken into consideration:

1. Comprehensive Zoning Ordinance (CZO)

The proposed amendment is to be evaluated pursuant to Section 8-3.4(d) of the CZO, Kaua'i County Code (KCC), as amended. The section, reads:

“(d) Consideration. In considering an amendment, the Planning Commission shall consider the purposes of the existing and proposed changes to the Zoning Ordinance. A change in the Zoning Map or text shall not be made unless the change will further the public necessity and convenience and the general welfare.”

As previously mentioned, the intent of the amendment is to amend the West Kaua'i Community Plan to add Special Planning Area “P” (SPA-P), which shall be referred to as the “Numila Plantation Camp Walkable Mixed Use District.” Amending the code to include Special Planning Area “P” would further accommodate public necessity and for convenience.

2. General Plan

The 2018 General Plan sets forth a vision, goals, and policies to guide future growth on Kaua'i. The proposed amendment is consistent with the overall vision and policies outlined in the 2018 General Plan.

A. Section 1.4, entitled “Policies to Guide Growth”

- i. **Policy #1: “Manage Growth to Preserve Rural Character”**
The new design standards that correspond with Special Planning Area “P” will ensure the rural characteristics of our communities are maintained through the preservation of the Numila Camp’s building form and characteristics.
- ii. **Policy #2: Provide Affordable Housing While Facilitating a Diversity of Privately-Developed Housing for Local Families.**
According to the General Plan, Communities that cater to a high-end market, resulting in enclaves of similar household incomes and housing types, are no longer acceptable. The design standards that correspond with Special Planning Area “P” limit development to building standards that cater to and support the local housing market. These design standards will provide an opportunity to create housing for local families.
- iii. **Policy #3: Recognize the Identity of Kaua'i’s individual Towns and Districts.**
Policy #3 of the General Plan states that Kauai’s towns and planning districts are distinct, each with its own character, opportunities, and needs. The design standards outlined for Numila Camp acknowledge the characteristics and features that generate the unique community identity of the Numila Camp.

B. Section 3.0 Actions by Sector, Subsection Sector VII, entitled "Heritage Resources" states for code changes:

- i. Update and create Special Planning Areas in towns to ensure new development and redevelopment of existing sites or structures is done in a "historically sensitive" manner. The proposed Numila Camp Form-Based Code implements these exact code changes recommended by the General Plan creating design standards to preserve the historic character of Numila Camp.

X. PRELIMINARY CONCLUSION

Based on the foregoing, it is concluded that the proposal is reasonable and appropriate. It is also consistent with the policies and recommendations of the Kaua'i General Plan.

XI. PRELIMINARY RECOMMENDATION

Based on the foregoing evaluation and conclusion, it is hereby Zoning Amendment ZA-2025-3, Zoning Amendment ZA-2025-4, General Plan Amendment GPA-2025-2 and State Land Use District Amendment A-2025-2 be **APPROVED**.

By  _____
SHELEA KOGA
Planner

Approved & Recommended to Commission:

By  _____
KA'AINA S. FULL
Director of Planning

Date: 2/25/2025

“EXHIBIT A”

(Proposed General Plan Amendment GPA-2025-2)

For reference

ORDINANCE NO. _____

BILL NO. _____

**A BILL FOR AN ORDINANCE AMENDING
"KAUA'I KĀKOU – KAUA'I COUNTY GENERAL PLAN" (2018)
RELATING TO A PARCEL LOCATED IN WAHIAWA, KAUA'I**

(County of Kaua'i Planning Department, Applicant) (GPA-2025-2)

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. Findings and Purpose. The purpose of this Ordinance is to update the booklet entitled "Kaua'i Kākou – Kaua'i County General Plan" (2018) (incorporated by reference in Chapter 7, Kaua'i County Code 1987, as amended) (The General Plan for the County of Kaua'i). The subject property, identified as Tax Map Key (TMK) Parcel (4) 2-2-001:001 and referred to hereafter as "Numila Camp," is located adjacent to Kaua'i Coffee Visitor Center and the Numila Sugar Mill, situated along the makai side of Halewili Road.

The Council finds the Numila Camp amendment boundaries are delineated by the map in Exhibit A and contain an area of approximately 14.9 acres.

The Council finds that TMK Parcel (4) 2-2-001:001 is not designated as Important Agricultural Lands by the Hawai'i State Land Use Commission.

The Council finds that the Numila Plantation Camp areas maintain a unique sense of identity and has historic features and qualities that should be perpetuated.

The Council finds that the current landowner (BBCP Kaua'i Operating LLC) has consented to this General Plan amendment.

SECTION 2: The booklet entitled "Kaua'i Kākou – Kaua'i County General Plan" (2018) is amended as follows:

1. Amend page 229 by deleting Figure 5-1, Kaua'i Land Use Map (as previously amended by Ordinance No. 1084), and replacing it with a new map, Figure 5-1, Kaua'i Land Use Map, as shown on the map attached to this Ordinance as Exhibit B, and on file with the Planning Department, County of Kaua'i.
2. Amend page 233 by deleting the amended Figure 5-2, West Kaua'i Land Use Map (as previously amended by ordinance No. 1084), and replacing it with a new map, Figure 5-3 West Kaua'i Land Use Map as shown on the map attached to this Ordinance as Exhibit C, and on file with the Planning Department, County of Kaua'i.

SECTION 3. The Planning Department is directed to note the changes on the official Zoning Maps on file with the Department.

SECTION 4. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 5. This Ordinance shall take effect upon its approval.

Introduced by:

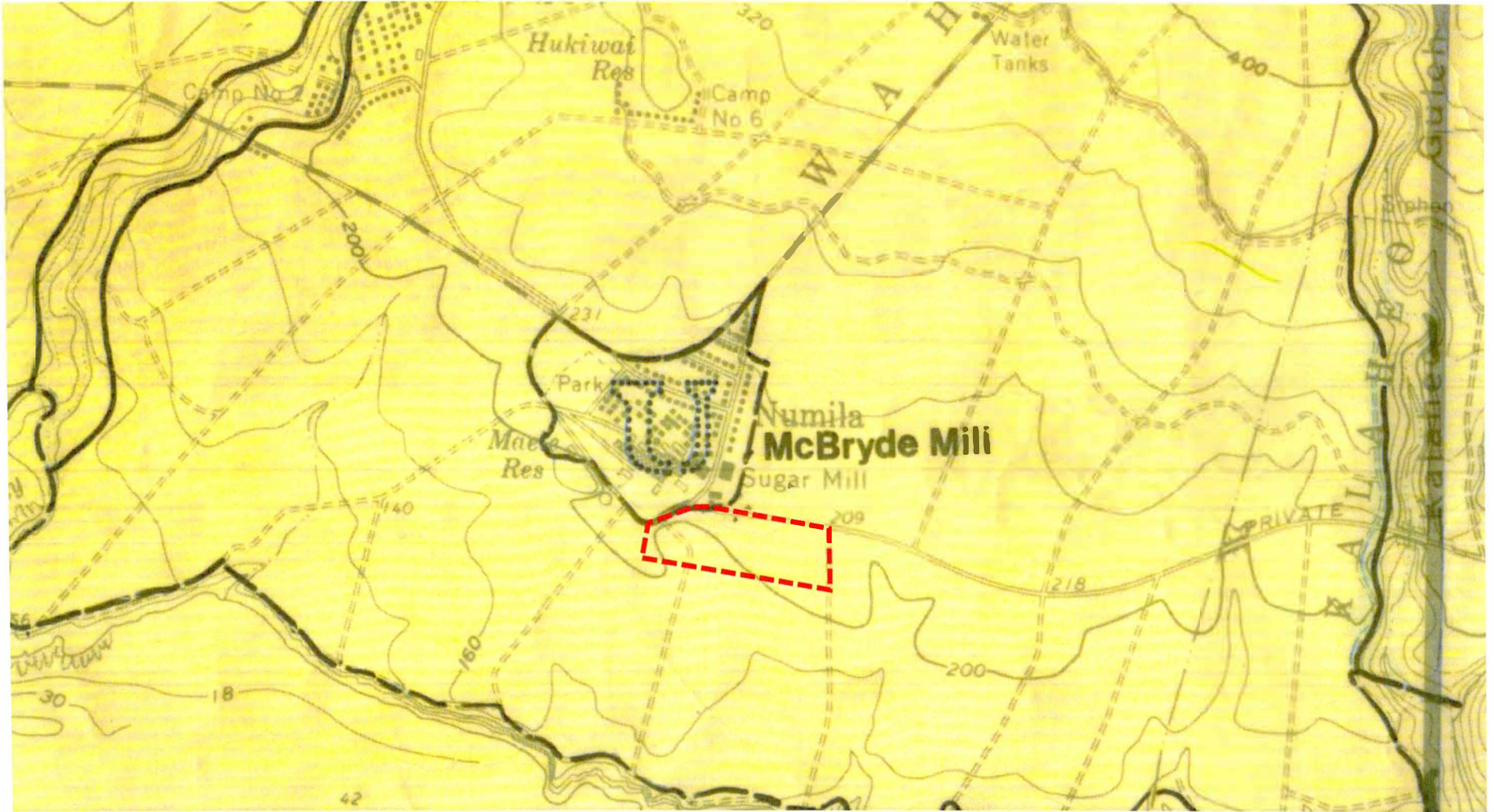
(By Request)

DATE OF INTRODUCTION:

Līhu'e, Kaua'i, Hawai'i

Exhibit A

Location Map



Zoning Amendment Location Map

 Amendment Boundaries

Exhibit B

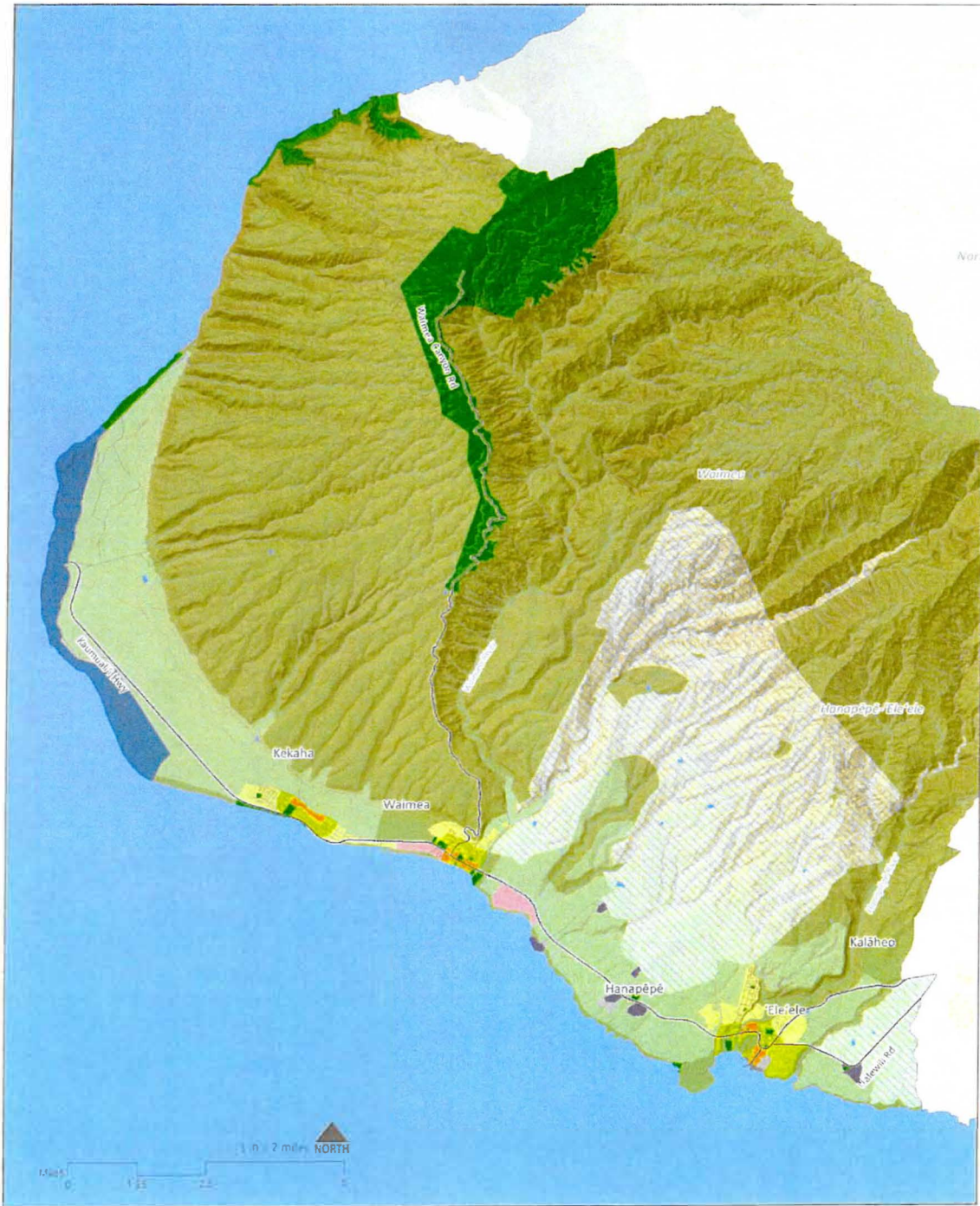
Map Showing Amendment to the Kaua'i General Plan (2018) Land Use Map Figure 5-1 "Kaua'i Land Use Map"

-  Planning District Boundary
-  Major Roads
-  Roads
-  Streams
-  USGS 40 ft. Contours
-  Urban Edge Boundary
-  Reservoirs
-  Natural
-  Agricultural
-  Agricultural (IAL)
-  Parks and Recreation
-  Golf Course
-  Homestead
-  Residential Community
-  Urban Center
-  Neighborhood Center
-  Neighborhood General
-  Large Town
-  Small Town
-  Resort
-  Provisional Resort (Pending Community Plan Process)
-  University Zone
-  Plantation Camp
-  Industrial
-  Transportation
-  Military
-  Provisional Agriculture

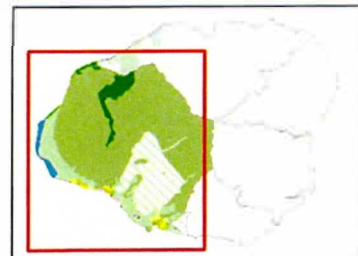


Exhibit C

Map Showing Proposed Amendment to the Kaua'i General Plan (2018) Land Use Map
 Figure 5-3 Hanapēpē to 'Ele'ele to Figure 5-2 "West Kaua'i District"



- | | | |
|----------------------------|-----------------------|-----------------|
| — Major Roads | Natural | Resort |
| — Roads | Agricultural | Plantation Camp |
| — Streams | Agricultural (IAL) | Industrial |
| — USGS 40 ft. Contours | Parks and Recreation | Transportation |
| Planning District Boundary | Residential Community | Military |
| Reservoirs | Neighborhood Center | |
| | Neighborhood General | |



“EXHIBIT B”

(Proposed Zoning Amendment ZA-2025-4)

For reference

ORDINANCE NO. _____

BILL NO. _____

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 10 ARTICLE 3, KAUA'I COUNTY CODE 1987, AS
AMENDED, RELATING TO THE
WEST KAUA'I COMMUNITY PLAN IMPLEMENTING ORDINANCE (2020)**

(County of Kaua'i Planning Department, Applicant) (ZA-2025-4)

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. Findings and Purpose. The purpose of this Ordinance is to amend Chapter 10, Article 3, Kauai County Code 1987, as amended, relating to the West Kauai Community Plan. The proposal amends Section 10-3 of the Kauai County Code relating to text and mapping requirements to establish a Special Planning Area "P", which shall be referred to as the "Numila Plantation Camp Walkable Mixed Use District", and be designated as "SPA-P" as shown on Zoning Maps ZM-NC-100 (Numila Camp) involving a portion of a property further identified as Tax Map Key 2-2-001:001. The proposal also amends the West Kaua'i Regional Map to reflect land use designation updates from "Agriculture" to "Plantation Camp" within the SPA-P boundaries.

The Council finds the Numila Camp amendment boundaries delineated by the map in Exhibit A.

The Council finds that TMK Parcel (4) 2-2-001:001 is not designated as Important Agricultural Lands by the Hawai'i State Land Use Commission.

The Council finds that the West Kaua'i Community Plan (WKCP), adopted by the County of Kaua'i in December 2020, recognizes the opportunity to "ensure redevelopment and renovation projects reflect the historic character of Numila Camp."

The Council finds that the current landowner (BBCP Kaua'i Operating LLC) has consented to this West Kaua'i Community Plan amendment.

SECTION 2. Amend Section 10-3 of the Kaua'i County Code to add a Special Planning Area "P" (SPA-P), which shall also be known as the "Numila Plantation Camp Walkable Mixed Use District". The Special Planning Area shall be adopted with a new map ZM-NC-100 (Numila Camp) and adopted within the West Kaua'i Community Plan as attached in Exhibit B. The corresponding design standards in text format shall be adopted within the West Kaua'i Community Plan as attached in Exhibit C.

SECTION 3. The booklet entitled "West Kaua'i Community Plan" (2020) is amended as follows:

1. Amend page 126 by deleting Figure 12, Regional Town Plan Map, and replacing it with a new map, Figure 12, Regional Town Plan Map, as shown on the map attached to this Ordinance as Exhibit D, and on file with the Planning Department, County of Kaua'i.

SECTION 4. The content of Chapter 10, Article 3, West Kaua'i Community Plan Implementing Ordinance, Kaua'i County Code, as amended is amended as follows:

§ 10-3.1. Title and Purpose.

- (a) This Article shall be known and may be cited as the "West Kaua'i Community Plan Implementing Ordinance." It is adopted:
- (1) To provide design and development standards in order to implement the detailed planning goals and objectives for the West Kaua'i Planning District;
 - (2) To establish special planning areas, future growth areas, land uses, and development and design standards to guide and regulate future development;
 - (3) To protect certain physical characteristics found to be of particular public value, as provided in Chapter 8, Article 11, Section 6, Kaua'i County Code 1987, as amended (Special Planning Areas); and
 - (4) Establish exceptions, modifications, or additions to the provisions of Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance) and Chapter 9, Kaua'i County Code 1987, as amended (Subdivision Ordinance) in order to more specifically provide for the regulation of land use, subdivision, and development practices within the West Kaua'i Planning District.
- (b) Nature of the West Kaua'i Community Plan Ordinance. This Article provides the necessary framework and guidelines to direct future development and capital improvements in the West Kaua'i area, whose boundary is described in the report entitled "West Kaua'i Community Plan." Additionally, this Article supplements Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance) and Chapter 9, Kaua'i County Code 1987, as amended (Subdivision Ordinance) by regulating use and development standards within the West Kaua'i Special Planning Areas, as identified in the zoning maps or surveyed maps, or both, attached to Ordinance No. 1083, [and] Ordinance No. 1138, and Ordinance No. XXXX, on file with the Planning Department, County of Kaua'i.
- (c) The guidelines of this Article are based on the report entitled "West Kaua'i Community Plan" (Planning Commission draft approved in 2020, as amended by the Kaua'i County Council in 2020, and as may be subsequently amended), a booklet whose major components include:
- (1) Regional and town plan maps;
 - (2) Policies for the West Kaua'i region as a whole;
 - (3) Goals and objectives for Kekaha, Waimea, Hanapēpē, 'Ele'ele, Port Allen, Kaumakani, Pākalā Village, Numila, and other areas; and
 - (4) Appendices.
- (Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

§ 10-3.2. Vision and Goals.

The vision and goals for the region referred to in this Article, which shall be known as the West Kaua'i Planning District, and its communities are described in the report entitled "West Kaua'i Community Plan."

(Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

§ 10-3.3. Application of Regulations.

- (a) The West Kaua'i Form-Based Code, attached as Appendix "C", [and] the Plantation Camp Form-Based Code, attached as Appendix "D", and the Numila Plantation Camp Form-Based Code, attached as Appendix "E," to the West Kaua'i Community Plan, are by reference incorporated herein and made a part hereof. The provisions of the West Kaua'i Form-Based Code, [and] the Plantation Camp Form Based Code, and the Numila Plantation Camp Form Based Code shall apply to all new development located within the Special Planning Areas, as identified in the zoning maps or surveyed maps, or both, attached to Ordinance No. 1083, [and] Ordinance No. 1138, and Ordinance No. XXX, on file with the Planning Department, County of Kaua'i.
- (b) The regulations and procedures established in Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance) shall apply within the Special Planning Areas of the West Kaua'i Planning District, except to the extent that such regulations or procedures are changed or modified by the provisions of the West Kaua'i Form-Based Code. When the provisions of this Article differ with respect to the provisions of Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance) and Chapter 9, Kaua'i County Code 1987, as amended (Subdivision Ordinance), the West Kaua'i Form-Based Code shall supersede such provisions as provided in Chapter 8, Article 11, Kaua'i County Code 1987, as amended (Special Treatment Districts (ST)).

(Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

§ 10-3.4. Existing Conditions.

- (a) This Article does not mandate the immediate modification of structures and uses lawfully in existence upon the enactment of this Article.
- (b) The requirements of this Article will not be triggered by routine maintenance not requiring a zoning permit.
- (c) Existing Buildings and Structures. Buildings and structures lawfully in existence upon the enactment of this Article that do not conform to the provisions of this Article are subject to the requirements of Chapter 8, Article 13, Section 1, Kaua'i County Code 1987, as amended (Nonconforming Buildings and Structures).
- (d) Existing Uses. Uses lawfully in existence upon the enactment of this Article that are not consistent with the Special Planning Areas will be allowed to continue on the parcel of record as provided in Chapter 8, Article 13, Section 2, Kaua'i County Code 1987, as amended (Nonconforming Uses).

(Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

§ 10-3.5. Special Planning Areas, Designation, and Procedures.

- (a) Designation of Special Planning Areas "K," "L," "M," "N," [and] "O[.]" and "P." The boundaries of the following form-based code districts are hereby adopted as described in the West Kaua'i Form-Based Code and the Plantation Camp Form-Based Code, attached as Appendix "C," [and]

Appendix "D," and Appendix "E" to the West Kaua'i Community Plan, and shall be referred to as follows:

- (1) Special Planning Area "K," which shall also be known as the "Kekaha Town Walkable Mixed Use District" and be designated as "SPA-K" as shown on the zoning map attached to Ordinance No. 1083 as Exhibit 1, and on file with the Planning Department, County of Kaua'i.
- (2) Special Planning Area "L," which shall also be known as the "Waimea Town Walkable Mixed Use District" and be designated as "SPA-L" as shown on the zoning map attached to Ordinance No. 1083 as Exhibit 2, and on file with the Planning Department, County of Kaua'i.
- (3) Special Planning Area "M," which shall also be known as the "Hanapēpē Town Walkable Mixed Use District" and be designated as "SPA-M" as shown on the zoning map attached to Ordinance No. 1083 as Exhibit 3, and on file with the Planning Department, County of Kaua'i.
- (4) Special Planning Area "N," which shall also be known as the "Ele'ele-Port Allen Walkable Mixed Use District" and be designated as "SPA-N" as shown on the zoning map attached to Ordinance No. 1083 as Exhibit 4, and on file with the Planning Department, County of Kaua'i.
- (5) Special Planning Area "O," which shall also be known as the "Kaumakani Plantation Camp Walkable Mixed Use District" and designated "SPA-O" as shown on the zoning and surveyed maps attached to Ordinance No. 1138 as Exhibit 1, Exhibit 2a, and Exhibit 2b, and on file with the Planning Department, County of Kaua'i.

(6) Special Planning Area "P," which shall also be known as the "Numila Plantation Camp Walkable Mixed Use District" and designated "SPA-P" as shown on the zoning map attached to Ordinance No. XXXX as Exhibit B, and on file with the Planning Department, County of Kaua'i.

- (b) Designation of Zoning Maps. In order to carry out the purpose of this Article, the zoning maps ZM-K100 (Kekaha), ZM-W100 (Waimea), and ZM H200 (Hanapēpē) of Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance), are hereby amended. Zoning Map ZM-KV-100 (Kaumakani Village), [and] ZM-KA-100 (Kaumakani Avenue), and ZM-NC-100 (Numila Camp) is hereby adopted.

(Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

§ 10-3.6. Implementation of the West Kaua'i Community Plan.

The West Kaua'i Community Plan shall serve as a guide for all development within the West Kaua'i area.

(Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

SECTION 5. The Planning Department is directed to note the changes on the official Zoning Maps on file with the Department.

SECTION 6. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 7. This Ordinance shall take effect upon its approval.

Introduced by:

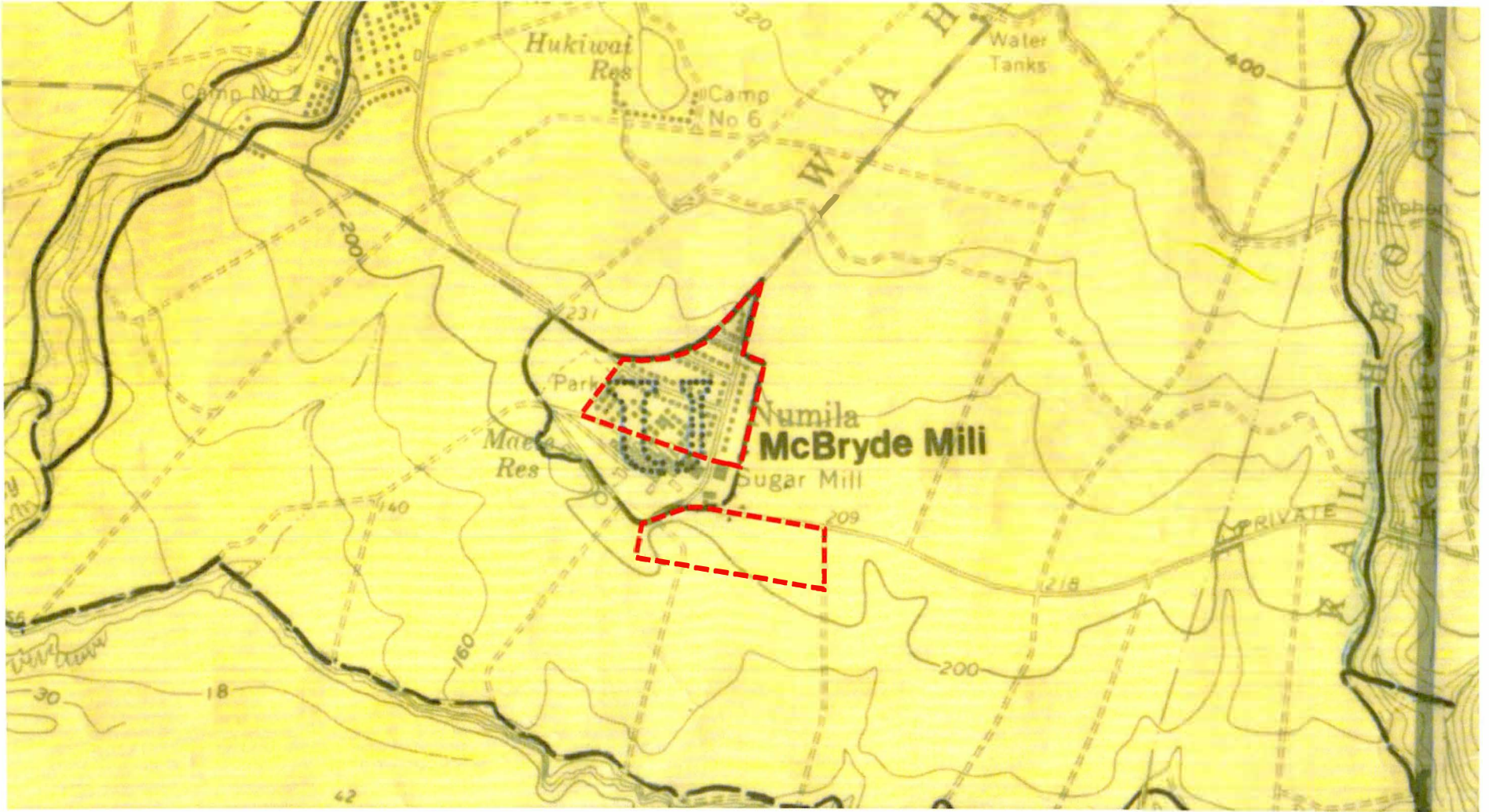
(By Request)

DATE OF INTRODUCTION:

Līhu'e, Kaua'i, Hawai'i

Exhibit A

Location Map

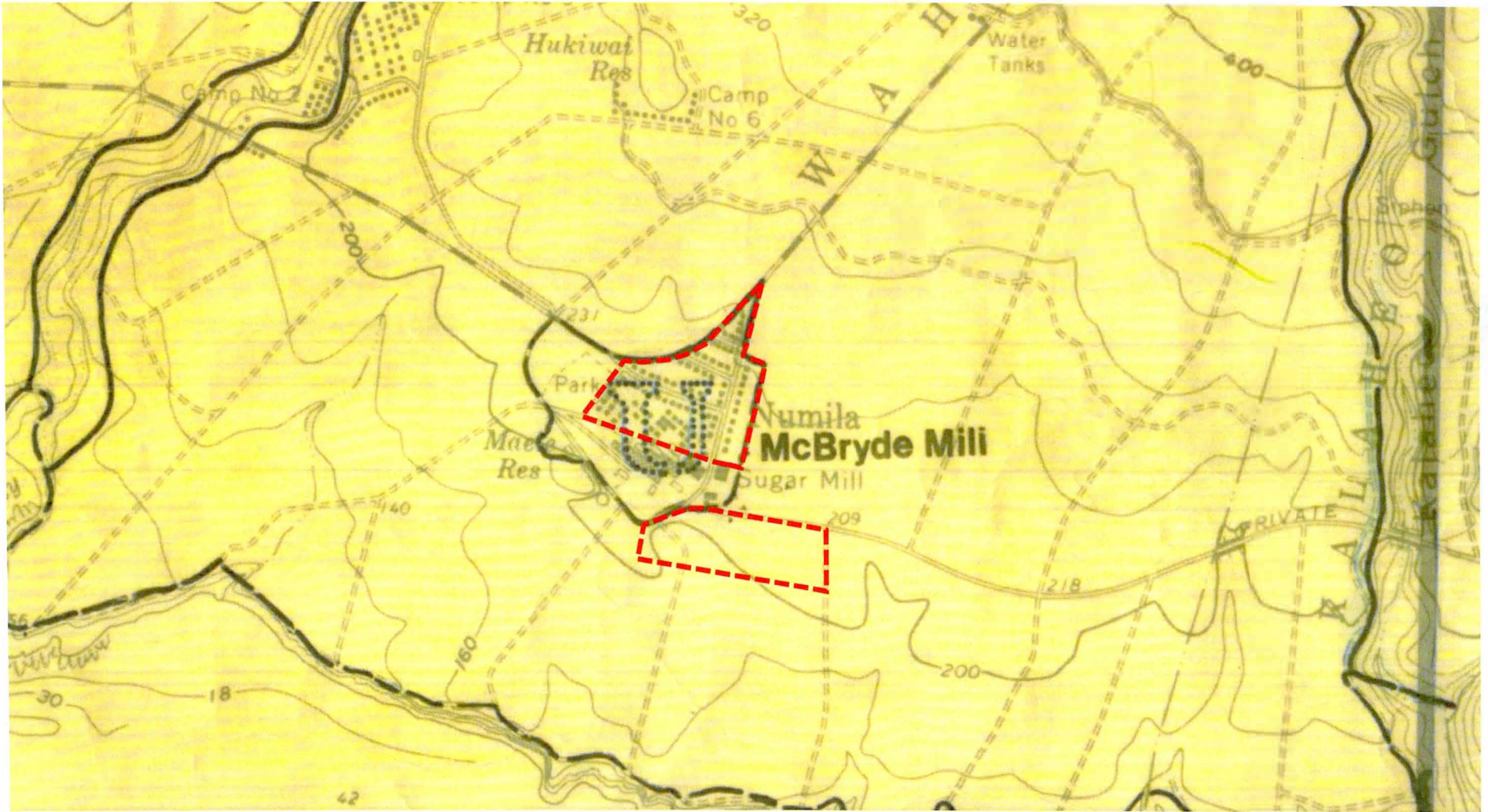


Zoning Amendment Location Map

 Amendment Boundaries

Exhibit B

Location Map



Zoning Map ZM-NC-100 (Numila Camp)



SPA-P Boundary - Numila Plantation Camp Walkable Mixed Use District

Wahiawa, Kauai, Hawaii

Exhibit C



Numila Camp Form-Based Code

Prepared by the County of Kaua'i Planning Department



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Article 1: Introduction

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Sub-Article 1.1 Purpose

1.1.010 Purpose and Intent

The Numila Form-Based Code guides development in a manner consistent with the goals of the West Kaua'i Community Plan and County of Kaua'i General Plan. This Form-Based Code provides a regulatory framework to regenerate development that is inspired by Numila Plantation Camp.

The Code is guided by policy that supports new construction of plantation homes that are inspired by several historic building types that were once located throughout the Numila Plantation Camp. The intent of the code is to allow new infill construction to be in keeping with the form and character of the former plantation camp and to provide affordable housing stock that can support agricultural activity. Specifically, the code:

- A. Promotes and enhances existing community design and development patterns that reflect the distinct character of the historic plantation camp at Numila;
- B. Promotes and maintains workforce housing stock.
- C. Encourages appropriately-scaled infill development that is located within or near the historic confines of the camp.

1.1.020 Using Zoning to Reinforce West Kaua'i's Places

Zoning is a tool that can be used to help implement the community's vision of a place. Form-Based Code is one form of zoning tool that emphasizes the physical form and character over the separation of use. This provides an alternative approach to Euclidean zoning, which is the type of zoning in the CZO (Chapter 8 of the Kaua'i County Code 1987, as amended). Kaua'i has five distinct place types based on historic settlement patterns. They include the following:

- A. Rural crossroads;
- B. Plantation camps;
- C. Small village;
- D. Large village;
- E. Town.

As it pertains to plantation camps, Form-Based Code can activate former plantation camp lands and allow for new construction to be developed in a manner that will be in keeping with the historic plantation camps that once thrived in these areas.

1.1.030 Plantation Camp Place Type

During the Plantation era, workers lived in plantation camps located near or adjacent to the sugar mills and cane fields. These camps were built to a pedestrian-oriented scale that made it possible to traverse by foot to work and services. The fields that surrounded the towns provided a *de facto* greenbelt. The relationship between the plantation camps and agricultural lands reinforced the region's rural identity. Even with the rise of the automobile and the trend of suburban development patterns, the legacy of these camps remains in West Kaua'i.

The 2018 General Plan identifies existing plantation camps in the Future Land Use Map. The Plantation Camp is defined as an historic remnant of former plantation housing that is not connected to an existing town and is surrounded by the agricultural district. Some plantation camps were demolished and have since reverted to agricultural uses. Today's remaining plantation camps are clusters of houses with little or no retail or public facilities. Five plantation camps are designated in the General Plan and include Numila, Kaumakani Village, Kaumakani Avenue, Ka'awanui Camp, and Pakala Camp. Plantation camps are important vestiges of Kaua'i's sugar plantation history. Each camp maintains a unique sense of identity and has features and qualities that its residents would like to see preserved.

Until recently, the County zoning for these areas was "Agriculture". The 2021 West Kaua'i Community Plan (WKCP) updated the County zoning for those plantation camps located within the SLUD-Urban District, which include Numila, Kaumakani Village, Kaumakani Avenue, and Pakala Camp. Two new zoning districts were created in the WKCP: Plantation Camp District and Special Treatment – Coastal Edge District.

Numila:

The Numila Plantation Camp, also known as "Camp 9", "Mill Camp", and "New Mill", was once part of a thriving network of eighteen camps that provided housing for employees of the McBryde Sugar Plantation. Numila, which developed closest to the mill, is the last remaining plantation camp on former McBryde lands and at one point in time had approximately 185 dwellings with a population of 700-750 people (A&B, 2023). The Numila Plantation Camp was broken down into three main sections of housing: 9-A for skilled labor and lunas and 9-B and 9-C for laborers who worked at the mill (A&B, 2023). Many of the camp homes were simple, single-family residences that were occupied by a diversity of ethnic groups that worked for the plantation. In addition to dwellings, Numila Plantation Camp had other amenities such as a camp store, gas station, movie theatre, pool hall/ club house, bath house, barber shop, clinic, and at least one church (A&B, 2023).

Alexander & Baldwin, Inc. (2023) *Numila Camp Closure and Removal Project Summary*.

1.1.040 The West Kauai Numila Camp Transect

The Form Based Code transect is an organizing principle used in form-based code that establishes a hierarchy of zones, which contain places and building types and replaces use as the organizing principle. Typically, the model transect is divided into six transect zones or T-zones: Natural (T1), Rural (T2), Sub-Urban (T3), General Urban (T4), Urban Center (T5), and Urban Core (T6). However, Kaua'i's various form based codes that were instituted in several town cores and plantation camps contain only four transects (T1 to T4).

The Numila Camp Form-Based Code uses transect zones to create new, compatible neighborhoods that are inspired by the former historic plantation camp of Numila. Each transect zone has its own set of standards that will help to guide the desired form and character of an area that will be inspired by the historic uses and building types that once occupied these areas. The Numila Form Based Code contains transects that comprise a special district due to its unique pattern unlike other Kaua'i form base code transects.

The West Kauai Numila Camp Transect Zones:

- A. T3 Numila – Plantation Camp (T3N-PC) The form and character of this transect zone will be primarily one-story, single-family residences with accessory structures located to the rear of the single-family residences. This transect zone will also maintain similar features to the historic plantation camp layout in terms of setbacks, scale, and massing. Historically, the boundaries of this transect zone was formerly known as the Camp 9-B section of Numila Plantation Camp, which housed laborers.
- B. T3 Numila Luna – Plantation Camp (T3NL-PC) - The form and character of this transect zone will be primarily for one story, medium to large sized dwelling units that may be used as single family residences or multi-family units. Historically, the boundaries of this transect was formerly known as the Camp 9-A section of Numila Plantation Camp. Camp 9-A housed skilled labor and supervisors or “luna”.
- C. T3 Numila HSPA – Plantation Camp (T3H-PC) - The form and character of this transect zone will be a concentration of smaller housing units surrounding the existing mill and agricultural buildings. Historically, the boundaries of this transect was formerly known as the older Camp 9-B section of Numila Plantation Camp, which housed laborers.
- D. T3 Numila Flex – Plantation Camp (T3NF-PC) – The from and character of this transect zone supports a limited amount of new development that is compatible with the historic neighborhood design of the Numila Camp and of West Kaua'i communities. New development will provide an opportunity for new single family and multifamily buildings that will integrate compatible medium-density residential building types, such as a multiplex small, with historic building types.

1.1.050 **Lack of Lot Lines**

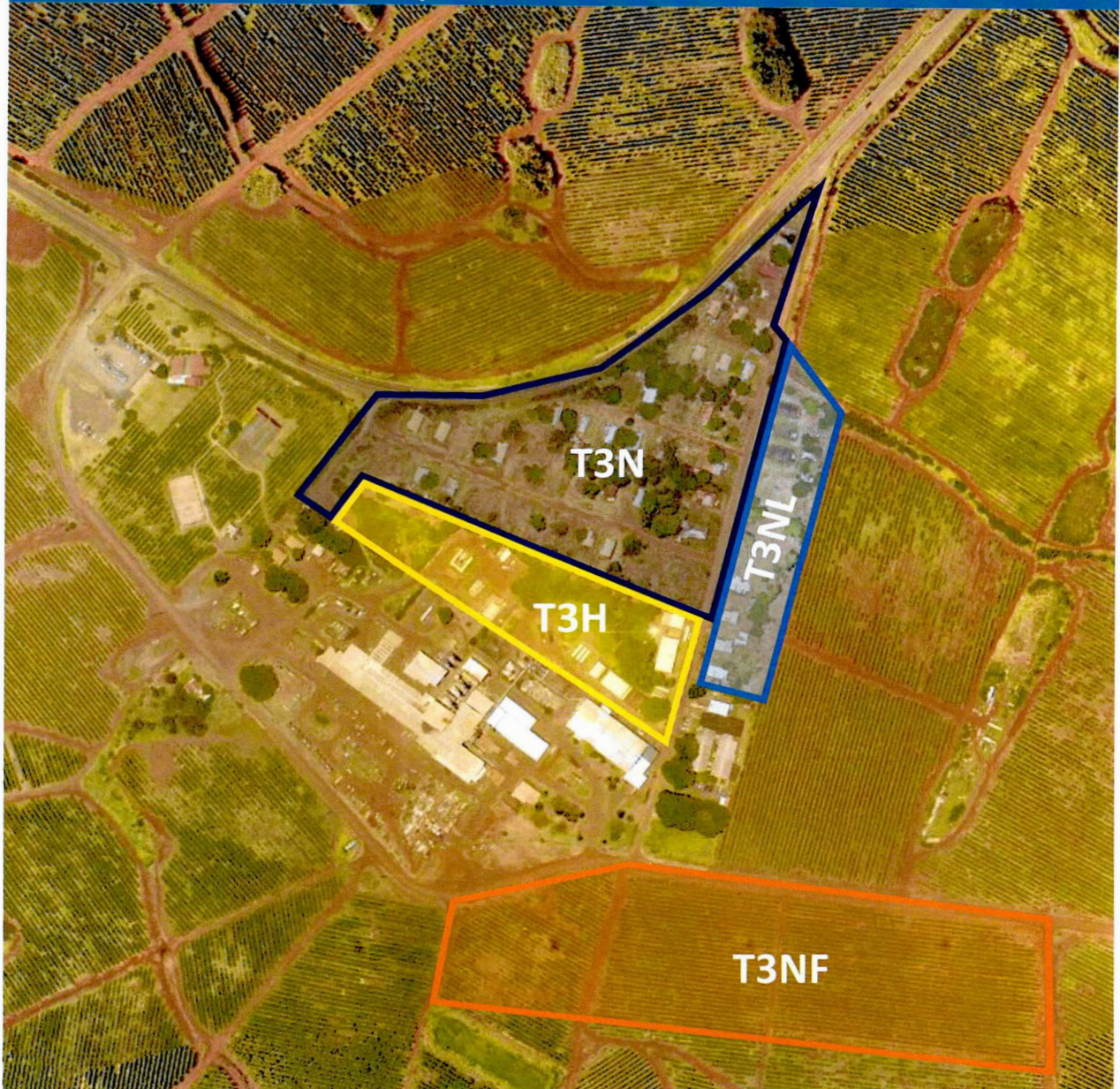
Design standards for form-based codes generally promote and facilitate orientation of structures to public roads and civic spaces that facilitate an interface between the private and the public realm. In particular, form-based codes rely on setbacks and build-to-lines in relation to lot lines to orient proposed structures with public areas. Unique to the subject Numila Form-Based Code Transects is that they overlay one large single lot of record. The subject Numila Transects and their corresponding dwellings and structures are not separated by individual lot lines. Without individual lot lines, the subject Code utilizes building-to-building and building-to-thoroughfare standards to establish the interface between the private and public realm. This approach is unique but necessary to achieve a high-quality public realm inherent within the existing plantation camp environment.

Sub-Article 1.2 Transect Map

1.2.010 Transect Map

The transect zones established in this Article are mapped on the Transect Map on the following page:

Figure 1.2.010 Numila Transect Map



- T3N Numila – Plantation Camp
- T3NL Numila Luna – Plantation Camp
- T3H Numila – HSPA – Plantation Camp
- T3NF Numila Flex – Plantation Camp

Article 2: Transect Descriptions and Building Types

Sub-Article 2.1: Numila Transect Zone Descriptions	12-19
2.1.010 T3 Numila – Plantation Camp (T3N-PC)	12-13
2.1.020 T3 Numila Luna – Plantation Camp (T3NL-PC)	14-15
2.1.030 T3 Numila HSPA – Plantation Camp (T3H-PC)	16-17
2.1.040 T3 Numila Flex – Plantation Camp (T3NF-PC)	18-19

2.1.010 T3 Numila - Plantation Camp (T3N-PC)



General note: the illustration above is intended to provide a brief overview of the transect zone and is descriptive in nature.

A. Transect Zone Intent and Description

This Zone maintains the historical pattern and intensity of the Numila Plantation Camp while allowing new construction to occur on sites that were previously demolished.

B. Building Types

1. Permissible Building Types Standards

- | | |
|---------------------------------|---------|
| i. Numila Cottage | 2.2.010 |
| ii. *Community Parking Facility | 2.2.080 |

- Except for accessory structures, all other building types are prohibited.

C. Use Table

- | | |
|---------------------|---------------|
| i. Residential Uses | Permitted Use |
| ii. Home Businesses | Permitted Use |

- Residential use within the Numila Cottage building type is the only permissible use within this transect. Home businesses are a permissible residential use within a Numila Cottage. All other uses are prohibited.

T3 Numila - Plantation Camp (T3N-PC)**D. Building Placement****1. Front Thoroughfare Setbacks**

- i. There is a 20 foot minimum setback from the front thoroughfare.
- ii. There is a 35 foot maximum setback from the front thoroughfare.

2. Building-to-Building Setbacks

- i. There is a 30 foot minimum setback between cottages.
- ii. There is 10 foot minimum setback from all structures (i.e., from cottages or other accessory structures)

3. Side Thoroughfare Setbacks

- i. There is a 20 foot minimum setback from the side thoroughfare for cottages.
- ii. There is a 35 foot minimum setback from the side thoroughfare for accessory structures.

4. Building Placement Notes

- i. Fences may encroach into the front or side setback; however, fences shall not exceed 4 feet in height.

E. Parking**1. Required Spaces**

- i. 1 off-thoroughfare parking stall is required per cottage.
- ii. Each cottage shall have a detached garage or carport.
- iii. Garage or carport structures may be shared between 2 cottages, and these shared garages shall accommodate at least 2 vehicles.

2. Parking Setback

- i. All off-thoroughfare parking areas shall be setback behind the respective cottage's rear wall.

F. Accessory Structures

- i. Non-habitable detached accessory structures do not require a building type and shall be located behind the rear of the building.
- ii. Accessory structures are allowed throughout this transect.
- iii. Accessory structures shall not exceed 600 square feet in size.
- iv. Accessory structures shall be limited to no more than 2 per building.
- v. Permissible roof types for accessory structures are Gable, Hip, Flat, and single-sloping shed roofs.
- vi. All Accessory Structures shall have a maximum of 9 feet from the finished floor to top of wall plate.

G. *Community Parking Facility

- i. The Community Parking Facility may be constructed to accommodate the required parking stalls.
- ii. There is a 10 foot minimum setback from the front thoroughfare for the Community Parking Facility.

2.1.020 T3 Numila Luna - Plantation Camp (T3NF-PC)



General note: the illustration above is intended to provide a brief overview of the transect zone and is descriptive in nature.

A. Transect Zone Intent and Description

This Zone maintains the historical pattern and intensity of the Numila Plantation Camp while allowing new construction to occur on sites that were previously demolished.

B. Building Types

1. Permissible Building Types	Standards
i. Luna Cottage I	2.2.020
ii. Luna Cottage II	2.2.030
iii. *Community Parking Facility	2.2.080

- With the exception of accessory structures, all other building types are prohibited.

C. Use Table

i. Residential Uses	Permitted Use
ii. Home Businesses	Permitted Use
iii. Dormitory	Permitted Use

- Residential use within the building types is the only permissible use within this transect. Home businesses are a permissible residential use within the above building types. All other uses are prohibited.

T3 Numila Luna - Plantation Camp (T3NL-PC)**D. Building Placement****1. Front Thoroughfare Setbacks**

- i. There is a 20 foot minimum setback from the front thoroughfare.
- ii. There is a 35 foot maximum setback from the front thoroughfare.

2. Building-to-Building Setbacks

- i. There is a 30 foot minimum setback between cottages.
- ii. There is 10 foot minimum setback from all structures (i.e., from cottages or other accessory structures)

4. Building Placement Notes

- i. Fences may encroach into the front or side setback; however, fences shall not exceed 4 feet in height.

E. Parking**1. Required Spaces**

- i. 1 off-thoroughfare parking stall is required per cottage.
- ii. Each cottage shall have a garage or carport.
- iii. Garage or carport structures may be shared between 2 cottages, and these shared garages shall accommodate at least 2 vehicles.

2. Parking Setback

- i. All off-thoroughfare parking areas shall be setback behind the respective building type's rear wall.

F. Accessory Structures

- i. Non-habitable detached accessory structures do not require a building type and shall be located behind the rear of the building.
- ii. Accessory structures are allowed throughout this transect.
- iii. Accessory structures shall not exceed 600 square feet in size.
- iv. Accessory structures shall be limited to no more than 2 per building.
- v. Permissible roof types for accessory structures are Gable, Hip, Flat, and single-sloping shed roofs.
- vi. All Accessory Structures shall have a maximum of 9 feet from the finished floor to top of wall plate.

G. *Community Parking Facility

- i. The Community Parking Facility may be constructed to accommodate the required parking stalls.
- ii. There is a 10 foot minimum setback from the front thoroughfare for the Community Parking Facility.

2.1.030 T3 Numila HSPA - Plantation Camp (T3NH-PC)



General note: the illustration above is intended to provide a brief overview of the transect zone and is descriptive in nature.

A. Transect Zone Intent and Description

This zone continues the historical pattern and intensity of the Numila plantation camp through the HSPA Cottage Building Type.

B. Building Types

1. Permissible Building Types Standards

i. HSPA Cottage	2.2.040
ii. *Community Parking Facility	2.2.080

- With the exception of accessory structures, all other building types are prohibited.

C. Use Table

i. Residential Uses Permitted Use

ii. Home Businesses Permitted Use

- Residential use within the HSPA Cottage is the only permissible use within this transect. Home businesses are a permissible residential use within a HSPA Cottage. All other uses are prohibited.

T3 Numila HSPA- Plantation Camp (T3NH-PC)**D. Building Placement****1. Front Thoroughfare Setbacks**

- i. There is a 5 foot minimum setback from the front thoroughfare.
- ii. There is a 10 foot maximum setback from the front thoroughfare.

2. Building-to-Building Setbacks

- i. There is a 10 foot minimum setback between cottages.
- ii. There is 10 foot minimum setback from all structures (i.e., from cottages or other accessory structures)

3. Side Thoroughfare Setbacks

- i. There is a 10 foot minimum setback from the side thoroughfare for cottages.
- ii. There is a 10 foot minimum setback from the side thoroughfare for accessory structures.

4. Building Placement Notes

- i. Fences may encroach into the front or side setback; however, fences shall not exceed 4 feet in height.

E. Parking**1. Required Spaces**

- i. 1 off-thoroughfare parking stall is required per HSPA Cottage. The required stall can be located in a Community Parking Facility.

F. Accessory Structures

- i. Non-habitable detached accessory structures do not require a building type and shall be located behind the rear of the building.
- ii. Accessory structures are allowed throughout this transect.
- iii. Accessory structures shall not exceed 600 square feet in size.
- iv. Accessory structures shall be limited to no more than 2 per building.
- v. Permissible roof types for accessory structures are Gable, Hip, Flat, and single-sloping shed roofs.
- vi. All Accessory Structures shall have a maximum of 9 feet from the finished floor to top of wall plate.

G. *Community Parking Facility

- i. The Community Parking Facility may be constructed to accommodate the required parking stalls.
- ii. There is a 10 foot minimum setback from the front thoroughfare for the Community Parking Facility.

2.1.040 T3 Numila Flex - Plantation Camp (T3NF-PC)



General note: the illustration above is intended to provide a brief overview of the transect zone and is descriptive in nature.

A. Transect Zone Intent and Description

This zone is adjacent to the historic Numila Camp residential footprint and allows for a nominal expansion of the area for residential purposes while preserving the form and character of the historic camp (See Figure 1.2.010 on page 10).

B. Building Types

1. Permissible Building Types	Standards
i. Numila Cottage	2.2.010
ii. Luna Cottage I	2.2.020
iii. Luna Cottage II	2.2.030
iv. HSPA Cottage	2.2.040
v. Duplex	2.2.050
vi. Multiplex Small	2.2.060
vii. Dormitory	2.2.070
viii. *Community Parking Facility	2.2.080

- With the exception of accessory structures, all other building types are prohibited.

C. Use Table

i. Residential Uses	Permitted Use
ii. Home Businesses	Permitted Use
iii. Dormitory	Permitted Use
<ul style="list-style-type: none"> • Residential use within the HSPA Cottage is the only permissible use within this transect. Home businesses are a permissible residential use within a HSPA Cottage. All other uses are prohibited. 	

T3 Numila Flex - Plantation Camp (T3NF-PC)**D. Building Placement****1. Front Thoroughfare Setbacks**

- i. There is a 10 foot minimum setback from the front thoroughfare.

2. Building-to-Building Setbacks

- i. There is a 5 foot minimum setback between buildings or accessory structures.

3. Side Thoroughfare Setbacks

- i. There is a 10 foot minimum setback from the side thoroughfare.

4. Building Placement Notes

- i. Fences may encroach into the front or side setback; however, fences shall not exceed 4 feet in height.

E. Parking**1. Required Spaces**

- i. 1 off-thoroughfare parking stall is required per building. The required stall can be located in a Community Parking Facility.

F. Accessory Structures

- i. Non-habitable detached accessory structures do not require a building type and shall be located behind the rear of the building.
- ii. Accessory structures are allowed throughout this transect.
- iii. Accessory structures shall not exceed 600 square feet in size.
- iv. Accessory structures shall be limited to no more than 2 per building.
- v. Permissible roof types for accessory structures are Gable, Hip, Flat, and single-sloping shed roofs.
- vi. All Accessory Structures shall have a maximum of 9 feet from the finished floor to top of wall plate.

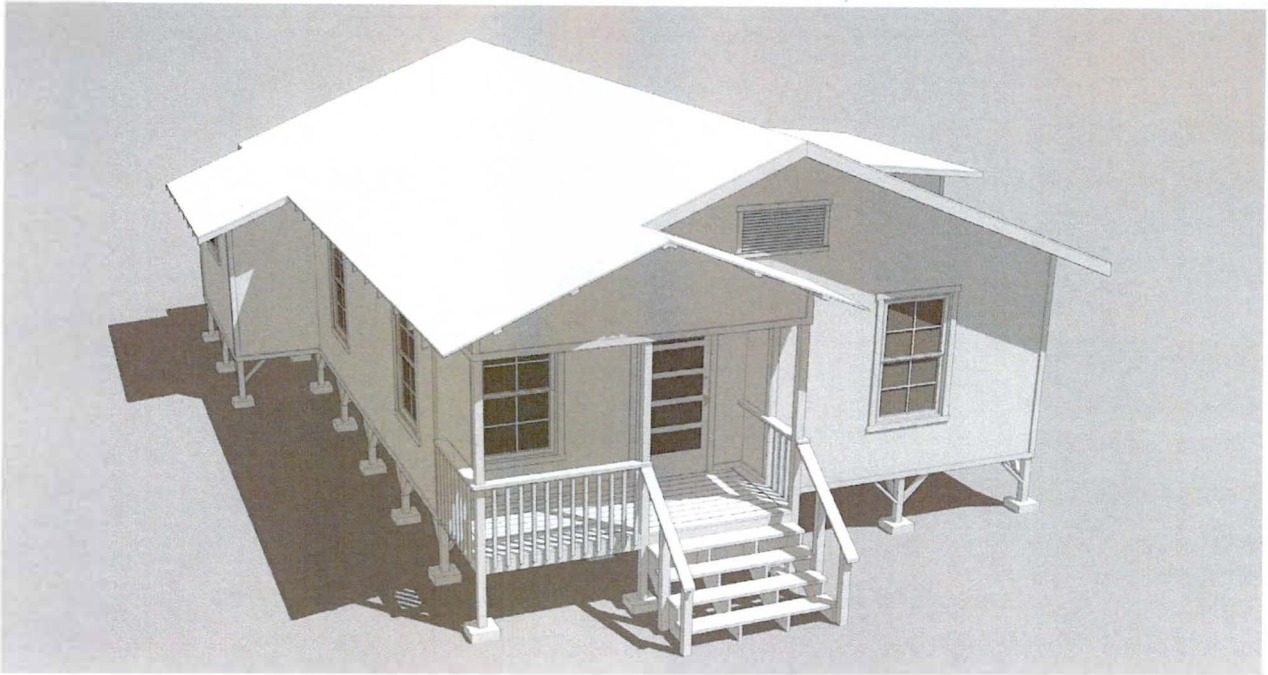
G. *Community Parking Facility

- i. The Community Parking Facility may be constructed to accommodate the required parking stalls.
- ii. There is a 10 foot minimum setback from the front thoroughfare for the Community Parking Facility.

Article 2: Transect Descriptions and Building Types

Sub-Article 2.2: Numila Camp Building Types		21-35
2.2.010	Numila Cottage	21-22
2.2.020	Luna Cottage I	23-24
2.2.030	Luna Cottage II	25-26
2.2.040	HSPA Cottage	27-28
2.2.050	Duplex	29-30
2.2.060	Multiplex Small	31-32
2.2.070	Dormitory	33
2.2.080	Community Parking Facility	35

2.2.010 Numila Cottage



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Numila Cottage: This building type is a medium-sized detached residential structure, and it is used for single family occupancy. This building type is inspired by the various plantation camp homes that were located throughout Camp 9-B, which housed laborers. Some of the homes in the Camp 9-B section were originally relocated from the Camp 9-C portion of Numila Plantation Camp.

B. Building Size and Massing

1. Massing

- i. A Numila Cottage shall have 1 main body section.
- ii. No more than 1 main body is permissible for each Numila Cottage.
- iii. A Numila Cottage may have 1 wing attached to the main body.
- iv. The wing shall be located entirely along 1 of the main body's side walls.

2. Main Body

- i. The minimum width of the main body shall be 22 feet and a maximum of 26 feet.
- ii. The minimum depth of the main body shall be 28 feet and a maximum of 40 feet.

B. Building Size and Massing (continued)

3. Wing(s)

- i. The width of the wing shall be no more than 4 feet maximum.
- ii. The depth of the wing shall be no more than 12 feet maximum.

C. Building Frontages

- i. A Numila Cottage shall have at least 1 frontage type.
- ii. The permissible frontage types are: Lānai, Projecting; Lānai, Engaged; Lānai, Hybrid. All other frontage types are prohibited.

D. Building Rear Exit

- i. A Numila Cottage may a Rear Exit type. The permissible Rear Exit types are: Rear Exit, Stoop; Rear Exit, Engaged; Rear Exit, Enclosed.

E. Pedestrian Access

- i. The main entrance location shall be located in the frontage of the Numila Cottage.

2.2.010 Numila Cottage**F. Foundation**

- i. The Numila Cottage shall have a post-on-pier foundation that does not exceed 4 feet, except as required by the County of Kauai Floodplain Management Program.

G. Fenestration

- i. All windows shall be single or double hung.
- ii. As an exception, slider windows may be granted for kitchens or bathrooms; however, slider windows shall not face the front thoroughfare.

H. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

I. Height

- i. The Numila Cottage shall have a maximum height of 9 feet from the finished floor to the top of wall plate.
- ii. Finished grade at the main entry shall not be greater than 4 feet above existing grade.

J. Roof**1. Roof Pitch**

- i. The Numila Cottage roof pitch ratios shall be set at a 5:12 or 6:12 pitch.

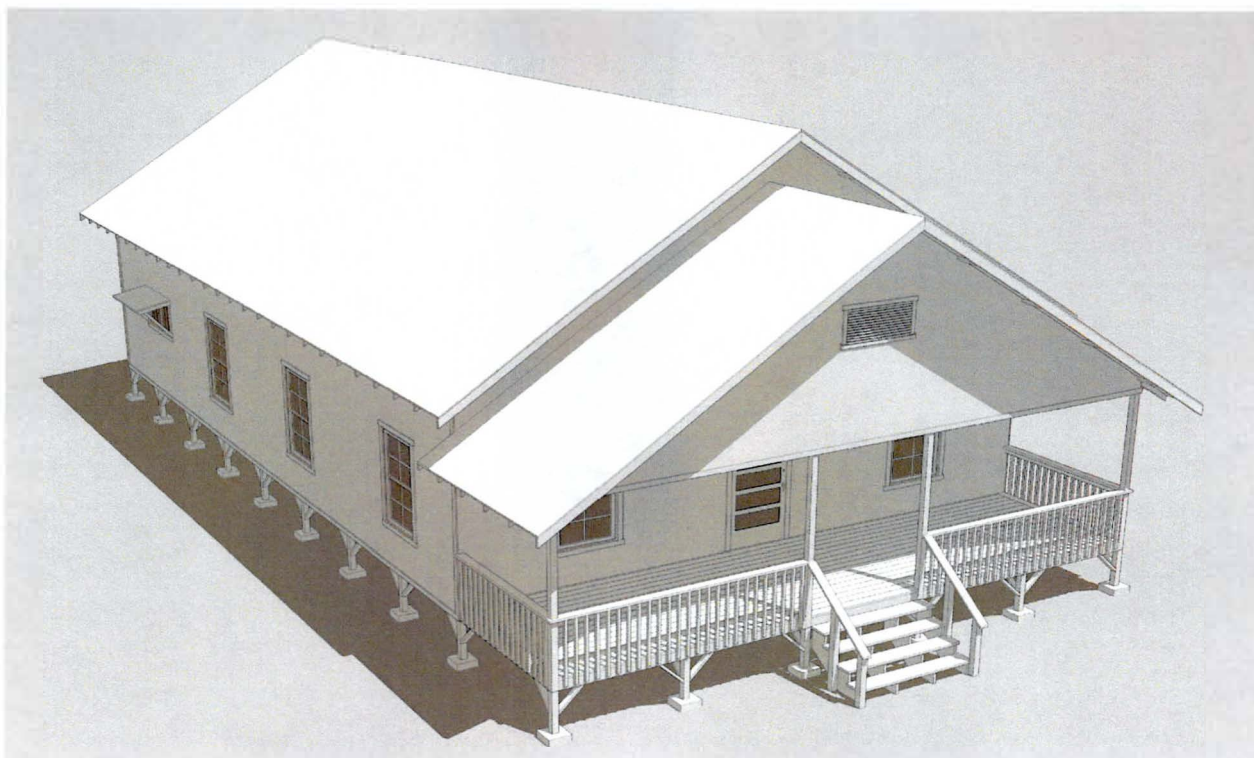
2. Roof Material Type

- i. The Numila Cottage roof materials shall be corrugated metal.

3. Miscellaneous

- i. The Numila Cottage roof types shall be Gable, Hip, or Dutch-Gable.
- ii. Gable roofs shall have a decorative vent feature that does not have to be wood. The decorative vent shall include a fire mesh.

2.2.020 Luna Cottage I



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Luna Cottage I: This building type is a medium-to-large-sized detached residential structure, and it may be used for single family occupancy or dormitory uses. This building type is inspired by the Camp 9-A building type found in House #164, 165, and 166, which housed skilled labor and supervisors or “luna”.

B. Building Size and Massing

1. Massing

- i. A Luna Cottage I shall have 1 main body section.
- ii. No more than 1 main body is permissible for each Luna Cottage I.
- iii. Wings are prohibited on the Luna Cottage I.

2. Main Body

- i. The minimum width of the main body shall be 24 feet and a maximum of 30 feet.
- ii. The minimum depth of the main body shall be 34 feet and a maximum of 48 feet maximum.

C. Building Frontages

- i. A Luna Cottage I shall have at least 1 frontage type. The permissible frontage type is Lānai, Projecting.

D. Building Rear Exit

- i. A Luna Cottage I may have a Rear Exit. The permissible Rear Exit types are: Stoop; Rearage, Enclosed. All other rearage types are prohibited.

E. Pedestrian Access

- i. The main entrance shall be located in the front of the Luna Cottage I.

F. Foundation

- i. The Luna Cottage I shall have a post-on-pier foundation that does not exceed 4 feet, except as required by the County of Kauai Floodplain Management Program.

2.2.020 Luna Cottage I**G. Fenestration**

- i. All windows shall be single or double hung.
- ii. As an exception, slider windows may be granted for kitchens or bathrooms; however, slider windows shall not face the front thoroughfare.

H. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

I. Height

- i. The Luna Cottage I shall have a maximum height limit of 12 feet from the finished floor to the top of wall plate.

J. Roof**1. Roof Pitch**

- i. The Luna Cottage I roof pitch ratios shall be set at 8:12.

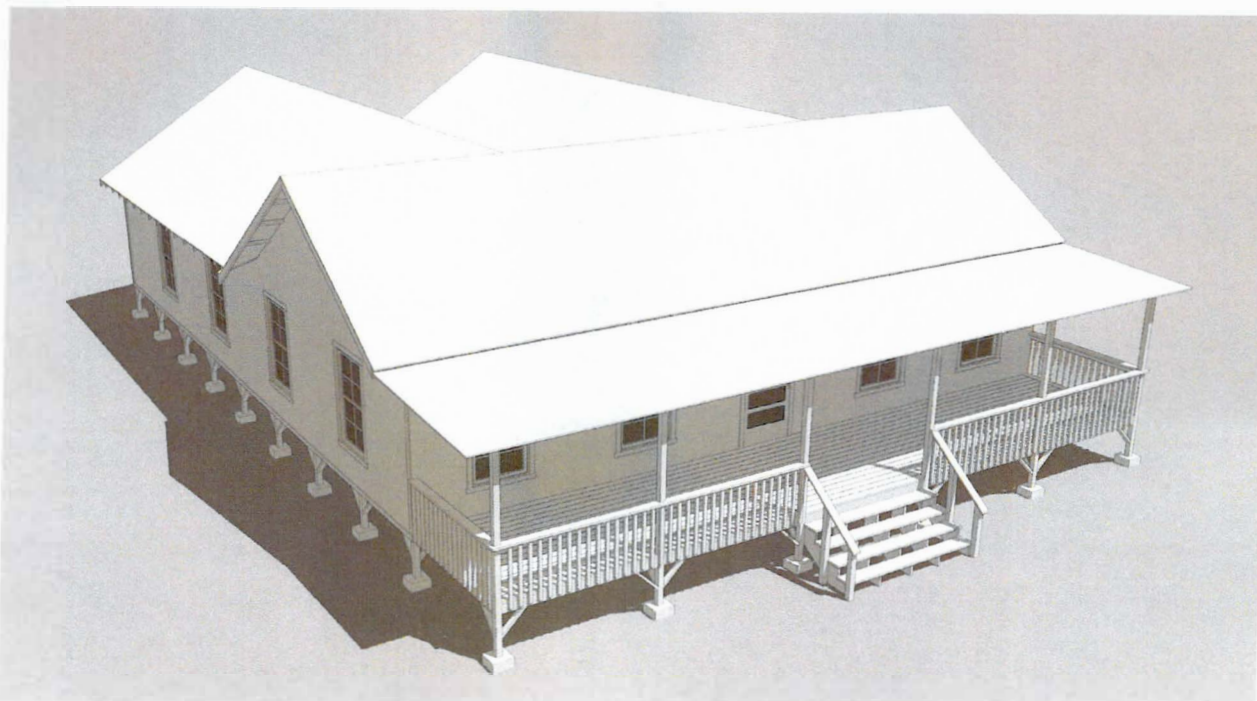
2. Roof Material Type

- i. The Numila Cottage shall be corrugated metal.

3. Miscellaneous

- i. The Luna Cottage I roof type shall be Gable.
- ii. Gable roofs shall have a decorative vent feature that does not have to be wood. The decorative vent shall include a fire mesh.

2.2.030 Luna Cottage II



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Luna Cottage II: This building type is a medium-to-large-sized detached residential structure, and it may be used for single family occupancy or dormitory uses. This building type is inspired by the Camp 9-A building type in House #152, which housed skilled labor and supervisors or “luna”.

B. Building Size and Massing

1. Massing

- i. A Luna Cottage II shall have 1 main body section.
- ii. No more than 1 main body is permissible for each Luna Cottage II.
- iii. A Luna Cottage II may have multiple wings attached to the main body.
- iv. The wing shall be attached to the rear of the main body.

B. Building Size and Massing (continued)

2. Main Body

- i. The width of the main body shall be a maximum of 40 feet.
- ii. The depth of the main body shall be a maximum of 20 feet.

3. Wing(s)

- i. The width of the wings shall be a maximum of 20 feet.
- ii. The depth of the wings shall be a maximum of 30 feet.

C. Building Frontages

- i. A Luna Cottage II shall have at least one frontage type. The permissible frontage type is Lānai, Projecting.
- ii. The frontage shall span the entire width of the main body.

D. Building Rear Exit

- i. A Luna Cottage II may have a Rear Exit type. The permissible Rear Exit types are: Stoop; Rearage, Enclosed. All other Rear Exit types are prohibited.

2.2.030 Luna Cottage II**E. Pedestrian Access**

- i. The main entrance location shall be located in the front of the Luna Cottage II.

F. Foundation

- i. The Luna Cottage II shall have a post-on-pier foundations that does not exceed 4 feet, except as required by the County of Kauai Floodplain Management Program.

G. Fenestration

- i. All windows shall be single or double hung.
- ii. As an exception, slider windows may be granted for kitchens or bathrooms; however, slider windows shall not face the front thoroughfare.

H. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

I. Height

- i. The Luna Cottage II shall have a maximum height limit of 9 feet from the finished floor to the top of wall plate.

J. Roof**1. Roof Pitch**

- i. The Luna Cottage II roof pitch ratios shall be set at 8:12.

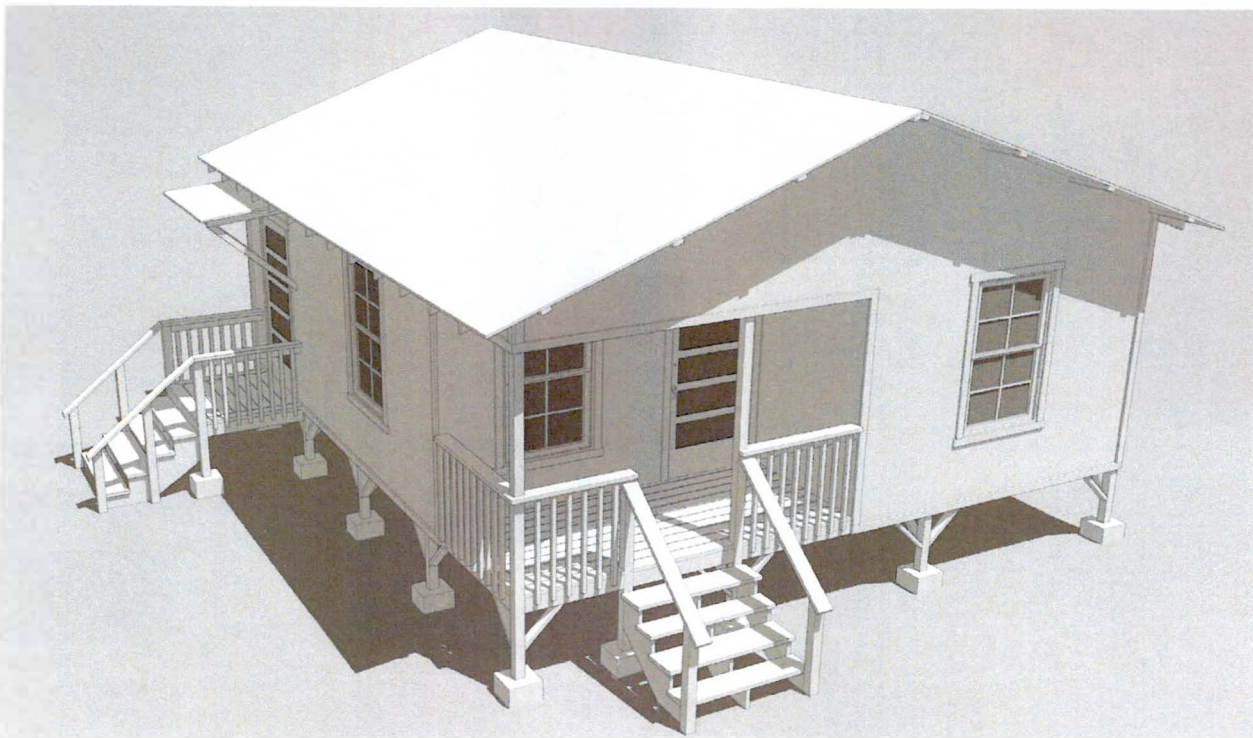
2. Roof Material Type

- i. The Luna Cottage II roof materials shall be corrugated metal.

3. Miscellaneous

- i. The Luna Cottage II roof type shall be Gable.
- ii. Gable roofs shall have a decorative vent feature that does not have to be wood. The decorative vent shall include a fire mesh.

2.2.040 HSPA Cottage



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

HSPA Cottage: This building type is a small-sized detached residential structure, and it is used for single family occupancy. This building type is inspired by the 1920 Hawaiian Sugar Planters' Association (HSPA) Plans for a single-family cottage, which served as the standard floor plan for plantation housing during that time. Some of the homes that were in Camp 9-B generally followed the HSPA 1920 floor plan and were intended for housing field laborers.

B. Building Size and Massing

1. Massing

- i. A HSPA Cottage shall have 1 main body section.
- ii. No more than 1 main body is permissible for each HSPA Cottage.

2. Main Body

- i. The width of the main body shall be 22 feet.
- ii. The depth of the main body shall be 24 feet.

C. Building Frontages

- i. A HSPA Cottage shall have at least 1 frontage type.
- ii. The permissible frontage type is: Lānai, Engaged. All other frontage types are prohibited.

D. Building Rear Exit

- i. A HSPA Cottage may have the Stoop Rear Exit type.

E. Pedestrian Access

- i. The main entrance location shall be located in the front of the HSPA Cottage.

2.2.040 HSPA**F. Foundation**

- i. The HSPA Cottage shall have a post-on-pier foundation that does not exceed 4 feet, except as required by the County of Kauai Floodplain Management Program.

G. Fenestration

- i. All windows shall be single or double hung.
- ii. As an exception, slider windows may be granted for kitchens or bathrooms; however, slider windows shall not face the front thoroughfare.

H. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

I. Height

- i. The HSPA Cottage shall have a maximum height limit of 9 feet from the finished floor to the top of wall plate.

J. Roof**1. Roof Pitch**

- i. The HSPA Cottage roof pitch ratios shall be set at a 4:12 or 5:12 pitch.

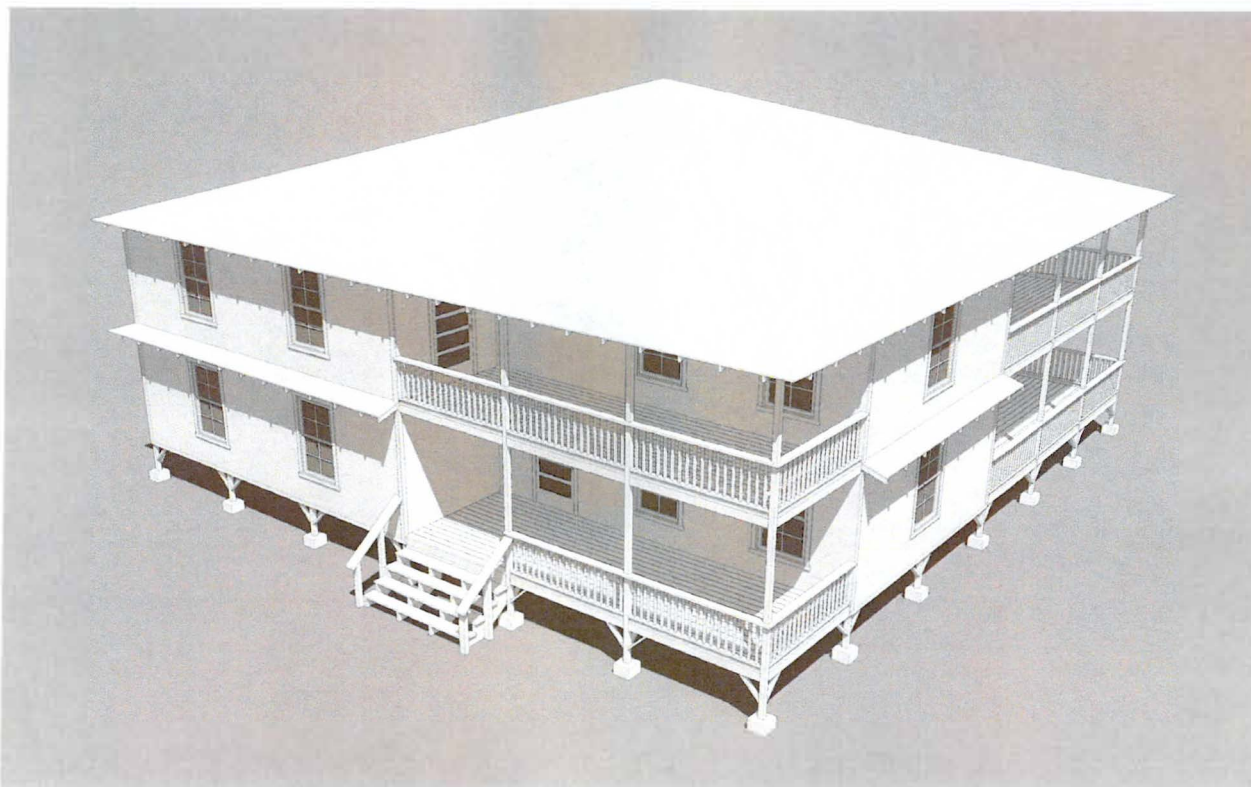
2. Roof Material Type

- i. The HSPA Cottage roof materials shall be corrugated metal.

3. Miscellaneous

- i. The HSPA Cottage roof types shall be Gable.
- ii. Gable roofs shall have a decorative vent feature that does not have to be wood. The decorative vent shall include a fire mesh.

2.2.050 Duplex



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Duplex: This Building type is a small-to-medium sized structure that consist of two side-by-side or stacked dwelling units, both facing the street and sharing one common party wall. This type has the appearance of a medium to large single-family home and is appropriately scaled to fit within primarily single-family neighborhoods or medium density neighborhoods. It enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.

B. Building Size and Massing

1. Massing

- i. A Duplex shall have one main body.
- ii. No more than one main body is permissible for each Duplex.
- iii. A Duplex may have a maximum of two wings attached to the main body.
- iv. Wings shall not be attached to each other.

B. Building Size and Massing (continued)

2. Main Body

- i. The width of the main body shall be no more than 48 feet maximum.
- ii. The depth of the main body shall be no more than 40 feet maximum.

3. Wing(s)

- i. The width of the wing shall be no more than 15 feet maximum.
- ii. The depth of the wing shall be no more than 20 feet maximum.
- iii. Where multiple wings are proposed, each wing shall have at least 10 feet of separation from each other respective wing.

C. Building Frontages

- i. A Duplex shall have at least one frontage type per unit. The permissible frontage types are: Lāna'i, Projecting; Lāna'i, Engaged; and Stoop. All other frontage types are prohibited.

2.2.050 Duplex**D. Pedestrian Access**

- i. The main pedestrian entries shall be located in the frontage of the Duplex.
- ii. Each unit shall have an individual street-facing entry on the front façade.

F. Fenestration

- i. All windows shall be single or double hung.

G. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

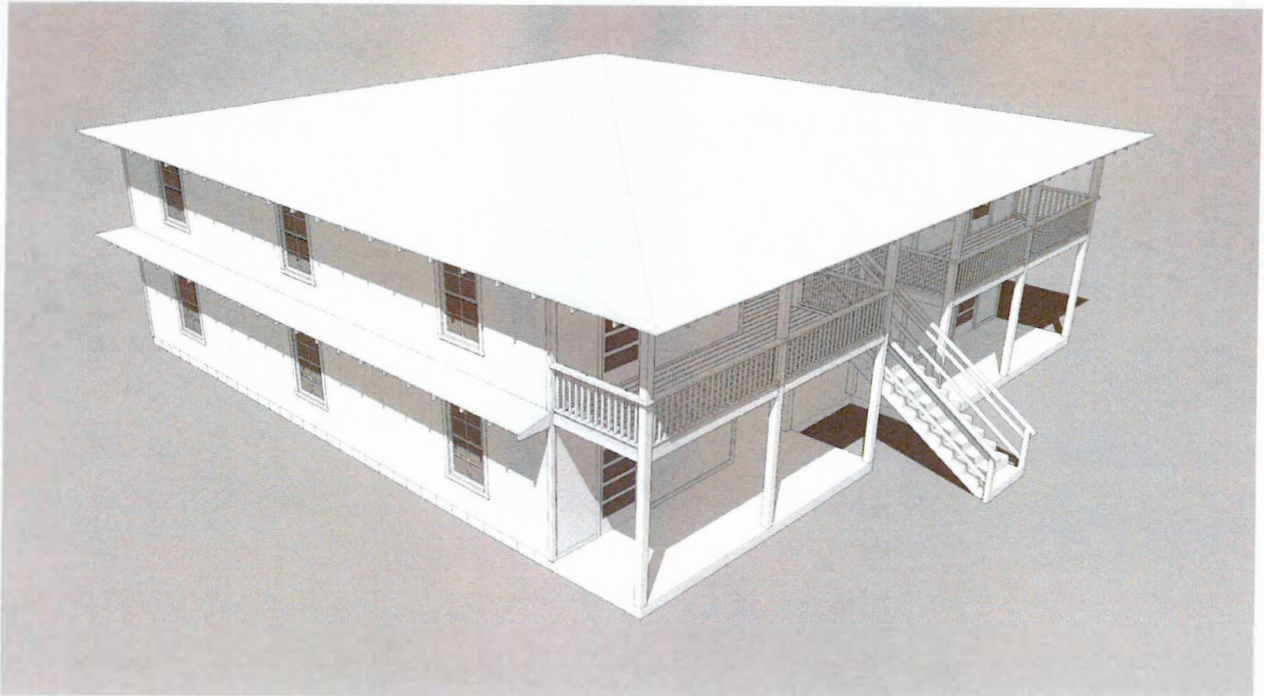
H. Height

- i. The Duplex shall be 30 feet maximum in height from the finished grade to the top of the peak of the roof. Up to four additional feet is permissible to elevate the structure to post on pier. Except as required by the County of Kauai Floodplain Management Program.
- ii. Finished grade at main entry shall not be greater than 4 feet above existing grade.
- iii. The Duplex shall not be greater than two stories in height.

I. Roof

- i. The Duplex roof material shall be corrugated metal.

2.2.060 Multiplex Small



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Multiplex Small: This building type is a medium structure that consists of three to six side-by-side and/or stacked dwelling units, typically with one shared entry or individual entries along the front. This type has the appearance of a medium-sized family home and is appropriately scaled to fit in sparingly within primarily single-family neighborhoods or into medium-density neighborhoods. This type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of house types and promoting walkability.

B. Number of Units

- i. The minimum number of units in a Multiplex Small building is three.
- ii. The maximum number of units in a Multiplex Small building is six.

B. Building Size and Massing

1. Massing

- i. A Multiplex Small building shall have one main body.
- ii. No more than one main body is permissible for each Multiplex Small building.
- iii. Wings shall not be attached to each other.

B. Building Size and Massing (continued)

2. Main Body

- i. The width of the main body shall be no more than 48 feet maximum.
- ii. The depth of the main body shall be no more than 36 feet maximum.

3. Wing(s)

- i. The width of the wing shall be no more than 24 feet maximum.
- ii. The depth of the wing shall be no more than 24 feet maximum.
- iii. Where multiple wings are proposed, each wing shall have at least 10 feet of separation from each other respective wing.

C. Building Frontages

- i. A Multiplex Small building shall have at least one frontage type. The permissible frontage types are: Lāna'i, Projecting; Lāna'i, Engaged; and Stoop. All other frontage types are prohibited.

D. Pedestrian Access

- i. The main pedestrian entries shall be located in the frontage of the Multiplex Small building.

2.2.060 Multiplex Small**E. Fenestration**

- i. All windows shall be single or double hung.

F. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

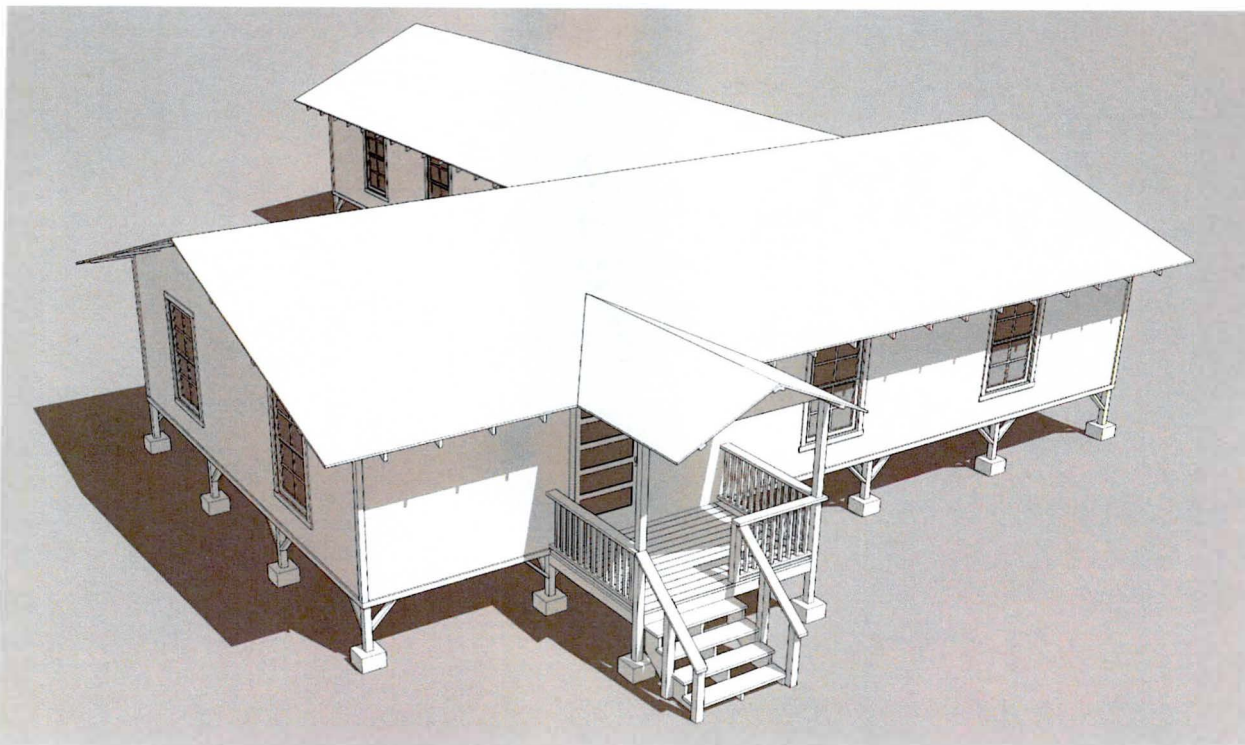
G. Height

- i. The Multiplex Small shall be 30 feet maximum in height from the finished grade to the top of the peak of the roof. Up to four additional feet is permissible to elevate the structure to post on pier. Except as required by the County of Kauai Floodplain Management Program.
- ii. Finished grade at main entry shall not be greater than 4 feet above existing grade.
- iii. The Multiplex Small shall not be greater than two stories in height.

H. Roof

- i. The Multiplex Small roof material shall be corrugated metal.

2.2.070 Dormitory



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Dormitory: This building type is a medium-sized detached residential structure for boarding or residential purposes.

B. Building Size and Massing

1. Massing

- i. A Dormitory shall have one main body.
- ii. No more than one main body is permissible for each Dormitory building type.
- iii. A Dormitory may have a maximum of two wings attached to the main body.
- iv. Wings shall not be attached to each other.

2. Main Body

- i. The width of the main body shall not be greater than 62 feet.
- ii. The depth of the main body shall not be greater than 52 feet.

3. Wing(s)

- i. The width of the wing shall not be greater than 26 feet.
- ii. The depth of the wing shall not be greater than 25 feet.

C. Building Frontages

- i. The Dormitory shall have a Lānaʻi, Projecting. All other frontage types are prohibited.

D. Pedestrian Access

- i. The main entrance location shall be located in the front of the Dormitory.

F. Fenestration

- i. All windows shall be single or double hung.

G. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

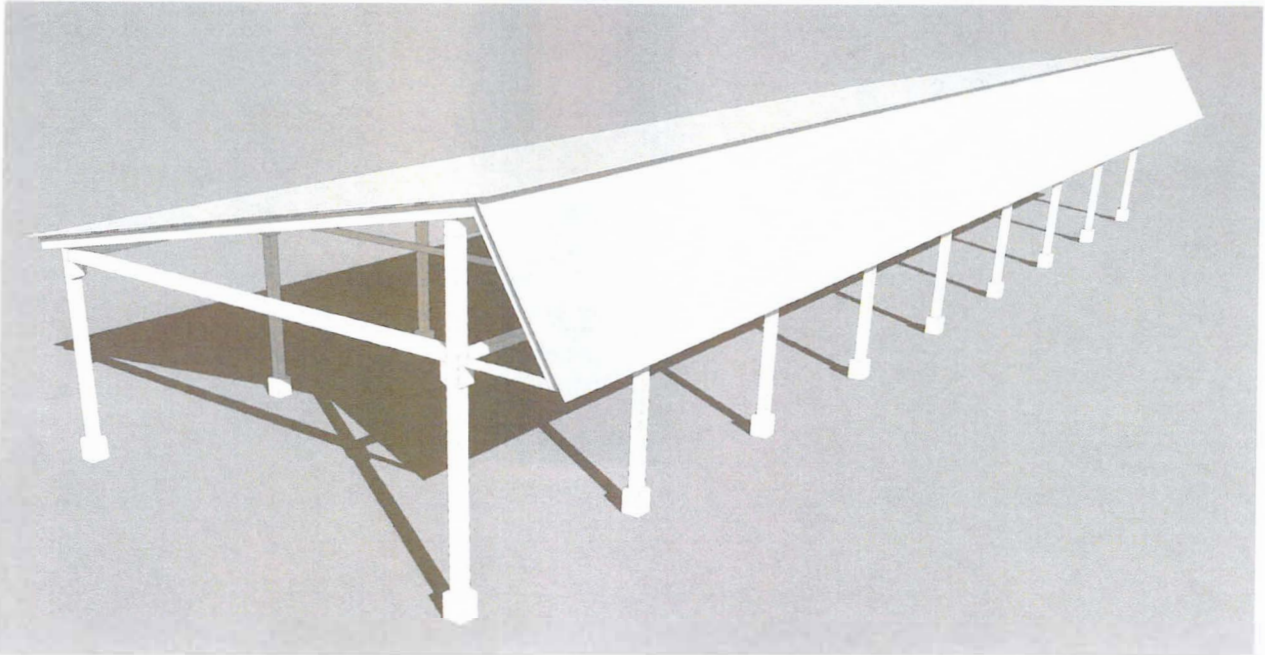
2.2.070 Dormitory**H. Height**

- i. The Dormitory shall be 20 feet maximum in height from the finished grade to the top of the peak of the roof. Up to four additional feet is permissible to elevate the structure to post on pier. Except as required by the County of Kauai Floodplain Management Program.
- ii. Finished grade at main entry shall not be greater than 4 feet above existing grade.
- iii. The Dormitory shall not be greater than one story in height.

I. Roof

- i. The Dormitory roof materials shall be corrugated metal.

2.2.080 Community Parking Facility



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Community Parking Facility: This building type is a detached parking structure and is associated with residential uses.

B. Building Size and Massing

1. Massing

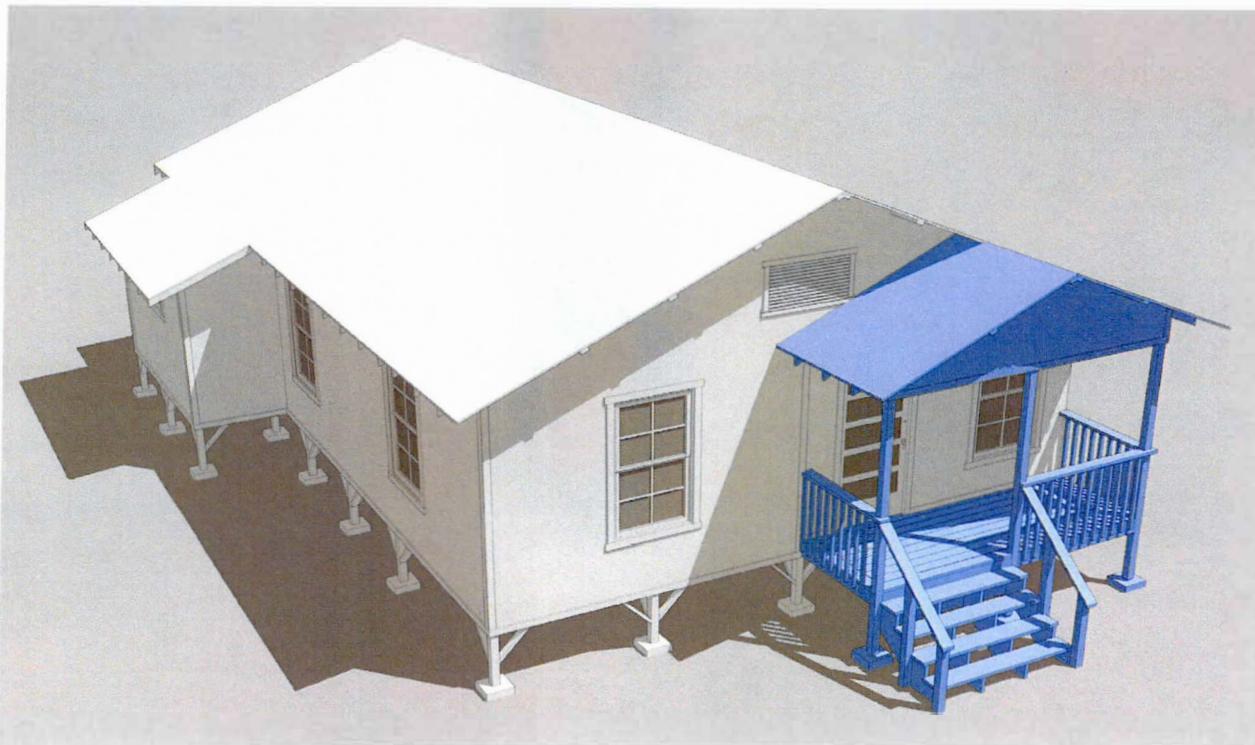
- i. A Community Parking Facility shall have 1 main body section.
- ii. No more than 1 main body is permissible for each Community Parking Facility (BFG).
- iii. The Main body shall not exceed 120 ft in width and 30 feet deep.
- iv. The maximum height shall be no more than 20 ft.



Article 2: Transect Descriptions and Building Types, Frontages

Sub-Article 2.3: Numila Camp Building Type Frontages 37-40

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2.3.030	Lānai, Hybrid	39
2.3.040	Stoop	40

2.3.010 Lānai, Projecting

General note: the illustration above is intended to provide a brief overview of the Frontage type and is descriptive in nature.

A. Description

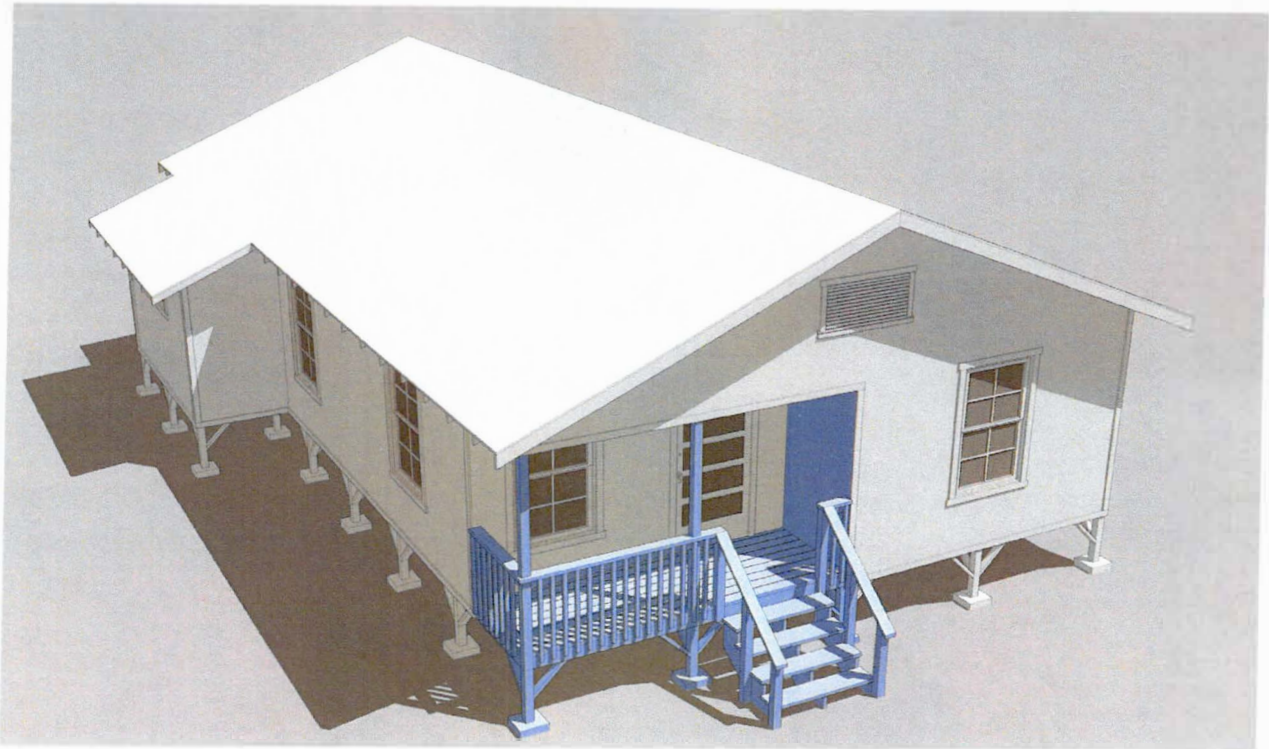
Lānai, Projecting: The main façade of the building has a small to medium setback from the thoroughfare. The Lanai, Projecting is open on 3 sides.

B. Location

- i. The Lānai, Projecting shall be located on the front of the cottage facing the thoroughfare.

C. Size

- i. The width of the frontage shall be no greater than the width of the front of the main body.
- ii. The depth of the frontage shall be a maximum of 8 feet, excluding the stairs.
- iii. The height of the Lānai shall be a minimum of 8 feet.

2.3.020 Lānai, Engaged

General note: the illustration above is intended to provide a brief overview of the Frontage type and is descriptive in nature.

A. Description

Lānai, Engaged: The main façade of the building has a small to medium setback from the thoroughfare. The Lanai, Engaged has 2 adjacent sides of the Lanai that are engaged to the building while the other two sides are open.

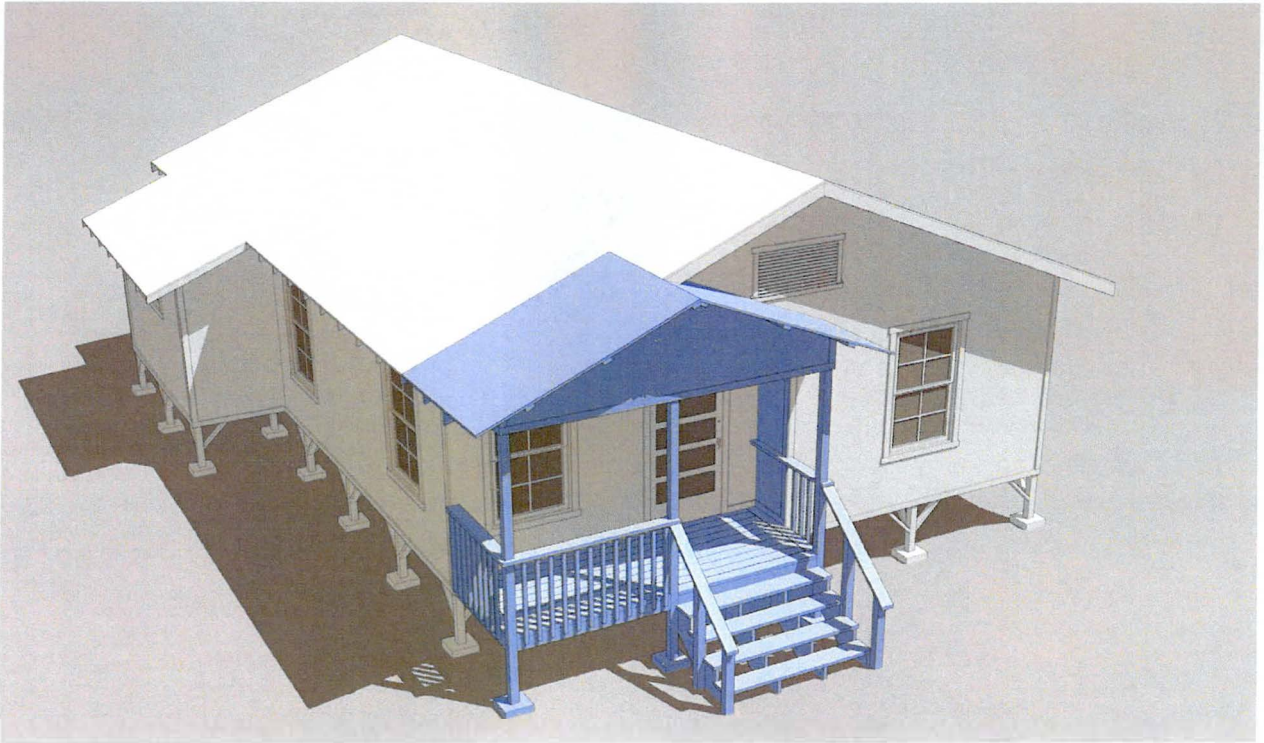
B. Location

- i. The Lānai, Engaged shall be located on the front of the cottage facing the thoroughfare.

C. Size

- i. The width of the frontage shall be half the width of the building's front wall.
- ii. The depth of the Lānai, Engaged shall be 5 feet, excluding the stairs.
- iii. The height of the Lānai, Engaged shall be a minimum of 8 feet.

2.3.030 Lānai, Hybrid



General note: the illustration above is intended to provide a brief overview of the Frontage type and is descriptive in nature.

A. Description

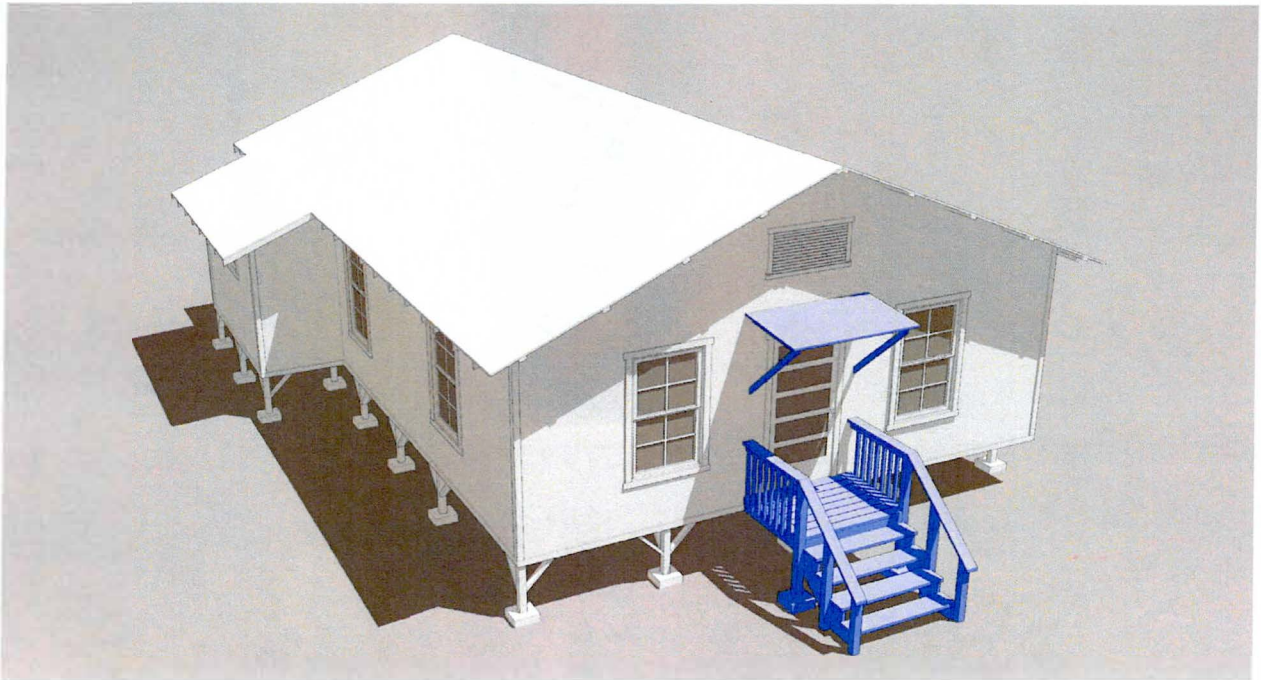
Lānai, Hybrid: The main façade of the building has a small to medium setback from the thoroughfare. The Lānai, Hybrid has a portion of space where two adjacent sides are engaged to the building while the other two sides are open, and the other portion of the space is open on 3 sides. It's architecturally non-binary.

B. Location

- i. The Lānai, Hybrid shall be located on the front of the cottage facing the thoroughfare.

C. Size

- i. The width of the frontage shall be half the width of the building's front wall.
- ii. The depth of the Lānai, Hybrid shall be 5 feet, excluding the stairs
- iii. The height of the Lānai, Hybrid shall be a minimum of 8 feet.

2.3.040 Stoop

General note: the illustration above is intended to provide a brief overview of the Frontage type and is descriptive in nature.

A. Description

Stoop: The main façade of the building is near the frontage line. This type is appropriate for residential uses with small setbacks.

B. Location

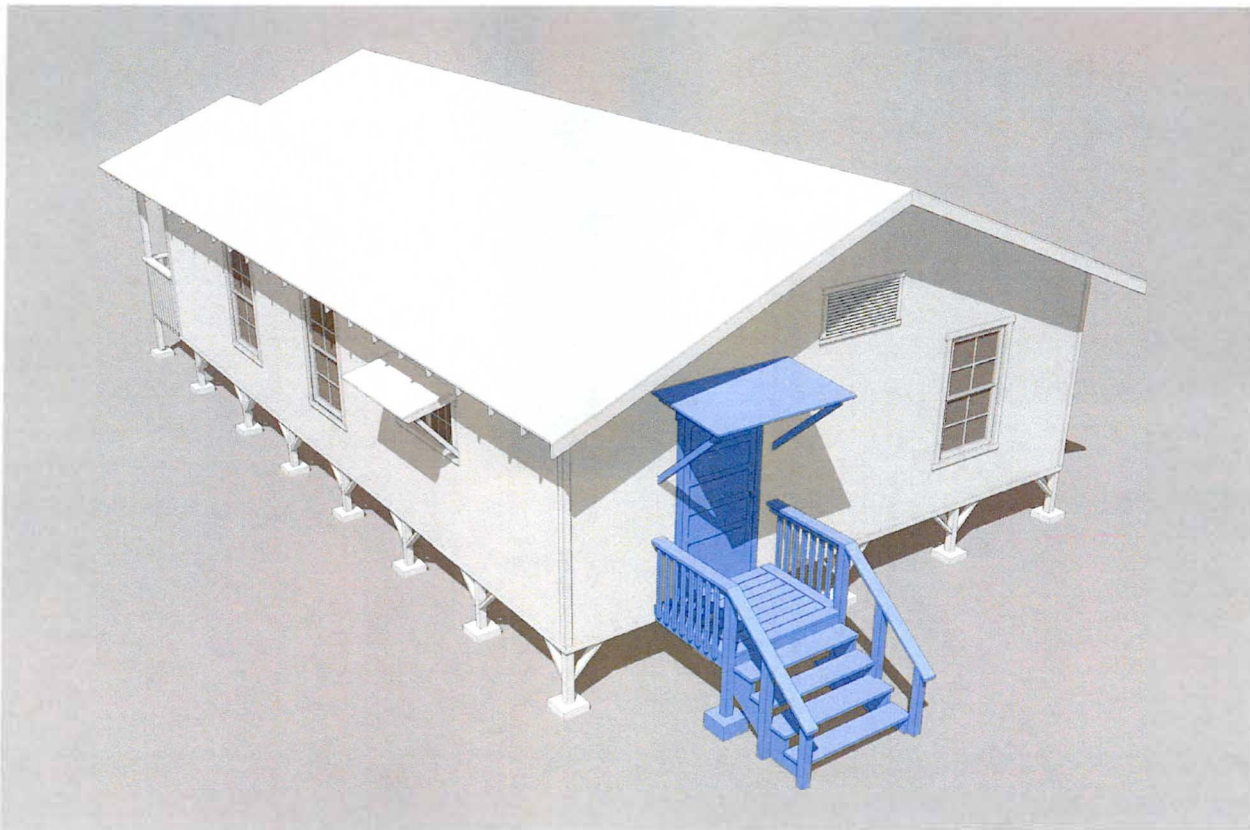
- i. The Stoop shall be located on the front of the building facing the thoroughfare.

C. Size

- i. The width of the stoop shall be a minimum of five feet and maximum of eight feet.
- ii. The depth of the Stoop shall be 5 feet, excluding the stairs.

Article 2: Transect Descriptions and Building Types, Rear Exit

Sub-Article 2.4:	Numila Camp Building Type Rear Exit	42-44
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2.4.020	Rear Exit, Engaged	43
2.4.030	Rear Exit, Enclosed	44

2.4.010 Rear Exit, Stoop

General note: the illustration above is intended to provide a brief overview of the Rear Exit type and is descriptive in nature.

A. Description

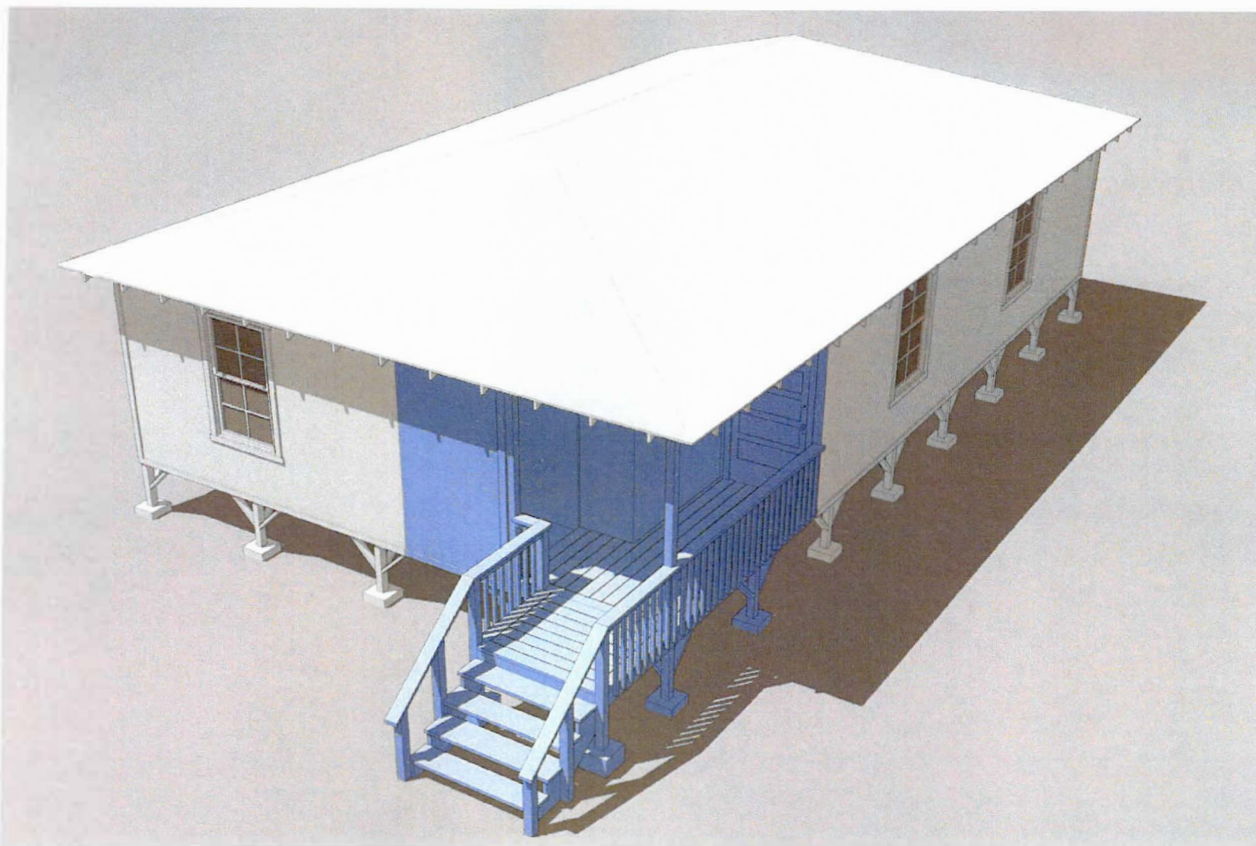
Rear Exit, Stoop: Provides access to rear accessory structures and spaces. A Rear Exit stoop is a rear entrance that may have a small series of steps and a small platform.

B. Size

- i. The width of the Rear Exit, Stoop shall be 8 feet maximum.
- ii. The depth of the Rear Exit, Stoop shall be 8 feet maximum, excluding the stairs.

C. Miscellaneous

- i. Stoops must have a roof.

2.4.020 Rear Exit, Engaged

General note: the illustration above is intended to provide a brief overview of the Rear Exit type and is descriptive in nature.

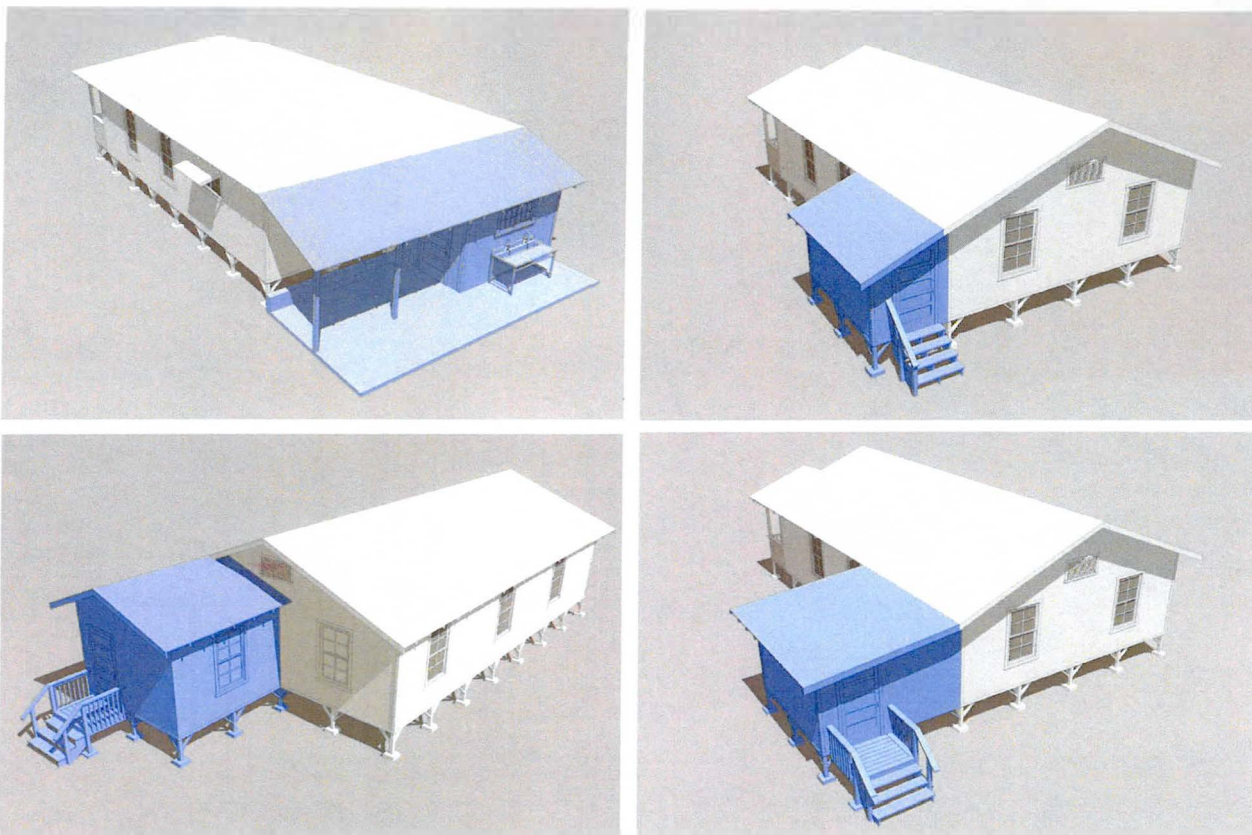
A. Description

Rear Exit, Engaged: This rear entryway links the outdoors with the interior, offering access to rear accessory structures and spaces. The resulting rear entryway may accommodate utilities including a shower, toilet, wash basin, or laundry in this versatile and practical area. The Rear Exit, Engaged has two adjacent sides on the rear of the building that are engaged to the building while the other 2 sides are open.

B. Size

- i. The width of the Rear Exit, Engaged shall be no greater than the width of the rear of the building.
- ii. The depth of the Rear Exit, Engaged shall be 12 feet maximum, excluding the stairs.

2.4.030 Rear Exit, Enclosed



General note: the illustrations above are intended to provide a brief overview of the Rear Exit, type and is descriptive in nature.

A. Description

Rear Exit, Enclosed: This rear entryway links the outdoors with the interior, offering access to rear accessory structures and spaces. The resulting rear entryway may accommodate space for utilities such as a shower, toilet, wash basin, or laundry in this versatile and practical area. The Rear Exit, Enclosed is attached to the rear or in line with the rear of the structure. It is enclosed on at least 3 sides and has a rear entry.

B. Size

- i. The width of the Rear Exit, Enclosed shall be no greater than the width of the rear of the building.
- ii. The depth of the Rear Exit, Enclosed shall be 12 feet maximum, excluding the stairs.

Article 3: Neighborhood Standards

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3.1.020	Applicability	46
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Sub-Article 3.1: Thoroughfare Standards

- 3.1.010 **Purpose:** The purpose of this article is to provide optional standards for proposed thoroughfares within the plantation camp zones.
- 3.1.020 **Applicability:** Any proposed thoroughfares within the plantation camp zones.
- 3.1.030 **Standards:**
- A. All proposed roads and thoroughfares shall meet the County of Kauai Street Design Manual requirements as determined by the County Engineer.
 - B. The County Engineer may approve a thoroughfare that does not meet the Street Design Manual standards within the Plantation Camp Zones if the following criteria are met:
 1. The thoroughfare is 18 to 20 ft. in width;
 2. The thoroughfare is paved or comprised of a compacted surface approved by the Fire Department for emergency vehicle access;
 3. On street parking is prohibited;
 4. The thoroughfare's associated residences have access to a shared parking facility within a standard pedestrian shed.
 5. The shared parking facility has at least one parking stall for each of the associated residences it services.
 6. All of the residential units proposed on the thoroughfare are setback from the thoroughfare no more than 20 ft.

Sub-Article 3.2: Civic Space Standards

3.2.010 **Purpose:** The purpose of this article is to establish civic space standards for plantation camp civic space. Civic buildings and civic spaces provide important gathering places for communities and access to outdoor activities. The civic buildings and civic spaces should be carefully located and accessible to all. The following standards shall be met by providing and locating civic buildings and civic spaces.

3.2.020 **Standards:** The design of civic spaces shall meet the standards set forth in Sub-Article 3.2.

3.2.030 **Civic Spaces:** The standards established in the Sub-Article provide the transect zones with a diverse palette of parks and other publicly accessible civic spaces that are essential components of walkable urban environments.

The service area, size frontage and disposition of elements of standards of each civic space types are regulatory. The illustration and description of each civic space type are illustrative in nature and not regulatory.

- A. Service Area. Describes how the civic space relates to the County as a whole and the area that will be served by the civic space.
- B. Size. The overall range of allowed sizes of the civic space.
- C. Frontage. The relationship along property lines of a civic space to adjacent building or lots.
 - 1. Building. Civic spaces that are listed as having a “Building” Frontage shall have the fronts of buildings, either attached to the park or across a thoroughfare, facing onto the civic space for a minimum of three-quarters of the perimeter.
 - 2. Independent. Civic spaces that are listed as having an “Independent” frontage shall have the fronts of buildings, either attached to the park or across a thoroughfare, facing on to the civic space to the maximum extent possible, but may have the side or rear of a building or lot front on to the civic space.
- D. Disposition of Elements. The placement of objects within the civic space.
 - 1. Natural. Civic spaces with natural character are designed in a natural manner with no formal arrangement of elements.
 - 2. Formal. Civic spaces with a formal character have a more rigid layout that follows geometric forms and has trees and other elements arranged in formal patterns.
 - 3. Informal. Civic spaces with an informal character have a mix of formal and natural characteristics.

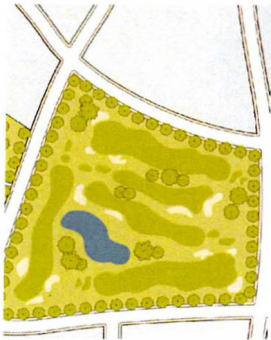
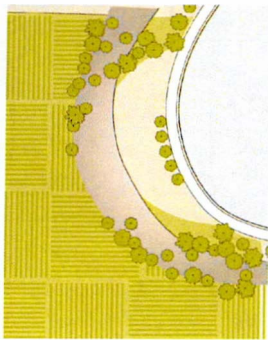
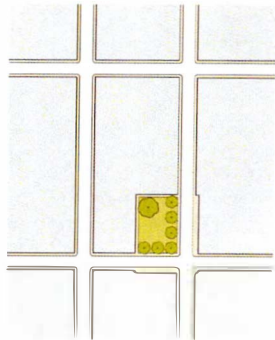
Typical Facilities. Provides a list of the typical facilities found within the civic space. This list is not intended to be a complete list of facilities allowed nor is it intended that every civic space could contain each of the facilitates listed.

Ownership and Maintenance of Required Open Space, and Civic Space. Open space areas shall be maintained as permanent open space and/or civic space through one or more of the following options:

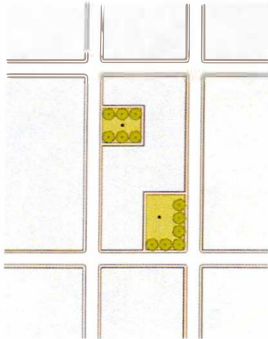
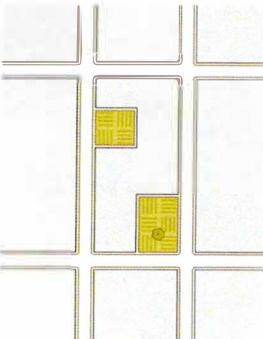
- A. Establishment of an entity to manage and maintain the open space by the property owner, in a form that ensures long-term maintenance and management;
- B. Conveyance of the land to a property owners' or homeowners' association that holds the land in common ownership and will be responsible for managing and maintain it for its intended purposes;
- C. Conveyance of the land to a third-party beneficiary, such as a nonprofit environmental or civic organization, that is organized for , capable of, and willing to accept responsibility for managing and maintaining the land for its intended purposes; or
- D. Dedication of the land to the County or other appropriate public agency that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended purposes.

The civic spaces specified in Table 3.2.030 (Civic Space Type Standards) are allowed by right or with the specified approvals in the designated transect zones.

Sub-Article 3.2: Civic Space Standards

3.2.040 Civic Space Type Standards			
Civic Space Type	Special Use Park	Overlook Park	Pocket Park
Illustration			
Description	A space that is civic in nature but that does not fit into any pre-established civic space type category.	An open space that provides space for viewing scenic or historically significant vistas, usually from a height.	An open space available for informal activities in close proximity to neighborhood residences.
Location & Size			
Location			
Service Area	Regional	Regional	Neighborhood
Size			
Minimum	No Minimum	No Minimum	4,000 square feet
Maximum	No Maximum	No Maximum	1 acre
Character			
Frontage	Building or Independent	Independent	Building
Disposition of Elements	Natural, Formal, or Informal	Natural or Informal	Formal or Informal
Typical Facilities	Passive and Active Recreation, Accessory Structure, Drinking Fountains, Community Facility < 5,000 gross square feet, Paths and Trails.	Passive Recreation, Accessory Structure, Drinking Fountains, Paths and Trails.	Passive Recreation, Accessory Structure, Drinking Fountains, Paths and Trails.

3.2.040 Civic Space Type Standards (continued)

Civic Space Type	Playground	Community Garden
Illustration		
Description	<p>An open space designed and equipped for the recreation of children. A Playground should be fenced and may include an open shelter. Playgrounds may be included within other civic spaces.</p>	<p>An open space designed as a grouping of garden plots that are available to nearby residents for small-scale cultivation. Community Gardens may be included within other civic spaces.</p>
Location & Size		
Location		
Service Area	Neighborhood	Neighborhood
Size		
Minimum	No Minimum	No Minimum
Maximum	No Maximum	No Maximum
Character		
Frontage Disposition of Elements	Independent or Building Formal or Informal	Independent or Building Formal or Informal
Typical Facilities		
	Accessory Structure, Drinking Fountains, Paths and Trails.	Accessory Structure, Drinking Fountains, Paths and Trails.

Article 4: Administration and Procedures

Sub-Article 4.1: Purpose and Applicability 52-53

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Sub-Article 4.1: Purpose and Applicability

- 4.1.010 **Purpose:** This Article establishes procedures for the preparation, filing, and processing of applications for development permits and other entitlements required by this Code.
- 4.1.020 **Applicability:**
- A. This Form-Based Code applies to any construction, development, activity, or use within the land zoned with the SPA designation as shown in Figure 1.2.010 (Numila Transect Map).
 - B. The requirements of this Code are in addition to all applicable federal, state, and county laws and regulations governing land use and development, including Chapter 8 (Comprehensive Zoning Ordinance) and Chapter 9 (Subdivision), Kaua’i County Code 1987, as amended.
 - C. In case of conflict between any provision of this Code, Kaua’i County Code Chapter 8 (Comprehensive Zoning Ordinance) (“CZO”), and any other Kaua’i County Code, rule, or regulation conflict, this Code shall apply.
- Review Authority:**
- 4.1.030
- A. Table 4.1.030.A (Review Authority) identifies the County official or body responsible for reviewing and making decisions on each type of application required by this Code.
 - B. All applications for property located within the Plan Area are subject to the review and approval of the review authority(s) identified in Table 4.1.030.A Review Authority.

Table: 4.1.030.A: Review Authority

Approval	Reference	Planning Director	Planning Commission	County Council
Zoning Permits				
Class I	Subsec. 8-3.1(c) CZO	Decision	Appeal	
Class II	Subsec. 8-3.1(d) CZO	Decision	Appeal	
Class III	Subsec. 8-3.1(e) CZO	Decision	Appeal	
Class IV	Subsec. 8-3.1(f) CZO	Recommend	Appeal/Decision	
Use Permit	Sec. 8-3.2 CZO	Recommend	Appeal/Decision	
Variance	Sec. 8-3.2 CZO	Recommend	Appeal/Decision	
Amendment	Sec. 8-3.2 CZO	Recommend	Recommend	Decision
Minor Modification	4.2.040	Decision	Appeal/Decision	

4.1.040 **Concurrent Processing:** Multiple applications for the same project will be processed concurrently, reviewed, and approved or denied by the highest review authority designated by this Code for any of the permits or approvals (i.e., a project for which applications for a Class II Zoning Permit and a Use Permit are filed must have both applications decided by the Planning Commission, instead of the Director first deciding on the Zoning Permit as otherwise required by Table 4.1.030.A (Review Authority)).

4.1.050 **Rules of Interpretation:**

- A. Authority. The Director has the authority to interpret any provision of this Code. Whenever the Director determines that the meaning or applicability of any Code requirement is subject to interpretation, the Director may issue an official interpretation. The Director may also refer any issue of interpretation to the Planning Commission for their determination.
- B. Language.
1. The words “shall,” “must,” “will,” “is to,” and “are to” are always mandatory;
 2. “Should is not mandatory but is strongly recommended; and “may” is permissive;
 3. The present tense includes the past and future tenses; and the future tense includes the present;
 4. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise; and
 5. The words “includes” and “including” shall mean “including but not limited to”.
 6. “Applicant” means an owner or any person who has full written authorization of the owner.
 7. “Owner” means the holders of equitable and legal title of land in fee simple.
 8. When used in this Code, the terms “Code,” “this Code,” or “Form-Based Code” means the West Kaua’i Form-Based Code
- C. Time Limits. Whenever a number of days is specified in this Code, the number of days shall be construed as consecutive calendar days. A time limit shall extend to 4:30 p.m. on the following working day where the last of the specified number of days falls on a weekend or holiday.
- D. Uses Not Listed. The Director has the authority to determine other unlisted uses as similar in nature to those listed in the respective Use Tables of Article 2 (Specific to Transect Zones) as requiring a use permit, and that those similar uses may also be permissible in that respective Transect Zone with a Use Permit

Sub-Article 4.2: Permits and Approvals

4.2.010 Zoning Permits:

- A. No person shall undertake any construction or development or carry on any activity, or use, for which a zoning permit is required by this Code, or obtain a building permit for construction, development, activity, or use regulated by this Code, without first obtaining the required permit.
- B. To obtain any permit, the applicant shall show compliance with the standards established in this Code and shall submit, where necessary, a plot plan as required by CZO Sec. 8-4.6(d).
- C. Applications for zoning permits as required in this Code shall be processed in accordance with CZO Sec. 8-3.1 (Zoning Permits).
- D. For any Zoning Permit, the designated Review Authority may approve, with or without conditions, or deny the permit. The following Zoning Permits are required for the following activities:
 - 1. Class I Permit. A Class I Permit must be obtained for construction or development not located in a Constraint District or a Special Treatment District where the construction or development does not require a Use Permit or a Variance Permit and:
 - a. For non-residential or mixed-use projects that are generally permitted; or
 - b. For residential projects, the project consists of no more than one (1) dwelling unit.
 - 2. Class II Permit. A Class II Permit must be obtained for construction or development of a residential project consisting of between two (2) to ten (10) dwelling units that are not located in a Constraint District or a Special Treatment District where the construction or development does not require a Use Permit or a Variance Permit.
 - 3. Class III Permit. A Class III Permit must be obtained for construction or development where the construction or development does not require a Variance Permit or a Use Permit and:
 - a. For any project where a Class I or Class II Zoning Permit would otherwise be required, except that the development is located in a Constraint District or a Special Treatment District; or
 - b. For residential projects, the project consists of between eleven (11) and fifty (50) units; or

4. Class IV Permit. A Class IV Permit must be obtained for construction or development, whether or not the development is located in a Constraint District or Special Treatment District where:
 - a. For non-residential or mixed-use projects that require a use permit; or
 - b. For residential projects, the project consists of fifty-one (51) or more dwelling units; or
 - c. For any project, a Class I, II, or III Permit would otherwise be required, except that a Use Permit or a Variance Permit is required.

E. After-the-Fact Permits. In addition to the Zoning Permit filing and processing fee(s), an application for a Zoning Permit for a structure partially or fully constructed without the required approvals and/or a use that has commenced prior to the required approvals shall have an additional filing, inspection, and processing fee(s) which is double that of the original filing and processing fee(s) or five hundred dollars (\$500.00), whichever is greater.

4.2.020 **Use Permits:**

No person shall undertake any construction or development, or carry on any activity or use for which a Use Permit is required by this Code, or obtain a building permit for construction, development, activity or use for which a Use Permit is required by this Code, without first obtaining a Use Permit in accordance with CZO Sec. 8-3.2 (Use Permits).

4.2.030 **Variance:**

Request for a variance from the provisions of this Code must comply with the requirements in CZO Sec. 8-3.3 (Variance).

4.2.040 **Minor Modifications:**

The Planning Director may approve minor modifications of up to 10% of all dimensional requirements for all building types.

Sub-Article 4.3: Administration and Enforcement

4.3.010 **Amendments:**

This Code may be amended in compliance with the requirements in CZO Sec. 8-3.4.

4.3.020 **Non-Conforming Provisions:**

Nothing in the Numila Form-Based Code shall restrict or prevent an applicant from re-constructing or repairing a structure in a respective Plantation Camp transect pursuant to Section 8-8A2, subsections (a) and (b), of the Kauai County Code, 1987, as amended.

Any new densities, structures, and uses, proposed in a respective Plantation Camp transect beyond those permissible within Section 8-8A of the Kauai County Code, 1987, as amended, shall be in conformance with the rules, regulations, and standards of the subject Numila Form-Based Code.

4.3.030 **Appeals:**

- A. An applicant who seeks to appeal from an adverse decision of the Director or designee shall file a notice of appeal with the Director and the Planning Commission within thirty (30) days after the adverse decision.
- B. If the appeal is from the denial of a Class III Zoning Permit, the Director shall make the notice public and shall notify any persons who have duly requested notice of appeals.
- C. The Planning Commission shall consider the appeal at a public session within sixty (60) days of the filing of the notice of appeal and shall render its decision within that period.

4.3.040 **Fee Exemptions:**

- A. A Zoning Permit application for a housing project or portions of housing projects that are developed to be affordable to low-income households as determined by the Housing Director or authorized representative of the County Housing Agency shall be exempt from the filing and processing fee required in CZO Subsection 8-3.1(b)(1), provided such projects conform to applicable provisions of the County's affordable housing program.
- B. A Zoning Permit application for a housing project or portions of housing projects that are developed to be affordable as determined by the Housing Director or authorized representative of the County Housing Agency shall be exempt from one-half (1/2) of the filing and processing fee required in CZO Subsection 8-3.1(b)(1), provided such projects conform to applicable provisions of the County's affordable housing program.
- C. No exemptions shall be afforded for such housing projects from any fees or costs arising from compliance with CZO Subsection 8-3.1(f)(4) or (h).

4.3.050 **Enforcement:**

- A. Enforcement, legal procedures, and penalties for violations of any of the regulations and standards within the Plantation Camp Form-Based Code are established pursuant to section 10-7.2 of the Kauai County Code, 1987, as amended.

Article 5: Definitions

Sub-Article 5.1: Definitions of Terms and Phrases	58-59
5.1.010 Definitions	58-59

Sub-Article 5.1: Definitions of Terms and Phrases

5.1.010 Definitions

This Section provides definitions for specialized terms and phrases used in this Article. All other applicable definitions in Chapter 8 of the Kauai County Code or CZO apply.

Civic Space – An outdoor area dedicated for civic activities. See Sub-Article 35.2 (Civic Space Standards).

Civic Building – A structure operated by governmental or not-for-profit organizations and limited to civic and related uses.

County Engineer – The County Engineer of the Department of Public Works of the County of Kauai.

Director – Planning Director of the County of Kauai.

Foundation – The lowest load-bearing part of a building, typically including structural placement below ground level

Front – The front section of the building facing the thoroughfare or a civic space. If two or more portions of a building face a thoroughfare or a civic space, the Director shall determine which portion of the building is the front.

Frontage – The main entrance of a building located between the front of a building and a thoroughfare or civic space.

Glazing – The glass component of a building's façade.

Gable Roof – A roof with two sloping side and a gable, or wall, at each end.

Hip Gable/Dutch Gable Roof – Is a roof with a small gable at the top of a hip roof.

Hip Roof – A roof that slopes upward from all sides of the structure, having no vertical ends.

Main Body – The main body constitutes the primary structure.

Mechanical Equipment Storage – small roofed accessory structure, attached or detached, that is no larger than 40 square feet in size.

Post-on-Pier – Type of development where the weight of the structure is distributed across a series of posts installed under the home and mounted to piers, which are typically masonry blocks arranged to distribute the weight evenly.

Rear – Section of the building the opposite front of the building.

Rear Exit – Doorway situated on the Rear of the building.

Residential Use – The use of a structure or site for human habitation that may include a home, abode, or place where an individual is actually living at a specific point in time. Residences do not include transient accommodations such as transient hotels, motels, tourist cabins, or trailer courts, and dormitories, fraternity or sorority houses.

Setback – A designated minimal amount of space required between a structure and the thoroughfare.

Shed Roof – A flat roof that slopes in one direction and may lean against another wall or building.

Side – Section of the building running perpendicular to the front and rear of the building.

Thoroughfare – A road or path designed for multiple users, including pedestrians, bicyclists, and vehicles.

Transect Zone – A defined area that meets the organization of the human habitat with a development intensity that meets natural and/or build form characteristics.

Wing – A wing is part of a building that is subordinate to the main body.

Exhibit D

Map Showing Amendment to the West Kaua'i Community Plan (2020) Land Use Map Figure 12 “West Kaua'i Regional Map Showing Town Plan Areas”.



FIGURE 12 | Regional Town Plan Map

“EXHIBIT C”

(Proposed State Land Use District Amendment A-2025-2)

For reference

ORDINANCE NO. _____

BILL NO. _____

**A BILL FOR AN ORDINANCE AMENDING
THE STATE LAND USE DISTRICT BOUNDARY
RELATING TO A PARCEL LOCATED IN WAHIAWA, KAUA'I**

(County of Kaua'i Planning Department, Applicant) (A-2025-2)

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. Purpose. The purpose of this Ordinance is to update approximately 14.9 acres of the State Land Use District boundary and designation of Tax Map Key (TMK) (4) 2-2-001:001 from Agricultural to Urban.

SECTION 2. The State Land Use District Boundary designation for approximately 14.9 acres of the parcel in Wahiawa, Kaua'i, identified as TMK (4) 2-2-001:001, as shown on the attached map as Exhibit A, is hereby amended from the State "Agricultural" Land Use District (A) to the State "Urban" Land Use District (U), subject to the following conditions:

1. The State Land Use District Boundary Amendment shall be limited to the area delineated in Exhibit A.
2. The Landowner shall resolve and comply with the applicable standards and requirements, if any, of all State of Hawai'i and County of Kaua'i departments and agencies.
3. The Landowner is advised that additional government agency conditions may be imposed. It shall be the Landowner's responsibility to resolve those conditions with the respective agencies.

SECTION 3. The Planning Department is directed to note the changes on the official Zoning Maps on file with the Department.

SECTION 4. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 5. This Ordinance shall take effect upon its approval.

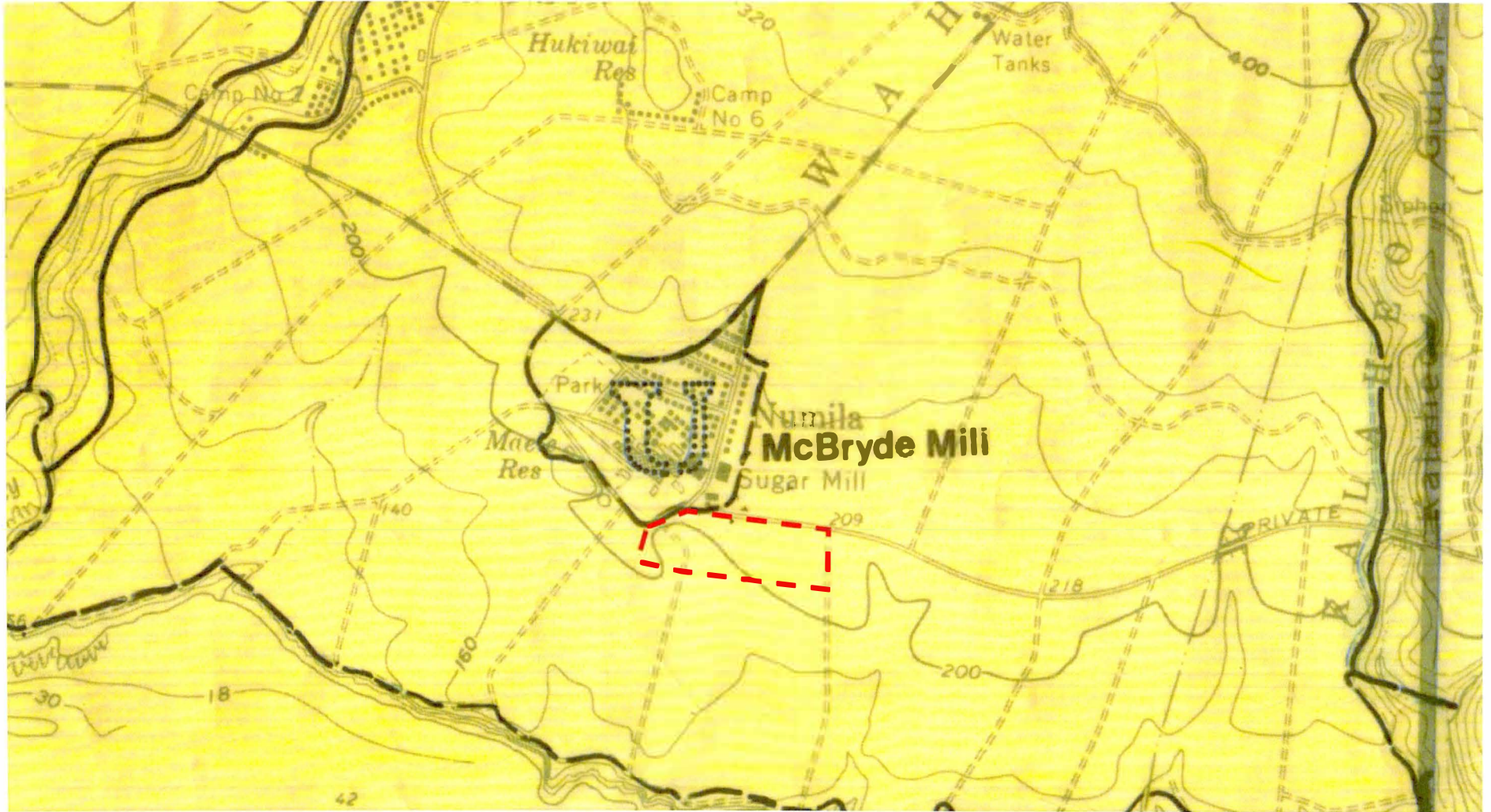
Introduced by:

(By Request)

DATE OF INTRODUCTION:

Lihu'e, Kaua'i, Hawai'i

Exhibit A



State Land Use District (SLUD) Boundary Amendment from Agricultural (A) to Urban (U)

Wahiawa, Kauai, Hawaii

 State Land Use District (SLUD) District Boundary Update from Agriculture (A) to Urban (U)

“EXHIBIT D”

(Proposed Zoning Amendment ZA-2025-3)

For reference

ORDINANCE NO. _____

BILL NO. _____

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 8,
KAUA'I COUNTY CODE 1987, AS AMENDED,
RELATING TO ZONING BOUNDARIES IN WAHIAWA, KAUAI**

(County of Kaua'i Planning Department, Applicant) (ZA-2025-3)

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

SECTION 1. Purpose. The purpose of this Ordinance is to update the County of Kaua'i Zoning Map ZM-200 to reflect zoning designation updates within the subject parcel Tax Map Key (TMK) (4) 2-2-001:001, from "Agricultural" (Ag) to "Residential-1" (R-1).

SECTION 2. Findings. The Council finds that the West Kaua'i Community Plan (WKCP), adopted by the County of Kaua'i in December 2020, recognizes the opportunity to "ensure redevelopment and renovation projects reflect the historic character of Numila."

The Council finds that TMK (4) 2-2-001:001 is not designated as Important Agricultural Lands by the Hawai'i State Land Use Commission.

The Council finds the Numila Camp amendment boundaries are delineated by the map in Exhibit A and contain an area of approximately 14.9 acres.

SECTION 3. The Comprehensive Zoning Ordinance (CZO) is hereby amended by amending ZM-200 within the CZO referenced in Section 8-2.3 by making the following changes to ZM-200 as shown in Exhibit A of this Ordinance which are attached hereto and incorporated by reference, subject to the following conditions:

1. The Landowner is advised that additional government agency conditions may be imposed. It shall be the Landowner's responsibility to resolve those conditions with the respective agencies.

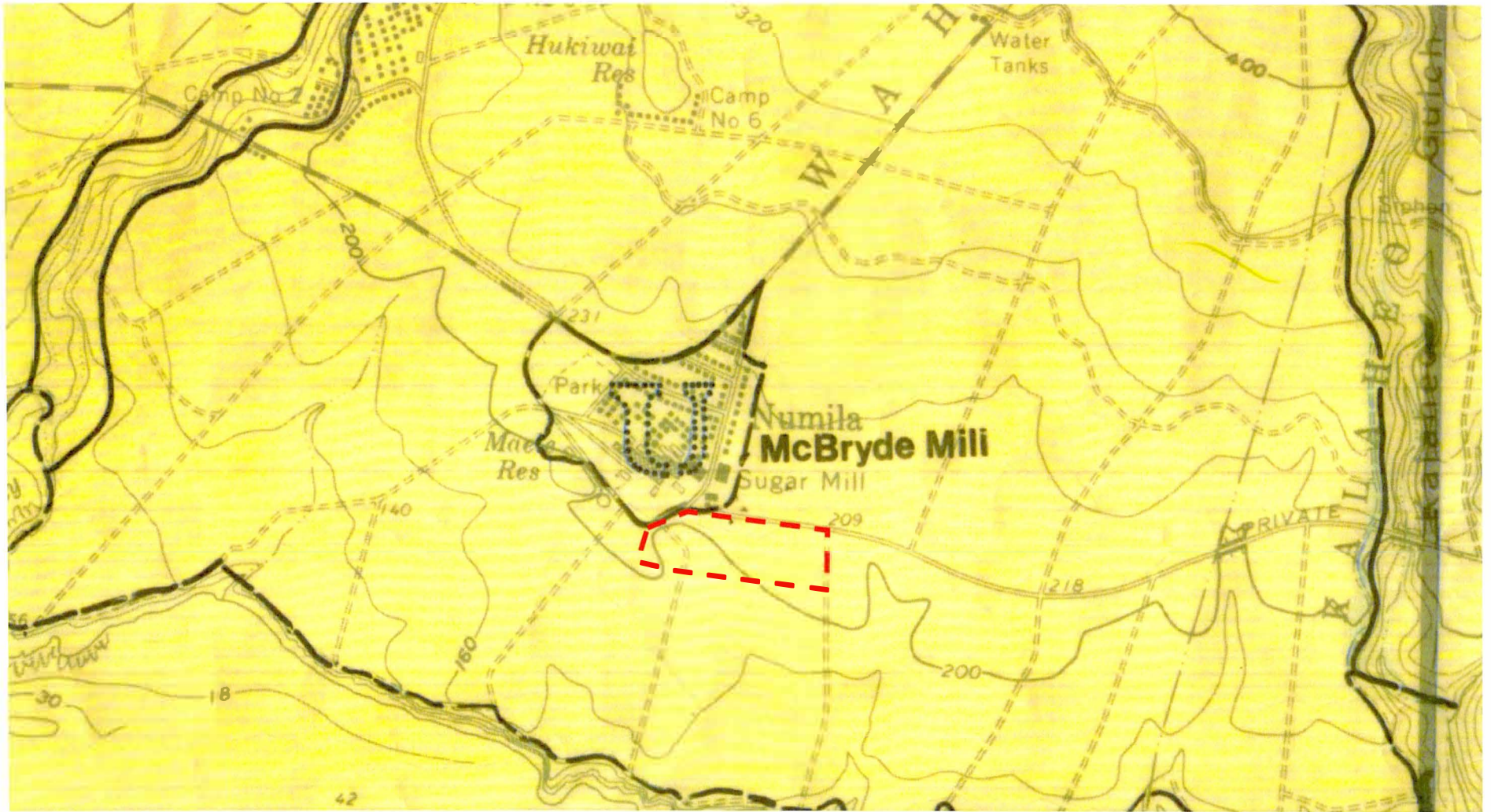
SECTION 4. The Planning Department is directed to note the changes on the official Zoning Maps on file with the Department.

SECTION 5. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 6. This Ordinance shall take effect upon its approval.

Introduced by:

Exhibit A



Amendment to Zoning Map ZM-200 from Agricultural (AG) to Residential-1 (R-1)

Wahiawa, Kauai, Hawaii

 Agricultural (AG) to Residential-1 (R-1) District Boundary Update

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



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

**TRANSMITTAL OF AGENCY COMMENTS TO
PLANNING COMMISSION**

DATE: March 4, 2025

PERMIT NUMBER(S): ZA-2025-4

APPLICANT(S): KAUAI PLANNING DEPARTMENT

Attached for the Planning Commission's reference are agency comments for the permit referenced above.

F.H.d.2.
MAR 11 2025



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

FROM: Kaaina S. Hull, Director

Planner: Shelea Koga

2/11/2025

SUBJECT: Zoning Amendment ZA-2025-4
Tax Map Key: 220010010000
Applicant: Planning Department
Establish a Special Planning Area "P", which shall be referred to as the "Numila Plantation Camp Walkable Mixed Use District", and be designated as "SPA-P"

TO:

- | | |
|---|--|
| <input type="checkbox"/> State Department of Transportation - STP | <input checked="" type="checkbox"/> County DPW - Engineering |
| <input checked="" type="checkbox"/> State DOT - Highways, Kauai (info only) | <input 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 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)

This matter is scheduled for a public hearing before the County of Kauai Planning Commission on 3/11/2025 at the Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Kauai, at 9:00 am or soon thereafter. If we do not receive your agency comments within one (1) month from the date of this request, we will assume that there are no objections to this permit request. Mahalo!



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

DATE: Feb 26, 2025

TO: To whom it may concern

FROM: Ellis Jones
District Environmental Health Program Chief

SUBJECT: RESPONSE_ZA-2025-4

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

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

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

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

Clean Air Branch

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

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

Clean Water Branch

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

Hazard Evaluation & Emergency Response Office

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

Indoor and Radiological Health Branch

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

Safe Drinking Water Branch

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

Solid & Hazardous Waste Branch

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

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

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

Wastewater Branch

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

Sanitation / Local DOH Comments:

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

Other

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

Ellis Jones

Ellis Jones

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

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR
 JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



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

DIRECTOR'S REPORT

I. SUMMARY

Action Required by Planning Commission: Consideration of multiple bills amending Chapter 8 of the Kaua'i County Code 1987, as amended, regarding the Comprehensive Zoning Ordinance (CZO), the Kaua'i Kākou – Kaua'i County General Plan, the State Land Use District, and the West Kaua'i Community Plan.

Permit Application Nos. Zoning Amendment ZA-2025-5
 Zoning Amendment ZA-2025-6
 General Plan Amendment GPA-2025-3
 State Land Use Amendment A-2025-3

Name of Applicant(s) COUNTY OF KAUA'I, PLANNING DEPARTMENT

II. PERMIT INFORMATION

AMENDMENTS	
<input checked="" type="checkbox"/> Zoning Amendment	Pursuant to KCC Section 8-3.4(a), as amended, a Zoning Amendment is necessary when changing the boundaries of districts or by changing text whenever the public necessity and convenience and the general welfare require an amendment.
<input checked="" type="checkbox"/> General Plan Amendment	Pursuant to KCC Section 7-3.1, as amended, the General Plan of the County of Kaua'i may be amended by ordinance, in accordance with the Charter. An amendment may change provisions of this ordinance; text provisions or map designations of the General Plan document; or any of these in combination.
<input checked="" type="checkbox"/> State Land Use District Amendment	Pursuant to KCC Section 11-1, as amended, a State Land Use District Boundary Amendment Ordinance, organized as a Zoning Amendment, is required to reclassify a State Land Use District designation.

III. LEGAL REQUIREMENTS

KCC Section 8-3.4	
Public Hearing Date:	March 11, 2025
Date of Publication:	February 7, 2025
Date of Director's Report:	February 26, 2025

F.4.e.1.
 F.4.f.1.
 F.4.g.1.
 F.4.h.1.

March 11, 2025

IV. DESCRIPTION OF PROPOSED BILLS

There are four separate amendments associated with the proposed Kā'awanui Village area:

1. **General Plan Amendment (GPA-2025-3)** – Proposes to amend Figure 5-1 (Kaua'i Land Use Map) and Figure 5-2 (West Kaua'i Land Use Map) of the *Kaua'i Kakou – Kaua'i County General Plan* from Agriculture to Plantation Camp (Exhibit A).
2. **West Kaua'i Community Plan Amendment (ZA-2025-6)** – Proposes amendments to Chapter 10, Article 3 of the *Kaua'i County Code 1987, as amended*, related to the West Kaua'i Community Plan (Exhibit B). This includes:
 - o Amending Section 10-3 to establish a Special Planning Area "Q" (SPA-Q), which shall also be known as the "Kā'awanui Plantation Camp Walkable Mixed-Use District." The Special Planning Area shall be adopted with a new map ZM-KAAV-100 (Kā'awanui Village) and adopted within the West Kaua'i Community Plan.
 - o Updating figure 12 of the West Kaua'i Community plan, Regional Town Plan Map to change the land use designation within the SPA-Q boundaries from Agriculture to Plantation Camp.
3. **State Land Use District Amendment (A-2025-3)** – Proposes to change approximately 14.9 acres of the State Land Use District boundary and designation of Tax Map Key (TMK) (4)1-7-006:006 from Agricultural to Urban (Exhibit C).
4. **Zoning Map Amendment (ZA-2025-5)** – Proposes to amend approximately 14.9 acres of Zoning Map ZM-200 to reflect zoning changes for TMK (4) 1-7-006:006 from Agricultural (Ag) to Residential-1 (R-1) (Exhibit D).

The proposed ordinances to amend County Zoning, the State Land Use District, the General Plan, and the West Kaua'i Community Plan aim to encourage new growth in an adjacent area to Kā'awanui Village that maintains and enhances its distinct form and character.

V. APPLICANT'S REASONS/JUSTIFICATION

The Kā'awanui Plantation Camp Form-Based Code (FBC) guides development in alignment with the West Kaua'i Community Plan and the County of Kaua'i General Plan. This FBC establishes a regulatory framework to preserve the character of the existing plantation camps, including Kā'awanui Village, while allowing for limited infill development and housing expansion. The Plantation Camps should remain compact and walkable with well-defined borders and small cottages, surrounded by working agricultural fields and activity. The intent of the code would:

1. Promote, preserve, and enhance existing community design and development patterns that reflect the distinct character of Kā'awanui Village historic plantation camp.
2. Support and maintain affordable-by-design housing stock.
3. Encourage appropriately scaled infill development within or near the historic boundaries of the camps.

Form-Based Codes (FBC) are a development regime that encourages the development of communities with a focus on "building form and character" as opposed to development frameworks based on the separation of uses, regularly referred to as Euclidian zoning. FBCs have been adopted to serve a variety of purposes that can include historic preservation, economic development, sustainability, affordable housing, and general planning. FBC follows a natural to urban transect model, that progressively experience greater density in line with desired development outcomes. The model transect is divided into six transect zones or T-zones: Natural (T1), Rural (T2), Sub-Urban (T3), General Urban (T4), Urban Center (T5), and Urban Core (T6). Kaua'i only experiences four transect types (T1-T4).

The development of FBCs included an intensive inventory process and an exercise to identify unique or historical characteristics that define the respective towns and villages. The Kā'awanui Plantation Camp transect is considered a special district due to the unique patterns which were identified. Within the Kā'awanui FBC, this transect is classified as T3 Kā'awanui Village Flex (T3KAAVF-PC), reinforcing and preserving the historic development patterns of the Kā'awanui community. The Kā'awanui FBC incorporates detailed regulations specific to building types, street standards, and civic space that are sensitive to the surrounding local character. The regulations set forth in the Form-Base Code help to maintain the unique characteristics of Kā'awanui Village.

Creating design standards specific to these areas ensures history and culture are a part of the future development. The Kā'awanui Plantation Camp Form-Based Code includes elements such as roof pitches, siding materials, building massing, building types, frontages, setbacks, rear exists and wings, and are regulated to reinforce existing character and to create new, compatible neighborhoods in Kā'awanui Village. For example, the building type regulations in T3 Kā'awanui Village Flex (T3KAAVF-PC) capture the form and characteristics of the historical Kā'awanui cottages. Crafting regulations that require unique features such as single or double hung windows, 4:12, 5:12, or 6:12 roof pitches, wood-based material, post and pier, and height of the wall ensure that new cottages will maintain the same look and feel of the surrounding cottages.

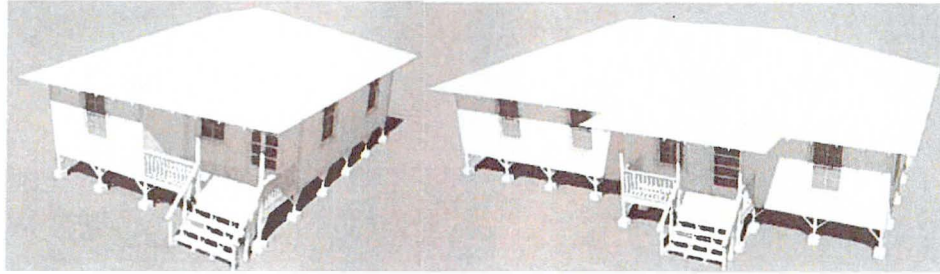


Figure 1: Example of applying the T3 Kā'awanui Village Flex (T3KAAVF-PC) regulations.



Figure 2, 3, 4: Pictures of Kā'awanui Village Cottages.

Form-Based Code differs from the existing use-base code requirements in the Comprehensive Zoning Ordinance in that the primary emphasis is on building and streetscape “form”, the importance of how the proposed development is integrated with the existing town character. This is a more comprehensive approach that includes the regulation of building types, street design, and civic space requirements. These standards are crafted to regulate the specific and desired qualities of areas identified through the inventory and data collection process.

The County of Kaua’i has adopted multiple Form-Based Codes tailored to preserve the unique and localized characteristics of South Kaua’i, West Kaua’i, and the Kaumakani Plantation Camps. During the South Kaua’i and West Kaua’i Community planning efforts, the community sought to preserve and revitalize their town cores. Form-Base Codes were ideally suited to meet this community goal. Since the adoption of the South Kaua’i, West Kaua’i, and the Kaumakani Plantation Camp Form-Based Code, the Planning Department and the respective communities have seen the value of this development approach.

Consistent with the West Kauai towns of Waimea, Kekaha, ‘Ele’ele, and Hanapēpē, Kā’awanui Village supports unique town and village features that can benefit from the establishment of a Form-Based Code. Kā’awanui Form-Based Code is a tool that seeks to maintain the existing character of Kā’awanui Village while simultaneously establishing design guidelines that inform buildout scenarios.

Implementing the Kāʻawanui Form-Based Code requires several zoning amendments to achieve the appropriate regulatory alignment between State and County Zoning. These amendments will allow for 14.9 additional acres for predominately residential uses.

1. **General Plan Amendment (GPA-2025-3)** – The General Plan amendment updates the Kauaʻi Land Use Map and West Kauaʻi Land Use Map within the General Plan to reflect a change from Agriculture to Plantation Camp, aligning with the historic residential uses of the area and future vision for lands adjacent to the existing Kāʻawanui Village. This designation supports the continued use and nominal expansion of the area for residential purposes.
2. **West Kauaʻi Community Plan Amendment (ZA-2025-6)** – Updates to the West Kauaʻi Community Plan ensure consistency between local planning documents and the Kāʻawanui FBC. The amendment revises the **Regional Town Plan Map (Figure 12)** to change the land use designation within the **Special Planning Area – Plantation Camp (SPA-Q)** from Agriculture to Plantation Camp, supporting the envisioned small-town character and historic Kāʻawanui Village development. The proposal also amends Section 10-3 to establish a Special Planning Area “Q” (SPA-Q), which shall also be known as the “Kāʻawanui Plantation Camp Walkable Mixed-Use District.” The Special Planning Area shall be adopted with a new map ZM-KAAV-100 (Kāʻawanui Village) and adopted within the West Kauaʻi Community Plan.
3. **State Land Use District Amendment (A-2025-3)** – This amendment is needed to reclassify 14.9 acres from Agricultural to Urban, allowing for residential development adjacent to the historic Kāʻawanui Village residential footprint to allow for a nominal expansion of the area for residential purposes while keeping within the form and character of the historic camp.
4. **Zoning Map Amendment (ZA-2025-5)** – This change updates the underlying County of Kauai Zoning from Agricultural (Ag) to Residential-1 (R-1) allowing for residential development adjacent to the historic Kāʻawanui Village area.

VI. AGENCY COMMENTS

Comments from applicable government agencies are being sought and are expected at the time of the public hearing scheduled for March 11, 2025.

VII. PRELIMINARY EVALUATION

In evaluating the proposed zoning amendment, the following aspect should be taken into consideration:

1. Comprehensive Zoning Ordinance (CZO)

The proposed amendment is to be evaluated pursuant to Section 8-3.4(d) of the CZO, Kaua'i County Code (KCC), as amended. The section, reads:

“(d) Consideration. In considering an amendment, the Planning Commission shall consider the purposes of the existing and proposed changes to the Zoning Ordinance. A change in the Zoning Map or text shall not be made unless the change will further the public necessity and convenience and the general welfare.”

As previously mentioned, the intent of the amendment is to amend the West Kaua'i Community Plan to add Special Planning Area “Q” (SPA-Q), which shall be referred to as the “Kā'awanui Village Plantation Camp Walkable Mixed Use District.” Amending the code to include Special Planning Area “Q” would further accommodate public necessity and for convenience.

2. General Plan

The 2018 General Plan sets forth a vision, goals, and policies to guide future growth on Kaua'i. The proposed amendment is consistent with the overall vision and policies outlined in the 2018 General Plan.

A. Section 1.4, entitled “Policies to Guide Growth”

i. **Policy #1: “Manage Growth to Preserve Rural Character”**

The new design standards that correspond with Special Planning Area “Q” will ensure the rural characteristics of our communities are maintained through the preservation of the Kā'awanui Village building form and characteristics.

ii. **Policy #2: Provide Affordable Housing While Facilitating a Diversity of Privately-Developed Housing for Local Families.**

According to the General Plan, Communities that cater to a high-end market, resulting in enclaves of similar household incomes and housing types, are no longer acceptable. The design standards that correspond with Special Planning Area “Q” limit development to building standards that cater to and support the local housing market. These design standards will provide an opportunity to create housing for local families.

iii. **Policy #3: Recognize the Identity of Kaua'i's individual Towns and Districts.**

Policy #3 of the General Plan states that Kauai's towns and planning districts are distinct, each with its own character, opportunities, and needs. The design standards outlined for Kā'awanui Village acknowledge the characteristics and features that generate the unique community identity of the Kā'awanui Village.

B. Section 3.0 Actions by Sector, Subsection Sector VII, entitled "Heritage Resources" states for code changes:

- i. **Update and create Special Planning Areas in towns to ensure new development and redevelopment of existing sites or structures is done in a "historically sensitive" manner.** The proposed Kā'awanui Form-Based Code implements these exact code changes recommended by the General Plan creating design standards to preserve the historic character of Kā'awanui Village.

X. PRELIMINARY CONCLUSION

Based on the foregoing, it is concluded that the proposal is reasonable and appropriate. It is also consistent with the policies and recommendations of the Kaua'i General Plan.

XI. PRELIMINARY RECOMMENDATION

Based on the foregoing evaluation and conclusion, it is hereby Zoning Amendment ZA-2025-5, Zoning Amendment ZA-2025-6, General Plan Amendment GPA-2025-3 and State Land Use District Amendment A-2025-3 be **APPROVED**.

By  _____
SHELEA KOGA
Planner

Approved & Recommended to Commission:

By  _____
KA'ĀINA S. HULL
Director of Planning

Date: 3 / 3 / 2025

“EXHIBIT A”

(Proposed General Plan Amendment GPA-2025-3)

For reference

ORDINANCE NO. _____

BILL NO. _____

**A BILL FOR AN ORDINANCE AMENDING
"KAUA'I KĀKOU – KAUA'I COUNTY GENERAL PLAN" (2018)
RELATING TO A PARCEL LOCATED IN MAKAWELI, KAUA'I**

(County of Kaua'i Planning Department, Applicant) (GPA-2025-3)

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. Findings and Purpose. The purpose of this Ordinance is to update the booklet entitled "Kaua'i Kākou – Kaua'i County General Plan" (2018) (incorporated by reference in Chapter 7, Kaua'i County Code 1987, as amended) (The General Plan for the County of Kaua'i). The subject property, identified as Tax Map Key (TMK) Parcel (4) 1-7-006:006 and referred to hereafter as "Kā'awanui Village," is located about one-half mile mauka and northeast of the Pākalā United States Postal Service building in Makaweli.

The Council finds the Kā'awanui Village amendment boundaries are delineated by the map in Exhibit A and contain an area of approximately 14.9 acres.

The Council finds that TMK Parcel (4) 1-7-006:006 is not designated as Important Agricultural Lands by the Hawai'i State Land Use Commission.

The Council finds that the Kā'awanui Village area maintain a unique sense of identity and has historic features and qualities that should be perpetuated.

The Council finds that the current landowner (Gay & Robinson Inc) has consented to this General Plan amendment.

SECTION 2: The booklet entitled "Kaua'i Kākou – Kaua'i County General Plan" (2018) is amended as follows:

1. Amend page 229 by deleting Figure 5-1, Kaua'i Land Use Map (as previously amended by Ordinance No. 1084), and replacing it with a new map, Figure 5-1, Kaua'i Land Use Map, as shown on the map attached to this Ordinance as Exhibit B, and on file with the Planning Department, County of Kaua'i.
2. Amend page 233 by deleting the amended Figure 5-2, West Kaua'i Land Use Map (as previously amended by ordinance No. 1084), and replacing it with a new map, Figure 5-3 West Kaua'i Land Use Map as shown on the map attached to this Ordinance as Exhibit C, and on file with the Planning Department, County of Kaua'i.

SECTION 3. The Planning Department is directed to note the changes on the official Zoning Maps on file with the Department.

SECTION 4. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 5. This Ordinance shall take effect upon its approval.

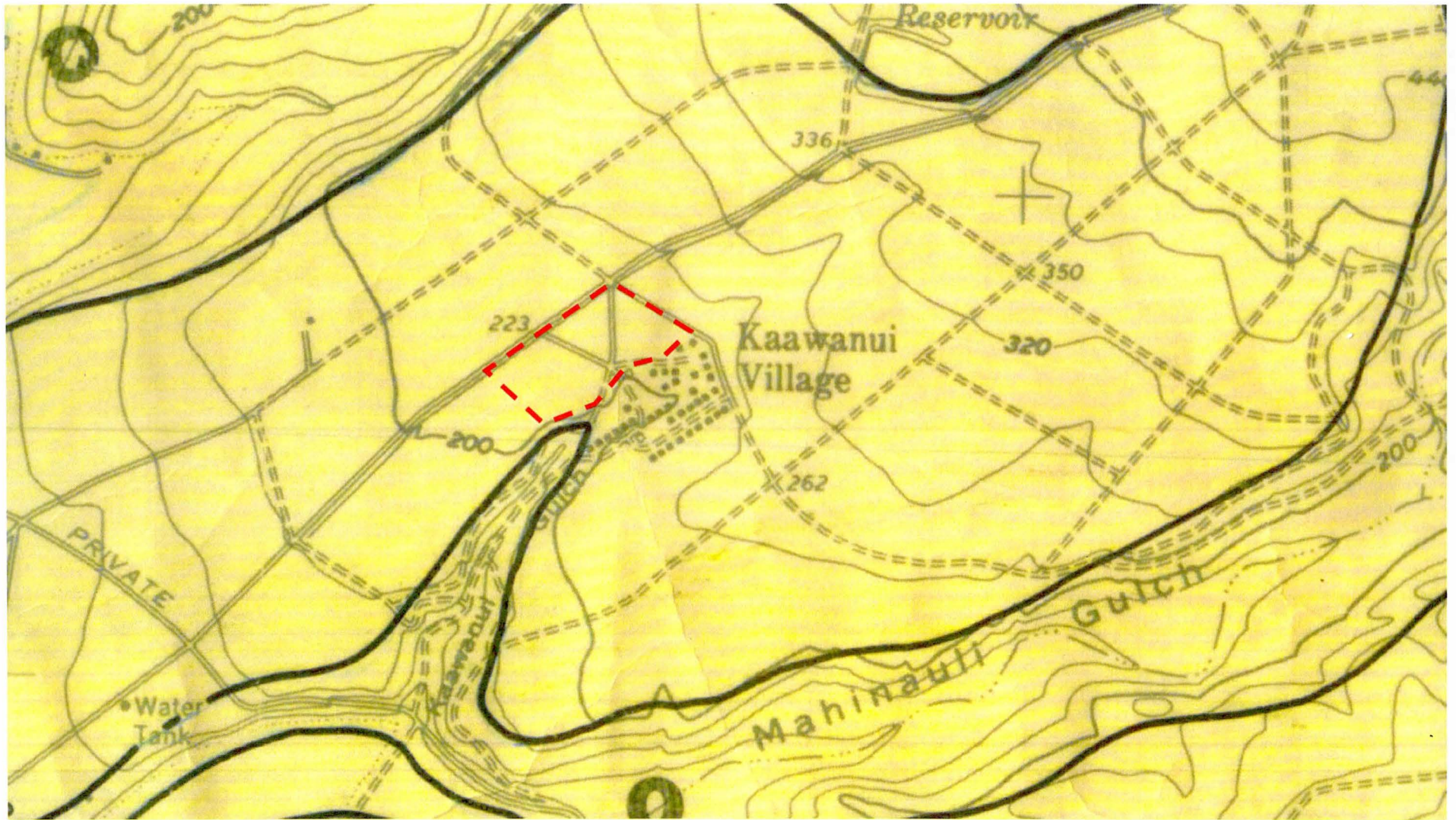
Introduced by:

(By Request)

DATE OF INTRODUCTION:

Līhu'e, Kaua'i, Hawai'i

Exhibit A



State Land Use District (SLUD) Boundary Amendment from Agricultural (A) to Urban (U)

Makaweli, Kaua'i, Hawai'i

 State Land Use District (SLUD) District Boundary Update from Agriculture (A) to Urban (U)

Exhibit B

Map Showing Amendment to the Kaua'i General Plan (2018) Land Use Map Figure 5-1 "Kaua'i Land Use Map"

-  Planning District Boundary
-  Major Roads
-  Roads
-  Streams
-  USGS 40 ft. Contours
-  Urban Edge Boundary
-  Reservoirs
-  Natural
-  Agricultural
-  Agricultural (IAL)
-  Parks and Recreation
-  Golf Course
-  Homestead
-  Residential Community
-  Urban Center
-  Neighborhood Center
-  Neighborhood General
-  Large Town
-  Small Town
-  Resort
-  Provisional Resort (Pending Community Plan Process)
-  University Zone
-  Plantation Camp
-  Industrial
-  Transportation
-  Military
-  Provisional Agriculture

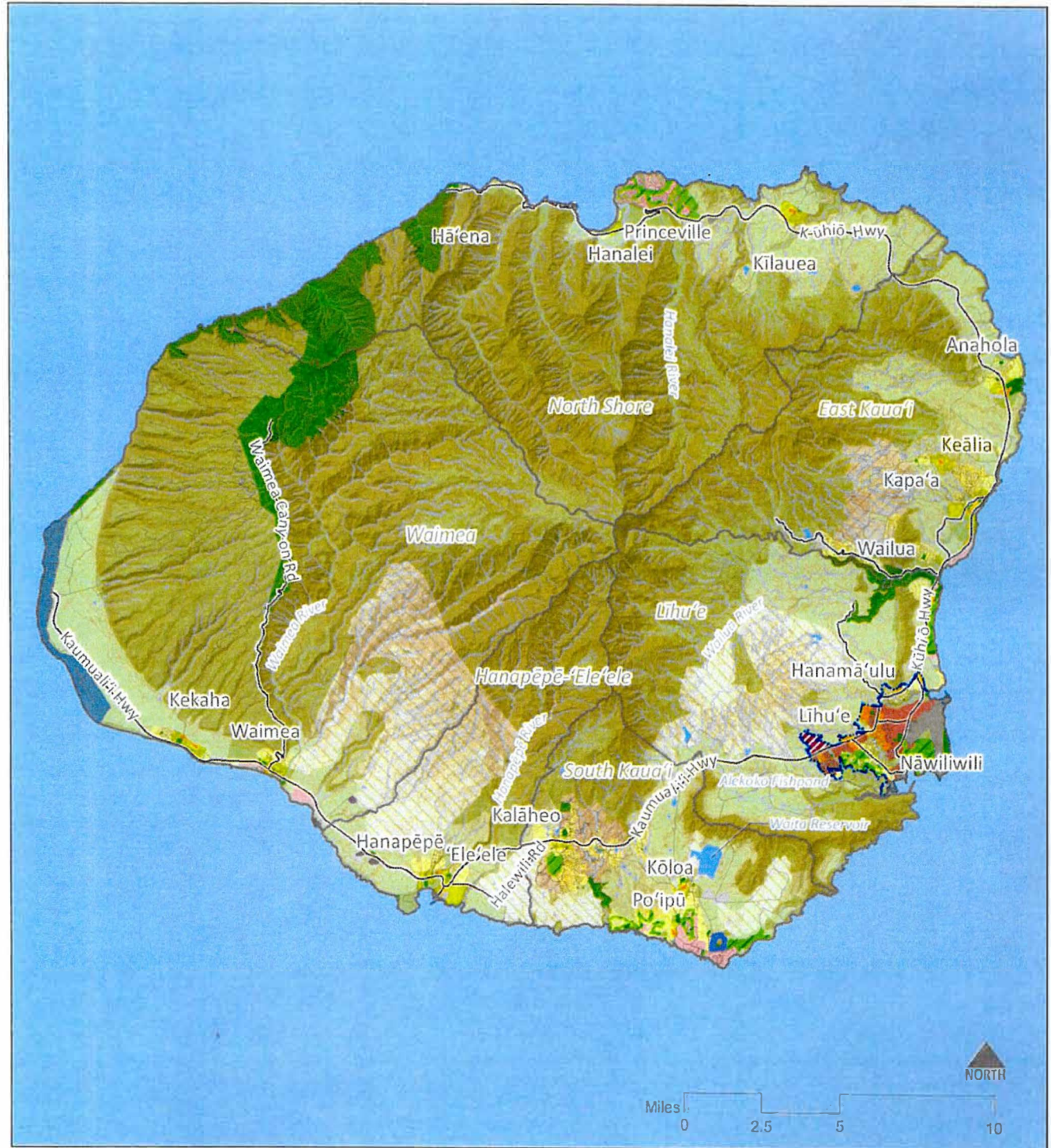
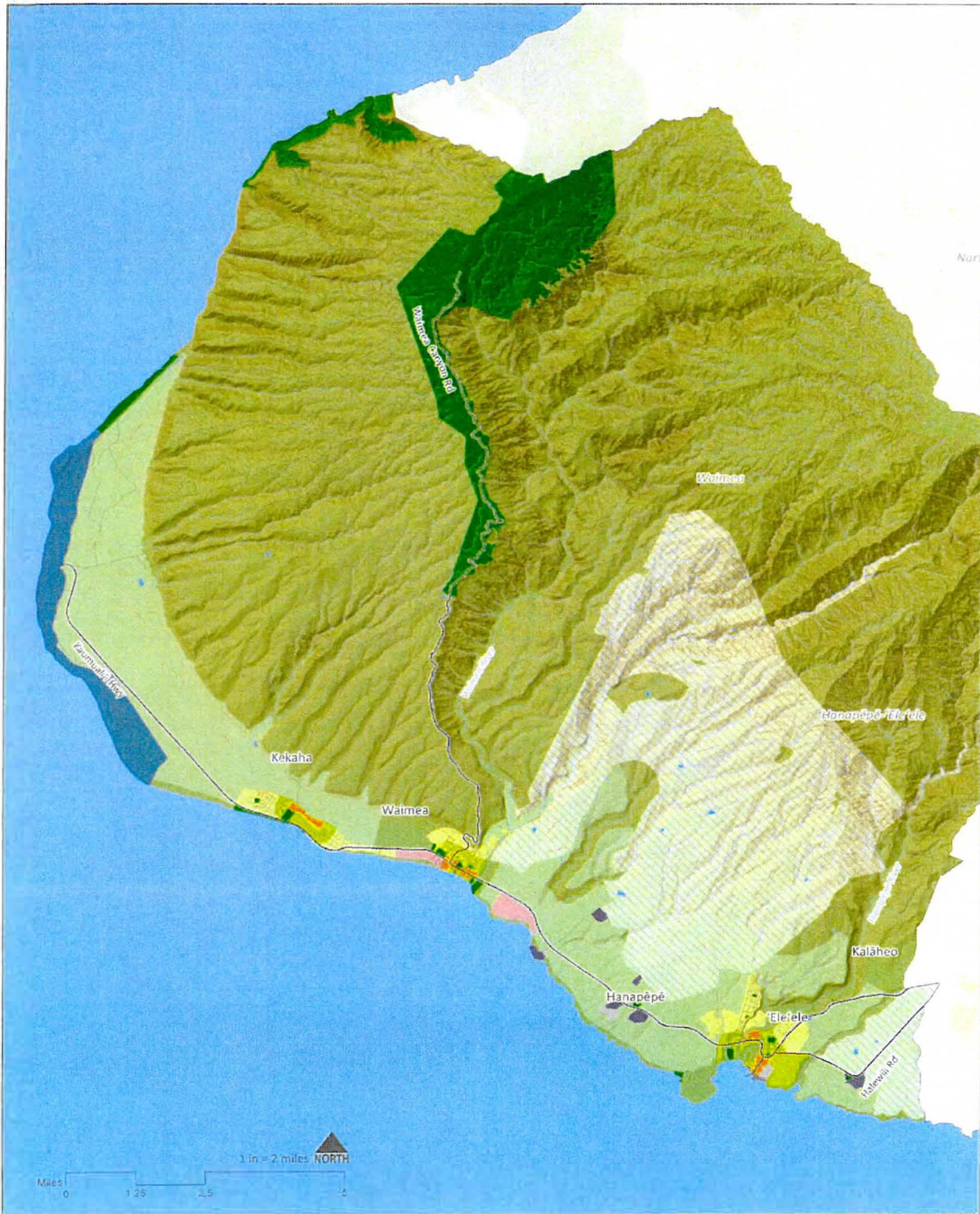
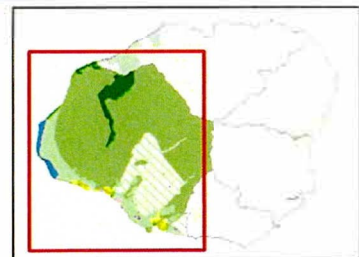


Exhibit C

Map Showing Proposed Amendment to the Kaua'i General Plan (2018) Land Use Map
 Figure 5-2 Hanapēpē to 'Ele'ele to Figure 5-2 "West Kaua'i District"



- | | | |
|--|--|--|
| — Major Roads | Natural | Resort |
| — Roads | Agricultural | Plantation Camp |
| — Streams | Agricultural (IAL) | Industrial |
| — USGS 40 ft. Contours | Parks and Recreation | Transportation |
| Planning District Boundary | Residential Community | Military |
| Reservoirs | Neighborhood Center | |
| | Neighborhood General | |



“EXHIBIT B”

(Proposed Zoning Amendment ZA-2025-6)

For reference

ORDINANCE NO. _____

BILL NO. _____

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 10 ARTICLE 3, KAUA'I COUNTY CODE 1987, AS
AMENDED, RELATING TO THE
WEST KAUA'I COMMUNITY PLAN IMPLEMENTING ORDINANCE (2020)**

(County of Kaua'i Planning Department, Applicant) (ZA-2025-6)

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. Findings and Purpose. The purpose of this Ordinance is to amend Chapter 10, Article 3, Kauai County Code 1987, as amended, relating to the West Kauai Community Plan. The proposal amends Section 10-3 of the Kauai County Code relating to text and mapping requirements to establish a Special Planning Area "Q", which shall be referred to as the "Kā'awanui Plantation Camp Walkable Mixed Use District", and be designated as "SPA-Q" as shown on Zoning Maps ZM-KC6-100 (Kā'awanui Village) involving a portion of a property further identified as Tax Map Key 1-7-006:006. The proposal also amends the West Kaua'i Regional Map to reflect land use designation updates from "Agriculture" to "Plantation Camp" within the SPA-Q boundaries.

The Council finds the Kā'awanui Village amendment boundaries delineated by the map in Exhibit A.

The Council finds that TMK Parcel (4) 1-7-006:006 is not designated as Important Agricultural Lands by the Hawai'i State Land Use Commission.

The Council finds that the West Kaua'i Community Plan (WKCP), adopted by the County of Kaua'i in December 2020, recognizes there is a clear need to protect and preserve these historical structures while accommodating future growth and uses compatible with those that have historically occurred at these camps for over a century.

The Council finds that the current landowner (Gay & Robinson Inc) has consented to this West Kaua'i Community Plan amendment.

SECTION 2. Amend Section 10-3 of the Kaua'i County Code to add a Special Planning Area "Q" (SPA-Q), which shall also be known as the "Kā'awanui Plantation Camp Walkable Mixed Use District". The Special Planning Area shall be adopted with a new map ZM-KC6-100 (Kā'awanui Village) and adopted within the West Kaua'i Community Plan as attached in Exhibit B. The corresponding design standards in text format shall be adopted within the West Kaua'i Community Plan as attached in Exhibit C.

SECTION 3. The booklet entitled "West Kaua'i Community Plan" (2020) is amended as follows:

1. Amend page 126 by deleting Figure 12, Regional Town Plan Map, and replacing it with a new map, Figure 12, Regional Town Plan Map, as shown on the map attached to this Ordinance as Exhibit D, and on file with the Planning Department, County of Kaua'i.

SECTION 4. The content of Chapter 10, Article 3, West Kaua'i Community Plan Implementing Ordinance, Kaua'i County Code, as amended is amended as follows:

§ 10-3.1. Title and Purpose.

- (a) This Article shall be known and may be cited as the "West Kaua'i Community Plan Implementing Ordinance." It is adopted:
- (1) To provide design and development standards in order to implement the detailed planning goals and objectives for the West Kaua'i Planning District;
 - (2) To establish special planning areas, future growth areas, land uses, and development and design standards to guide and regulate future development;
 - (3) To protect certain physical characteristics found to be of particular public value, as provided in Chapter 8, Article 11, Section 6, Kaua'i County Code 1987, as amended (Special Planning Areas); and
 - (4) Establish exceptions, modifications, or additions to the provisions of Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance) and Chapter 9, Kaua'i County Code 1987, as amended (Subdivision Ordinance) in order to more specifically provide for the regulation of land use, subdivision, and development practices within the West Kaua'i Planning District.
- (b) Nature of the West Kaua'i Community Plan Ordinance. This Article provides the necessary framework and guidelines to direct future development and capital improvements in the West Kaua'i area, whose boundary is described in the report entitled "West Kaua'i Community Plan." Additionally, this Article supplements Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance) and Chapter 9, Kaua'i County Code 1987, as amended (Subdivision Ordinance) by regulating use and development standards within the West Kaua'i Special Planning Areas, as identified in the zoning maps or surveyed maps, or both, attached to Ordinance No. 1083, Ordinance No. 1138, [and] Ordinance No. XXXX, and Ordinance No. XXXX on file with the Planning Department, County of Kaua'i.
- (c) The guidelines of this Article are based on the report entitled "West Kaua'i Community Plan" (Planning Commission draft approved in 2020, as amended by the Kaua'i County Council in 2020, and as may be subsequently amended), a booklet whose major components include:
- (1) Regional and town plan maps;
 - (2) Policies for the West Kaua'i region as a whole;
 - (3) Goals and objectives for Kekaha, Waimea, Hanapēpē, 'Ele'ele, Port Allen, Kaumakani, Pākalā Village, Numila, and other areas; and
 - (4) Appendices.
- (Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

§ 10-3.2. Vision and Goals.

The vision and goals for the region referred to in this Article, which shall be known as the West Kaua'i Planning District, and its communities are described in the report entitled "West Kaua'i Community

Plan."

(Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

§ 10-3.3. Application of Regulations.

- (a) The West Kaua'i Form-Based Code, attached as Appendix "C", the Plantation Camp Form-Based Code, attached as Appendix "D", [and] the Numila Plantation Camp Form-Based Code, attached as Appendix "E," and the Kā'awanui Planation Camp Form-Based Code, attached as Appendix "F" to the West Kaua'i Community Plan, are by reference incorporated herein and made a part hereof. The provisions of the West Kaua'i Form-Based Code, the Plantation Camp Form Based Code, [and] the Numila Plantation Camp Form Based Code, and the Kā'awanui Planation Camp Form-Based Code shall apply to all new development located within the Special Planning Areas, as identified in the zoning maps or surveyed maps, or both, attached to Ordinance No. 1083, Ordinance No. 1138, [and] Ordinance No. XXXX, and Ordinance No. XXXX on file with the Planning Department, County of Kaua'i.
- (b) The regulations and procedures established in Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance) shall apply within the Special Planning Areas of the West Kaua'i Planning District, except to the extent that such regulations or procedures are changed or modified by the provisions of the West Kaua'i Form-Based Code. When the provisions of this Article differ with respect to the provisions of Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance) and Chapter 9, Kaua'i County Code 1987, as amended (Subdivision Ordinance), the West Kaua'i Form-Based Code shall supersede such provisions as provided in Chapter 8, Article 11, Kaua'i County Code 1987, as amended (Special Treatment Districts (ST)).

(Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

§ 10-3.4. Existing Conditions.

- (a) This Article does not mandate the immediate modification of structures and uses lawfully in existence upon the enactment of this Article.
- (b) The requirements of this Article will not be triggered by routine maintenance not requiring a zoning permit.
- (c) Existing Buildings and Structures. Buildings and structures lawfully in existence upon the enactment of this Article that do not conform to the provisions of this Article are subject to the requirements of Chapter 8, Article 13, Section 1, Kaua'i County Code 1987, as amended (Nonconforming Buildings and Structures).
- (d) Existing Uses. Uses lawfully in existence upon the enactment of this Article that are not consistent with the Special Planning Areas will be allowed to continue on the parcel of record as provided in Chapter 8, Article 13, Section 2, Kaua'i County Code 1987, as amended (Nonconforming Uses).

(Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

§ 10-3.5. Special Planning Areas, Designation, and Procedures.

- (a) Designation of Special Planning Areas "K," "L," "M," "N," "O," [and] "P[.]" and "Q." The

boundaries of the following form-based code districts are hereby adopted as described in the West Kaua'i Form-Based Code and the Plantation Camp Form-Based Code, attached as Appendix "C," Appendix "D," [and] Appendix "E," and Appendix "F" to the West Kaua'i Community Plan, and shall be referred to as follows:

- (1) Special Planning Area "K," which shall also be known as the "Kekaha Town Walkable Mixed Use District" and be designated as "SPA-K" as shown on the zoning map attached to Ordinance No. 1083 as Exhibit 1, and on file with the Planning Department, County of Kaua'i.
- (2) Special Planning Area "L," which shall also be known as the "Waimea Town Walkable Mixed Use District" and be designated as "SPA-L" as shown on the zoning map attached to Ordinance No. 1083 as Exhibit 2, and on file with the Planning Department, County of Kaua'i.
- (3) Special Planning Area "M," which shall also be known as the "Hanapēpē Town Walkable Mixed Use District" and be designated as "SPA-M" as shown on the zoning map attached to Ordinance No. 1083 as Exhibit 3, and on file with the Planning Department, County of Kaua'i.
- (4) Special Planning Area "N," which shall also be known as the "Ele'ele-Port Allen Walkable Mixed Use District" and be designated as "SPA-N" as shown on the zoning map attached to Ordinance No. 1083 as Exhibit 4, and on file with the Planning Department, County of Kaua'i.
- (5) Special Planning Area "O," which shall also be known as the "Kaumakani Plantation Camp Walkable Mixed Use District" and designated "SPA-O" as shown on the zoning and surveyed maps attached to Ordinance No. 1138 as Exhibit 1, Exhibit 2a, and Exhibit 2b, and on file with the Planning Department, County of Kaua'i.
- (6) Special Planning Area "P," which shall also be known as the "Numila Plantation Camp Walkable Mixed Use District" and designated "SPA-P" as shown on the zoning map attached to Ordinance No. XXXX as Exhibit B, and on file with the Planning Department, County of Kaua'i.

(7) Special Planning Area "Q," which shall also be known as the "Kā'awanui Plantation Camp Walkable Mixed Use District" and designated "SPA-Q" as shown on the zoning map attached to Ordinance No. XXXX as Exhibit B, and on file with the Planning Department, County of Kaua'i.

- (b) Designation of Zoning Maps. In order to carry out the purpose of this Article, the zoning maps ZM-K100 (Kekaha), ZM-W100 (Waimea), and ZM H200 (Hanapēpē) of Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance), are hereby amended. Zoning Map ZM-KV-100 (Kaumakani Village), ZM-KA-100 (Kaumakani Avenue), [and] ZM-NC-100 (Numila Camp), and ZM-KC6-100 (Kā'awanui Village) is hereby adopted. (Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

§ 10-3.6. Implementation of the West Kaua'i Community Plan.

The West Kaua'i Community Plan shall serve as a guide for all development within the West Kaua'i area.

(Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

SECTION 5. The Planning Department is directed to note the changes on the official Zoning Maps on file with the Department.

SECTION 6. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 7. This Ordinance shall take effect upon its approval.

Introduced by:

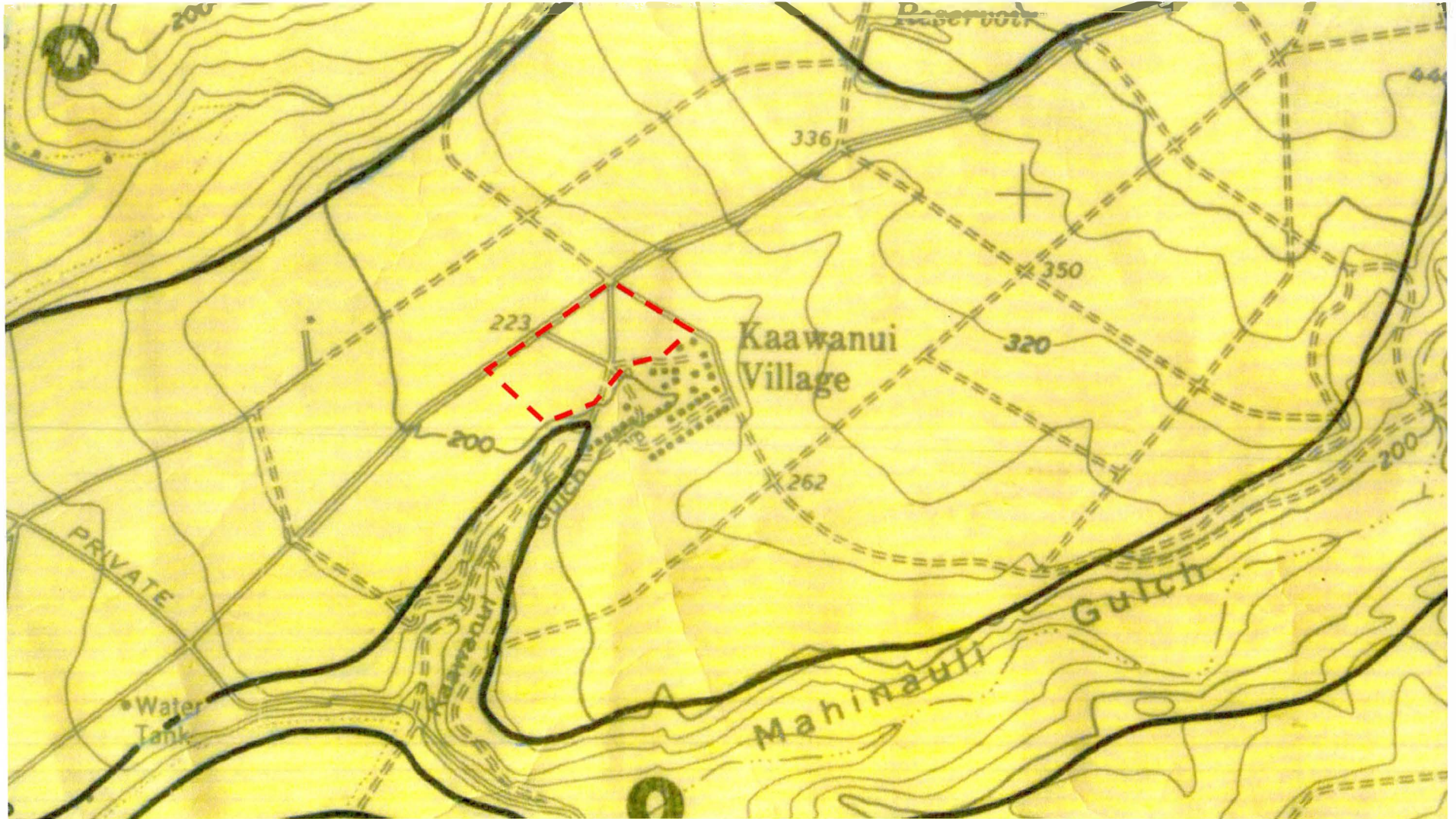
(By Request)

DATE OF INTRODUCTION:

Līhu'e, Kaua'i, Hawai'i

Exhibit A

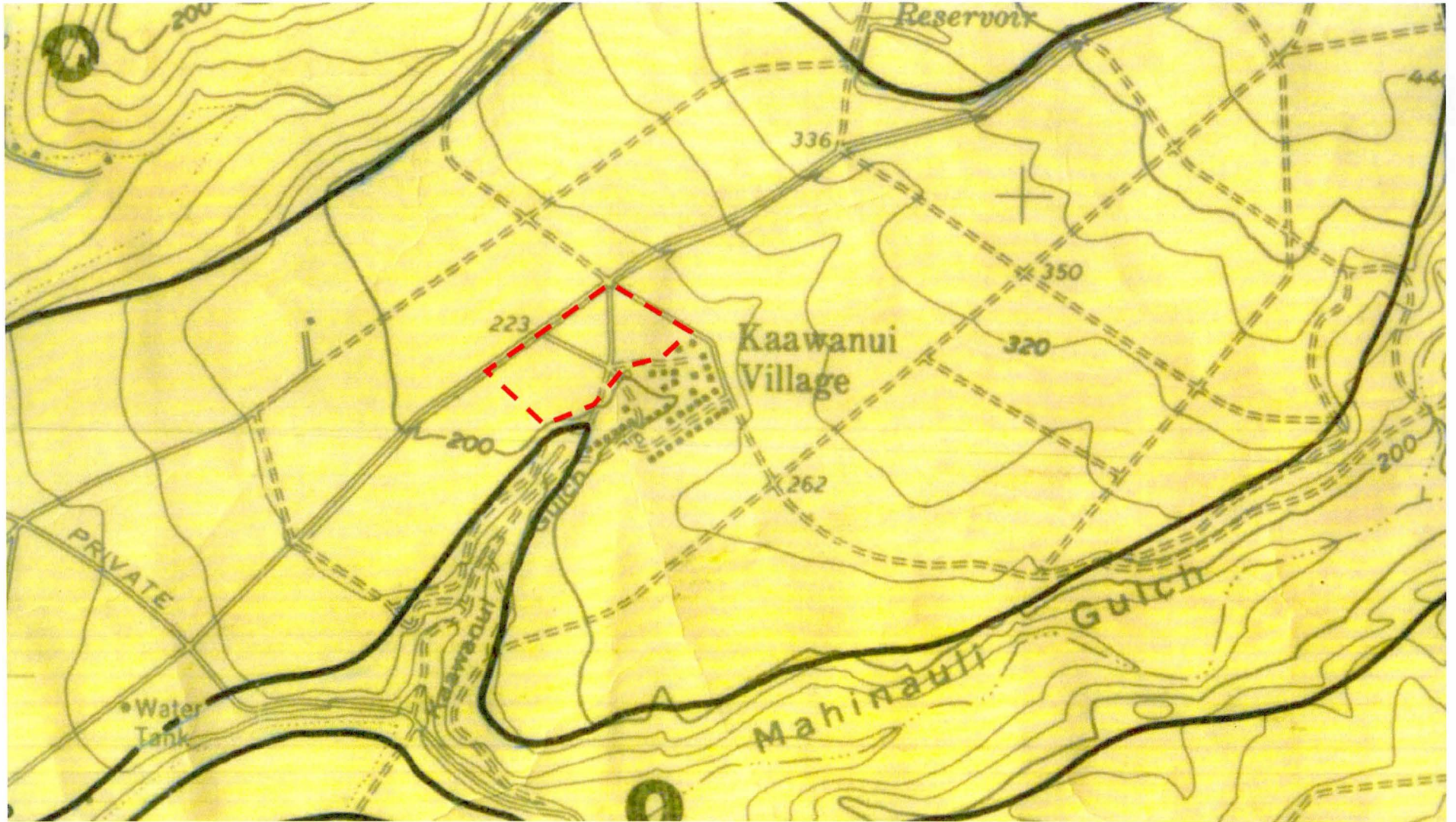
Location Map



Zoning Amendment Location Map

 Amendment Boundaries

Exhibit B

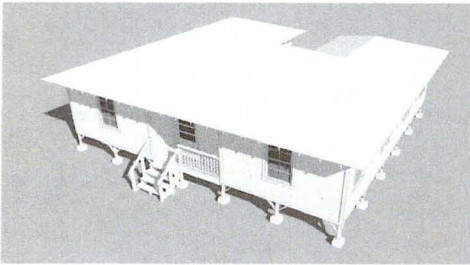


Zoning Map ZM-KC6-100 (Kā'awanui Village)



SPA-Q Boundary - Kā'awanui Plantation Camp Walkable Mixed Use District
Makaweli, Kaua'i, Hawai'i

Exhibit C



Kā'awanui Village Form-Based Code

Prepared by the County of Kaua'i Planning Department



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Article 1: Introduction

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Sub-Article 1.1 Purpose

1.1.010 Purpose and Intent

The Kāʻawanui Village Form-Based Code guides development in a manner consistent with the goals of the West Kauaʻi Community Plan and County of Kauaʻi General Plan. This Form-Based Code provides a regulatory framework to regenerate development that is inspired by the Kāʻawanui Village Plantation Camp.

The Code is guided by policy that supports new construction of plantation homes that are inspired by several historic building types that were once located throughout the Kāʻawanui Village Plantation Camp. The intent of the code is to allow new infill construction to be in keeping with the form and character of the former plantation camp and to provide affordable housing stock that can support agricultural activity. Specifically, the code:

- A. 1. Promote, preserve, and enhance existing community design and development patterns that reflect the distinct character of Kāʻawanui Village historic plantation camp;
- B. Promotes and maintains affordable housing stock, especially for agricultural workers or those with familial connections to the agriculture industry; and
- C. Encourages appropriately-scaled infill development that is located within or near the historic confines of the camp.

1.1.020 Using Zoning to Reinforce West Kauaʻi's Places

Zoning is a tool that can be used to help implement the community's vision of a place. Form-Based Code is one form of zoning tool that emphasizes the physical form and character over the separation of use. This provides an alternative approach to Euclidean zoning, which is the type of zoning in the CZO (Chapter 8 of the Kauaʻi County Code 1987, as amended). Kauaʻi has five distinct place types based on historic settlement patterns. They include the following:

- A. Rural crossroads;
- B. Plantation camps;
- C. Small village;
- D. Large village;
- E. Town.

As it pertains to plantation camps, Form-Based Code can activate former plantation camp lands and allow for new construction to be developed in a manner that will be in keeping with the historic plantation camps that once thrived in these areas.

1.1.030 Plantation Camp Place Type

During the Plantation era, workers lived in plantation camps located near or adjacent to the sugar mills and cane fields. These camps were built to a pedestrian-oriented scale that made it possible to traverse by foot to work and services. The fields that surrounded the towns provided a *de facto* greenbelt. The relationship between the plantation camps and agricultural lands reinforced the region's rural identity. Even with the rise of the automobile and the trend of suburban development patterns, the legacy of these camps remains in West Kaua'i.

The 2018 General Plan identifies existing plantation camps in the Future Land Use Map. The Plantation Camp is defined as an historic remnant of former plantation housing that is not connected to an existing town and is surrounded by the agricultural district. Some plantation camps were demolished and have since reverted to agricultural uses. Today's remaining plantation camps are clusters of houses with little or no retail or public facilities. Five plantation camps are designated in the General Plan and include Numila, Kaumakani Village, Kaumakani Avenue, Kā'awanui Village, and Pakala Camp. Plantation camps are important vestiges of Kaua'i's sugar plantation history. Each camp maintains a unique sense of identity and has features and qualities that its residents would like to see preserved.

Until recently, the County zoning for these areas was "Agriculture". The 2021 West Kaua'i Community Plan (WKCP) updated the County zoning for those plantation camps located within the SLUD-Urban District, which include Numila, Kaumakani Village, Kaumakani Avenue, and Pakala Camp. Two new zoning districts were created in the WKCP: Plantation Camp District and Special Treatment – Coastal Edge District.

Kā'awanui Village:

Gay and Robinson Kā'awanui Village was a plantation camp located on the island of Kaua'i, Hawaii. Established during the early 20th century, the camp was part of the extensive sugar plantation operations owned by the Gay and Robinson families, who were prominent figures in Hawaii's sugar industry. The plantation camps, including Kā'awanui Village, were integral to the daily operations of the plantations, providing housing and community facilities for the workers and their families. The camp was home to a diverse population of laborers, including many immigrants from Japan, the Philippines, China, and Portugal, who had come to Hawaii seeking better economic opportunities. These workers played a crucial role in the cultivation and processing of sugar cane, which was a major export commodity for Hawaii.

Life in the camp was characterized by a strong sense of community, with residents often sharing cultural traditions, foods, and celebrations. Despite the challenging working conditions, the camp residents forged tight-knit communities and supported each other through the demanding plantation lifestyle.

As the sugar industry in Hawaii began to decline in the latter half of the 20th century, many of the plantation camps, including Gay and Robinson Kā'awanui Village, were eventually abandoned or repurposed. The legacy of these camps remains a significant part of Hawaii's agricultural and cultural history, reflecting the contributions and experiences of the plantation workers and their families.

1.1.040 **The West Kauai Kāʻawanui Village Transect**

The Form-Based Code transect is an organizing principle used in Form-Based Code that establishes a hierarchy of zones, which contain places and building types and replaces use as the organizing principle. Typically, the model transect is divided into six transect zones or T-zones: Natural (T1), Rural (T2), Sub-Urban (T3), General Urban (T4), Urban Center (T5), and Urban Core (T6).

The Kāʻawanui Village Form-Based Code uses transect zones to create new, compatible neighborhoods that are inspired by the former historic plantation camp of Kāʻawanui Village. Each transect zone has its own set of standards that will help to guide the desired form and character of an area that will be inspired by the historic uses and building types that once occupied these areas.

The West Kauai Kāʻawanui Village Plantation Camp Transect Zones:

- A. T3 Kāʻawanui Village Flex – Plantation Camp (T3KAAVF-PC) The form and character of this transect zone supports a limited amount of new development that includes building types derived from the historic Kāʻawanui Village camp and the West Kauai region. New development will provide an opportunity for new single family and multifamily buildings that will integrate compatible medium-density residential building types, such as a multiplex small, with historic building types.

1.1.050 **Lack of Lot Lines**

Design standards for Form-Based Codes generally promote and facilitate orientation of structures to public roads and civic spaces that facilitate an interface between the private and the public realm. In particular, Form-Based Codes rely on setbacks and build-to-lines in relation to lot lines to orient proposed structures with public areas. The Kāʻawanui Village Form-Based Code Transects is within a single lot of record. The Kāʻawanui Village Transects and the corresponding dwellings and structures are not separated by individual lot lines. Without individual lot lines, the Code utilizes building-to-building and building-to-thoroughfare setbacks to establish the interface between the private and public realm. This approach is unique but necessary to achieve a high-quality public realm inherent within the existing plantation camp environment.

Sub-Article 1.2 Transect Map

1.2.010 Transect Map

The transect zones established in this Article are mapped on the Transect Map on the following page:

Figure 1.2.010 Kā'awanui Village Transect Map



Article 2: Transect Descriptions and Building Types

Sub-Article 2.1: Kā’awanui Village Transect Zone Descriptions **12-13**

2.1.010 T3 Kā’awanui Village – Plantation Camp (T3KAAV-PC) 12-13

2.1.010 T3 Kāʻawanui Village Flex (T3KAAVF-PC)



General note: the illustration above is intended to provide a brief overview of the transect zone and is descriptive in nature.

A. Transect Zone Intent and Description

This Zone maintains the historical pattern and intensity of the Kāʻawanui Village Plantation Camp while allowing new construction to occur on sites that were previously demolished.

B. Building Types

1. Permissible Building Types	Standards
i. Kāʻawanui Horizontal Cottage	2.2.010
ii. Kāʻawanui Vertical Cottage	2.2.020
iii. H-Type Cottage	2.2.030
iv. HSPA Cottage	2.2.040
v. Duplex	2.2.050
vi. Multiplex Small	2.2.060
vii. Dormitory	2.2.070
viii. Camp Store	2.2.080
ix. Community Parking Facility	2.2.090

- With the exception of accessory structures, all other building types are prohibited.

C. Use Table

i. Residential Uses	Permitted Use
ii. Home Businesses	Permitted Use
iii. *Commercial	Permitted Use

- Residential use and Home Businesses are the only permissible use within the building types except for commercial operations in the Camp Store building type. All other uses are prohibited.
- *Commercial operations are a Permitted Use only within the Camp Store building type.

2.1.010 T3 Kāʻawanui Village Flex (T3KAAVF-PC)**D. Building Placement****1. Front Thoroughfare Setbacks**

- i. There is a 10 foot minimum setback from the front thoroughfare.

2. Building-to-Building Setbacks

- i. There is a 5 foot minimum setback between buildings or accessory structures.

3. Side Thoroughfare Setbacks

- i. There is a 10 foot minimum setback from the side thoroughfare for all structures.

4. Building Placement Notes

- i. Fences may encroach into the front or side setback; however, fences shall not exceed 4 feet in height.

E. Miscellaneous

- i. A maximum of one Camp Store is allowed within the Kāʻawanui Village – Plantation Camp transect for every 50 cottages.
- ii. Any additional Camp Stores will require a use permit.

F. Parking**1. Required Spaces**

- i. 1 off-thoroughfare parking stall is required per building. The required stall can be located in a Community Parking Facility.

F. Accessory Structures

- i. Non-habitable detached accessory structures do not require a building type and shall be located behind the rear of the building.
- ii. Accessory structures are allowed throughout this transect.
- iii. Accessory structures shall not exceed 600 square feet in size.
- iv. Accessory structures shall be limited to no more than 2 per building.
- v. Permissible roof types for accessory structures are Gable, Hip, Flat, and single-sloping shed roofs.
- vi. All Accessory Structures shall have a maximum of 9 feet from the finished floor to top of wall plate.

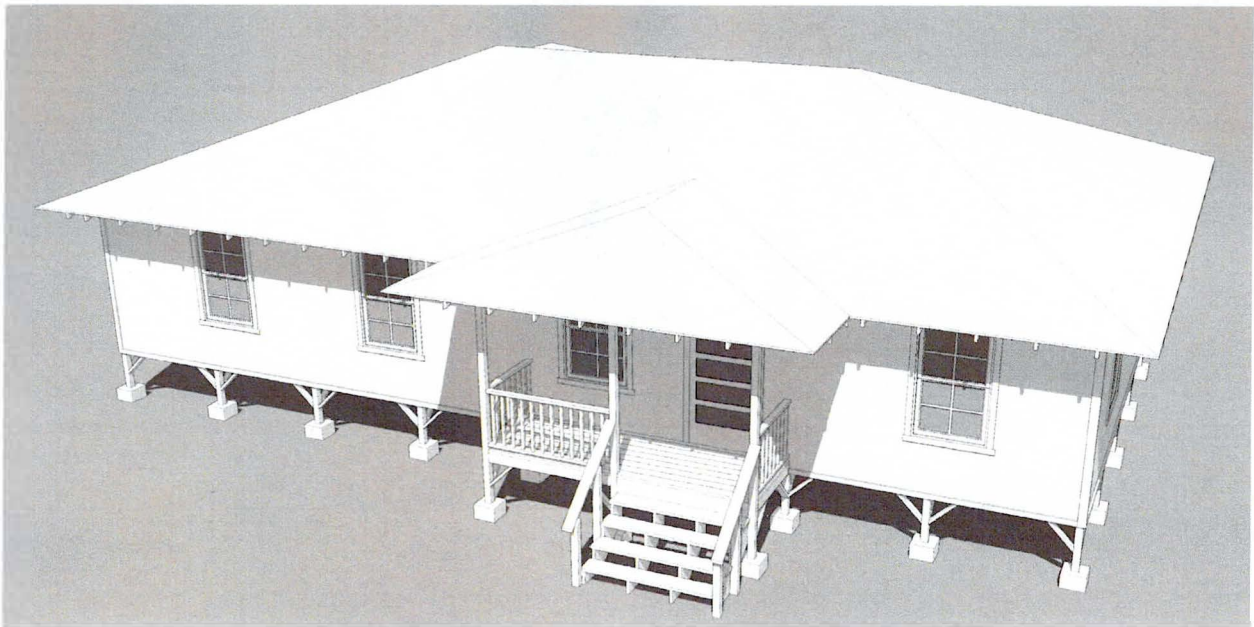
G. *Community Parking Facility

- i. The Community Parking Facility may be constructed to accommodate the required parking stalls.
- ii. There is a 10 foot minimum setback from the front thoroughfare for the Community Parking Facility.

Article 2: Transect Descriptions and Building Types

Sub-Article 2.2: Kāʻawanui Village Building Types	15-30
2.2.010 Kāʻawanui Horizontal Cottage	15-16
2.2.020 Kāʻawanui Vertical Cottage	17-18
2.2.030 H-Type Cottage	19-20
2.2.040 HSPA Cottage	21-22
2.2.050 Duplex	23-24
2.2.060 Multiplex Small	25-26
2.2.070 Dormitory	27-28
2.2.080 Camp Store	29
2.2.090 Community Parking Facility	30

2.2.010 Kā'awanui Horizontal Cottage



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Kā'awanui Horizontal Cottage: This building type is a medium-sized detached residential structure, and it is used for single family occupancy. The longest side of this building type is parallel to the main thoroughfare.

B. Building Size and Massing

1. Massing

- i. A Kā'awanui Horizontal Cottage shall have 1 main body section.
- ii. No more than 1 main body is permissible for each Kā'awanui Horizontal Cottage.
- iii. A Kā'awanui Horizontal Cottage may have up to 1 wing attached to the main body.
- iv. The wing shall project from either the front or the rear of the main body.
- v. The wing shall be aligned with either of the sides of the main body.

2. Main Body

- i. The minimum width of the main body shall be 30 feet and a maximum of 48 feet.
- ii. The minimum depth of the main body shall be 18 feet and a maximum of 32 feet.

B. Building Size and Massing (continued)

3. Wing(s)

- i. The width of the wing shall be no more than 22 feet maximum.
- ii. The depth of the wing shall be no more than 14 feet maximum.

C. Building Frontages

- i. A Kā'awanui Horizontal Cottage shall have at least 1 frontage type.
- ii. The permissible frontage types are: Lānai, Projecting; Lānai, Engaged. All other frontage types are prohibited.
- iii. The frontage may be attached to a front projecting wing.

D. Pedestrian Access

- i. The main entrance location shall be located in the frontage of the Kā'awanui Cottage.
- ii. A rear entrance is required and shall be located on the rear of the main body or the back wall of a rear wing.

2.2.010 Kā'awanui Horizontal Cottage**F. Foundation**

- i. The Kā'awanui Horizontal Cottage shall have a post-on-pier foundation that does not exceed 4 feet, except as required by the County of Kauai Floodplain Management Program.

G. Fenestration

- i. All windows shall be single or double hung.

H. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

I. Height

- i. The Kā'awanui Horizontal Cottage shall have a maximum height limit of 9 feet from the finished floor to the top of wall plate.

J. Roof**1. Roof Pitch**

- i. The Kā'awanui Horizontal Cottage roof pitch ratios shall be set at a 4:12, 5:12 or 6:12 pitch.

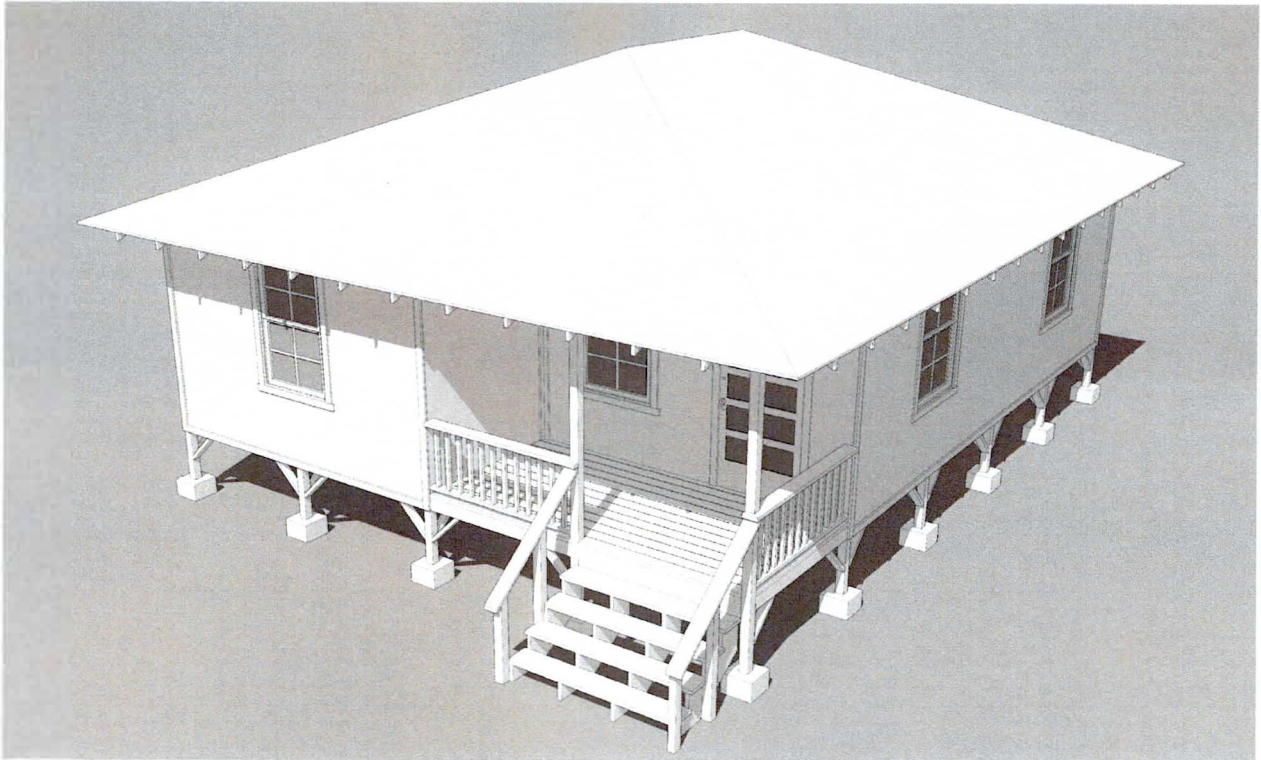
2. Roof Material Type

- i. The Kā'awanui Horizontal Cottage roof materials shall be corrugated metal.

3. Miscellaneous

- i. The Kā'awanui Horizontal Cottage roof types shall be Gable, Hip, or Dutch-Gable.
- ii. Gable roofs shall have a decorative vent feature. The decorative vent shall include a fire mesh.

2.2.020 Kā'awanui Vertical Cottage



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Kā'awanui Vertical Cottage: This building type is a medium-sized detached residential structure, and it is used for single family occupancy. The shortest side of this building type is parallel to the main thoroughfare.

B. Building Size and Massing

1. Massing

- i. A Kā'awanui Vertical Cottage shall have 1 main body section.
- ii. No more than 1 main body is permissible for each Kā'awanui Vertical Cottage.
- iii. A Kā'awanui Vertical Cottage shall not have wings.

2. Main Body

- i. The minimum width of the main body shall be 16 feet and a maximum of 28 feet.
- ii. The minimum depth of the main body shall be 30 feet and a maximum of 44 feet.

C. Building Frontages

- i. A Kā'awanui Vertical Cottage shall have at least 1 frontage type.
- ii. The permissible frontage types are: Lānai, Projecting; Lānai, Engaged. All other frontage types are prohibited.

D. Pedestrian Access

- i. The main entrance location shall be located in the frontage of the Kā'awanui Vertical Cottage.

2.2.020 Kā'awanui Vertical Cottage**F. Foundation**

- i. The Kā'awanui Vertical Cottage shall have a post-on-pier foundation that does not exceed 4 feet, except as required by the County of Kauai Floodplain Management Program.

G. Fenestration

- i. All windows shall be single or double hung.

H. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

I. Height

- i. The Kā'awanui Vertical Cottage shall have a maximum height of 9 feet from the finished floor to the top of wall plate.

J. Roof**1. Roof Pitch**

- i. The Kā'awanui Vertical Cottage roof pitch ratios shall be set at a 4:12, 5:12 or 6:12 pitch.

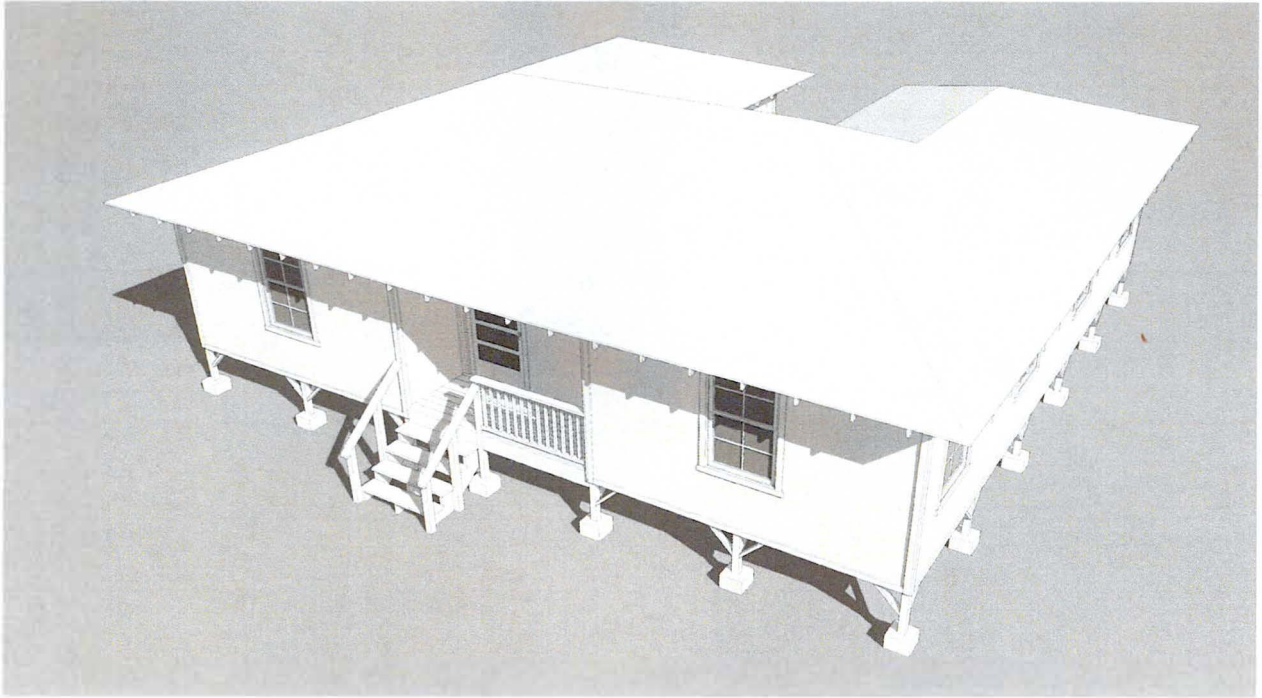
2. Roof Material Type

- i. The Kā'awanui Vertical Cottage roof materials shall be corrugated metal.

3. Miscellaneous

- i. The Kā'awanui Vertical Cottage roof types shall be Gable or Hip.
- ii. Gable roofs shall have a decorative vent feature that does not have to be wood. The decorative vent shall include a fire mesh.

2.2.030 H-Type Cottage



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

H-Type Cottage: This building type is a medium-sized detached residential structure, and it is used for single or multi family occupancy. The longest side of the main body of this building type is parallel to the main thoroughfare.

B. Building Size and Massing

1. Massing

- i. A H-type Cottage shall have 1 main body section.
- ii. No more than 1 main body is permissible for each H-Type Cottage.
- iii. A H-Type Cottage shall have 2 wings attached to the rear of the main body.
- iv. The wings shall be aligned with the sides of the the main body's side walls.

2. Main Body

- i. The width of the main body shall be 40 feet.
- ii. The depth of the main body shall be 24 feet.

3. Wing(s)

- i. The width of the wing shall be 15 feet.
- ii. The depth of the wing shall be 10 feet.

C. Building Frontages

- i. A H-Type Cottage shall have a Lānai, Engaged frontage type.
- ii. The Lānai, Engaged shall be located in the center of the structure.

D. Pedestrian Access

- i. The main entrance location shall be located in the frontage of the H-Type Cottage.

E. Foundation

- i. The H-Type Cottage shall have a post-on-pier foundation that does not exceed 4 feet, except as required by the County of Kauai Floodplain Management Program.

F. Fenestration

- i. All windows shall be single or double hung.

G. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

2.2.030 H-Type Cottage**H. Height**

- i. The H-Type Cottage shall have a maximum height of 9 feet from the finished floor to the top of wall plate.

I. Roof**1. Roof Pitch**

- i. The H-Type Cottage roof pitch ratios shall be set at a 4:12.

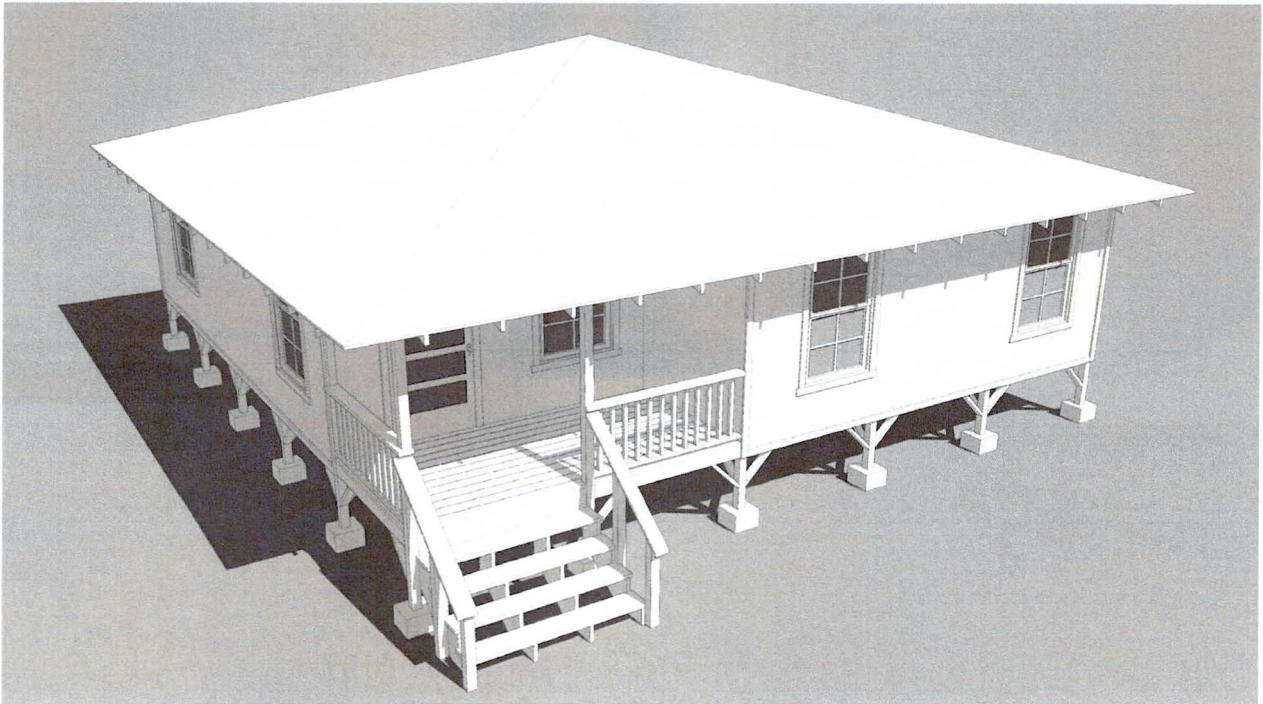
2. Roof Material Type

- i. The H-Type Cottage roof materials shall be corrugated metal.

3. Miscellaneous

- i. The H-Type Cottage roof types shall be Hip.

2.2.040 HSPA Cottage



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

HSPA Cottage: This building type is a small to medium sized square detached residential structure, and it is used for single family occupancy.

B. Building Size and Massing

1. Massing

- i. A HSPA Cottage shall have 1 main body section.
- ii. No more than 1 main body is permissible for each HSPA Cottage.
- iii. A HSPA Cottage shall not have wings.

2. Main Body

- i. The minimum width of the main body shall be 25 feet and a maximum of 35 feet.
- ii. The depth of the main body shall be equal to the width of the main body, creating a square structure.

C. Building Frontages

- i. A HSPA Cottage shall have a frontage type.
- ii. The permissible frontage type is Lānai, Engaged; All other frontage types are prohibited.

D. Pedestrian Access

- i. The main entrance location shall be located in the frontage of the HSPA Cottage.

E. Foundation

- i. The HSPA Cottage shall have a post-on-pier foundation that does not exceed 4 feet, except as required by the County of Kauai Floodplain Management Program.

F. Fenestration

- i. All windows shall be single or double hung.

G. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

2.2.040 HSPA Cottage**H. Height**

- i. The HSPA Cottage shall have a maximum height of 9 feet from the finished floor to the top of wall plate.

I. Roof**1. Roof Pitch**

- i. The HSPA Cottage roof pitch ratios shall be set at a 4:12 or 5:12 pitch.

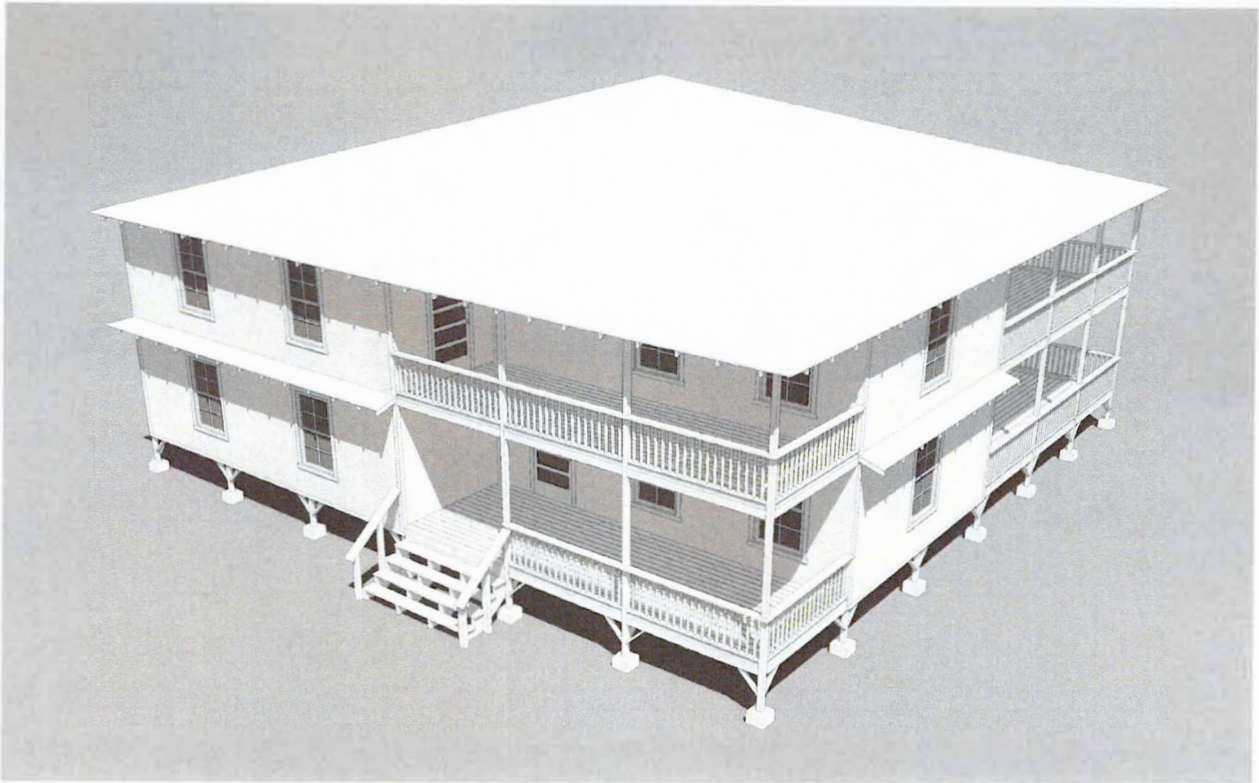
2. Roof Material Type

- i. The HSPA Cottage roof materials shall be corrugated metal.

3. Miscellaneous

- i. The HSPA Cottage roof types shall be Gable.
- ii. Gable roofs shall have a decorative vent feature.

2.2.050 Duplex



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Duplex: This Building type is a small-to-medium sized structure that consist of two side-by-side or stacked dwelling units, both facing the street and sharing one common party wall. This type has the appearance of a medium to large single-family home and is appropriately scaled to fit within primarily single-family neighborhoods or medium density neighborhoods. It enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.

B. Building Size and Massing

1. Massing

- i. A Duplex shall have one main body.
- ii. No more than one main body is permissible for each Duplex.
- iii. A Duplex may have a maximum of two wings attached to the main body.
- iv. Wings shall not be attached to each other.

B. Building Size and Massing (continued)

2. Main Body

- i. The width of the main body shall be no more than 48 feet maximum.
- ii. The depth of the main body shall be no more than 40 feet maximum.

3. Wing(s)

- i. The width of the wing shall be no more than 15 feet maximum.
- ii. The depth of the wing shall be no more than 20 feet maximum.
- iii. Where multiple wings are proposed, each wing shall have at least 10 feet of separation from each other respective wing.

C. Building Frontages

- i. A Duplex shall have at least one frontage type per unit. The permissible frontage types are: Lānaʻi, Projecting; Lānaʻi, Engaged; and Stoop. All other frontage types are prohibited.

2.2.050 Duplex**D. Pedestrian Access**

- i. The main pedestrian entries shall be located in the frontage of the Duplex.
- ii. Each unit shall have an individual street-facing entry on the front façade.

F. Fenestration

- i. All windows shall be single or double hung.

G. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

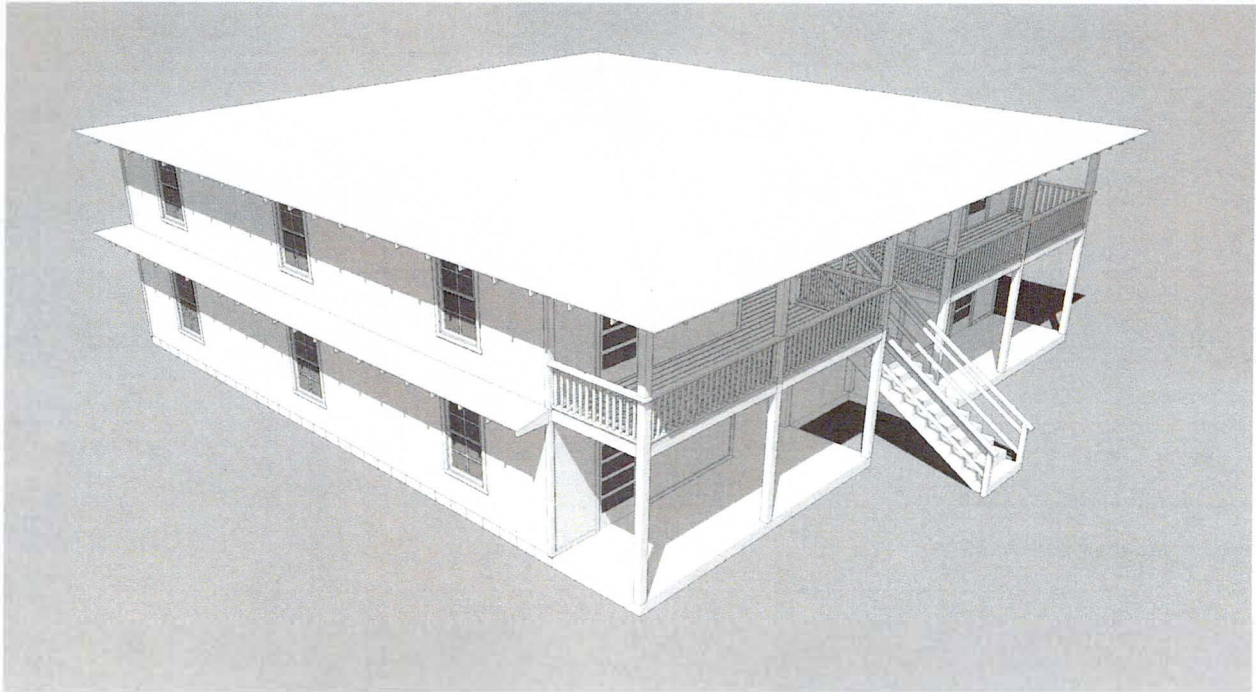
H. Height

- i. The Duplex shall be 30 feet maximum in height from the finished grade to the top of the peak of the roof. Up to four additional feet is permissible to elevate the structure to post on pier. Except as required by the County of Kauai Floodplain Management Program.
- ii. Finished grade at main entry shall not be greater than 4 feet above existing grade.
- iii. The Duplex shall not be greater than two stories in height.

I. Roof

- i. The Duplex roof material shall be corrugated metal.

2.2.060 Multiplex Small



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Multiplex Small: This building type is a medium structure that consists of three to six side-by-side and/or stacked dwelling units, typically with one shared entry or individual entries along the front. This type has the appearance of a medium-sized family home and is appropriately scaled to fit in sparingly within primarily single-family neighborhoods or into medium-density neighborhoods. This type enables appropriately scaled, well-designed higher densities and is important for providing a broad choice of house types and promoting walkability.

B. Number of Units

- i. The minimum number of units in a Multiplex Small building is three.
- ii. The maximum number of units in a Multiplex Small building is six.

B. Building Size and Massing

1. Massing

- i. A Multiplex Small building shall have one main body.
- ii. No more than one main body is permissible for each Multiplex Small building.
- iii. Wings shall not be attached to each other.

B. Building Size and Massing (continued)

2. Main Body

- i. The width of the main body shall be no more than 48 feet maximum.
- ii. The depth of the main body shall be no more than 36 feet maximum.

3. Wing(s)

- i. The width of the wing shall be no more than 24 feet maximum.
- ii. The depth of the wing shall be no more than 24 feet maximum.
- iii. Where multiple wings are proposed, each wing shall have at least 10 feet of separation from each other respective wing.

C. Building Frontages

- i. A Multiplex Small building shall have at least one frontage type. The permissible frontage types are: Lānaʻi, Projecting; Lānaʻi, Engaged; and Stoop. All other frontage types are prohibited.

D. Pedestrian Access

- i. The main pedestrian entries shall be located in the frontage of the Multiplex Small building.

2.2.060 Multiplex Small**E. Fenestration**

- i. All windows shall be single or double hung.

F. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

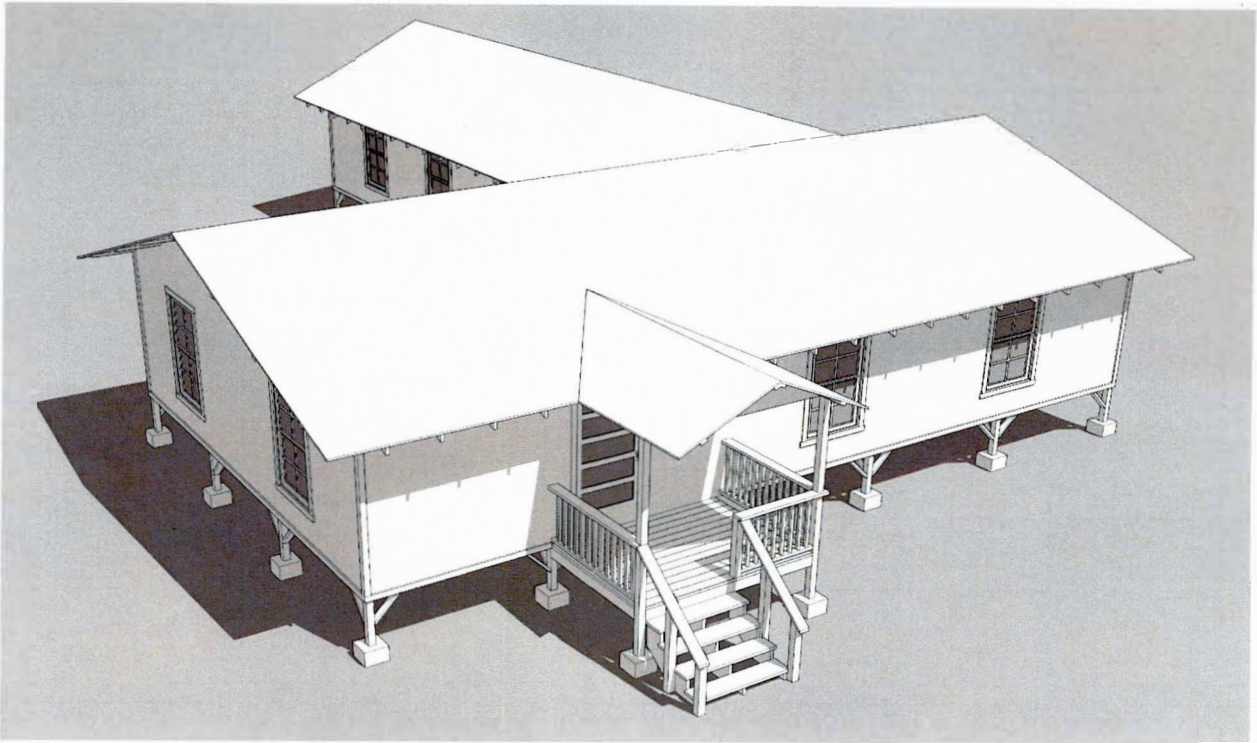
G. Height

- i. The Multiplex Small shall be 30 feet maximum in height from the finished grade to the top of the peak of the roof. Up to four additional feet is permissible to elevate the structure to post on pier. Except as required by the County of Kauai Floodplain Management Program.
- ii. Finished grade at main entry shall not be greater than 4 feet above existing grade.
- iii. The Multiplex Small shall not be greater than two stories in height.

H. Roof

- i. The Multiplex Small roof material shall be corrugated metal.

2.2.070 Dormitory



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Dormitory: This building type is a medium-sized detached residential structure for boarding or residential purposes.

B. Building Size and Massing

1. Massing

- i. A Dormitory shall have one main body.
- ii. No more than one main body is permissible for each Dormitory building type.
- iii. A Dormitory may have a maximum of two wings attached to the main body.
- iv. Wings shall not be attached to each other.

2. Main Body

- i. The width of the main body shall not be greater than 62 feet.
- ii. The depth of the main body shall not be greater than 52 feet.

3. Wing(s)

- i. The width of the wing shall not be greater than 26 feet.
- ii. The depth of the wing shall not be greater than 25 feet.

C. Building Frontages

- i. The Dormitory shall have a Lāna'i, Projecting. All other frontage types are prohibited.

D. Pedestrian Access

- i. The main entrance location shall be located in the front of the Dormitory.

F. Fenestration

- i. All windows shall be single or double hung.

G. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

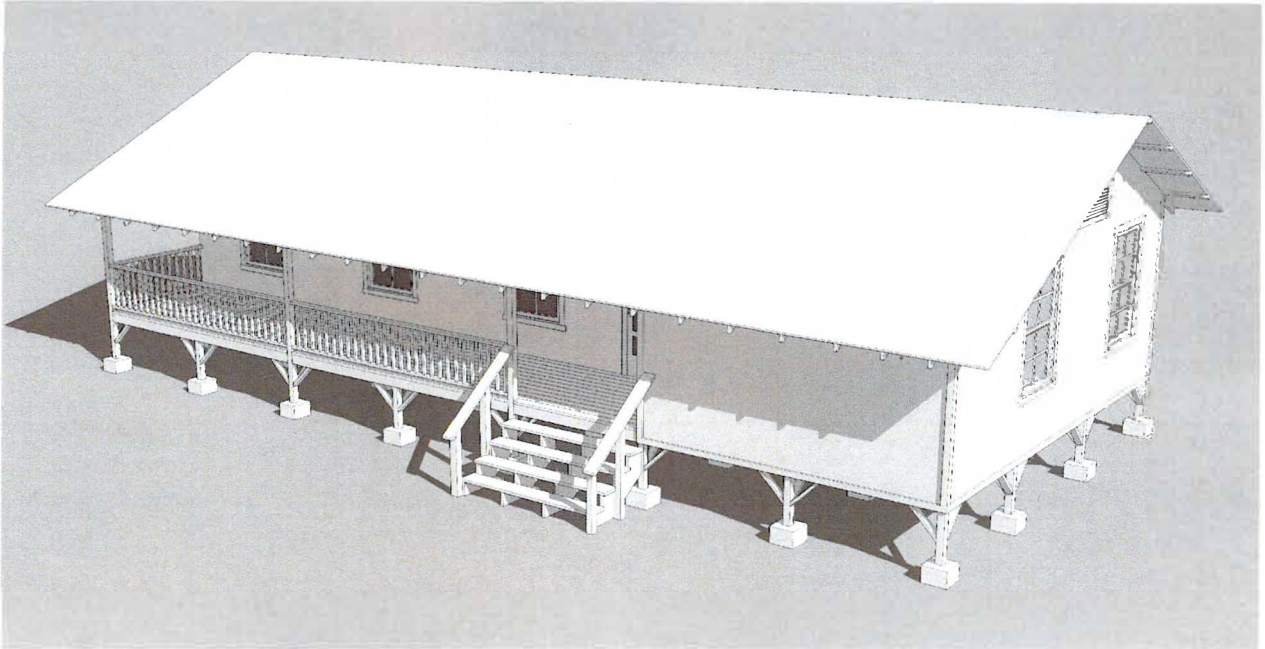
2.2.070 Dormitory**H. Height**

- i. The Dormitory shall be 20 feet maximum in height from the finished grade to the top of the peak of the roof. Up to four additional feet is permissible to elevate the structure to post on pier. Except as required by the County of Kauai Floodplain Management Program.
- ii. Finished grade at main entry shall not be greater than 4 feet above existing grade.
- iii. The Dormitory shall not be greater than one story in height.

I. Roof

- i. The Dormitory roof materials shall be corrugated metal.

2.2.080 Camp Store



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Camp Store: This building type is a small to medium sized detached commercial structure.

B. Building Size and Massing

1. Massing

- i. A Camp Store shall have 1 main body section.
- ii. No more than 1 main body is permissible for each Camp Store.
- iii. A Camp Store shall not have wings.

2. Main Body

- i. The width of the main body shall be 40 feet.
- ii. The depth of the main body shall be 20 feet.

C. Building Frontages

- i. A Camp Store shall have a frontage type.
- ii. The permissible frontage type is Lānai, Projecting. All other frontage types are prohibited.

D. Pedestrian Access

- i. The main entrance location shall be located in the frontage of the Camp Store Cottage.

E. Fenestration

- i. All windows shall be single or double hung.

F. Foundation

- i. The H-Type Cottage shall have a post-on-pier foundation that does not exceed 4 feet, except as required by the County of Kauai Floodplain Management Program.

G. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

H. Height

- i. The Camp Store shall have a maximum height limit of 9 feet from the finished floor to the top of wall plate.

I. Roof

1. Roof Pitch

- i. The Camp Store roof pitch ratio shall be set at 6:12.

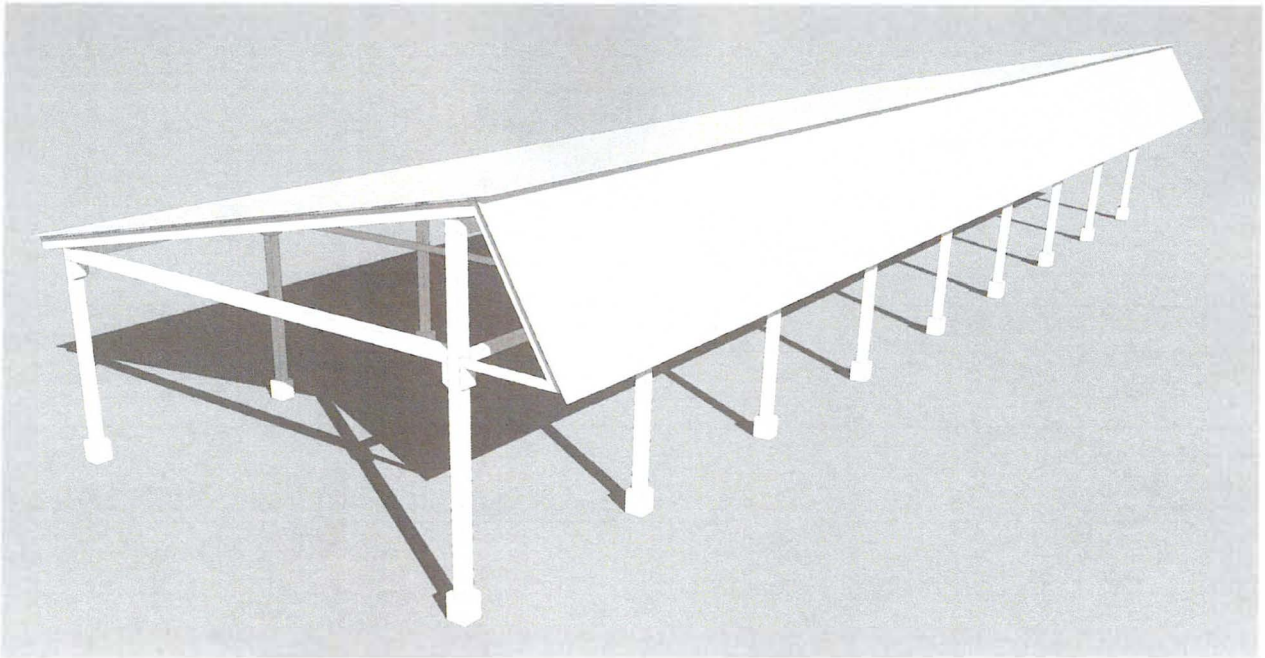
2. Roof Material Type

- i. The Camp Store roof materials shall be corrugated metal.

3. Miscellaneous

- i. The Camp Store roof types shall be Gable.
- ii. Gable roofs shall have a decorative vent feature.

2.2.090 Community Parking Facility



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Community Parking Facility: This building type is a detached parking structure and is associated with residential uses.

B. Building Size and Massing

1. Massing

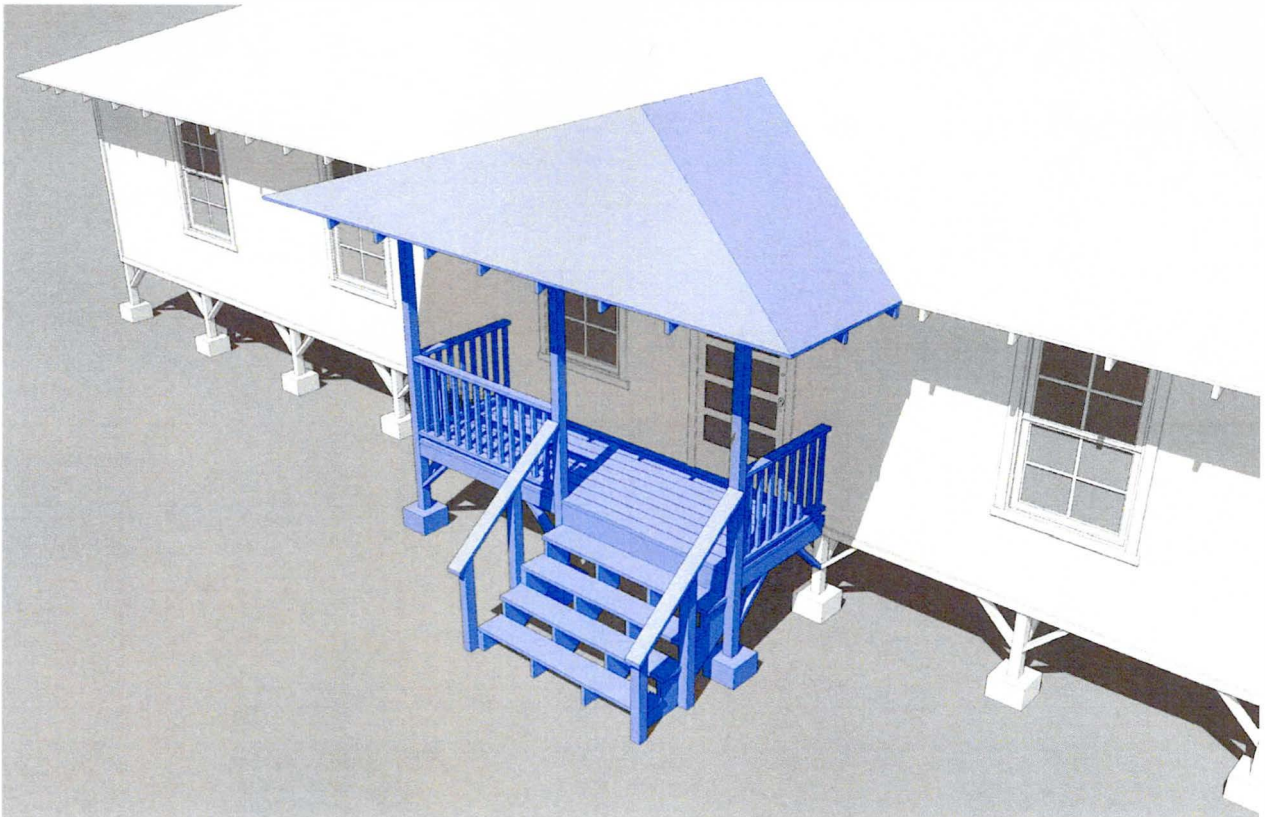
- i. A Community Parking Facility shall have 1 main body section.
- ii. No more than 1 main body is permissible for each Community Parking Facility.
- iii. The Main body shall not exceed 120 ft in width and 30 feet in depth.
- iv. The maximum height shall be no more than 20 ft.



General note: Kaumakani Village Shared Parking Structure

Article 2: Transect Descriptions and Building Types, Frontages

Sub-Article 2.3: Kā’awanui Village Building Type Frontages		32-34
2.3.010	Lānai, Projecting	32
2.3.020	Lānai, Engaged	33
2.3.030	Stoop	34

2.3.010 Lānai, Projecting

General note: the illustration above is intended to provide a brief overview of the Frontage type and is descriptive in nature.

A. Description

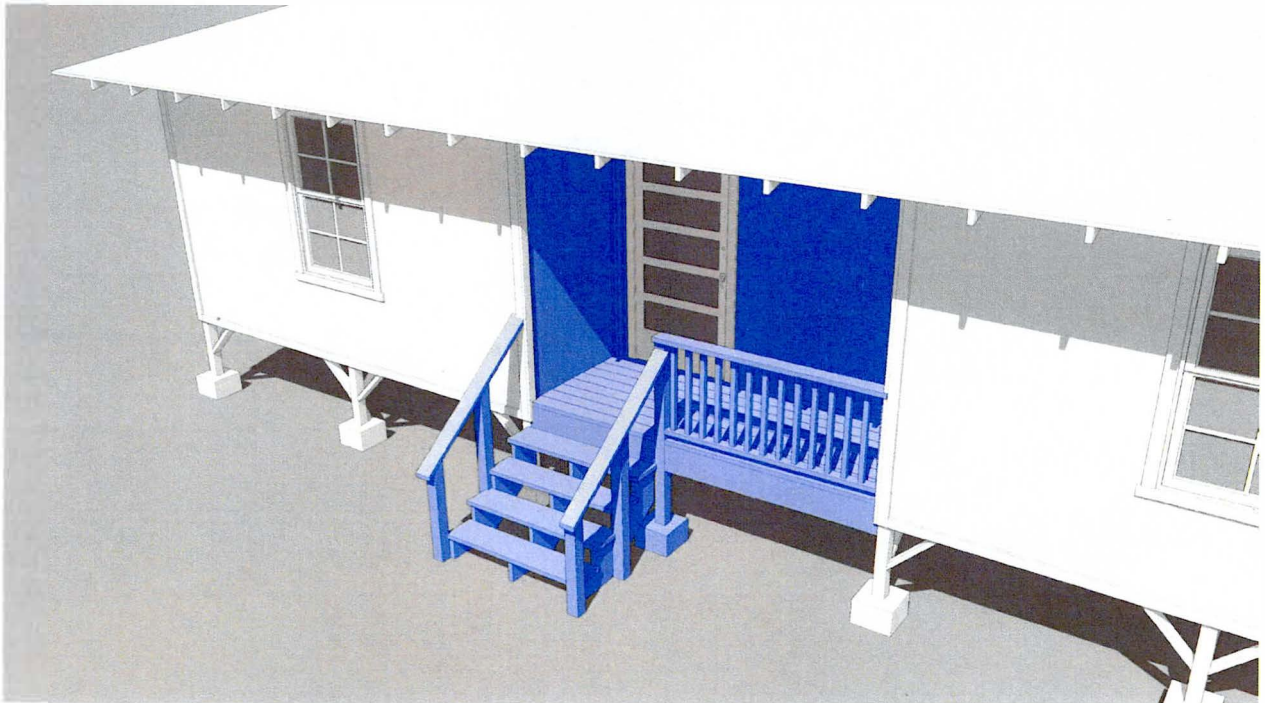
Lānai, Projecting: The main façade of the building has a small to medium setback from the thoroughfare. The Lanai, Projecting is open on 3 sides.

B. Location

- i. The Lānai, Projecting shall be located on the front of the cottage facing the thoroughfare.

C. Size

- i. The width of the frontage shall be a minimum of 5 feet and a maximum of 12 feet.
- ii. The depth of the frontage shall be a minimum of 4 feet and a maximum of 6 feet, excluding the stairs.
- iii. The height of the Lānai shall be a minimum of 8 feet from the bottom to top plate.

2.3.020 Lānai, Engaged

General note: the illustration above is intended to provide a brief overview of the Frontage type and is descriptive in nature.

A. Description

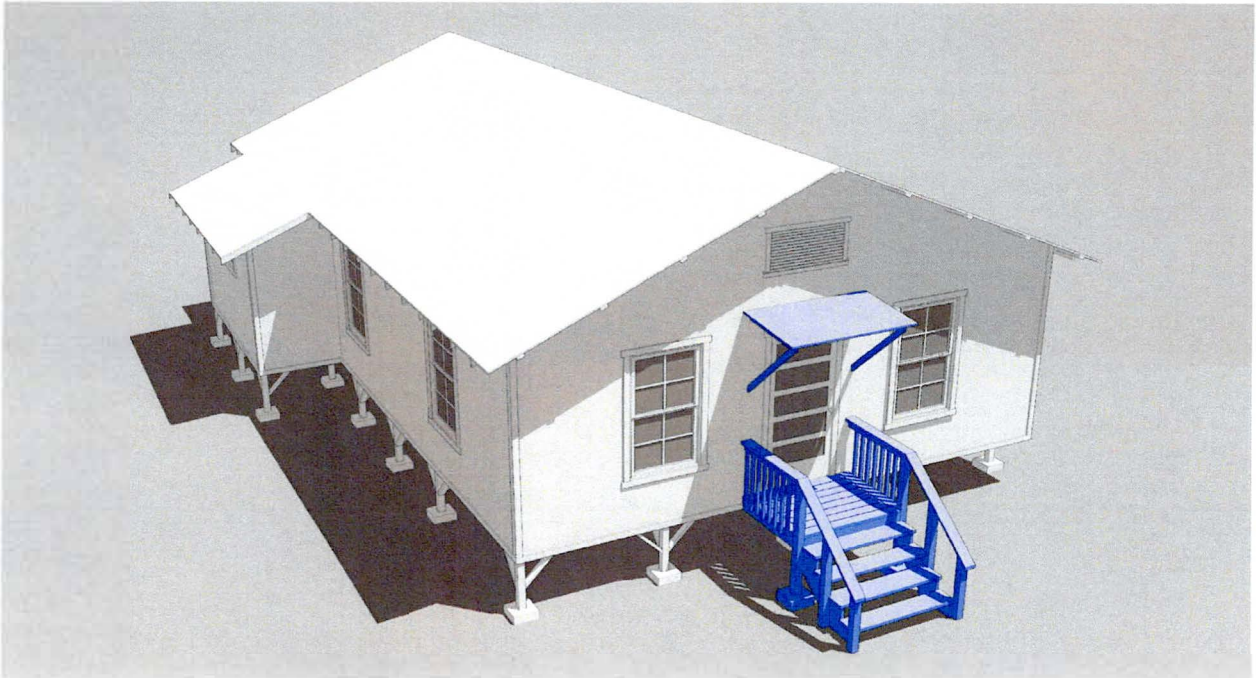
Lānai, Engaged: The main façade of the building has a small to medium setback from the thoroughfare. The Lanai, Engaged has 2 adjacent sides of the Lanai that are engaged to the building. If the Lanai, Engaged is situated in the center of the structure it can be engaged on 3 sides.

B. Location

- i. The Lānai, Engaged shall be located on the front of the cottage facing the thoroughfare.

C. Size

- i. The width of the frontage shall be a minimum of 8 feet and a maximum of 12.
- ii. The depth of the frontage shall be a minimum of 4 feet and maximum of 8 feet, excluding the stairs.
- iii. The height of the Lānai shall be a minimum of 8 feet from the bottom to top plate.

2.3.030 Stoop

General note: the illustration above is intended to provide a brief overview of the Frontage type and is descriptive in nature.

A. Description

Stoop: The main façade of the building is near the frontage line. This type is appropriate for residential uses with small setbacks.

B. Location

- i. The Stoop shall be located on the front of the building facing the thoroughfare.

C. Size

- i. The width of the stoop shall be a minimum of five feet and maximum of eight feet.
- ii. The depth of the Stoop shall be 5 feet, excluding the stairs.

Article 3: Neighborhood Standards

Sub-Article 3.1: Thoroughfare Standards **36**

3.1.010	Purpose	36
3.1.020	Applicability	36
3.1.030	Standards	36

Sub-Article 3.2: Civic Space Standards **37-40**

3.2.010	Purpose	37
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Sub-Article 3.1: Thoroughfare Standards

- 3.1.010 **Purpose:** The purpose of this article is to provide optional standards for proposed thoroughfares within the plantation camp zones.
- 3.1.020 **Applicability:** Any proposed thoroughfares within the plantation camp zones.
- 3.1.030 **Standards:**
- A. All proposed roads and thoroughfares shall meet the County of Kauai Street Design Manual requirements as determined by the County Engineer.
 - B. The County Engineer may approve a thoroughfare that does not meet the Street Design Manual standards within the Plantation Camp Zones if the following criteria are met:
 - 1. The thoroughfare is 18 to 20 ft. in width;
 - 2. The thoroughfare is paved or comprised of a compacted surface approved by the Fire Department for emergency vehicle access;
 - 3. On street parking is prohibited;
 - 4. The thoroughfare's associated residences have access to a shared parking facility within a standard pedestrian shed.
 - 5. The shared parking facility has at least one parking stall for each of the associated residences it services.
 - 6. All of the residential units proposed on the thoroughfare are setback from the thoroughfare no more than 20 ft.

Sub-Article 3.2: Civic Space Standards

3.2.010 **Purpose:** The purpose of this article is to establish civic space standards for plantation camp civic space. Civic buildings and civic spaces provide important gathering places for communities and access to outdoor activities. The civic buildings and civic spaces should be carefully located and accessible to all. The following standards shall be met by providing and locating civic buildings and civic spaces.

3.2.020 **Standards:** The design of civic spaces shall meet the standards set forth in Sub-Article 3.2.

3.2.030 **Civic Spaces:** The standards established in the Sub-Article provide the transect zones with a diverse palette of parks and other publicly accessible civic spaces that are essential components of walkable urban environments.

The service area, size frontage and disposition of elements of standards of each civic space types are regulatory. The illustration and description of each civic space type are illustrative in nature and not regulatory.

- A. Service Area. Describes how the civic space relates to the County as a whole and the area that will be served by the civic space.
- B. Size. The overall range of allowed sizes of the civic space.
- C. Frontage. The relationship along property lines of a civic space to adjacent building or lots.
 - 1. Building. Civic spaces that are listed as having a “Building” Frontage shall have the fronts of buildings, either attached to the park or across a thoroughfare, facing onto the civic space for a minimum of three-quarters of the perimeter.
 - 2. Independent. Civic spaces that are listed as having an “Independent” frontage shall have the fronts of buildings, either attached to the park or across a thoroughfare, facing on to the civic space to the maximum extent possible, but may have the side or rear of a building or lot front on to the civic space.
- D. Disposition of Elements. The placement of objects within the civic space.
 - 1. Natural. Civic spaces with natural character are designed in a natural manner with no formal arrangement of elements.
 - 2. Formal. Civic spaces with a formal character have a more rigid layout that follows geometric forms and has trees and other elements arranged in formal patterns.
 - 3. Informal. Civic spaces with an informal character have a mix of formal and natural characteristics.

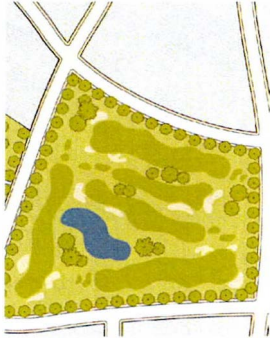
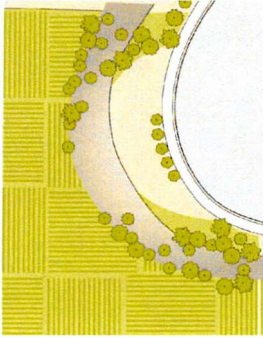
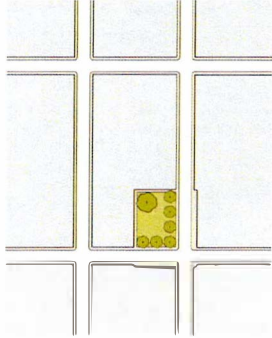
Typical Facilities. Provides a list of the typical facilities found within the civic space. This list is not intended to be a complete list of facilities allowed nor is it intended that every civic space could contain each of the facilitates listed.

Ownership and Maintenance of Required Open Space, and Civic Space. Open space areas shall be maintained as permanent open space and/or civic space through one or more of the following options:

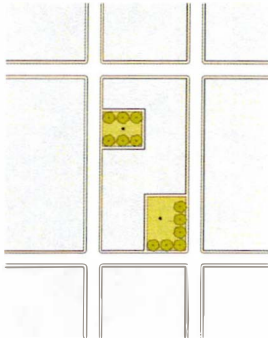
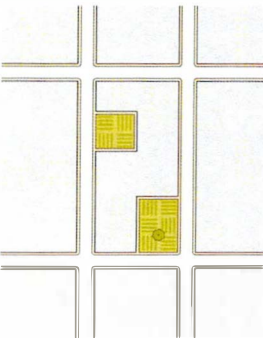
- A. Establishment of an entity to manage and maintain the open space by the property owner, in a form that ensures long-term maintenance and management;
- B. Conveyance of the land to a property owners' or homeowners' association that holds the land in common ownership and will be responsible for managing and maintain it for its intended purposes;
- C. Conveyance of the land to a third-party beneficiary, such as a nonprofit environmental or civic organization, that is organized for , capable of, and willing to accept responsibility for managing and maintaining the land for its intended purposes; or
- D. Dedication of the land to the County or other appropriate public agency that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended purposes.

The civic spaces specified in Table 3.2.030 (Civic Space Type Standards) are allowed by right or with the specified approvals in the designated transect zones.

Sub-Article 3.2: Civic Space Standards

3.2.040 Civic Space Type Standards			
Civic Space Type	Special Use Park	Overlook Park	Pocket Park
Illustration			
Description	A space that is civic in nature but that does not fit into any pre-established civic space type category.	An open space that provides space for viewing scenic or historically significant vistas, usually from a height.	An open space available for informal activities in close proximity to neighborhood residences.
Location & Size			
Location			
Service Area	Regional	Regional	Neighborhood
Size			
Minimum	No Minimum	No Minimum	4,000 square feet
Maximum	No Maximum	No Maximum	1 acre
Character			
Frontage	Building or Independent	Independent	Building
Disposition of Elements	Natural, Formal, or Informal	Natural or Informal	Formal or Informal
Typical Facilities	Passive and Active Recreation, Accessory Structure, Drinking Fountains, Community Facility < 5,000 gross square feet, Paths and Trails.	Passive Recreation, Accessory Structure, Drinking Fountains, Paths and Trails.	Passive Recreation, Accessory Structure, Drinking Fountains, Paths and Trails.

3.2.040 Civic Space Type Standards (continued)

Civic Space Type	Playground	Community Garden
Illustration		
Description	<p>An open space designed and equipped for the recreation of children. A Playground should be fenced and may include an open shelter. Playgrounds may be included within other civic spaces.</p>	<p>An open space designed as a grouping of garden plots that are available to nearby residents for small-scale cultivation. Community Gardens may be included within other civic spaces.</p>
Location & Size		
Location	Neighborhood	Neighborhood
Service Area		
Size	No Minimum	No Minimum
Minimum		
Maximum	No Maximum	No Maximum
Character		
Frontage Disposition of Elements	Independent or Building Formal or Informal	Independent or Building Formal or Informal
Typical Facilities		
	Accessory Structure, Drinking Fountains, Paths and Trails.	Accessory Structure, Drinking Fountains, Paths and Trails.

Article 4: Administration and Procedures

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Sub-Article 4.1: Purpose and Applicability

- 4.1.010 **Purpose:** This Article establishes procedures for the preparation, filing, and processing of applications for development permits and other entitlements required by this Code.
- 4.1.020 **Applicability:**
- A. This Form-Based Code applies to any construction, development, activity, or use within the land zoned with the SPA designation as shown in Figure 1.2.010 (Kā’awanui Village Transect Map).
 - B. The requirements of this Code are in addition to all applicable federal, state, and county laws and regulations governing land use and development, including Chapter 8 (Comprehensive Zoning Ordinance) and Chapter 9 (Subdivision), Kaua’i County Code 1987, as amended.
 - C. In case of conflict between any provision of this Code, Kaua’i County Code Chapter 8 (Comprehensive Zoning Ordinance) (“CZO”), and any other Kaua’i County Code, rule, or regulation conflict, this Code shall apply.
- 4.1.030 **Review Authority:**
- A. Table 4.1.030.A (Review Authority) identifies the County official or body responsible for reviewing and making decisions on each type of application required by this Code.
 - B. All applications for property located within the Plan Area are subject to the review and approval of the review authority(s) identified in Table 4.1.030.A Review Authority.

Table: 4.1.030.A: Review Authority

Approval	Reference	Planning Director	Planning Commission	County Council
Zoning Permits				
Class I	Subsec. 8-3.1(c) CZO	Decision	Appeal	
Class II	Subsec. 8-3.1(d) CZO	Decision	Appeal	
Class III	Subsec. 8-3.1(e) CZO	Decision	Appeal	
Class IV	Subsec. 8-3.1(f) CZO	Recommend	Appeal/Decision	
Use Permit	Sec. 8-3.2 CZO	Recommend	Appeal/Decision	
Variance	Sec. 8-3.2 CZO	Recommend	Appeal/Decision	
Amendment	Sec. 8-3.2 CZO	Recommend	Recommend	Decision
Minor Modification	4.2.040	Decision	Appeal/Decision	

4.1.040 **Concurrent Processing:** Multiple applications for the same project will be processed concurrently, reviewed, and approved or denied by the highest review authority designated by this Code for any of the permits or approvals (i.e., a project for which applications for a Class II Zoning Permit and a Use Permit are filed must have both applications decided by the Planning Commission, instead of the Director first deciding on the Zoning Permit as otherwise required by Table 4.1.030.A (Review Authority).

4.1.050 **Rules of Interpretation:**

A. Authority. The Director has the authority to interpret any provision of this Code. Whenever the Director determines that the meaning or applicability of any Code requirement is subject to interpretation, the Director may issue an official interpretation. The Director may also refer any issue of interpretation to the Planning Commission for their determination.

B. Language.

1. The words “shall,” “must,” “will,” “is to,” and “are to” are always mandatory;
2. “Should” is not mandatory but is strongly recommended; and “may” is permissive;
3. The present tense includes the past and future tenses; and the future tense includes the present;
4. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise; and
5. The words “includes” and “including” shall mean “including but not limited to”.
6. “Applicant” means an owner or any person who has full written authorization of the owner.
7. “Owner” means the holders of equitable and legal title of land in fee simple.
8. When used in this Code, the terms “Code,” “this Code,” or “Form-Based Code” means the West Kaua’i Form-Based Code

C. Time Limits. Whenever a number of days is specified in this Code, the number of days shall be construed as consecutive calendar days. A time limit shall extend to 4:30 p.m. on the following working day where the last of the specified number of days falls on a weekend or holiday.

D. Uses Not Listed. The Director has the authority to determine other unlisted uses as similar in nature to those listed in the respective Use Tables of Article 2 (Specific to Transect Zones) as requiring a use permit, and that those similar uses may also be permissible in that respective Transect Zone with a Use Permit

Sub-Article 4.2: Permits and Approvals

4.2.010 Zoning Permits:

- A. No person shall undertake any construction or development or carry on any activity, or use, for which a zoning permit is required by this Code, or obtain a building permit for construction, development, activity, or use regulated by this Code, without first obtaining the required permit.
- B. To obtain any permit, the applicant shall show compliance with the standards established in this Code and shall submit, where necessary, a plot plan as required by CZO Sec. 8-4.6(d).
- C. Applications for zoning permits as required in this Code shall be processed in accordance with CZO Sec. 8-3.1 (Zoning Permits).
- D. For any Zoning Permit, the designated Review Authority may approve, with or without conditions, or deny the permit. The following Zoning Permits are required for the following activities:
 - 1. Class I Permit. A Class I Permit must be obtained for construction or development not located in a Constraint District or a Special Treatment District where the construction or development does not require a Use Permit or a Variance Permit and:
 - a. For non-residential or mixed-use projects that are generally permitted; or
 - b. For residential projects, the project consists of no more than one (1) dwelling unit.
 - 2. Class II Permit. A Class II Permit must be obtained for construction or development of a residential project consisting of between two (2) to ten (10) dwelling units that are not located in a Constraint District or a Special Treatment District where the construction or development does not require a Use Permit or a Variance Permit.
 - 3. Class III Permit. A Class III Permit must be obtained for construction or development where the construction or development does not require a Variance Permit or a Use Permit and:
 - a. For any project where a Class I or Class II Zoning Permit would otherwise be required, except that the development is located in a Constraint District or a Special Treatment District; or
 - b. For residential projects, the project consists of between eleven (11) and fifty (50) units; or

- 4. Class IV Permit. A Class IV Permit must be obtained for construction or development, whether or not the development is located in a Constraint District or Special Treatment District where:
 - a. For non-residential or mixed-use projects that require a use permit; or
 - b. For residential projects, the project consists of fifty-one (51) or more dwelling units; or
 - c. For any project, a Class I, II, or III Permit would otherwise be required, except that a Use Permit or a Variance Permit is required.

E. After-the-Fact Permits. In addition to the Zoning Permit filing and processing fee(s), an application for a Zoning Permit for a structure partially or fully constructed without the required approvals and/or a use that has commenced prior to the required approvals shall have an additional filing, inspection, and processing fee(s) which is double that of the original filing and processing fee(s) or five hundred dollars (\$500.00), whichever is greater.

4.2.020 **Use Permits:**

No person shall undertake any construction or development, or carry on any activity or use for which a Use Permit is required by this Code, or obtain a building permit for construction, development, activity or use for which a Use Permit is required by this Code, without first obtaining a Use Permit in accordance with CZO Sec. 8-3.2 (Use Permits).

4.2.030 **Variance:**

Request for a variance from the provisions of this Code must comply with the requirements in CZO Sec. 8-3.3 (Variance).

4.2.040 **Minor Modifications:**

The Planning Director may approve minor modifications of up to 10% of all dimensional requirements for all building types.

Sub-Article 4.3: Administration and Enforcement

4.3.010 **Amendments:**

This Code may be amended in compliance with the requirements in CZO Sec. 8-3.4.

4.3.020 **Non-Conforming Provisions:**

Nothing in the Kāʻawanui Village Form-Based Code shall restrict or prevent an applicant from re-constructing or repairing a structure in a respective Plantation Camp transect pursuant to Section 8-8A2, subsections (a) and (b), of the Kauai County Code, 1987, as amended.

Any new densities, structures, and uses, proposed in a respective Plantation Camp transect beyond those permissible within Section 8-8A of the Kauai County Code, 1987, as amended, shall be in conformance with the rules, regulations, and standards of the subject Kāʻawanui Village Form-Based Code.

4.3.030 **Appeals:**

- A. An applicant who seeks to appeal from an adverse decision of the Director or designee shall file a notice of appeal with the Director and the Planning Commission within thirty (30) days after the adverse decision.
- B. If the appeal is from the denial of a Class III Zoning Permit, the Director shall make the notice public and shall notify any persons who have duly requested notice of appeals.
- C. The Planning Commission shall consider the appeal at a public session within sixty (60) days of the filing of the notice of appeal and shall render its decision within that period.

4.3.040 **Fee Exemptions:**

- A. A Zoning Permit application for a housing project or portions of housing projects that are developed to be affordable to low-income households as determined by the Housing Director or authorized representative of the County Housing Agency shall be exempt from the filing and processing fee required in CZO Subsection 8-3.1(b)(1), provided such projects conform to applicable provisions of the County's affordable housing program.
- B. A Zoning Permit application for a housing project or portions of housing projects that are developed to be affordable as determined by the Housing Director or authorized representative of the County Housing Agency shall be exempt from one-half (1/2) of the filing and processing fee required in CZO Subsection 8-3.1(b)(1), provided such projects conform to applicable provisions of the County's affordable housing program.
- C. No exemptions shall be afforded for such housing projects from any fees or costs arising from compliance with CZO Subsection 8-3.1(f)(4) or (h).

4.3.050 **Enforcement:**

- A. Enforcement, legal procedures, and penalties for violations of any of the regulations and standards within the Plantation Camp Form-Based Code are established pursuant to section 10-7.2 of the Kauai County Code, 1987, as amended.

Article 5: Definitions

Sub-Article 5.1: Definitions of Terms and Phrases **48-49**

5.1.010 Definitions **48-49**

Sub-Article 5.1: Definitions of Terms and Phrases

5.1.010 Definitions

This Section provides definitions for specialized terms and phrases used in this Article. All other applicable definitions in Chapter 8 of the Kauai County Code or CZO apply.

Civic Space – An outdoor area dedicated for civic activities. See Sub-Article 35.2 (Civic Space Standards).

Civic Building – A structure operated by governmental or not-for-profit organizations and limited to civic and related uses.

County Engineer – The County Engineer of the Department of Public Works of the County of Kauai.

Director – Planning Director of the County of Kauai.

Foundation – The lowest load-bearing part of a building, typically including structural placement below ground level

Front – The front section of the building facing the thoroughfare or a civic space. If two or more portions of a building face a thoroughfare or a civic space, the Director shall determine which portion of the building is the front.

Frontage – The main entrance of a building located between the front of a building and a thoroughfare or civic space.

Glazing – The glass component of a building's façade.

Gable Roof – A roof with two sloping side and a gable, or wall, at each end.

Hip Gable/Dutch Gable Roof – Is a roof with a small gable at the top of a hip roof.

Hip Roof – A roof that slopes upward from all sides of the structure, having no vertical ends.

Main Body – The main body constitutes the primary structure.

Mechanical Equipment Storage – small roofed accessory structure, attached or detached, that is no larger than 40 square feet in size.

Post-on-Pier – Type of development where the weight of the structure is distributed across a series of posts installed under the home and mounted to piers, which are typically masonry blocks arranged to distribute the weight evenly.

Rear – Section of the building the opposite front of the building.

Residential Use – The use of a structure or site for human habitation that may include a home, abode, or place where an individual is actually living at a specific point in time. Residences do not include transient accommodations such as transient hotels, motels, tourist cabins, or trailer courts, and dormitories, fraternity or sorority houses.

Setback – A designated minimal amount of space required between a structure and the thoroughfare.

Shed Roof – A flat roof that slopes in one direction and may lean against another wall or building.

Side – Section of the building running perpendicular to the front and rear of the building.

Thoroughfare – A road or path designed for multiple users, including pedestrians, bicyclists, and vehicles.

Transect Zone – A defined area that meets the organization of the human habitat with a development intensity that meets natural and/or build form characteristics.

Wing – A wing is part of a building that is subordinate to the main body.

Exhibit D

Map Showing Amendment to the West Kaua'i Community Plan (2020) Land Use Map Figure 12 "West Kaua'i Regional Map Showing Town Plan Areas".

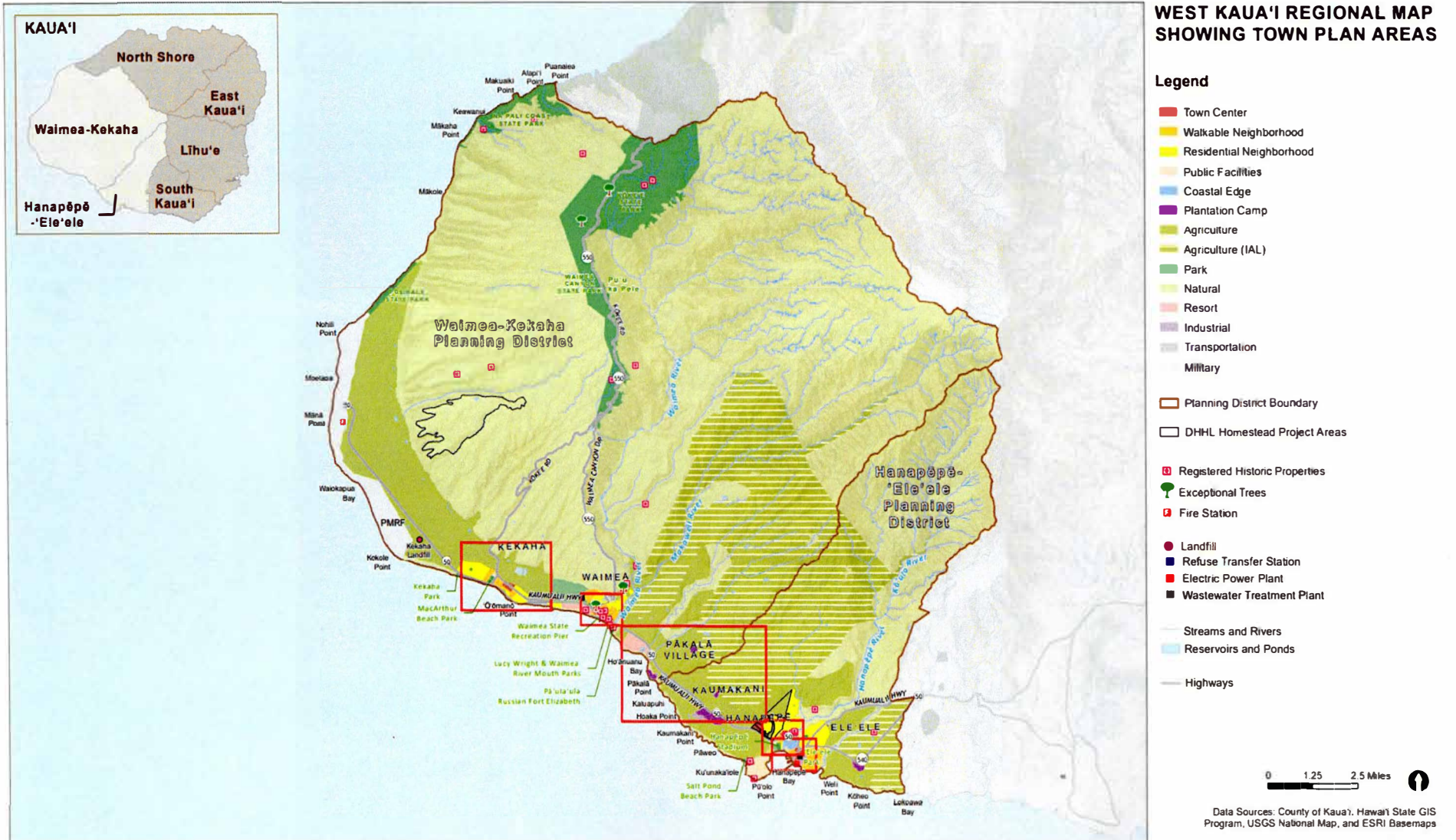


FIGURE 12 | Regional Town Plan Map

“EXHIBIT C”

(Proposed State Land Use District Amendment A-2025-3)

For reference

ORDINANCE NO. _____

BILL NO. _____

**A BILL FOR AN ORDINANCE AMENDING
THE STATE LAND USE DISTRICT BOUNDARY
RELATING TO A PARCEL LOCATED IN MAKAWELI, KAUA'I**

(County of Kaua'i Planning Department, Applicant) (A-2025-3)

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. Purpose. The purpose of this Ordinance is to update approximately 14.9 acres of the State Land Use District boundary and designation of Tax Map Key (TMK) (4) 1-7-006:006 from Agricultural to Urban.

SECTION 2. The State Land Use District Boundary designation for approximately 14.9 acres of the parcel in Makaweli, Kaua'i, identified as TMK (4) 1-7-006:006, as shown on the attached map as Exhibit A, is hereby amended from the State "Agricultural" Land Use District (A) to the State "Urban" Land Use District (U), subject to the following conditions:

1. The State Land Use District Boundary Amendment shall be limited to the area delineated in Exhibit A.
2. The Landowner shall resolve and comply with the applicable standards and requirements, if any, of all State of Hawai'i and County of Kaua'i departments and agencies.
3. The Landowner is advised that additional government agency conditions may be imposed. It shall be the Landowner's responsibility to resolve those conditions with the respective agencies.

SECTION 3. The Planning Department is directed to note the changes on the official Zoning Maps on file with the Department.

SECTION 4. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 5. This Ordinance shall take effect upon its approval.

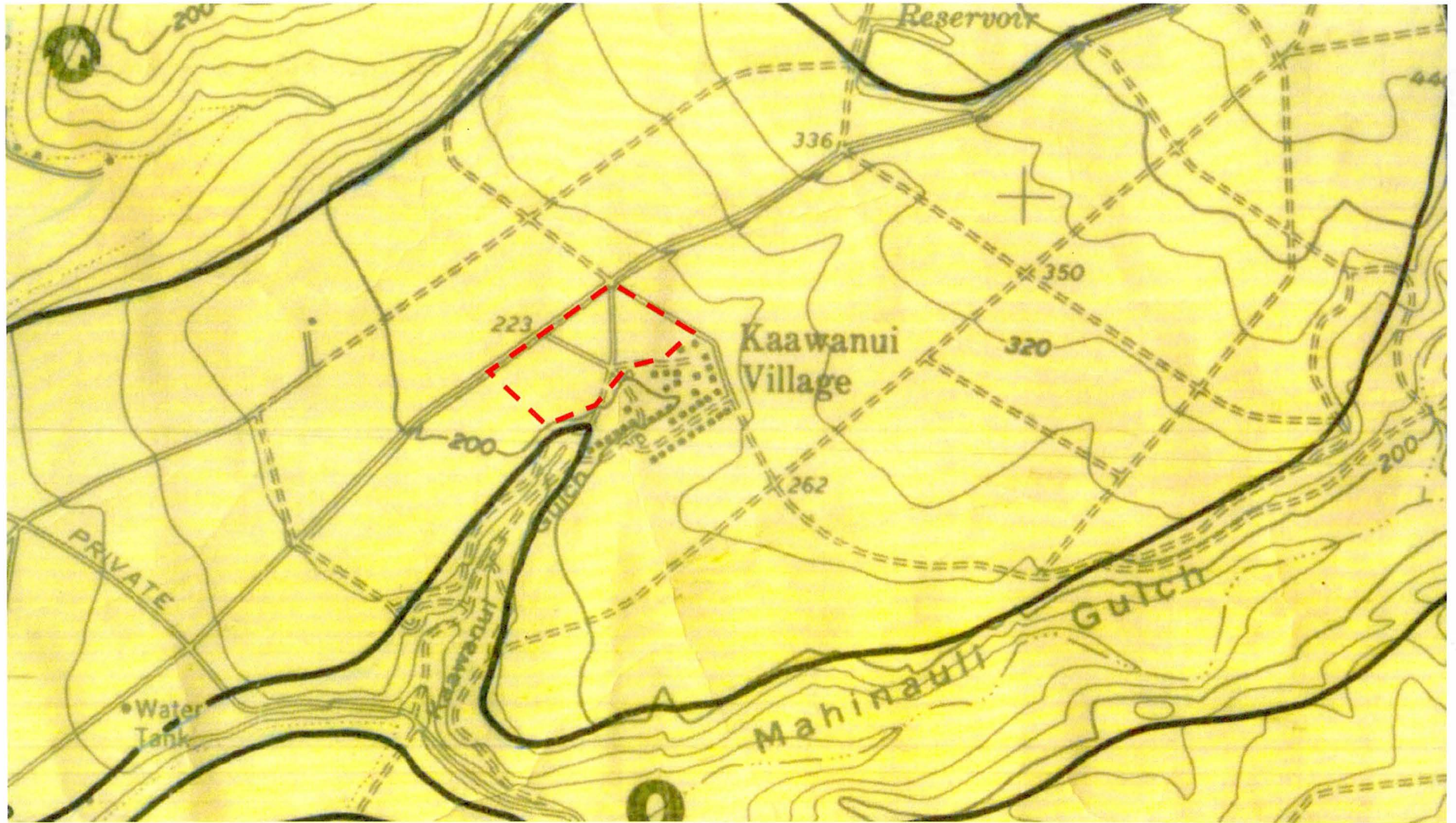
Introduced by:

(By Request)

DATE OF INTRODUCTION:

Lihu'e, Kaua'i, Hawai'i

Exhibit A



State Land Use District (SLUD) Boundary Amendment from Agricultural (A) to Urban (U)

Makaweli, Kaua'i, Hawai'i

 State Land Use District (SLUD) District Boundary Update from Agriculture (A) to Urban (U)

“EXHIBIT D”

(Proposed Zoning Amendment ZA-2025-5)

For reference

ORDINANCE NO. _____

BILL NO. _____

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 8,
KAUA'I COUNTY CODE 1987, AS AMENDED,
RELATING TO ZONING BOUNDARIES IN MAKAWELI, KAUA'I**

(County of Kaua'i Planning Department, Applicant) (ZA-2025-5)

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. Purpose. The purpose of this Ordinance is to update the County of Kaua'i Zoning Map ZM-200 to reflect zoning designation updates within the subject parcel Tax Map Key (TMK) (4) 1-7-006:006, from "Agricultural" (Ag) to "Residential-1" (R-1).

SECTION 2. Findings. The Council finds that the West Kaua'i Community Plan (WKCP), adopted by the County of Kaua'i in December 2020, recognizes there is a clear need to protect and preserve these historical structures while accommodating future growth and uses compatible with those that have historically occurred at these camps for over a century.

The Council finds that TMK (4) 1-7-006:006 is not designated as Important Agricultural Lands by the Hawai'i State Land Use Commission.

The Council finds the Kā'awanui Village amendment boundaries are delineated by the map in Exhibit A and contain an area of approximately 14.9 acres.

SECTION 3. The Comprehensive Zoning Ordinance (CZO) is hereby amended by amending ZM-200 within the CZO referenced in Section 8-2.3 by making the following changes to ZM-200 as shown in Exhibit A of this Ordinance which are attached hereto and incorporated by reference, subject to the following conditions:

1. The Landowner is advised that additional government agency conditions may be imposed. It shall be the Landowner's responsibility to resolve those conditions with the respective agencies.

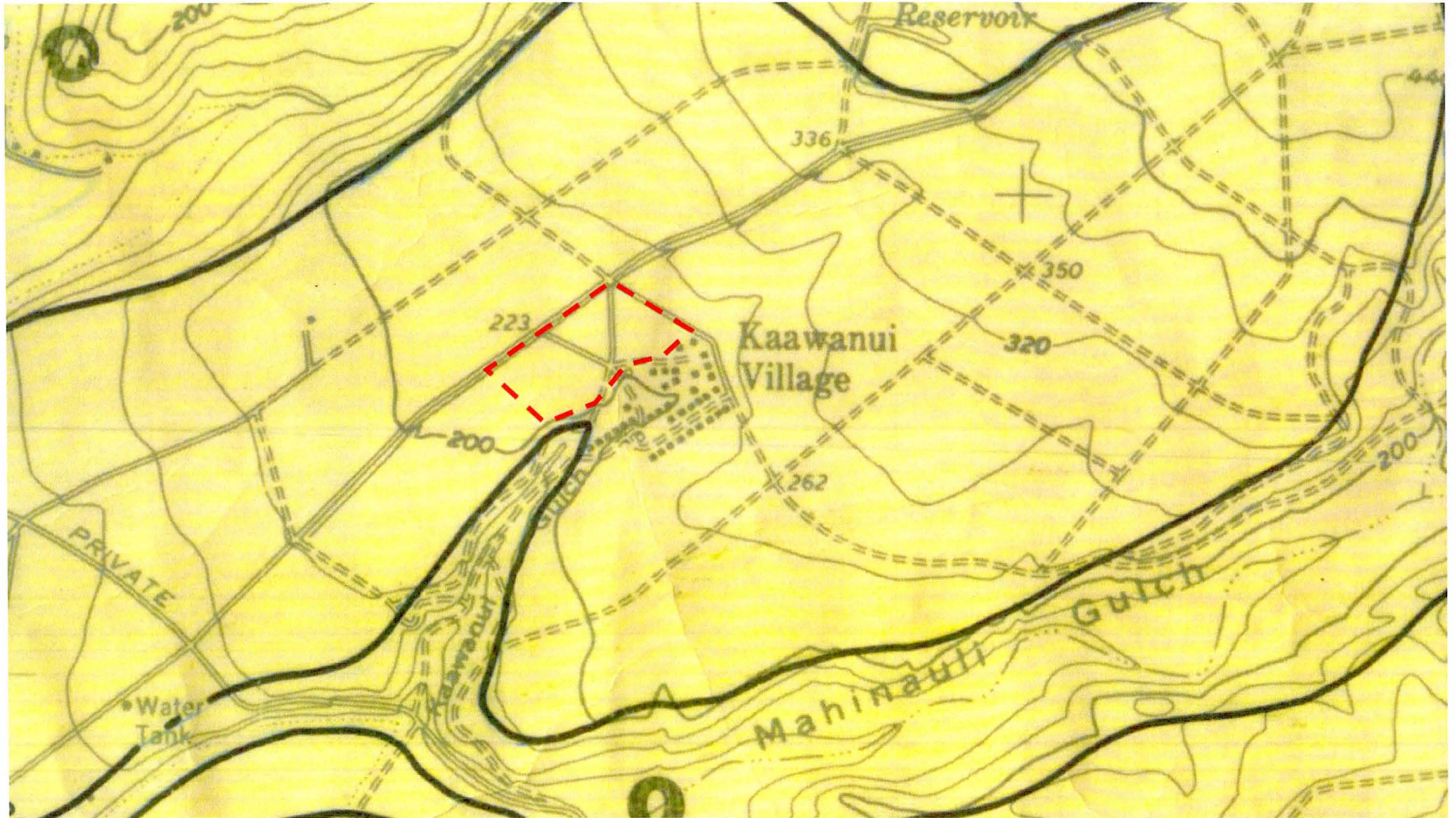
SECTION 4. The Planning Department is directed to note the changes on the official Zoning Maps on file with the Department.

SECTION 5. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 6. This Ordinance shall take effect upon its approval.

Introduced by:

Exhibit A



Amendment to Zoning Map ZM-200 from Agricultural (AG) to Residential-1 (R-1)

Makaweli, Kaua'i, Hawai'i

 Agricultural (AG) to Residential-1 (R-1) District Boundary Update

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



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

TRANSMITTAL OF AGENCY COMMENTS TO PLANNING COMMISSION

DATE: March 4, 2025

PERMIT NUMBER(S): GPA-2025-3

APPLICANT(S): KAUAI PLANNING DEPARTMENT

Attached for the Planning Commission's reference are agency comments for the permit referenced above.

F.4.e.2.
MAR 11 2025



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

FROM: Kaaina S. Hull, Director

Planner: Shelea Koga

2/11/2025

SUBJECT: General Plan Amendment GPA-2025-3
Tax Map Key: 170060060000
Applicant: Planning Department
General Plan Future Land Use Map Amendment from "Agriculture" to "Plantation Camp"

TO:

- | | |
|---|--|
| <input type="checkbox"/> State Department of Transportation - STP | <input checked="" type="checkbox"/> County DPW - Engineering |
| <input checked="" type="checkbox"/> State DOT - Highways, Kauai (info only) | <input 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 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)

This matter is scheduled for a public hearing before the County of Kauai Planning Commission on 3/11/2025 at the Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Kauai, at 9:00 am or soon thereafter. If we do not receive your agency comments within one (1) month from the date of this request, we will assume that there are no objections to this permit request. Mahalo!



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

DATE: Feb 26, 2025

TO: To whom it may concern

FROM: Ellis Jones
District Environmental Health Program Chief

SUBJECT: RESPONSE_Amendment _GPA-2025-3

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

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

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

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

Clean Air Branch

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

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

Clean Water Branch

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

Hazard Evaluation & Emergency Response Office

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

Indoor and Radiological Health Branch

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

Safe Drinking Water Branch

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

Solid & Hazardous Waste Branch

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

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

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

Wastewater Branch

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

Sanitation / Local DOH Comments:

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

Other

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

Ellis Jones

Ellis Jones

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

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



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

DIRECTOR'S REPORT

I. SUMMARY

Action Required by Planning Commission: Consideration of multiple bills amending Chapter 8 of the Kaua'i County Code 1987, as amended, regarding the Comprehensive Zoning Ordinance (CZO), the Kaua'i Kākou – Kaua'i County General Plan, the State Land Use District, and the West Kaua'i Community Plan.

Permit Application Nos. Zoning Amendment ZA-2025-5
Zoning Amendment ZA-2025-6
General Plan Amendment GPA-2025-3
State Land Use Amendment A-2025-3

Name of Applicant(s) COUNTY OF KAUA'I, PLANNING DEPARTMENT

II. PERMIT INFORMATION

AMENDMENTS	
<input checked="" type="checkbox"/> Zoning Amendment	Pursuant to KCC Section 8-3.4(a), as amended, a Zoning Amendment is necessary when changing the boundaries of districts or by changing text whenever the public necessity and convenience and the general welfare require an amendment.
<input checked="" type="checkbox"/> General Plan Amendment	Pursuant to KCC Section 7-3.1, as amended, the General Plan of the County of Kaua'i may be amended by ordinance, in accordance with the Charter. An amendment may change provisions of this ordinance; text provisions or map designations of the General Plan document; or any of these in combination.
<input checked="" type="checkbox"/> State Land Use District Amendment	Pursuant to KCC Section 11-1, as amended, a State Land Use District Boundary Amendment Ordinance, organized as a Zoning Amendment, is required to reclassify a State Land Use District designation.

III. LEGAL REQUIREMENTS

KCC Section 8-3.4	
Public Hearing Date:	March 11, 2025
Date of Publication:	February 7, 2025
Date of Director's Report:	February 26, 2025

F.4.e.1.
F.4.f.1.
F.4.g.1.
F.4.h.1.

March 11, 2025

IV. DESCRIPTION OF PROPOSED BILLS

There are four separate amendments associated with the proposed Kāʻawanui Village area:

1. **General Plan Amendment (GPA-2025-3)** – Proposes to amend Figure 5-1 (Kauaʻi Land Use Map) and Figure 5-2 (West Kauaʻi Land Use Map) of the *Kauaʻi Kakou – Kauaʻi County General Plan* from Agriculture to Plantation Camp (Exhibit A).
2. **West Kauaʻi Community Plan Amendment (ZA-2025-6)** – Proposes amendments to Chapter 10, Article 3 of the *Kauaʻi County Code 1987, as amended*, related to the West Kauaʻi Community Plan (Exhibit B). This includes:
 - o Amending Section 10-3 to establish a Special Planning Area “Q” (SPA-Q), which shall also be known as the “Kāʻawanui Plantation Camp Walkable Mixed-Use District.” The Special Planning Area shall be adopted with a new map ZM-KAAV-100 (Kāʻawanui Village) and adopted within the West Kauaʻi Community Plan.
 - o Updating figure 12 of the West Kauaʻi Community plan, Regional Town Plan Map to change the land use designation within the SPA-Q boundaries from Agriculture to Plantation Camp.
3. **State Land Use District Amendment (A-2025-3)** – Proposes to change approximately 14.9 acres of the State Land Use District boundary and designation of Tax Map Key (TMK) (4)1-7-006:006 from Agricultural to Urban (Exhibit C).
4. **Zoning Map Amendment (ZA-2025-5)** – Proposes to amend approximately 14.9 acres of Zoning Map ZM-200 to reflect zoning changes for TMK (4) 1-7-006:006 from Agricultural (Ag) to Residential-1 (R-1) (Exhibit D).

The proposed ordinances to amend County Zoning, the State Land Use District, the General Plan, and the West Kauaʻi Community Plan aim to encourage new growth in an adjacent area to Kāʻawanui Village that maintains and enhances its distinct form and character.

V. APPLICANT'S REASONS/JUSTIFICATION

The Kā'awanui Plantation Camp Form-Based Code (FBC) guides development in alignment with the West Kaua'i Community Plan and the County of Kaua'i General Plan. This FBC establishes a regulatory framework to preserve the character of the existing plantation camps, including Kā'awanui Village, while allowing for limited infill development and housing expansion. The Plantation Camps should remain compact and walkable with well-defined borders and small cottages, surrounded by working agricultural fields and activity. The intent of the code would:

1. Promote, preserve, and enhance existing community design and development patterns that reflect the distinct character of Kā'awanui Village historic plantation camp.
2. Support and maintain affordable-by-design housing stock.
3. Encourage appropriately scaled infill development within or near the historic boundaries of the camps.

Form-Based Codes (FBC) are a development regime that encourages the development of communities with a focus on "building form and character" as opposed to development frameworks based on the separation of uses, regularly referred to as Euclidian zoning. FBCs have been adopted to serve a variety of purposes that can include historic preservation, economic development, sustainability, affordable housing, and general planning. FBC follows a natural to urban transect model, that progressively experience greater density in line with desired development outcomes. The model transect is divided into six transect zones or T-zones: Natural (T1), Rural (T2), Sub-Urban (T3), General Urban (T4), Urban Center (T5), and Urban Core (T6). Kaua'i only experiences four transect types (T1-T4).

The development of FBCs included an intensive inventory process and an exercise to identify unique or historical characteristics that define the respective towns and villages. The Kā'awanui Plantation Camp transect is considered a special district due to the unique patterns which were identified. Within the Kā'awanui FBC, this transect is classified as T3 Kā'awanui Village Flex (T3KAAVF-PC), reinforcing and preserving the historic development patterns of the Kā'awanui community. The Kā'awanui FBC incorporates detailed regulations specific to building types, street standards, and civic space that are sensitive to the surrounding local character. The regulations set forth in the Form-Base Code help to maintain the unique characteristics of Kā'awanui Village.

Creating design standards specific to these areas ensures history and culture are a part of the future development. The Kā'awanui Plantation Camp Form-Based Code includes elements such as roof pitches, siding materials, building massing, building types, frontages, setbacks, rear exists and wings, and are regulated to reinforce existing character and to create new, compatible neighborhoods in Kā'awanui Village. For example, the building type regulations in T3 Kā'awanui Village Flex (T3KAAVF-PC) capture the form and characteristics of the historical Kā'awanui cottages. Crafting regulations that require unique features such as single or double hung windows, 4:12, 5:12, or 6:12 roof pitches, wood-based material, post and pier, and height of the wall ensure that new cottages will maintain the same look and feel of the surrounding cottages.

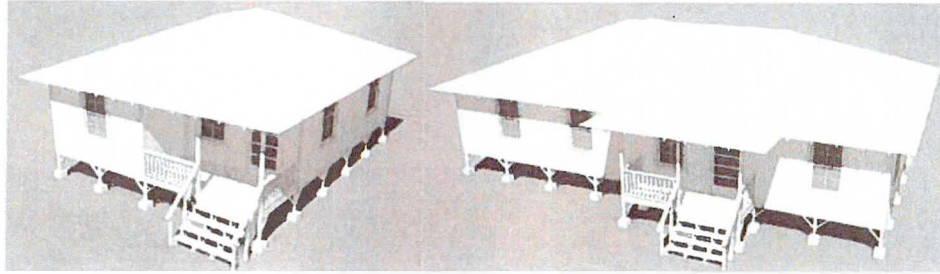


Figure 1: Example of applying the T3 Kā'awanui Village Flex (T3KAAVF-PC) regulations.



Figure 2, 3, 4: Pictures of Kā'awanui Village Cottages.

Form-Based Code differs from the existing use-base code requirements in the Comprehensive Zoning Ordinance in that the primary emphasis is on building and streetscape “form”, the importance of how the proposed development is integrated with the existing town character. This is a more comprehensive approach that includes the regulation of building types, street design, and civic space requirements. These standards are crafted to regulate the specific and desired qualities of areas identified through the inventory and data collection process.

The County of Kaua’i has adopted multiple Form-Based Codes tailored to preserve the unique and localized characteristics of South Kaua’i, West Kaua’i, and the Kaumakani Plantation Camps. During the South Kaua’i and West Kaua’i Community planning efforts, the community sought to preserve and revitalize their town cores. Form-Base Codes were ideally suited to meet this community goal. Since the adoption of the South Kaua’i, West Kaua’i, and the Kaumakani Plantation Camp Form-Based Code, the Planning Department and the respective communities have seen the value of this development approach.

Consistent with the West Kauai towns of Waimea, Kekaha, ‘Ele‘ele, and Hanapēpē, Kā’awanui Village supports unique town and village features that can benefit from the establishment of a Form-Based Code. Kā’awanui Form-Based Code is a tool that seeks to maintain the existing character of Kā’awanui Village while simultaneously establishing design guidelines that inform buildout scenarios.

Implementing the Kāʻawanui Form-Based Code requires several zoning amendments to achieve the appropriate regulatory alignment between State and County Zoning. These amendments will allow for 14.9 additional acres for predominately residential uses.

1. **General Plan Amendment (GPA-2025-3)** – The General Plan amendment updates the Kauaʻi Land Use Map and West Kauaʻi Land Use Map within the General Plan to reflect a change from Agriculture to Plantation Camp, aligning with the historic residential uses of the area and future vision for lands adjacent to the existing Kāʻawanui Village. This designation supports the continued use and nominal expansion of the area for residential purposes.
2. **West Kauaʻi Community Plan Amendment (ZA-2025-6)** – Updates to the West Kauaʻi Community Plan ensure consistency between local planning documents and the Kāʻawanui FBC. The amendment revises the **Regional Town Plan Map (Figure 12)** to change the land use designation within the **Special Planning Area – Plantation Camp (SPA-Q)** from Agriculture to Plantation Camp, supporting the envisioned small-town character and historic Kāʻawanui Village development. The proposal also amends Section 10-3 to establish a Special Planning Area “Q” (SPA-Q), which shall also be known as the “Kāʻawanui Plantation Camp Walkable Mixed-Use District.” The Special Planning Area shall be adopted with a new map ZM-KAAV-100 (Kāʻawanui Village) and adopted within the West Kauaʻi Community Plan.
3. **State Land Use District Amendment (A-2025-3)** – This amendment is needed to reclassify 14.9 acres from Agricultural to Urban, allowing for residential development adjacent to the historic Kāʻawanui Village residential footprint to allow for a nominal expansion of the area for residential purposes while keeping within the form and character of the historic camp.
4. **Zoning Map Amendment (ZA-2025-5)** – This change updates the underlying County of Kauai Zoning from Agricultural (Ag) to Residential-1 (R-1) allowing for residential development adjacent to the historic Kāʻawanui Village area.

VI. AGENCY COMMENTS

Comments from applicable government agencies are being sought and are expected at the time of the public hearing scheduled for March 11, 2025.

VII. PRELIMINARY EVALUATION

In evaluating the proposed zoning amendment, the following aspect should be taken into consideration:

1. Comprehensive Zoning Ordinance (CZO)

The proposed amendment is to be evaluated pursuant to Section 8-3.4(d) of the CZO, Kaua'i County Code (KCC), as amended. The section, reads:

“(d) Consideration. In considering an amendment, the Planning Commission shall consider the purposes of the existing and proposed changes to the Zoning Ordinance. A change in the Zoning Map or text shall not be made unless the change will further the public necessity and convenience and the general welfare.”

As previously mentioned, the intent of the amendment is to amend the West Kaua'i Community Plan to add Special Planning Area “Q” (SPA-Q), which shall be referred to as the “Kā'awanui Village Plantation Camp Walkable Mixed Use District.” Amending the code to include Special Planning Area “Q” would further accommodate public necessity and for convenience.

2. General Plan

The 2018 General Plan sets forth a vision, goals, and policies to guide future growth on Kaua'i. The proposed amendment is consistent with the overall vision and policies outlined in the 2018 General Plan.

A. Section 1.4, entitled “Policies to Guide Growth”

i. **Policy #1: “Manage Growth to Preserve Rural Character”**

The new design standards that correspond with Special Planning Area “Q” will ensure the rural characteristics of our communities are maintained through the preservation of the Kā'awanui Village building form and characteristics.

ii. **Policy #2: Provide Affordable Housing While Facilitating a Diversity of Privately-Developed Housing for Local Families.**

According to the General Plan, Communities that cater to a high-end market, resulting in enclaves of similar household incomes and housing types, are no longer acceptable. The design standards that correspond with Special Planning Area “Q” limit development to building standards that cater to and support the local housing market. These design standards will provide an opportunity to create housing for local families.

iii. **Policy #3: Recognize the Identity of Kaua'i's individual Towns and Districts.**

Policy #3 of the General Plan states that Kauai's towns and planning districts are distinct, each with its own character, opportunities, and needs. The design standards outlined for Kā'awanui Village acknowledge the characteristics and features that generate the unique community identity of the Kā'awanui Village.

B. Section 3.0 Actions by Sector, Subsection Sector VII, entitled "Heritage Resources" states for code changes:

- i. **Update and create Special Planning Areas in towns to ensure new development and redevelopment of existing sites or structures is done in a "historically sensitive" manner.** The proposed Kā'awanui Form-Based Code implements these exact code changes recommended by the General Plan creating design standards to preserve the historic character of Kā'awanui Village.

X. PRELIMINARY CONCLUSION

Based on the foregoing, it is concluded that the proposal is reasonable and appropriate. It is also consistent with the policies and recommendations of the Kaua'i General Plan.

XI. PRELIMINARY RECOMMENDATION

Based on the foregoing evaluation and conclusion, it is hereby Zoning Amendment ZA-2025-5, Zoning Amendment ZA-2025-6, General Plan Amendment GPA-2025-3 and State Land Use District Amendment A-2025-3 be **APPROVED**.

By  _____
SHELEA KOGA
Planner

Approved & Recommended to Commission:

By  _____
KA'ĀINA S. HULL
Director of Planning

Date: 3 / 3 / 2025

“EXHIBIT A”

(Proposed General Plan Amendment GPA-2025-3)

For reference

ORDINANCE NO. _____

BILL NO. _____

**A BILL FOR AN ORDINANCE AMENDING
"KAUA'I KĀKOU – KAUA'I COUNTY GENERAL PLAN" (2018)
RELATING TO A PARCEL LOCATED IN MAKAWELI, KAUA'I**

(County of Kaua'i Planning Department, Applicant) (GPA-2025-3)

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. Findings and Purpose. The purpose of this Ordinance is to update the booklet entitled "Kaua'i Kākou – Kaua'i County General Plan" (2018) (incorporated by reference in Chapter 7, Kaua'i County Code 1987, as amended) (The General Plan for the County of Kaua'i). The subject property, identified as Tax Map Key (TMK) Parcel (4) 1-7-006:006 and referred to hereafter as "Kā'awanui Village," is located about one-half mile mauka and northeast of the Pākalā United States Postal Service building in Makaweli.

The Council finds the Kā'awanui Village amendment boundaries are delineated by the map in Exhibit A and contain an area of approximately 14.9 acres.

The Council finds that TMK Parcel (4) 1-7-006:006 is not designated as Important Agricultural Lands by the Hawai'i State Land Use Commission.

The Council finds that the Kā'awanui Village area maintain a unique sense of identity and has historic features and qualities that should be perpetuated.

The Council finds that the current landowner (Gay & Robinson Inc) has consented to this General Plan amendment.

SECTION 2: The booklet entitled "Kaua'i Kākou – Kaua'i County General Plan" (2018) is amended as follows:

1. Amend page 229 by deleting Figure 5-1, Kaua'i Land Use Map (as previously amended by Ordinance No. 1084), and replacing it with a new map, Figure 5-1, Kaua'i Land Use Map, as shown on the map attached to this Ordinance as Exhibit B, and on file with the Planning Department, County of Kaua'i.
2. Amend page 233 by deleting the amended Figure 5-2, West Kaua'i Land Use Map (as previously amended by ordinance No. 1084), and replacing it with a new map, Figure 5-3 West Kaua'i Land Use Map as shown on the map attached to this Ordinance as Exhibit C, and on file with the Planning Department, County of Kaua'i.

SECTION 3. The Planning Department is directed to note the changes on the official Zoning Maps on file with the Department.

SECTION 4. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 5. This Ordinance shall take effect upon its approval.

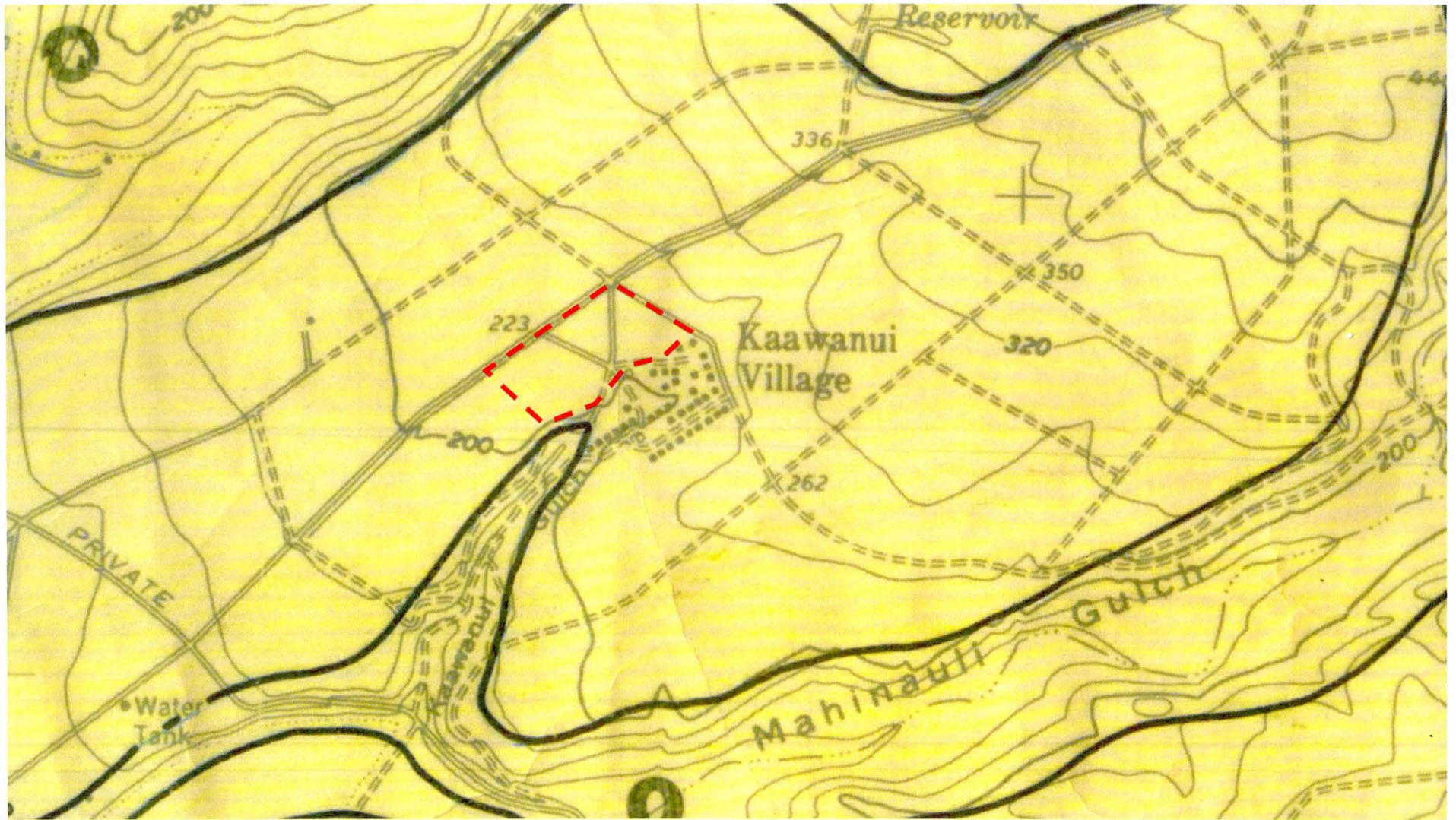
Introduced by:

(By Request)

DATE OF INTRODUCTION:

Līhu'e, Kaua'i, Hawai'i

Exhibit A



State Land Use District (SLUD) Boundary Amendment from Agricultural (A) to Urban (U)

Makaweli, Kaua'i, Hawai'i

 State Land Use District (SLUD) District Boundary Update from Agriculture (A) to Urban (U)

Exhibit B

Map Showing Amendment to the Kaua'i General Plan (2018) Land Use Map Figure 5-1 "Kaua'i Land Use Map"

-  Planning District Boundary
-  Major Roads
-  Roads
-  Streams
-  USGS 40 ft. Contours
-  Urban Edge Boundary
-  Reservoirs
-  Natural
-  Agricultural
-  Agricultural (IAL)
-  Parks and Recreation
-  Golf Course
-  Homestead
-  Residential Community
-  Urban Center
-  Neighborhood Center
-  Neighborhood General
-  Large Town
-  Small Town
-  Resort
-  Provisional Resort (Pending Community Plan Process)
-  University Zone
-  Plantation Camp
-  Industrial
-  Transportation
-  Military
-  Provisional Agriculture

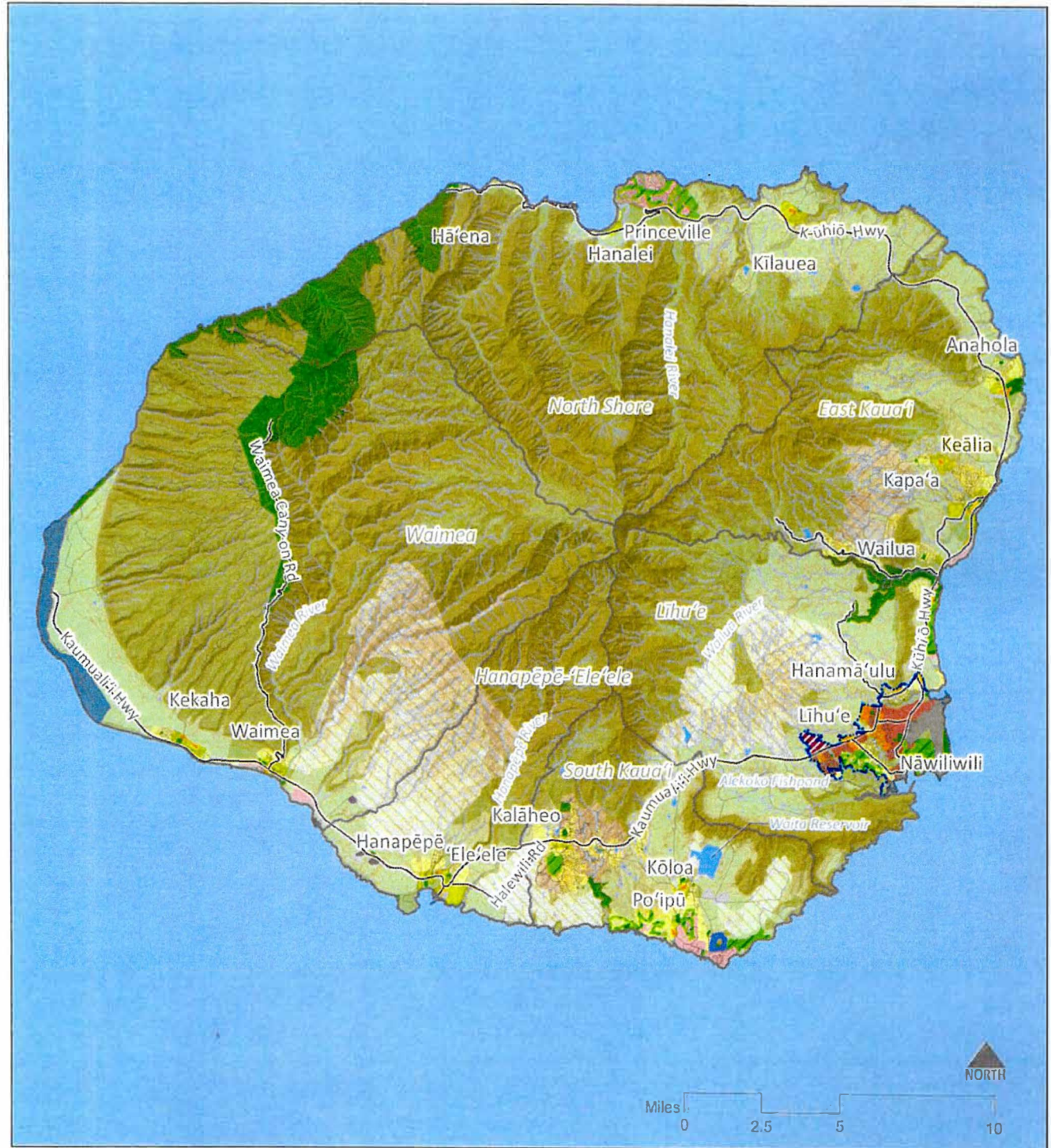
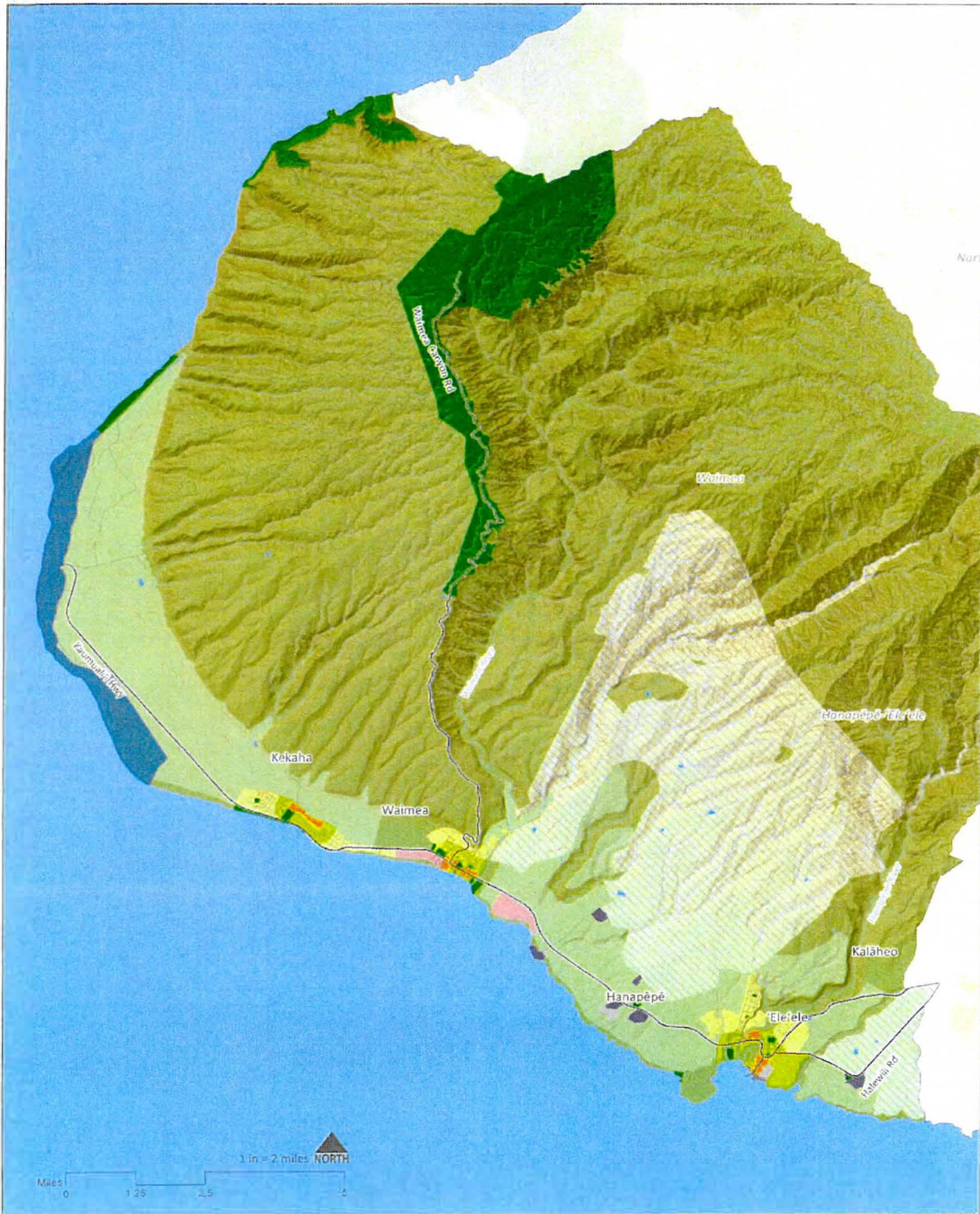
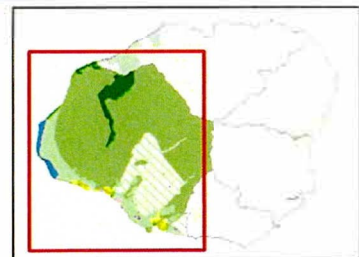


Exhibit C

Map Showing Proposed Amendment to the Kaua'i General Plan (2018) Land Use Map
 Figure 5-2 Hanapēpē to 'Ele'ele to Figure 5-2 "West Kaua'i District"



- | | | |
|---|--|--|
| — Major Roads | Natural | Resort |
| — Roads | Agricultural | Plantation Camp |
| — Streams | Agricultural (IAL) | Industrial |
| — USGS 40 ft. Contours | Parks and Recreation | Transportation |
| Planning District Boundary | Residential Community | Military |
| Reservoirs | Neighborhood Center | |
| | Neighborhood General | |



“EXHIBIT B”

(Proposed Zoning Amendment ZA-2025-6)

For reference

ORDINANCE NO. _____

BILL NO. _____

A BILL FOR AN ORDINANCE AMENDING CHAPTER 10 ARTICLE 3, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO THE WEST KAUA'I COMMUNITY PLAN IMPLEMENTING ORDINANCE (2020)

(County of Kaua'i Planning Department, Applicant) (ZA-2025-6)

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. Findings and Purpose. The purpose of this Ordinance is to amend Chapter 10, Article 3, Kauai County Code 1987, as amended, relating to the West Kauai Community Plan. The proposal amends Section 10-3 of the Kauai County Code relating to text and mapping requirements to establish a Special Planning Area "Q", which shall be referred to as the "Kā'awanui Plantation Camp Walkable Mixed Use District", and be designated as "SPA-Q" as shown on Zoning Maps ZM-KC6-100 (Kā'awanui Village) involving a portion of a property further identified as Tax Map Key 1-7-006:006. The proposal also amends the West Kaua'i Regional Map to reflect land use designation updates from "Agriculture" to "Plantation Camp" within the SPA-Q boundaries.

The Council finds the Kā'awanui Village amendment boundaries delineated by the map in Exhibit A.

The Council finds that TMK Parcel (4) 1-7-006:006 is not designated as Important Agricultural Lands by the Hawai'i State Land Use Commission.

The Council finds that the West Kaua'i Community Plan (WKCP), adopted by the County of Kaua'i in December 2020, recognizes there is a clear need to protect and preserve these historical structures while accommodating future growth and uses compatible with those that have historically occurred at these camps for over a century.

The Council finds that the current landowner (Gay & Robinson Inc) has consented to this West Kaua'i Community Plan amendment.

SECTION 2. Amend Section 10-3 of the Kaua'i County Code to add a Special Planning Area "Q" (SPA-Q), which shall also be known as the "Kā'awanui Plantation Camp Walkable Mixed Use District". The Special Planning Area shall be adopted with a new map ZM-KC6-100 (Kā'awanui Village) and adopted within the West Kaua'i Community Plan as attached in Exhibit B. The corresponding design standards in text format shall be adopted within the West Kaua'i Community Plan as attached in Exhibit C.

SECTION 3. The booklet entitled "West Kaua'i Community Plan" (2020) is amended as follows:

1. Amend page 126 by deleting Figure 12, Regional Town Plan Map, and replacing it with a new map, Figure 12, Regional Town Plan Map, as shown on the map attached to this Ordinance as Exhibit D, and on file with the Planning Department, County of Kaua'i.

SECTION 4. The content of Chapter 10, Article 3, West Kaua'i Community Plan Implementing Ordinance, Kaua'i County Code, as amended is amended as follows:

§ 10-3.1. Title and Purpose.

- (a) This Article shall be known and may be cited as the "West Kaua'i Community Plan Implementing Ordinance." It is adopted:
- (1) To provide design and development standards in order to implement the detailed planning goals and objectives for the West Kaua'i Planning District;
 - (2) To establish special planning areas, future growth areas, land uses, and development and design standards to guide and regulate future development;
 - (3) To protect certain physical characteristics found to be of particular public value, as provided in Chapter 8, Article 11, Section 6, Kaua'i County Code 1987, as amended (Special Planning Areas); and
 - (4) Establish exceptions, modifications, or additions to the provisions of Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance) and Chapter 9, Kaua'i County Code 1987, as amended (Subdivision Ordinance) in order to more specifically provide for the regulation of land use, subdivision, and development practices within the West Kaua'i Planning District.
- (b) Nature of the West Kaua'i Community Plan Ordinance. This Article provides the necessary framework and guidelines to direct future development and capital improvements in the West Kaua'i area, whose boundary is described in the report entitled "West Kaua'i Community Plan." Additionally, this Article supplements Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance) and Chapter 9, Kaua'i County Code 1987, as amended (Subdivision Ordinance) by regulating use and development standards within the West Kaua'i Special Planning Areas, as identified in the zoning maps or surveyed maps, or both, attached to Ordinance No. 1083, Ordinance No. 1138, [and] Ordinance No. XXXX, and Ordinance No. XXXX on file with the Planning Department, County of Kaua'i.
- (c) The guidelines of this Article are based on the report entitled "West Kaua'i Community Plan" (Planning Commission draft approved in 2020, as amended by the Kaua'i County Council in 2020, and as may be subsequently amended), a booklet whose major components include:
- (1) Regional and town plan maps;
 - (2) Policies for the West Kaua'i region as a whole;
 - (3) Goals and objectives for Kekaha, Waimea, Hanapēpē, 'Ele'ele, Port Allen, Kaumakani, Pākalā Village, Numila, and other areas; and
 - (4) Appendices.
- (Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

§ 10-3.2. Vision and Goals.

The vision and goals for the region referred to in this Article, which shall be known as the West Kaua'i Planning District, and its communities are described in the report entitled "West Kaua'i Community

Plan."

(Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

§ 10-3.3. Application of Regulations.

- (a) The West Kaua'i Form-Based Code, attached as Appendix "C", the Plantation Camp Form-Based Code, attached as Appendix "D", [and] the Numila Plantation Camp Form-Based Code, attached as Appendix "E," and the Kā'awanui Planation Camp Form-Based Code, attached as Appendix "F" to the West Kaua'i Community Plan, are by reference incorporated herein and made a part hereof. The provisions of the West Kaua'i Form-Based Code, the Plantation Camp Form Based Code, [and] the Numila Plantation Camp Form Based Code, and the Kā'awanui Planation Camp Form-Based Code shall apply to all new development located within the Special Planning Areas, as identified in the zoning maps or surveyed maps, or both, attached to Ordinance No. 1083, Ordinance No. 1138, [and] Ordinance No. XXXX, and Ordinance No. XXXX on file with the Planning Department, County of Kaua'i.
- (b) The regulations and procedures established in Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance) shall apply within the Special Planning Areas of the West Kaua'i Planning District, except to the extent that such regulations or procedures are changed or modified by the provisions of the West Kaua'i Form-Based Code. When the provisions of this Article differ with respect to the provisions of Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance) and Chapter 9, Kaua'i County Code 1987, as amended (Subdivision Ordinance), the West Kaua'i Form-Based Code shall supersede such provisions as provided in Chapter 8, Article 11, Kaua'i County Code 1987, as amended (Special Treatment Districts (ST)).

(Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

§ 10-3.4. Existing Conditions.

- (a) This Article does not mandate the immediate modification of structures and uses lawfully in existence upon the enactment of this Article.
- (b) The requirements of this Article will not be triggered by routine maintenance not requiring a zoning permit.
- (c) Existing Buildings and Structures. Buildings and structures lawfully in existence upon the enactment of this Article that do not conform to the provisions of this Article are subject to the requirements of Chapter 8, Article 13, Section 1, Kaua'i County Code 1987, as amended (Nonconforming Buildings and Structures).
- (d) Existing Uses. Uses lawfully in existence upon the enactment of this Article that are not consistent with the Special Planning Areas will be allowed to continue on the parcel of record as provided in Chapter 8, Article 13, Section 2, Kaua'i County Code 1987, as amended (Nonconforming Uses).

(Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

§ 10-3.5. Special Planning Areas, Designation, and Procedures.

- (a) Designation of Special Planning Areas "K," "L," "M," "N," "O," [and] "P[.]" and "Q." The

boundaries of the following form-based code districts are hereby adopted as described in the West Kaua'i Form-Based Code and the Plantation Camp Form-Based Code, attached as Appendix "C," Appendix "D," [and] Appendix "E," and Appendix "F" to the West Kaua'i Community Plan, and shall be referred to as follows:

- (1) Special Planning Area "K," which shall also be known as the "Kekaha Town Walkable Mixed Use District" and be designated as "SPA-K" as shown on the zoning map attached to Ordinance No. 1083 as Exhibit 1, and on file with the Planning Department, County of Kaua'i.
- (2) Special Planning Area "L," which shall also be known as the "Waimea Town Walkable Mixed Use District" and be designated as "SPA-L" as shown on the zoning map attached to Ordinance No. 1083 as Exhibit 2, and on file with the Planning Department, County of Kaua'i.
- (3) Special Planning Area "M," which shall also be known as the "Hanapēpē Town Walkable Mixed Use District" and be designated as "SPA-M" as shown on the zoning map attached to Ordinance No. 1083 as Exhibit 3, and on file with the Planning Department, County of Kaua'i.
- (4) Special Planning Area "N," which shall also be known as the "Ele'ele-Port Allen Walkable Mixed Use District" and be designated as "SPA-N" as shown on the zoning map attached to Ordinance No. 1083 as Exhibit 4, and on file with the Planning Department, County of Kaua'i.
- (5) Special Planning Area "O," which shall also be known as the "Kaumakani Plantation Camp Walkable Mixed Use District" and designated "SPA-O" as shown on the zoning and surveyed maps attached to Ordinance No. 1138 as Exhibit 1, Exhibit 2a, and Exhibit 2b, and on file with the Planning Department, County of Kaua'i.
- (6) Special Planning Area "P," which shall also be known as the "Numila Plantation Camp Walkable Mixed Use District" and designated "SPA-P" as shown on the zoning map attached to Ordinance No. XXXX as Exhibit B, and on file with the Planning Department, County of Kaua'i.

(7) Special Planning Area "Q," which shall also be known as the "Kā'awanui Plantation Camp Walkable Mixed Use District" and designated "SPA-Q" as shown on the zoning map attached to Ordinance No. XXXX as Exhibit B, and on file with the Planning Department, County of Kaua'i.

- (b) Designation of Zoning Maps. In order to carry out the purpose of this Article, the zoning maps ZM-K100 (Kekaha), ZM-W100 (Waimea), and ZM H200 (Hanapēpē) of Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance), are hereby amended. Zoning Map ZM-KV-100 (Kaumakani Village), ZM-KA-100 (Kaumakani Avenue), [and] ZM-NC-100 (Numila Camp), and ZM-KC6-100 (Kā'awanui Village) is hereby adopted. (Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

§ 10-3.6. Implementation of the West Kaua'i Community Plan.

The West Kaua'i Community Plan shall serve as a guide for all development within the West Kaua'i area.

(Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

SECTION 5. The Planning Department is directed to note the changes on the official Zoning Maps on file with the Department.

SECTION 6. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 7. This Ordinance shall take effect upon its approval.

Introduced by:

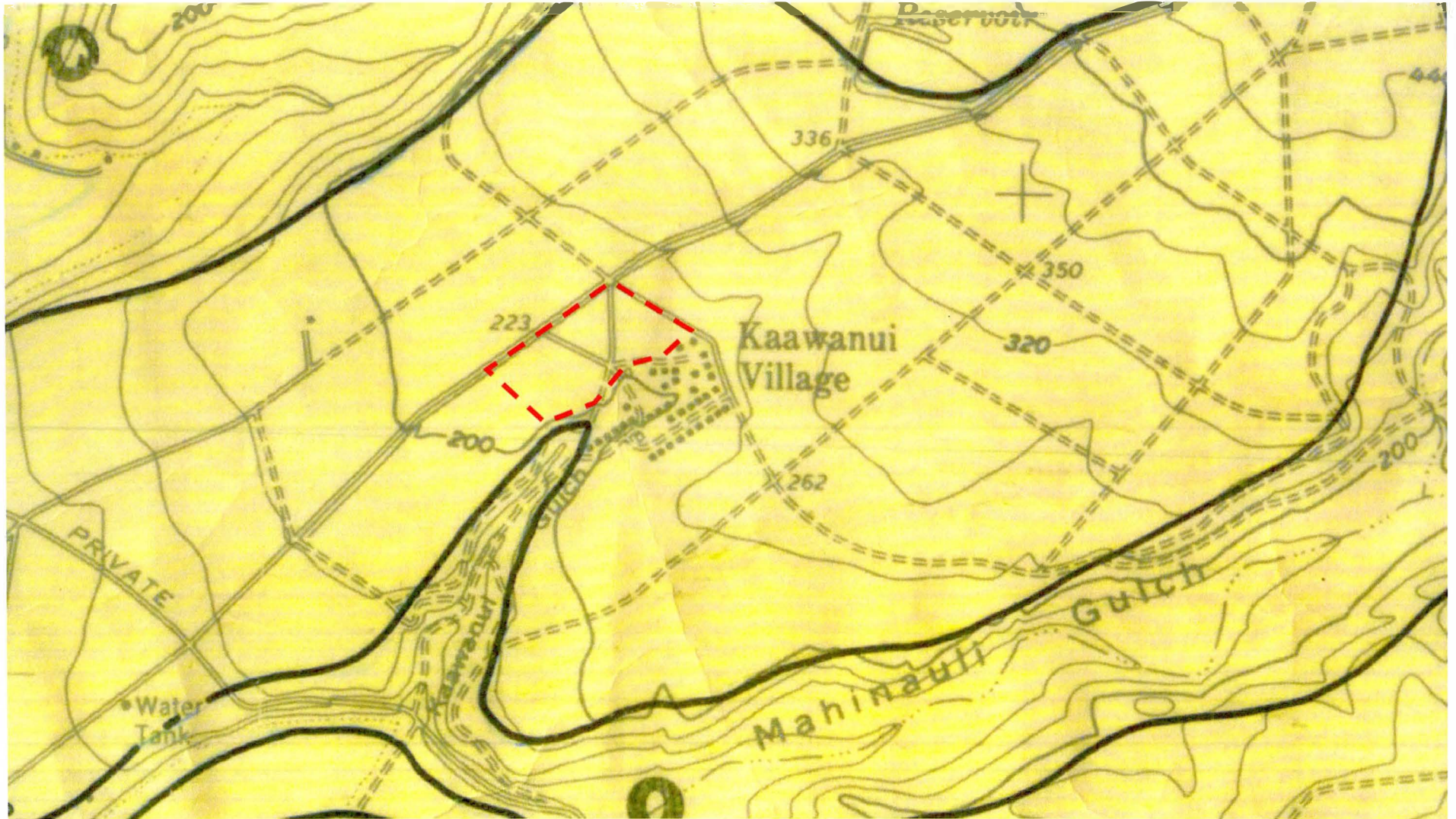
(By Request)

DATE OF INTRODUCTION:

Līhu'e, Kaua'i, Hawai'i

Exhibit A

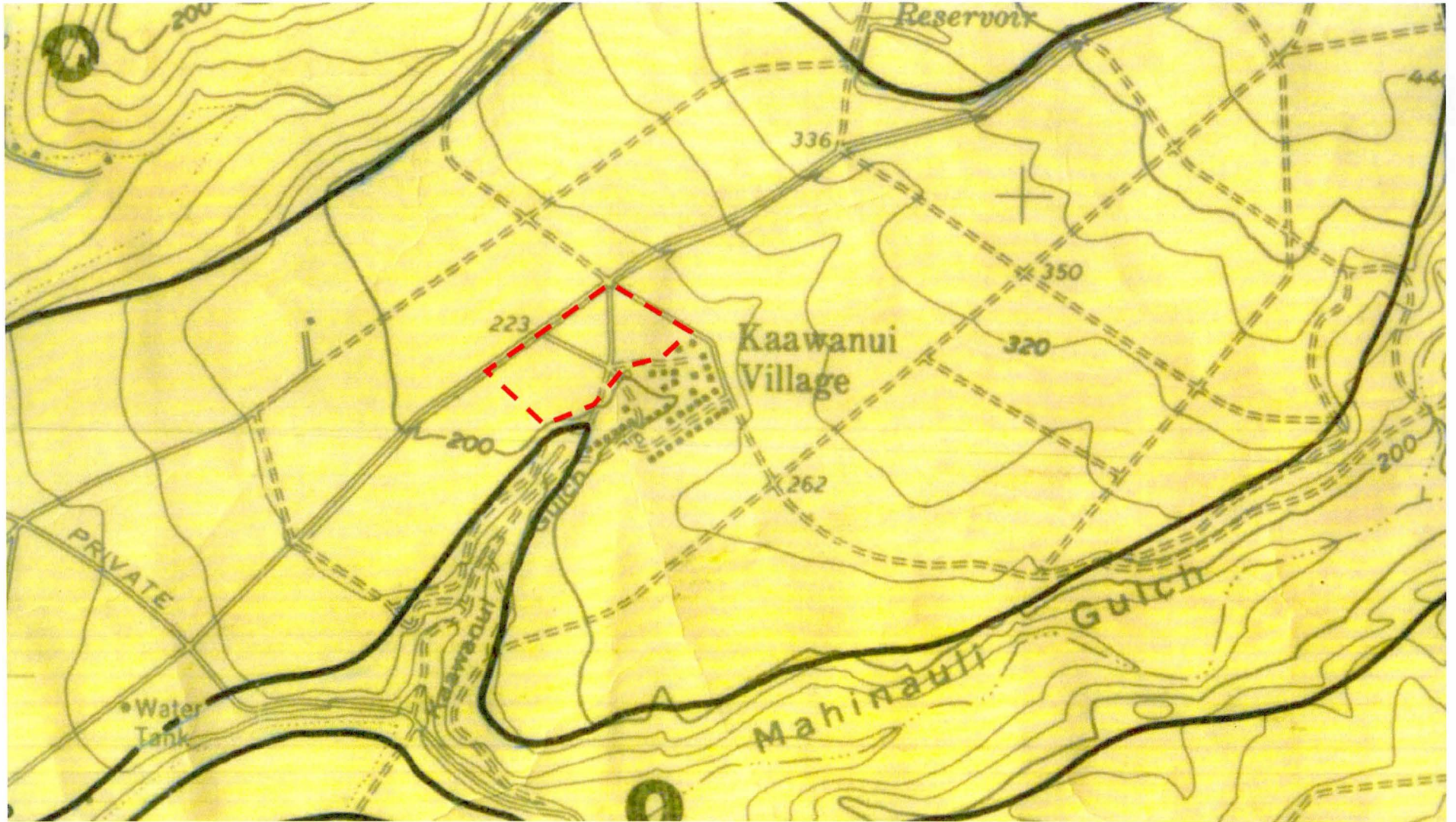
Location Map



Zoning Amendment Location Map

 Amendment Boundaries

Exhibit B

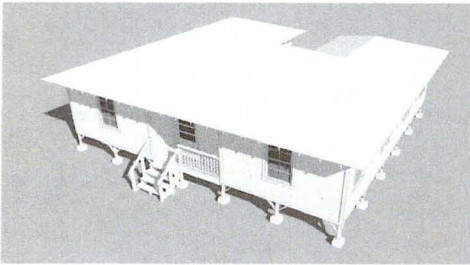


Zoning Map ZM-KC6-100 (Kā'awanui Village)



SPA-Q Boundary - Kā'awanui Plantation Camp Walkable Mixed Use District
Makaweli, Kaua'i, Hawai'i

Exhibit C



Kā'awanui Village Form-Based Code

Prepared by the County of Kaua'i Planning Department



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Sub-Article 1.1 Purpose

1.1.010 Purpose and Intent

The Kāʻawanui Village Form-Based Code guides development in a manner consistent with the goals of the West Kauaʻi Community Plan and County of Kauaʻi General Plan. This Form-Based Code provides a regulatory framework to regenerate development that is inspired by the Kāʻawanui Village Plantation Camp.

The Code is guided by policy that supports new construction of plantation homes that are inspired by several historic building types that were once located throughout the Kāʻawanui Village Plantation Camp. The intent of the code is to allow new infill construction to be in keeping with the form and character of the former plantation camp and to provide affordable housing stock that can support agricultural activity. Specifically, the code:

- A. 1. Promote, preserve, and enhance existing community design and development patterns that reflect the distinct character of Kāʻawanui Village historic plantation camp;
- B. Promotes and maintains affordable housing stock, especially for agricultural workers or those with familial connections to the agriculture industry; and
- C. Encourages appropriately-scaled infill development that is located within or near the historic confines of the camp.

1.1.020 Using Zoning to Reinforce West Kauaʻi's Places

Zoning is a tool that can be used to help implement the community's vision of a place. Form-Based Code is one form of zoning tool that emphasizes the physical form and character over the separation of use. This provides an alternative approach to Euclidean zoning, which is the type of zoning in the CZO (Chapter 8 of the Kauaʻi County Code 1987, as amended). Kauaʻi has five distinct place types based on historic settlement patterns. They include the following:

- A. Rural crossroads;
- B. Plantation camps;
- C. Small village;
- D. Large village;
- E. Town.

As it pertains to plantation camps, Form-Based Code can activate former plantation camp lands and allow for new construction to be developed in a manner that will be in keeping with the historic plantation camps that once thrived in these areas.

1.1.030 Plantation Camp Place Type

During the Plantation era, workers lived in plantation camps located near or adjacent to the sugar mills and cane fields. These camps were built to a pedestrian-oriented scale that made it possible to traverse by foot to work and services. The fields that surrounded the towns provided a *de facto* greenbelt. The relationship between the plantation camps and agricultural lands reinforced the region's rural identity. Even with the rise of the automobile and the trend of suburban development patterns, the legacy of these camps remains in West Kaua'i.

The 2018 General Plan identifies existing plantation camps in the Future Land Use Map. The Plantation Camp is defined as an historic remnant of former plantation housing that is not connected to an existing town and is surrounded by the agricultural district. Some plantation camps were demolished and have since reverted to agricultural uses. Today's remaining plantation camps are clusters of houses with little or no retail or public facilities. Five plantation camps are designated in the General Plan and include Numila, Kaumakani Village, Kaumakani Avenue, Kā'awanui Village, and Pakala Camp. Plantation camps are important vestiges of Kaua'i's sugar plantation history. Each camp maintains a unique sense of identity and has features and qualities that its residents would like to see preserved.

Until recently, the County zoning for these areas was "Agriculture". The 2021 West Kaua'i Community Plan (WKCP) updated the County zoning for those plantation camps located within the SLUD-Urban District, which include Numila, Kaumakani Village, Kaumakani Avenue, and Pakala Camp. Two new zoning districts were created in the WKCP: Plantation Camp District and Special Treatment – Coastal Edge District.

Kā'awanui Village:

Gay and Robinson Kā'awanui Village was a plantation camp located on the island of Kaua'i, Hawaii. Established during the early 20th century, the camp was part of the extensive sugar plantation operations owned by the Gay and Robinson families, who were prominent figures in Hawaii's sugar industry. The plantation camps, including Kā'awanui Village, were integral to the daily operations of the plantations, providing housing and community facilities for the workers and their families. The camp was home to a diverse population of laborers, including many immigrants from Japan, the Philippines, China, and Portugal, who had come to Hawaii seeking better economic opportunities. These workers played a crucial role in the cultivation and processing of sugar cane, which was a major export commodity for Hawaii.

Life in the camp was characterized by a strong sense of community, with residents often sharing cultural traditions, foods, and celebrations. Despite the challenging working conditions, the camp residents forged tight-knit communities and supported each other through the demanding plantation lifestyle.

As the sugar industry in Hawaii began to decline in the latter half of the 20th century, many of the plantation camps, including Gay and Robinson Kā'awanui Village, were eventually abandoned or repurposed. The legacy of these camps remains a significant part of Hawaii's agricultural and cultural history, reflecting the contributions and experiences of the plantation workers and their families.

1.1.040 **The West Kauai Kāʻawanui Village Transect**

The Form-Based Code transect is an organizing principle used in Form-Based Code that establishes a hierarchy of zones, which contain places and building types and replaces use as the organizing principle. Typically, the model transect is divided into six transect zones or T-zones: Natural (T1), Rural (T2), Sub-Urban (T3), General Urban (T4), Urban Center (T5), and Urban Core (T6).

The Kāʻawanui Village Form-Based Code uses transect zones to create new, compatible neighborhoods that are inspired by the former historic plantation camp of Kāʻawanui Village. Each transect zone has its own set of standards that will help to guide the desired form and character of an area that will be inspired by the historic uses and building types that once occupied these areas.

The West Kauai Kāʻawanui Village Plantation Camp Transect Zones:

- A. T3 Kāʻawanui Village Flex – Plantation Camp (T3KAAVF-PC) The form and character of this transect zone supports a limited amount of new development that includes building types derived from the historic Kāʻawanui Village camp and the West Kauai region. New development will provide an opportunity for new single family and multifamily buildings that will integrate compatible medium-density residential building types, such as a multiplex small, with historic building types.

1.1.050 **Lack of Lot Lines**

Design standards for Form-Based Codes generally promote and facilitate orientation of structures to public roads and civic spaces that facilitate an interface between the private and the public realm. In particular, Form-Based Codes rely on setbacks and build-to-lines in relation to lot lines to orient proposed structures with public areas. The Kāʻawanui Village Form-Based Code Transects is within a single lot of record. The Kāʻawanui Village Transects and the corresponding dwellings and structures are not separated by individual lot lines. Without individual lot lines, the Code utilizes building-to-building and building-to-thoroughfare setbacks to establish the interface between the private and public realm. This approach is unique but necessary to achieve a high-quality public realm inherent within the existing plantation camp environment.


Sub-Article 1.2 Transect Map

1.2.010 Transect Map

The transect zones established in this Article are mapped on the Transect Map on the following page:

Figure 1.2.010 Kā'awanui Village Transect Map



 T3 Kā'awanui Village Flex - Plantation Camp

Article 2: Transect Descriptions and Building Types

Sub-Article 2.1: Kā’awanui Village Transect Zone Descriptions **12-13**

2.1.010 T3 Kā’awanui Village – Plantation Camp (T3KAAV-PC) 12-13

2.1.010 T3 Kāʻawanui Village Flex (T3KAAVF-PC)



General note: the illustration above is intended to provide a brief overview of the transect zone and is descriptive in nature.

A. Transect Zone Intent and Description

This Zone maintains the historical pattern and intensity of the Kāʻawanui Village Plantation Camp while allowing new construction to occur on sites that were previously demolished.

B. Building Types

1. Permissible Building Types	Standards
i. Kāʻawanui Horizontal Cottage	2.2.010
ii. Kāʻawanui Vertical Cottage	2.2.020
iii. H-Type Cottage	2.2.030
iv. HSPA Cottage	2.2.040
v. Duplex	2.2.050
vi. Multiplex Small	2.2.060
vii. Dormitory	2.2.070
viii. Camp Store	2.2.080
ix. Community Parking Facility	2.2.090

- With the exception of accessory structures, all other building types are prohibited.

C. Use Table

i. Residential Uses	Permitted Use
ii. Home Businesses	Permitted Use
iii. *Commercial	Permitted Use

- Residential use and Home Businesses are the only permissible use within the building types except for commercial operations in the Camp Store building type. All other uses are prohibited.
- *Commercial operations are a Permitted Use only within the Camp Store building type.

2.1.010 T3 Kāʻawanui Village Flex (T3KAAVF-PC)**D. Building Placement****1. Front Thoroughfare Setbacks**

- i. There is a 10 foot minimum setback from the front thoroughfare.

2. Building-to-Building Setbacks

- i. There is a 5 foot minimum setback between buildings or accessory structures.

3. Side Thoroughfare Setbacks

- i. There is a 10 foot minimum setback from the side thoroughfare for all structures.

4. Building Placement Notes

- i. Fences may encroach into the front or side setback; however, fences shall not exceed 4 feet in height.

E. Miscellaneous

- i. A maximum of one Camp Store is allowed within the Kāʻawanui Village – Plantation Camp transect for every 50 cottages.
- ii. Any additional Camp Stores will require a use permit.

F. Parking**1. Required Spaces**

- i. 1 off-thoroughfare parking stall is required per building. The required stall can be located in a Community Parking Facility.

F. Accessory Structures

- i. Non-habitable detached accessory structures do not require a building type and shall be located behind the rear of the building.
- ii. Accessory structures are allowed throughout this transect.
- iii. Accessory structures shall not exceed 600 square feet in size.
- iv. Accessory structures shall be limited to no more than 2 per building.
- v. Permissible roof types for accessory structures are Gable, Hip, Flat, and single-sloping shed roofs.
- vi. All Accessory Structures shall have a maximum of 9 feet from the finished floor to top of wall plate.

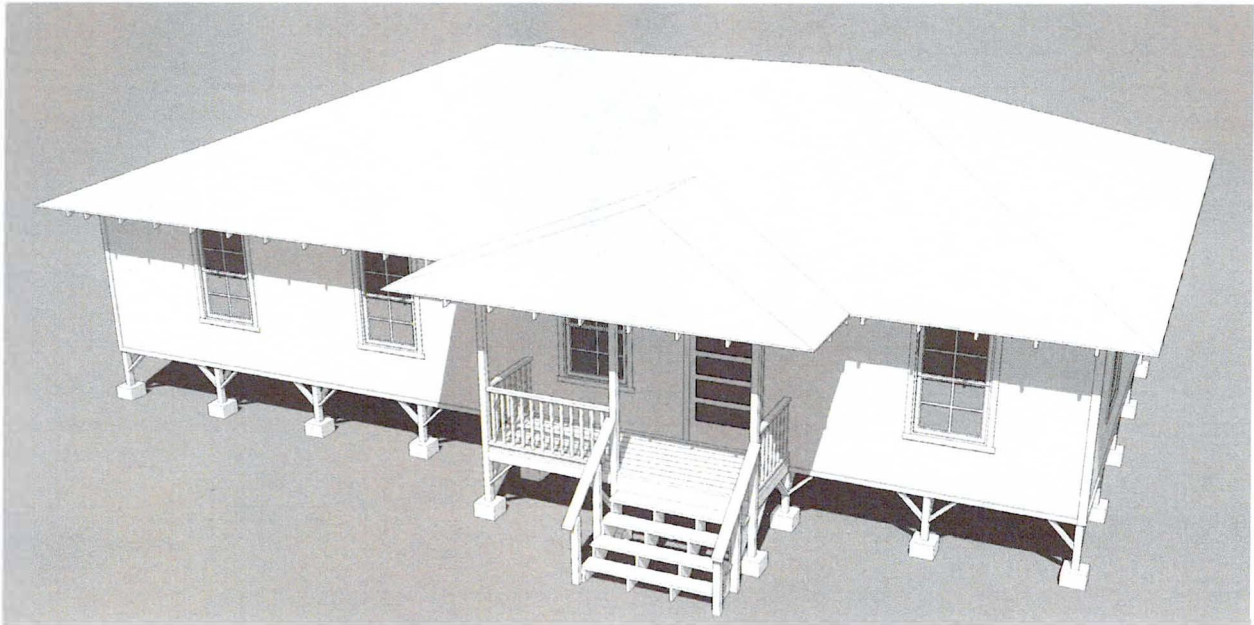
G. *Community Parking Facility

- i. The Community Parking Facility may be constructed to accommodate the required parking stalls.
- ii. There is a 10 foot minimum setback from the front thoroughfare for the Community Parking Facility.

Article 2: Transect Descriptions and Building Types

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2.2.010 Kā'awanui Horizontal Cottage



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Kā'awanui Horizontal Cottage: This building type is a medium-sized detached residential structure, and it is used for single family occupancy. The longest side of this building type is parallel to the main thoroughfare.

B. Building Size and Massing

1. Massing

- i. A Kā'awanui Horizontal Cottage shall have 1 main body section.
- ii. No more than 1 main body is permissible for each Kā'awanui Horizontal Cottage.
- iii. A Kā'awanui Horizontal Cottage may have up to 1 wing attached to the main body.
- iv. The wing shall project from either the front or the rear of the main body.
- v. The wing shall be aligned with either of the sides of the main body.

2. Main Body

- i. The minimum width of the main body shall be 30 feet and a maximum of 48 feet.
- ii. The minimum depth of the main body shall be 18 feet and a maximum of 32 feet.

B. Building Size and Massing (continued)

3. Wing(s)

- i. The width of the wing shall be no more than 22 feet maximum.
- ii. The depth of the wing shall be no more than 14 feet maximum.

C. Building Frontages

- i. A Kā'awanui Horizontal Cottage shall have at least 1 frontage type.
- ii. The permissible frontage types are: Lānai, Projecting; Lānai, Engaged. All other frontage types are prohibited.
- iii. The frontage may be attached to a front projecting wing.

D. Pedestrian Access

- i. The main entrance location shall be located in the frontage of the Kā'awanui Cottage.
- ii. A rear entrance is required and shall be located on the rear of the main body or the back wall of a rear wing.

2.2.010 Kā'awanui Horizontal Cottage**F. Foundation**

- i. The Kā'awanui Horizontal Cottage shall have a post-on-pier foundation that does not exceed 4 feet, except as required by the County of Kauai Floodplain Management Program.

G. Fenestration

- i. All windows shall be single or double hung.

H. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

I. Height

- i. The Kā'awanui Horizontal Cottage shall have a maximum height limit of 9 feet from the finished floor to the top of wall plate.

J. Roof**1. Roof Pitch**

- i. The Kā'awanui Horizontal Cottage roof pitch ratios shall be set at a 4:12, 5:12 or 6:12 pitch.

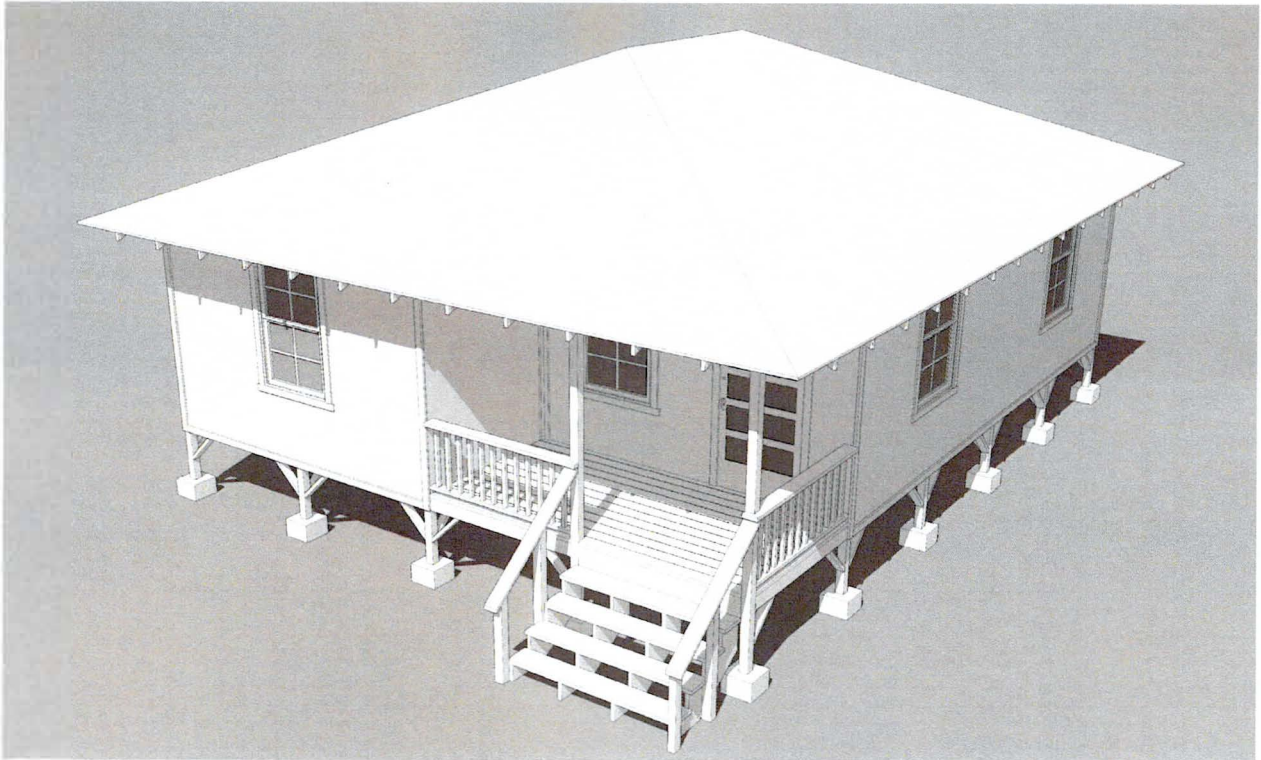
2. Roof Material Type

- i. The Kā'awanui Horizontal Cottage roof materials shall be corrugated metal.

3. Miscellaneous

- i. The Kā'awanui Horizontal Cottage roof types shall be Gable, Hip, or Dutch-Gable.
- ii. Gable roofs shall have a decorative vent feature. The decorative vent shall include a fire mesh.

2.2.020 Kā'awanui Vertical Cottage



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Kā'awanui Vertical Cottage: This building type is a medium-sized detached residential structure, and it is used for single family occupancy. The shortest side of this building type is parallel to the main thoroughfare.

B. Building Size and Massing

1. Massing

- i. A Kā'awanui Vertical Cottage shall have 1 main body section.
- ii. No more than 1 main body is permissible for each Kā'awanui Vertical Cottage.
- iii. A Kā'awanui Vertical Cottage shall not have wings.

2. Main Body

- i. The minimum width of the main body shall be 16 feet and a maximum of 28 feet.
- ii. The minimum depth of the main body shall be 30 feet and a maximum of 44 feet.

C. Building Frontages

- i. A Kā'awanui Vertical Cottage shall have at least 1 frontage type.
- ii. The permissible frontage types are: Lānai, Projecting; Lānai, Engaged. All other frontage types are prohibited.

D. Pedestrian Access

- i. The main entrance location shall be located in the frontage of the Kā'awanui Vertical Cottage.

2.2.020 Kā'awanui Vertical Cottage**F. Foundation**

- i. The Kā'awanui Vertical Cottage shall have a post-on-pier foundation that does not exceed 4 feet, except as required by the County of Kauai Floodplain Management Program.

G. Fenestration

- i. All windows shall be single or double hung.

H. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

I. Height

- i. The Kā'awanui Vertical Cottage shall have a maximum height of 9 feet from the finished floor to the top of wall plate.

J. Roof**1. Roof Pitch**

- i. The Kā'awanui Vertical Cottage roof pitch ratios shall be set at a 4:12, 5:12 or 6:12 pitch.

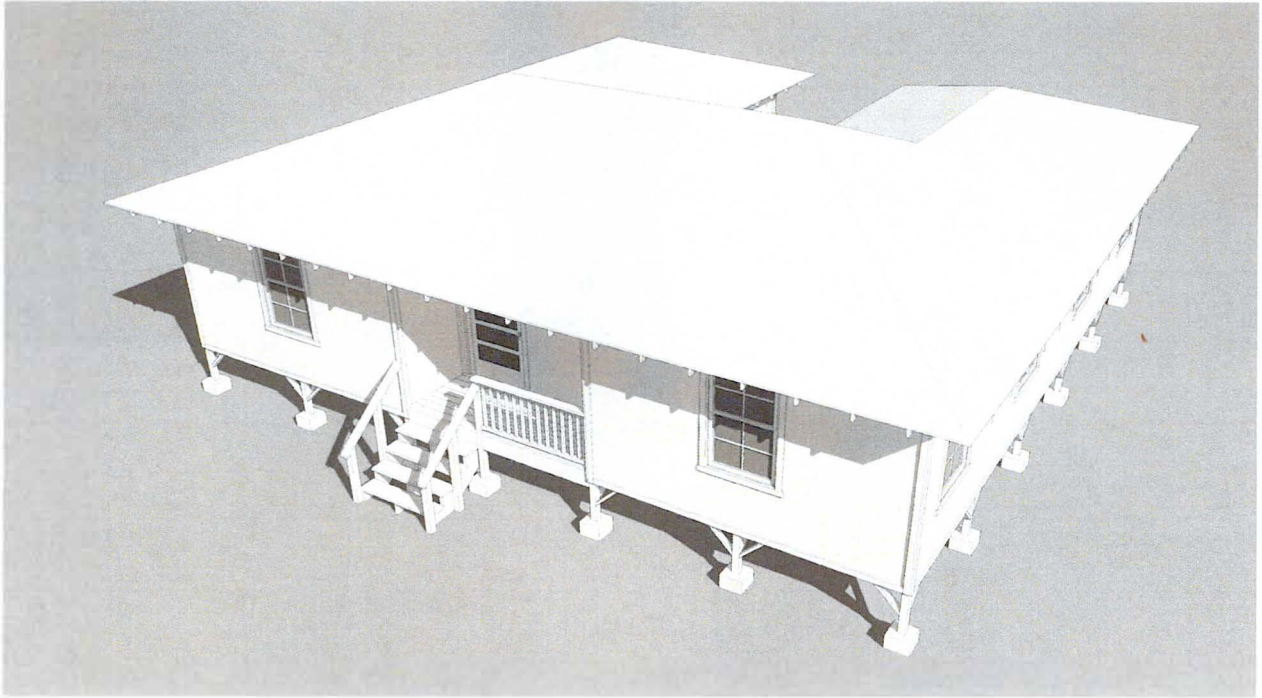
2. Roof Material Type

- i. The Kā'awanui Vertical Cottage roof materials shall be corrugated metal.

3. Miscellaneous

- i. The Kā'awanui Vertical Cottage roof types shall be Gable or Hip.
- ii. Gable roofs shall have a decorative vent feature that does not have to be wood. The decorative vent shall include a fire mesh.

2.2.030 H-Type Cottage



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

H-Type Cottage: This building type is a medium-sized detached residential structure, and it is used for single or multi family occupancy. The longest side of the main body of this building type is parallel to the main thoroughfare.

B. Building Size and Massing

1. Massing

- i. A H-type Cottage shall have 1 main body section.
- ii. No more than 1 main body is permissible for each H-Type Cottage.
- iii. A H-Type Cottage shall have 2 wings attached to the rear of the main body.
- iv. The wings shall be aligned with the sides of the the main body's side walls.

2. Main Body

- i. The width of the main body shall be 40 feet.
- ii. The depth of the main body shall be 24 feet.

3. Wing(s)

- i. The width of the wing shall be 15 feet.
- ii. The depth of the wing shall be 10 feet.

C. Building Frontages

- i. A H-Type Cottage shall have a Lānai, Engaged frontage type.
- ii. The Lānai, Engaged shall be located in the center of the structure.

D. Pedestrian Access

- i. The main entrance location shall be located in the frontage of the H-Type Cottage.

E. Foundation

- i. The H-Type Cottage shall have a post-on-pier foundation that does not exceed 4 feet, except as required by the County of Kauai Floodplain Management Program.

F. Fenestration

- i. All windows shall be single or double hung.

G. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

2.2.030 H-Type Cottage**H. Height**

- i. The H-Type Cottage shall have a maximum height of 9 feet from the finished floor to the top of wall plate.

I. Roof**1. Roof Pitch**

- i. The H-Type Cottage roof pitch ratios shall be set at a 4:12.

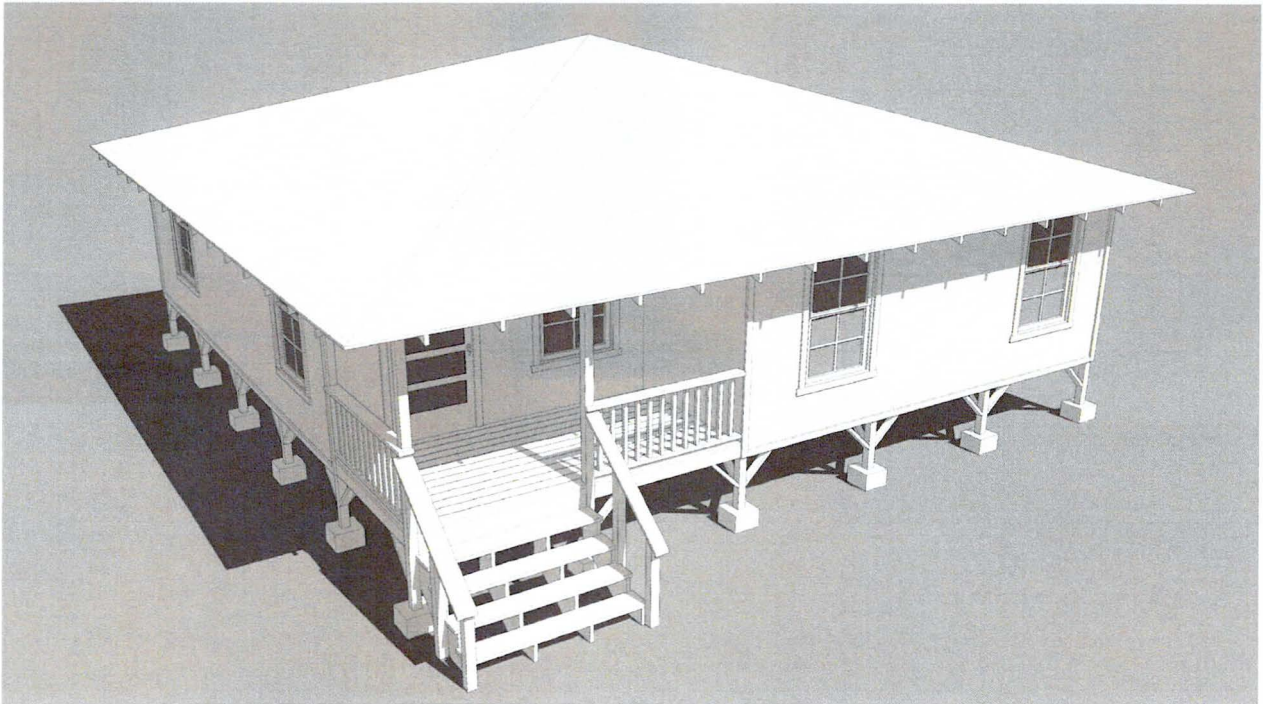
2. Roof Material Type

- i. The H-Type Cottage roof materials shall be corrugated metal.

3. Miscellaneous

- i. The H-Type Cottage roof types shall be Hip.

2.2.040 HSPA Cottage



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

HSPA Cottage: This building type is a small to medium sized square detached residential structure, and it is used for single family occupancy.

B. Building Size and Massing

1. Massing

- i. A HSPA Cottage shall have 1 main body section.
- ii. No more than 1 main body is permissible for each HSPA Cottage.
- iii. A HSPA Cottage shall not have wings.

2. Main Body

- i. The minimum width of the main body shall be 25 feet and a maximum of 35 feet.
- ii. The depth of the main body shall be equal to the width of the main body, creating a square structure.

C. Building Frontages

- i. A HSPA Cottage shall have a frontage type.
- ii. The permissible frontage type is Lānai, Engaged; All other frontage types are prohibited.

D. Pedestrian Access

- i. The main entrance location shall be located in the frontage of the HSPA Cottage.

E. Foundation

- i. The HSPA Cottage shall have a post-on-pier foundation that does not exceed 4 feet, except as required by the County of Kauai Floodplain Management Program.

F. Fenestration

- i. All windows shall be single or double hung.

G. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

2.2.040 HSPA Cottage**H. Height**

- i. The HSPA Cottage shall have a maximum height of 9 feet from the finished floor to the top of wall plate.

I. Roof**1. Roof Pitch**

- i. The HSPA Cottage roof pitch ratios shall be set at a 4:12 or 5:12 pitch.

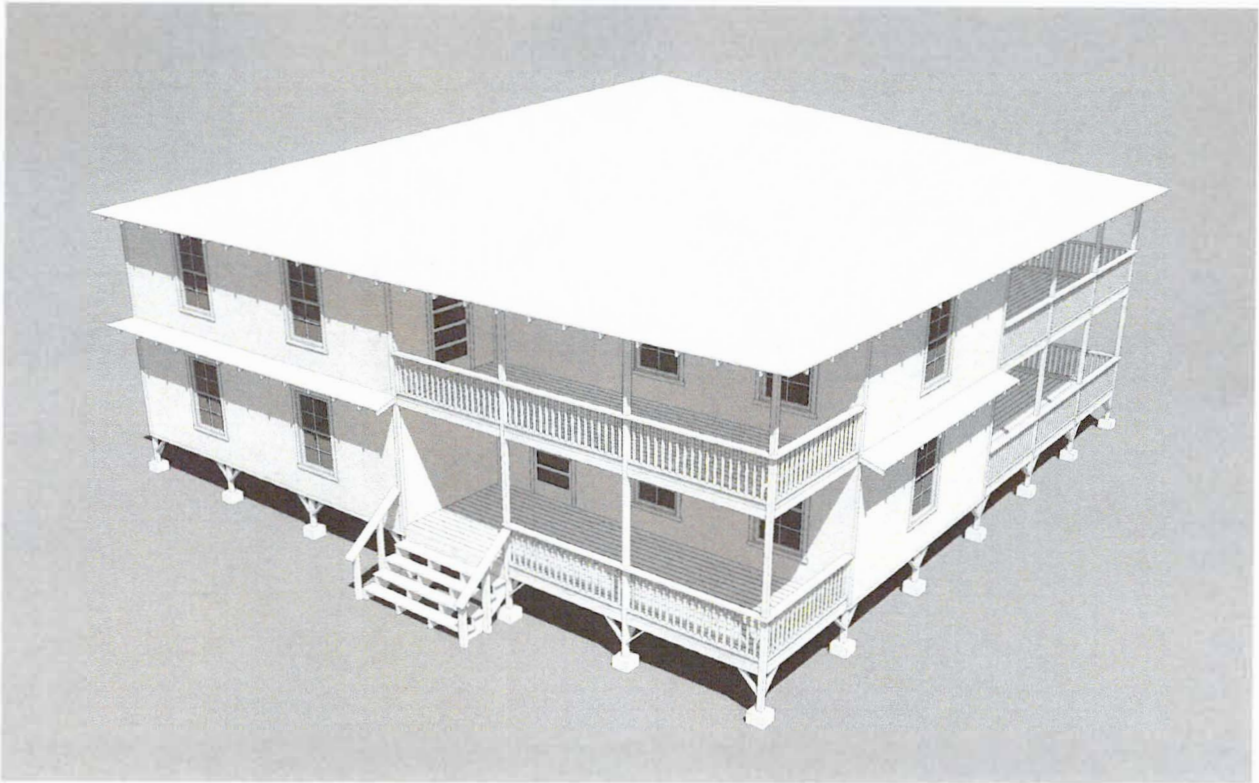
2. Roof Material Type

- i. The HSPA Cottage roof materials shall be corrugated metal.

3. Miscellaneous

- i. The HSPA Cottage roof types shall be Gable.
- ii. Gable roofs shall have a decorative vent feature.

2.2.050 Duplex



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Duplex: This Building type is a small-to-medium sized structure that consist of two side-by-side or stacked dwelling units, both facing the street and sharing one common party wall. This type has the appearance of a medium to large single-family home and is appropriately scaled to fit within primarily single-family neighborhoods or medium density neighborhoods. It enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.

B. Building Size and Massing

1. Massing

- i. A Duplex shall have one main body.
- ii. No more than one main body is permissible for each Duplex.
- iii. A Duplex may have a maximum of two wings attached to the main body.
- iv. Wings shall not be attached to each other.

B. Building Size and Massing (continued)

2. Main Body

- i. The width of the main body shall be no more than 48 feet maximum.
- ii. The depth of the main body shall be no more than 40 feet maximum.

3. Wing(s)

- i. The width of the wing shall be no more than 15 feet maximum.
- ii. The depth of the wing shall be no more than 20 feet maximum.
- iii. Where multiple wings are proposed, each wing shall have at least 10 feet of separation from each other respective wing.

C. Building Frontages

- i. A Duplex shall have at least one frontage type per unit. The permissible frontage types are: Lānaʻi, Projecting; Lānaʻi, Engaged; and Stoop. All other frontage types are prohibited.

2.2.050 Duplex**D. Pedestrian Access**

- i. The main pedestrian entries shall be located in the frontage of the Duplex.
- ii. Each unit shall have an individual street-facing entry on the front façade.

F. Fenestration

- i. All windows shall be single or double hung.

G. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

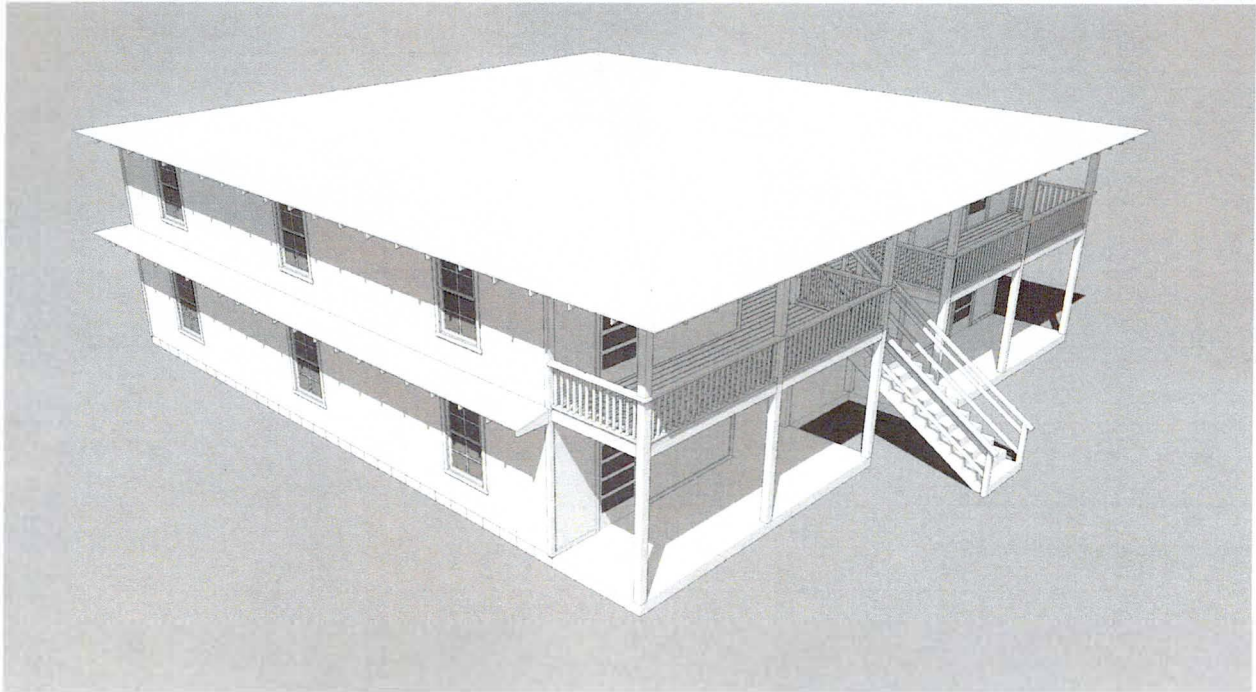
H. Height

- i. The Duplex shall be 30 feet maximum in height from the finished grade to the top of the peak of the roof. Up to four additional feet is permissible to elevate the structure to post on pier. Except as required by the County of Kauai Floodplain Management Program.
- ii. Finished grade at main entry shall not be greater than 4 feet above existing grade.
- iii. The Duplex shall not be greater than two stories in height.

I. Roof

- i. The Duplex roof material shall be corrugated metal.

2.2.060 Multiplex Small



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Multiplex Small: This building type is a medium structure that consists of three to six side-by-side and/or stacked dwelling units, typically with one shared entry or individual entries along the front. This type has the appearance of a medium-sized family home and is appropriately scaled to fit in sparingly within primarily single-family neighborhoods or into medium-density neighborhoods. This type enables appropriately scaled, well-designed higher densities and is important for providing a broad choice of house types and promoting walkability.

B. Number of Units

- i. The minimum number of units in a Multiplex Small building is three.
- ii. The maximum number of units in a Multiplex Small building is six.

B. Building Size and Massing

1. Massing

- i. A Multiplex Small building shall have one main body.
- ii. No more than one main body is permissible for each Multiplex Small building.
- iii. Wings shall not be attached to each other.

B. Building Size and Massing (continued)

2. Main Body

- i. The width of the main body shall be no more than 48 feet maximum.
- ii. The depth of the main body shall be no more than 36 feet maximum.

3. Wing(s)

- i. The width of the wing shall be no more than 24 feet maximum.
- ii. The depth of the wing shall be no more than 24 feet maximum.
- iii. Where multiple wings are proposed, each wing shall have at least 10 feet of separation from each other respective wing.

C. Building Frontages

- i. A Multiplex Small building shall have at least one frontage type. The permissible frontage types are: Lānaʻi, Projecting; Lānaʻi, Engaged; and Stoop. All other frontage types are prohibited.

D. Pedestrian Access

- i. The main pedestrian entries shall be located in the frontage of the Multiplex Small building.

2.2.060 Multiplex Small**E. Fenestration**

- i. All windows shall be single or double hung.

F. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

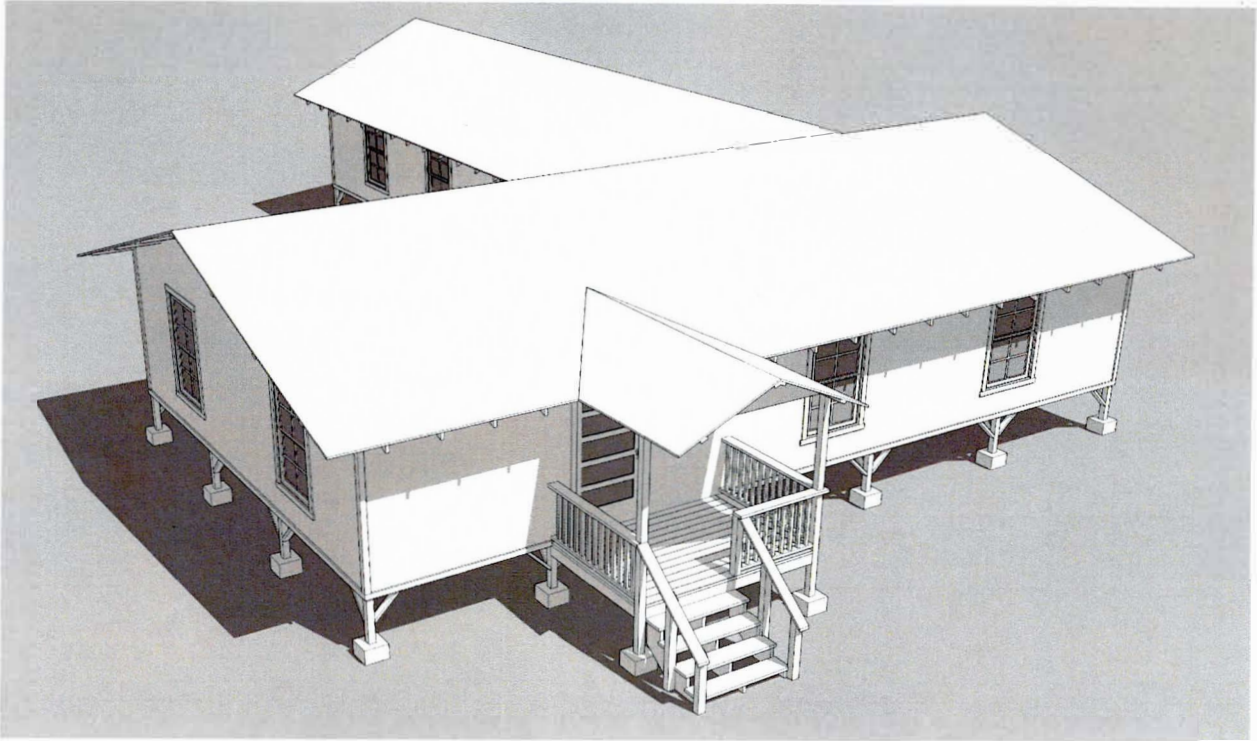
G. Height

- i. The Multiplex Small shall be 30 feet maximum in height from the finished grade to the top of the peak of the roof. Up to four additional feet is permissible to elevate the structure to post on pier. Except as required by the County of Kauai Floodplain Management Program.
- ii. Finished grade at main entry shall not be greater than 4 feet above existing grade.
- iii. The Multiplex Small shall not be greater than two stories in height.

H. Roof

- i. The Multiplex Small roof material shall be corrugated metal.

2.2.070 Dormitory



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Dormitory: This building type is a medium-sized detached residential structure for boarding or residential purposes.

B. Building Size and Massing

1. Massing

- i. A Dormitory shall have one main body.
- ii. No more than one main body is permissible for each Dormitory building type.
- iii. A Dormitory may have a maximum of two wings attached to the main body.
- iv. Wings shall not be attached to each other.

2. Main Body

- i. The width of the main body shall not be greater than 62 feet.
- ii. The depth of the main body shall not be greater than 52 feet.

3. Wing(s)

- i. The width of the wing shall not be greater than 26 feet.
- ii. The depth of the wing shall not be greater than 25 feet.

C. Building Frontages

- i. The Dormitory shall have a Lāna'i, Projecting. All other frontage types are prohibited.

D. Pedestrian Access

- i. The main entrance location shall be located in the front of the Dormitory.

F. Fenestration

- i. All windows shall be single or double hung.

G. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

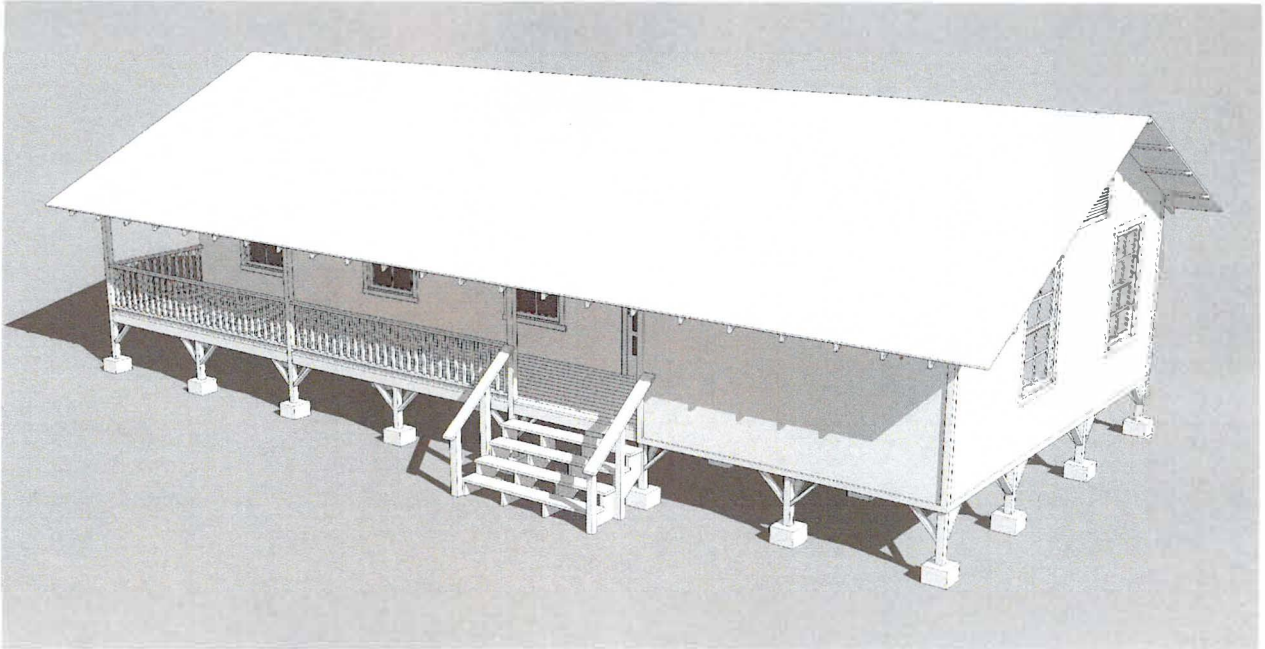
2.2.070 Dormitory**H. Height**

- i. The Dormitory shall be 20 feet maximum in height from the finished grade to the top of the peak of the roof. Up to four additional feet is permissible to elevate the structure to post on pier. Except as required by the County of Kauai Floodplain Management Program.
- ii. Finished grade at main entry shall not be greater than 4 feet above existing grade.
- iii. The Dormitory shall not be greater than one story in height.

I. Roof

- i. The Dormitory roof materials shall be corrugated metal.

2.2.080 Camp Store



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Camp Store: This building type is a small to medium sized detached commercial structure.

B. Building Size and Massing

1. Massing

- i. A Camp Store shall have 1 main body section.
- ii. No more than 1 main body is permissible for each Camp Store.
- iii. A Camp Store shall not have wings.

2. Main Body

- i. The width of the main body shall be 40 feet.
- ii. The depth of the main body shall be 20 feet.

C. Building Frontages

- i. A Camp Store shall have a frontage type.
- ii. The permissible frontage type is Lānai, Projecting. All other frontage types are prohibited.

D. Pedestrian Access

- i. The main entrance location shall be located in the frontage of the Camp Store Cottage.

E. Fenestration

- i. All windows shall be single or double hung.

F. Foundation

- i. The H-Type Cottage shall have a post-on-pier foundation that does not exceed 4 feet, except as required by the County of Kauai Floodplain Management Program.

G. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

H. Height

- i. The Camp Store shall have a maximum height limit of 9 feet from the finished floor to the top of wall plate.

I. Roof

1. Roof Pitch

- i. The Camp Store roof pitch ratio shall be set at 6:12.

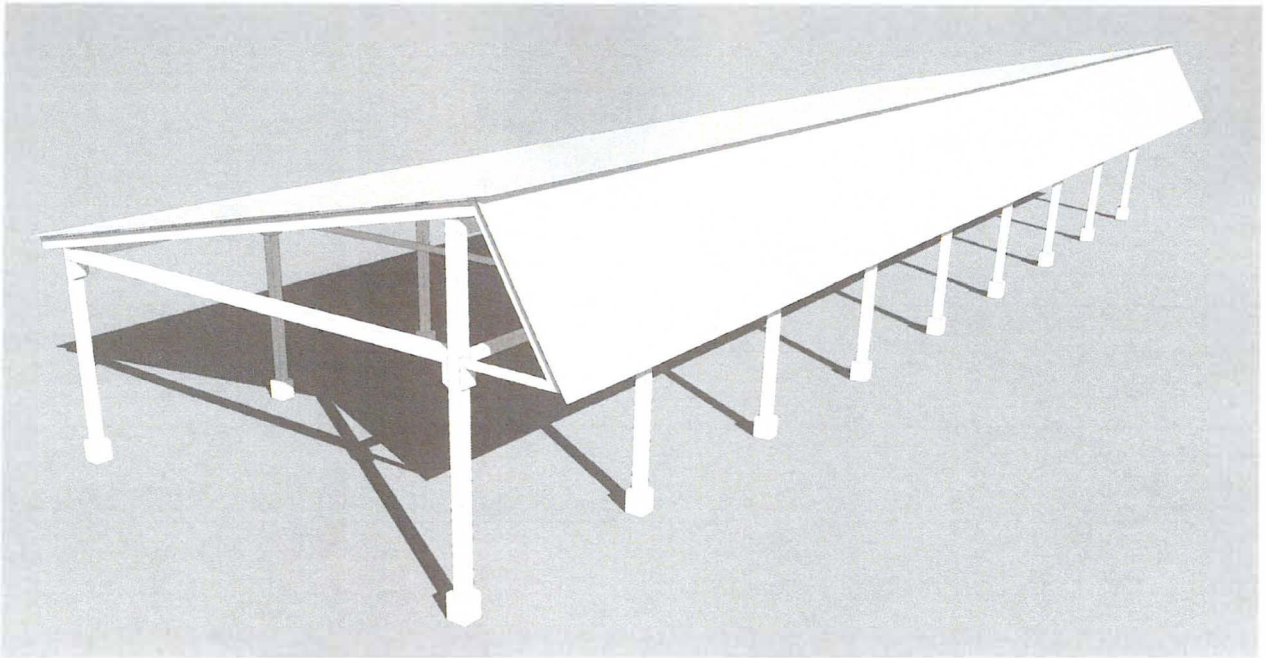
2. Roof Material Type

- i. The Camp Store roof materials shall be corrugated metal.

3. Miscellaneous

- i. The Camp Store roof types shall be Gable.
- ii. Gable roofs shall have a decorative vent feature.

2.2.090 Community Parking Facility



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Community Parking Facility: This building type is a detached parking structure and is associated with residential uses.

B. Building Size and Massing

1. Massing

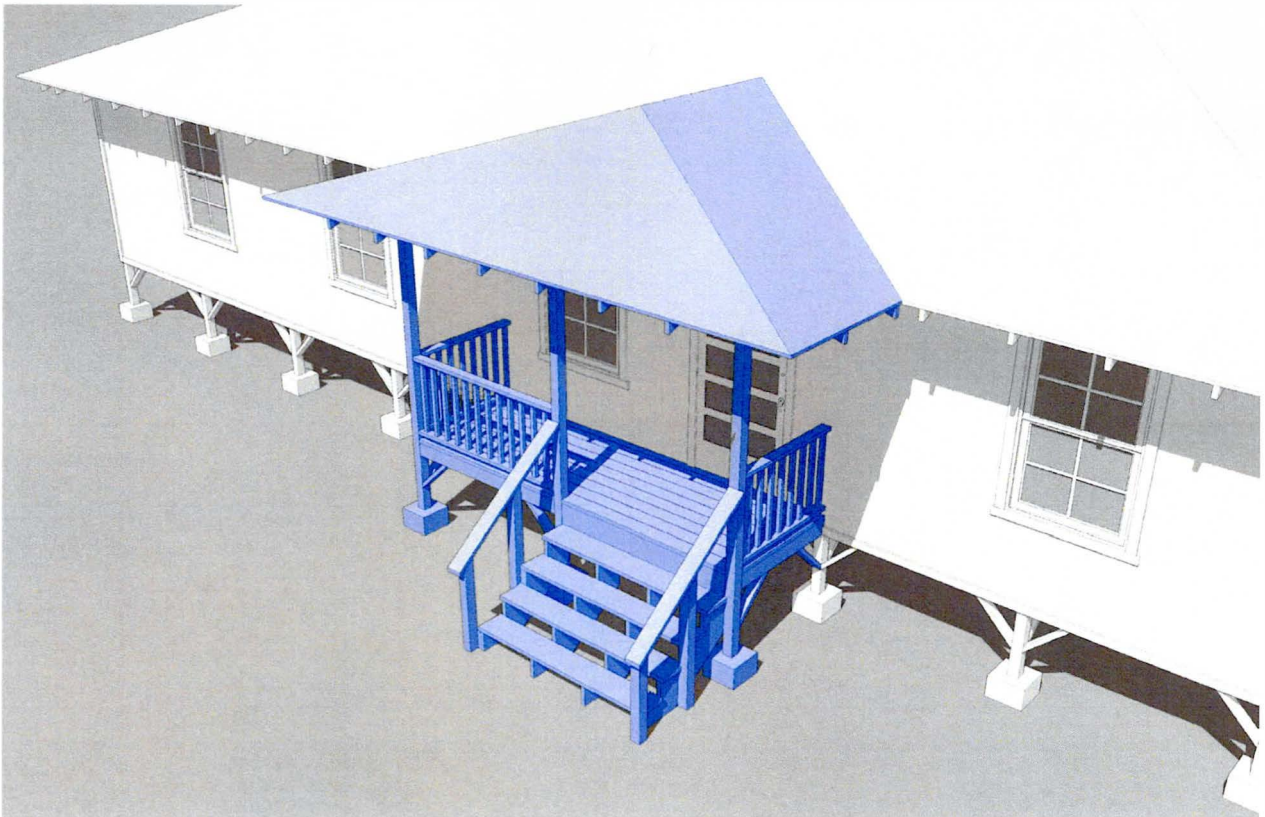
- i. A Community Parking Facility shall have 1 main body section.
- ii. No more than 1 main body is permissible for each Community Parking Facility.
- iii. The Main body shall not exceed 120 ft in width and 30 feet in depth.
- iv. The maximum height shall be no more than 20 ft.



General note: Kaumakani Village Shared Parking Structure

Article 2: Transect Descriptions and Building Types, Frontages

Sub-Article 2.3: Kā’awanui Village Building Type Frontages		32-34
2.3.010	Lānai, Projecting	32
2.3.020	Lānai, Engaged	33
2.3.030	Stoop	34

2.3.010 Lānai, Projecting

General note: the illustration above is intended to provide a brief overview of the Frontage type and is descriptive in nature.

A. Description

Lānai, Projecting: The main façade of the building has a small to medium setback from the thoroughfare. The Lanai, Projecting is open on 3 sides.

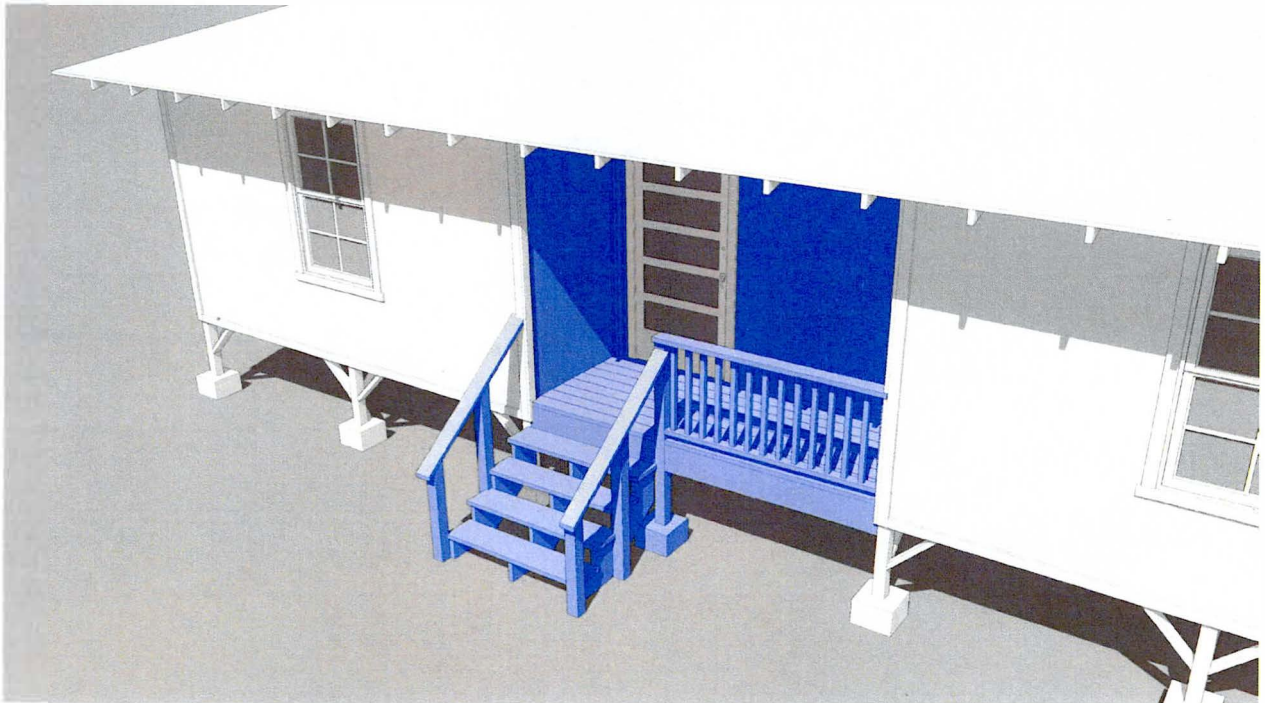
B. Location

- i. The Lānai, Projecting shall be located on the front of the cottage facing the thoroughfare.

C. Size

- i. The width of the frontage shall be a minimum of 5 feet and a maximum of 12 feet.
- ii. The depth of the frontage shall be a minimum of 4 feet and a maximum of 6 feet, excluding the stairs.
- iii. The height of the Lānai shall be a minimum of 8 feet from the bottom to top plate.

2.3.020 Lānai, Engaged



General note: the illustration above is intended to provide a brief overview of the Frontage type and is descriptive in nature.

A. Description

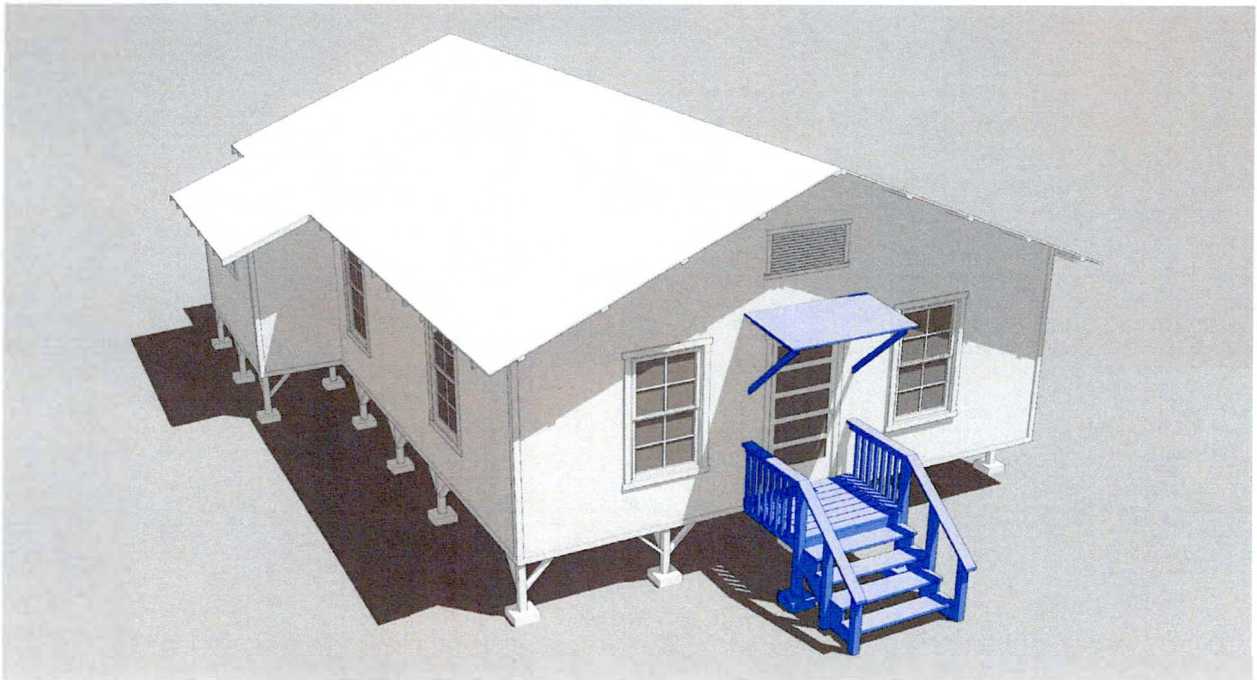
Lānai, Engaged: The main façade of the building has a small to medium setback from the thoroughfare. The Lanai, Engaged has 2 adjacent sides of the Lanai that are engaged to the building. If the Lanai, Engaged is situated in the center of the structure it can be engaged on 3 sides.

B. Location

- i. The Lānai, Engaged shall be located on the front of the cottage facing the thoroughfare.

C. Size

- i. The width of the frontage shall be a minimum of 8 feet and a maximum of 12.
- ii. The depth of the frontage shall be a minimum of 4 feet and maximum of 8 feet, excluding the stairs.
- iii. The height of the Lānai shall be a minimum of 8 feet from the bottom to top plate.

2.3.030 Stoop

General note: the illustration above is intended to provide a brief overview of the Frontage type and is descriptive in nature.

A. Description

Stoop: The main façade of the building is near the frontage line. This type is appropriate for residential uses with small setbacks.

B. Location

- i. The Stoop shall be located on the front of the building facing the thoroughfare.

C. Size

- i. The width of the stoop shall be a minimum of five feet and maximum of eight feet.
- ii. The depth of the Stoop shall be 5 feet, excluding the stairs.

Article 3: Neighborhood Standards

Sub-Article 3.1: Thoroughfare Standards **36**

3.1.010	Purpose	36
3.1.020	Applicability	36
3.1.030	Standards	36

Sub-Article 3.2: Civic Space Standards **37-40**

3.2.010	Purpose	37
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3.2.030	Civic Spaces	37-38
3.2.040	Civic Space Type Standards	39-40

Sub-Article 3.1: Thoroughfare Standards

- 3.1.010 **Purpose:** The purpose of this article is to provide optional standards for proposed thoroughfares within the plantation camp zones.
- 3.1.020 **Applicability:** Any proposed thoroughfares within the plantation camp zones.
- 3.1.030 **Standards:**
- A. All proposed roads and thoroughfares shall meet the County of Kauai Street Design Manual requirements as determined by the County Engineer.
 - B. The County Engineer may approve a thoroughfare that does not meet the Street Design Manual standards within the Plantation Camp Zones if the following criteria are met:
 - 1. The thoroughfare is 18 to 20 ft. in width;
 - 2. The thoroughfare is paved or comprised of a compacted surface approved by the Fire Department for emergency vehicle access;
 - 3. On street parking is prohibited;
 - 4. The thoroughfare's associated residences have access to a shared parking facility within a standard pedestrian shed.
 - 5. The shared parking facility has at least one parking stall for each of the associated residences it services.
 - 6. All of the residential units proposed on the thoroughfare are setback from the thoroughfare no more than 20 ft.

Sub-Article 3.2: Civic Space Standards

3.2.010 **Purpose:** The purpose of this article is to establish civic space standards for plantation camp civic space. Civic buildings and civic spaces provide important gathering places for communities and access to outdoor activities. The civic buildings and civic spaces should be carefully located and accessible to all. The following standards shall be met by providing and locating civic buildings and civic spaces.

3.2.020 **Standards:** The design of civic spaces shall meet the standards set forth in Sub-Article 3.2.

3.2.030 **Civic Spaces:** The standards established in the Sub-Article provide the transect zones with a diverse palette of parks and other publicly accessible civic spaces that are essential components of walkable urban environments.

The service area, size frontage and disposition of elements of standards of each civic space types are regulatory. The illustration and description of each civic space type are illustrative in nature and not regulatory.

- A. Service Area. Describes how the civic space relates to the County as a whole and the area that will be served by the civic space.
- B. Size. The overall range of allowed sizes of the civic space.
- C. Frontage. The relationship along property lines of a civic space to adjacent building or lots.
 - 1. Building. Civic spaces that are listed as having a “Building” Frontage shall have the fronts of buildings, either attached to the park or across a thoroughfare, facing onto the civic space for a minimum of three-quarters of the perimeter.
 - 2. Independent. Civic spaces that are listed as having an “Independent” frontage shall have the fronts of buildings, either attached to the park or across a thoroughfare, facing on to the civic space to the maximum extent possible, but may have the side or rear of a building or lot front on to the civic space.
- D. Disposition of Elements. The placement of objects within the civic space.
 - 1. Natural. Civic spaces with natural character are designed in a natural manner with no formal arrangement of elements.
 - 2. Formal. Civic spaces with a formal character have a more rigid layout that follows geometric forms and has trees and other elements arranged in formal patterns.
 - 3. Informal. Civic spaces with an informal character have a mix of formal and natural characteristics.

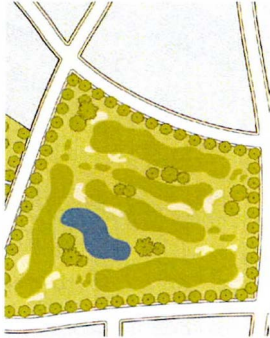
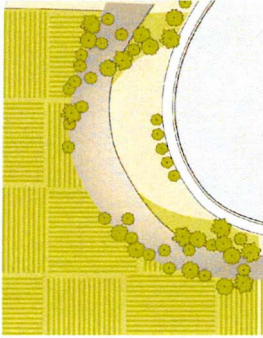
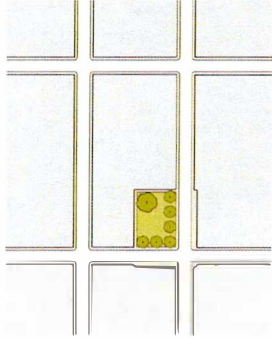
Typical Facilities. Provides a list of the typical facilities found within the civic space. This list is not intended to be a complete list of facilities allowed nor is it intended that every civic space could contain each of the facilities listed.

Ownership and Maintenance of Required Open Space, and Civic Space. Open space areas shall be maintained as permanent open space and/or civic space through one or more of the following options:

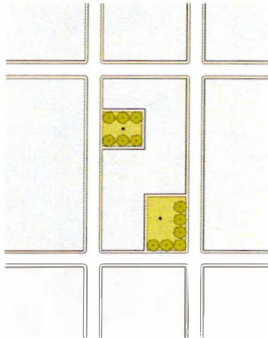
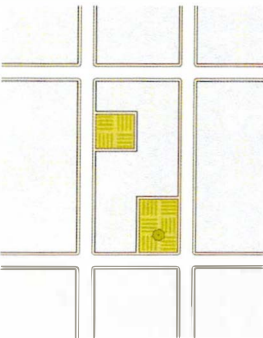
- A. Establishment of an entity to manage and maintain the open space by the property owner, in a form that ensures long-term maintenance and management;
- B. Conveyance of the land to a property owners' or homeowners' association that holds the land in common ownership and will be responsible for managing and maintain it for its intended purposes;
- C. Conveyance of the land to a third-party beneficiary, such as a nonprofit environmental or civic organization, that is organized for , capable of, and willing to accept responsibility for managing and maintaining the land for its intended purposes; or
- D. Dedication of the land to the County or other appropriate public agency that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended purposes.

The civic spaces specified in Table 3.2.030 (Civic Space Type Standards) are allowed by right or with the specified approvals in the designated transect zones.

Sub-Article 3.2: Civic Space Standards

3.2.040 Civic Space Type Standards			
Civic Space Type	Special Use Park	Overlook Park	Pocket Park
Illustration			
Description	A space that is civic in nature but that does not fit into any pre-established civic space type category.	An open space that provides space for viewing scenic or historically significant vistas, usually from a height.	An open space available for informal activities in close proximity to neighborhood residences.
Location & Size			
Location			
Service Area	Regional	Regional	Neighborhood
Size			
Minimum	No Minimum	No Minimum	4,000 square feet
Maximum	No Maximum	No Maximum	1 acre
Character			
Frontage	Building or Independent	Independent	Building
Disposition of Elements	Natural, Formal, or Informal	Natural or Informal	Formal or Informal
Typical Facilities	Passive and Active Recreation, Accessory Structure, Drinking Fountains, Community Facility < 5,000 gross square feet, Paths and Trails.	Passive Recreation, Accessory Structure, Drinking Fountains, Paths and Trails.	Passive Recreation, Accessory Structure, Drinking Fountains, Paths and Trails.

3.2.040 Civic Space Type Standards (continued)

Civic Space Type	Playground	Community Garden
Illustration		
Description	<p>An open space designed and equipped for the recreation of children. A Playground should be fenced and may include an open shelter. Playgrounds may be included within other civic spaces.</p>	<p>An open space designed as a grouping of garden plots that are available to nearby residents for small-scale cultivation. Community Gardens may be included within other civic spaces.</p>
Location & Size		
Location	Neighborhood	Neighborhood
Service Area		
Size	No Minimum	No Minimum
Minimum		
Maximum	No Maximum	No Maximum
Character		
Frontage Disposition of Elements	Independent or Building Formal or Informal	Independent or Building Formal or Informal
Typical Facilities		
	Accessory Structure, Drinking Fountains, Paths and Trails.	Accessory Structure, Drinking Fountains, Paths and Trails.

Article 4: Administration and Procedures

Sub-Article 4.1: Purpose and Applicability 42-43

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Sub-Article 4.1: Purpose and Applicability

- 4.1.010 **Purpose:** This Article establishes procedures for the preparation, filing, and processing of applications for development permits and other entitlements required by this Code.
- 4.1.020 **Applicability:**
- A. This Form-Based Code applies to any construction, development, activity, or use within the land zoned with the SPA designation as shown in Figure 1.2.010 (Kā’awanui Village Transect Map).
 - B. The requirements of this Code are in addition to all applicable federal, state, and county laws and regulations governing land use and development, including Chapter 8 (Comprehensive Zoning Ordinance) and Chapter 9 (Subdivision), Kaua’i County Code 1987, as amended.
 - C. In case of conflict between any provision of this Code, Kaua’i County Code Chapter 8 (Comprehensive Zoning Ordinance) (“CZO”), and any other Kaua’i County Code, rule, or regulation conflict, this Code shall apply.
- 4.1.030 **Review Authority:**
- A. Table 4.1.030.A (Review Authority) identifies the County official or body responsible for reviewing and making decisions on each type of application required by this Code.
 - B. All applications for property located within the Plan Area are subject to the review and approval of the review authority(s) identified in Table 4.1.030.A Review Authority.

Table: 4.1.030.A: Review Authority

Approval	Reference	Planning Director	Planning Commission	County Council
Zoning Permits				
Class I	Subsec. 8-3.1(c) CZO	Decision	Appeal	
Class II	Subsec. 8-3.1(d) CZO	Decision	Appeal	
Class III	Subsec. 8-3.1(e) CZO	Decision	Appeal	
Class IV	Subsec. 8-3.1(f) CZO	Recommend	Appeal/Decision	
Use Permit	Sec. 8-3.2 CZO	Recommend	Appeal/Decision	
Variance	Sec. 8-3.2 CZO	Recommend	Appeal/Decision	
Amendment	Sec. 8-3.2 CZO	Recommend	Recommend	Decision
Minor Modification	4.2.040	Decision	Appeal/Decision	

4.1.040 **Concurrent Processing:** Multiple applications for the same project will be processed concurrently, reviewed, and approved or denied by the highest review authority designated by this Code for any of the permits or approvals (i.e., a project for which applications for a Class II Zoning Permit and a Use Permit are filed must have both applications decided by the Planning Commission, instead of the Director first deciding on the Zoning Permit as otherwise required by Table 4.1.030.A (Review Authority).

4.1.050 **Rules of Interpretation:**

A. Authority. The Director has the authority to interpret any provision of this Code. Whenever the Director determines that the meaning or applicability of any Code requirement is subject to interpretation, the Director may issue an official interpretation. The Director may also refer any issue of interpretation to the Planning Commission for their determination.

B. Language.

1. The words “shall,” “must,” “will,” “is to,” and “are to” are always mandatory;
2. “Should” is not mandatory but is strongly recommended; and “may” is permissive;
3. The present tense includes the past and future tenses; and the future tense includes the present;
4. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise; and
5. The words “includes” and “including” shall mean “including but not limited to”.
6. “Applicant” means an owner or any person who has full written authorization of the owner.
7. “Owner” means the holders of equitable and legal title of land in fee simple.
8. When used in this Code, the terms “Code,” “this Code,” or “Form-Based Code” means the West Kaua’i Form-Based Code

C. Time Limits. Whenever a number of days is specified in this Code, the number of days shall be construed as consecutive calendar days. A time limit shall extend to 4:30 p.m. on the following working day where the last of the specified number of days falls on a weekend or holiday.

D. Uses Not Listed. The Director has the authority to determine other unlisted uses as similar in nature to those listed in the respective Use Tables of Article 2 (Specific to Transect Zones) as requiring a use permit, and that those similar uses may also be permissible in that respective Transect Zone with a Use Permit

Sub-Article 4.2: Permits and Approvals

4.2.010 Zoning Permits:

- A. No person shall undertake any construction or development or carry on any activity, or use, for which a zoning permit is required by this Code, or obtain a building permit for construction, development, activity, or use regulated by this Code, without first obtaining the required permit.
- B. To obtain any permit, the applicant shall show compliance with the standards established in this Code and shall submit, where necessary, a plot plan as required by CZO Sec. 8-4.6(d).
- C. Applications for zoning permits as required in this Code shall be processed in accordance with CZO Sec. 8-3.1 (Zoning Permits).
- D. For any Zoning Permit, the designated Review Authority may approve, with or without conditions, or deny the permit. The following Zoning Permits are required for the following activities:
 - 1. Class I Permit. A Class I Permit must be obtained for construction or development not located in a Constraint District or a Special Treatment District where the construction or development does not require a Use Permit or a Variance Permit and:
 - a. For non-residential or mixed-use projects that are generally permitted; or
 - b. For residential projects, the project consists of no more than one (1) dwelling unit.
 - 2. Class II Permit. A Class II Permit must be obtained for construction or development of a residential project consisting of between two (2) to ten (10) dwelling units that are not located in a Constraint District or a Special Treatment District where the construction or development does not require a Use Permit or a Variance Permit.
 - 3. Class III Permit. A Class III Permit must be obtained for construction or development where the construction or development does not require a Variance Permit or a Use Permit and:
 - a. For any project where a Class I or Class II Zoning Permit would otherwise be required, except that the development is located in a Constraint District or a Special Treatment District; or
 - b. For residential projects, the project consists of between eleven (11) and fifty (50) units; or

4. Class IV Permit. A Class IV Permit must be obtained for construction or development, whether or not the development is located in a Constraint District or Special Treatment District where:
 - a. For non-residential or mixed-use projects that require a use permit; or
 - b. For residential projects, the project consists of fifty-one (51) or more dwelling units; or
 - c. For any project, a Class I, II, or III Permit would otherwise be required, except that a Use Permit or a Variance Permit is required.

E. After-the-Fact Permits. In addition to the Zoning Permit filing and processing fee(s), an application for a Zoning Permit for a structure partially or fully constructed without the required approvals and/or a use that has commenced prior to the required approvals shall have an additional filing, inspection, and processing fee(s) which is double that of the original filing and processing fee(s) or five hundred dollars (\$500.00), whichever is greater.

4.2.020 **Use Permits:**

No person shall undertake any construction or development, or carry on any activity or use for which a Use Permit is required by this Code, or obtain a building permit for construction, development, activity or use for which a Use Permit is required by this Code, without first obtaining a Use Permit in accordance with CZO Sec. 8-3.2 (Use Permits).

4.2.030 **Variance:**

Request for a variance from the provisions of this Code must comply with the requirements in CZO Sec. 8-3.3 (Variance).

4.2.040 **Minor Modifications:**

The Planning Director may approve minor modifications of up to 10% of all dimensional requirements for all building types.

Sub-Article 4.3: Administration and Enforcement

4.3.010 **Amendments:**

This Code may be amended in compliance with the requirements in CZO Sec. 8-3.4.

4.3.020 **Non-Conforming Provisions:**

Nothing in the Kāʻawanui Village Form-Based Code shall restrict or prevent an applicant from re-constructing or repairing a structure in a respective Plantation Camp transect pursuant to Section 8-8A2, subsections (a) and (b), of the Kauai County Code, 1987, as amended.

Any new densities, structures, and uses, proposed in a respective Plantation Camp transect beyond those permissible within Section 8-8A of the Kauai County Code, 1987, as amended, shall be in conformance with the rules, regulations, and standards of the subject Kāʻawanui Village Form-Based Code.

4.3.030 **Appeals:**

- A. An applicant who seeks to appeal from an adverse decision of the Director or designee shall file a notice of appeal with the Director and the Planning Commission within thirty (30) days after the adverse decision.
- B. If the appeal is from the denial of a Class III Zoning Permit, the Director shall make the notice public and shall notify any persons who have duly requested notice of appeals.
- C. The Planning Commission shall consider the appeal at a public session within sixty (60) days of the filing of the notice of appeal and shall render its decision within that period.

4.3.040 **Fee Exemptions:**

- A. A Zoning Permit application for a housing project or portions of housing projects that are developed to be affordable to low-income households as determined by the Housing Director or authorized representative of the County Housing Agency shall be exempt from the filing and processing fee required in CZO Subsection 8-3.1(b)(1), provided such projects conform to applicable provisions of the County's affordable housing program.
- B. A Zoning Permit application for a housing project or portions of housing projects that are developed to be affordable as determined by the Housing Director or authorized representative of the County Housing Agency shall be exempt from one-half (1/2) of the filing and processing fee required in CZO Subsection 8-3.1(b)(1), provided such projects conform to applicable provisions of the County's affordable housing program.
- C. No exemptions shall be afforded for such housing projects from any fees or costs arising from compliance with CZO Subsection 8-3.1(f)(4) or (h).

4.3.050 **Enforcement:**

- A. Enforcement, legal procedures, and penalties for violations of any of the regulations and standards within the Plantation Camp Form-Based Code are established pursuant to section 10-7.2 of the Kauai County Code, 1987, as amended.

Article 5: Definitions

Sub-Article 5.1: Definitions of Terms and Phrases **48-49**

5.1.010 Definitions **48-49**

Sub-Article 5.1: Definitions of Terms and Phrases

5.1.010 Definitions

This Section provides definitions for specialized terms and phrases used in this Article. All other applicable definitions in Chapter 8 of the Kauai County Code or CZO apply.

Civic Space – An outdoor area dedicated for civic activities. See Sub-Article 35.2 (Civic Space Standards).

Civic Building – A structure operated by governmental or not-for-profit organizations and limited to civic and related uses.

County Engineer – The County Engineer of the Department of Public Works of the County of Kauai.

Director – Planning Director of the County of Kauai.

Foundation – The lowest load-bearing part of a building, typically including structural placement below ground level

Front – The front section of the building facing the thoroughfare or a civic space. If two or more portions of a building face a thoroughfare or a civic space, the Director shall determine which portion of the building is the front.

Frontage – The main entrance of a building located between the front of a building and a thoroughfare or civic space.

Glazing – The glass component of a building's façade.

Gable Roof – A roof with two sloping side and a gable, or wall, at each end.

Hip Gable/Dutch Gable Roof – Is a roof with a small gable at the top of a hip roof.

Hip Roof – A roof that slopes upward from all sides of the structure, having no vertical ends.

Main Body – The main body constitutes the primary structure.

Mechanical Equipment Storage – small roofed accessory structure, attached or detached, that is no larger than 40 square feet in size.

Post-on-Pier – Type of development where the weight of the structure is distributed across a series of posts installed under the home and mounted to piers, which are typically masonry blocks arranged to distribute the weight evenly.

Rear – Section of the building the opposite front of the building.

Residential Use – The use of a structure or site for human habitation that may include a home, abode, or place where an individual is actually living at a specific point in time. Residences do not include transient accommodations such as transient hotels, motels, tourist cabins, or trailer courts, and dormitories, fraternity or sorority houses.

Setback – A designated minimal amount of space required between a structure and the thoroughfare.

Shed Roof – A flat roof that slopes in one direction and may lean against another wall or building.

Side – Section of the building running perpendicular to the front and rear of the building.

Thoroughfare – A road or path designed for multiple users, including pedestrians, bicyclists, and vehicles.

Transect Zone – A defined area that meets the organization of the human habitat with a development intensity that meets natural and/or build form characteristics.

Wing – A wing is part of a building that is subordinate to the main body.

Exhibit D

Map Showing Amendment to the West Kaua'i Community Plan (2020) Land Use Map Figure 12 "West Kaua'i Regional Map Showing Town Plan Areas".

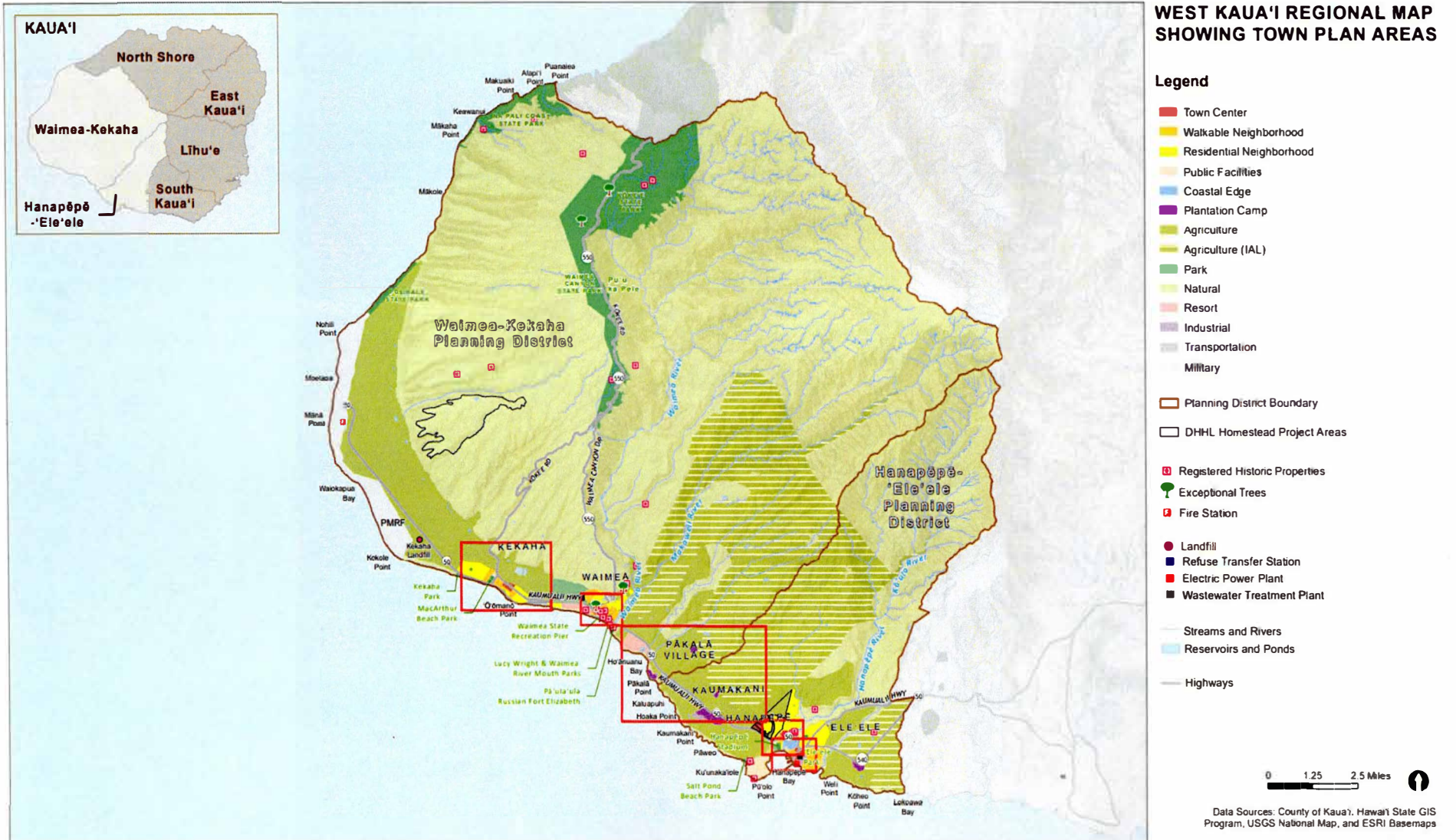


FIGURE 12 | Regional Town Plan Map

“EXHIBIT C”

(Proposed State Land Use District Amendment A-2025-3)

For reference

ORDINANCE NO. _____

BILL NO. _____

**A BILL FOR AN ORDINANCE AMENDING
THE STATE LAND USE DISTRICT BOUNDARY
RELATING TO A PARCEL LOCATED IN MAKAWELI, KAUA'I**

(County of Kaua'i Planning Department, Applicant) (A-2025-3)

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. Purpose. The purpose of this Ordinance is to update approximately 14.9 acres of the State Land Use District boundary and designation of Tax Map Key (TMK) (4) 1-7-006:006 from Agricultural to Urban.

SECTION 2. The State Land Use District Boundary designation for approximately 14.9 acres of the parcel in Makaweli, Kaua'i, identified as TMK (4) 1-7-006:006, as shown on the attached map as Exhibit A, is hereby amended from the State "Agricultural" Land Use District (A) to the State "Urban" Land Use District (U), subject to the following conditions:

1. The State Land Use District Boundary Amendment shall be limited to the area delineated in Exhibit A.
2. The Landowner shall resolve and comply with the applicable standards and requirements, if any, of all State of Hawai'i and County of Kaua'i departments and agencies.
3. The Landowner is advised that additional government agency conditions may be imposed. It shall be the Landowner's responsibility to resolve those conditions with the respective agencies.

SECTION 3. The Planning Department is directed to note the changes on the official Zoning Maps on file with the Department.

SECTION 4. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 5. This Ordinance shall take effect upon its approval.

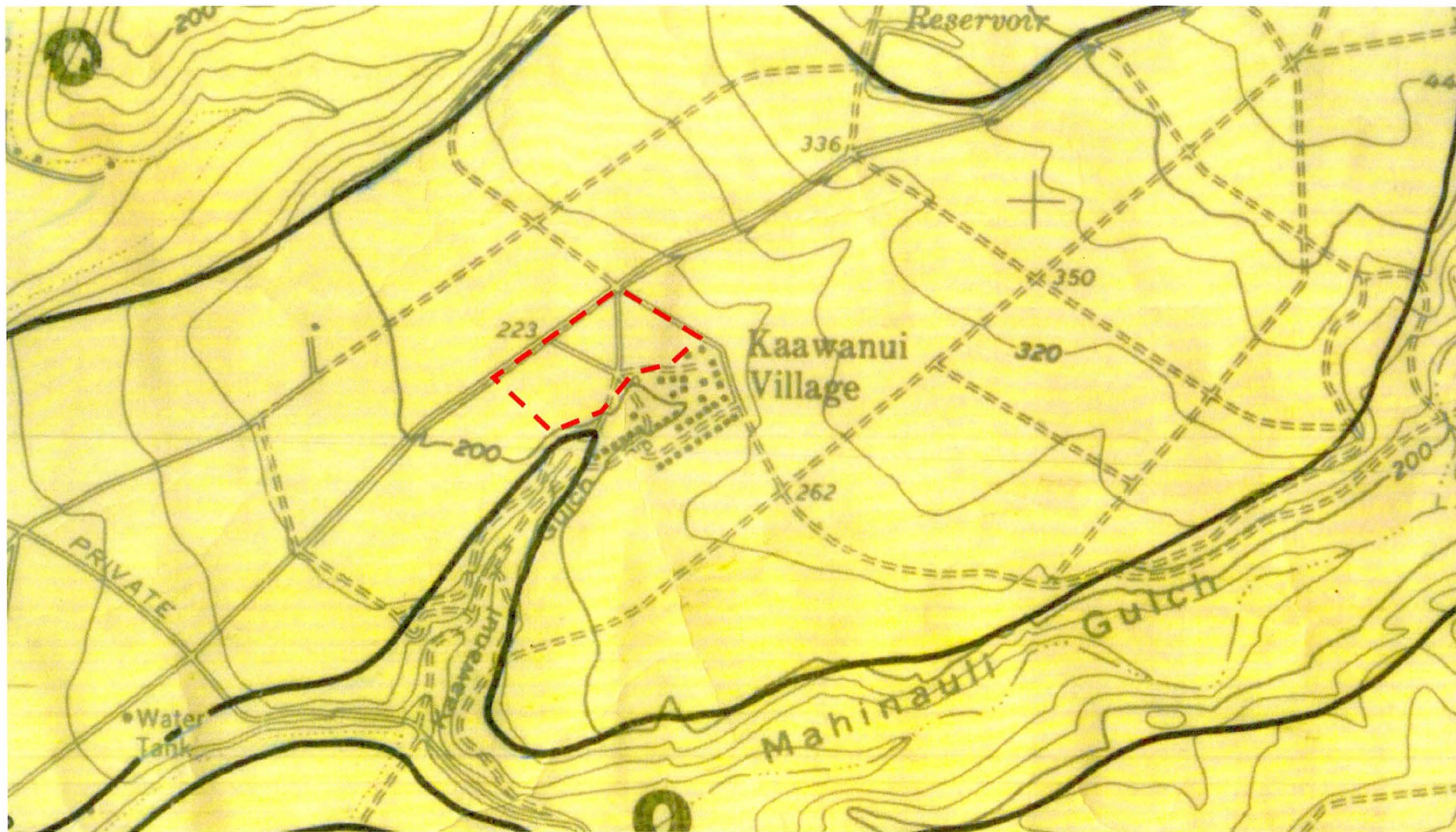
Introduced by:

(By Request)

DATE OF INTRODUCTION:

Lihu'e, Kaua'i, Hawai'i

Exhibit A



State Land Use District (SLUD) Boundary Amendment from Agricultural (A) to Urban (U)

Makaweli, Kaua'i, Hawai'i

 State Land Use District (SLUD) District Boundary Update from Agriculture (A) to Urban (U)

“EXHIBIT D”

(Proposed Zoning Amendment ZA-2025-5)

For reference

ORDINANCE NO. _____

BILL NO. _____

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 8,
KAUA'I COUNTY CODE 1987, AS AMENDED,
RELATING TO ZONING BOUNDARIES IN MAKAWELI, KAUA'I**

(County of Kaua'i Planning Department, Applicant) (ZA-2025-5)

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. Purpose. The purpose of this Ordinance is to update the County of Kaua'i Zoning Map ZM-200 to reflect zoning designation updates within the subject parcel Tax Map Key (TMK) (4) 1-7-006:006, from "Agricultural" (Ag) to "Residential-1" (R-1).

SECTION 2. Findings. The Council finds that the West Kaua'i Community Plan (WKCP), adopted by the County of Kaua'i in December 2020, recognizes there is a clear need to protect and preserve these historical structures while accommodating future growth and uses compatible with those that have historically occurred at these camps for over a century.

The Council finds that TMK (4) 1-7-006:006 is not designated as Important Agricultural Lands by the Hawai'i State Land Use Commission.

The Council finds the Kā'awanui Village amendment boundaries are delineated by the map in Exhibit A and contain an area of approximately 14.9 acres.

SECTION 3. The Comprehensive Zoning Ordinance (CZO) is hereby amended by amending ZM-200 within the CZO referenced in Section 8-2.3 by making the following changes to ZM-200 as shown in Exhibit A of this Ordinance which are attached hereto and incorporated by reference, subject to the following conditions:

1. The Landowner is advised that additional government agency conditions may be imposed. It shall be the Landowner's responsibility to resolve those conditions with the respective agencies.

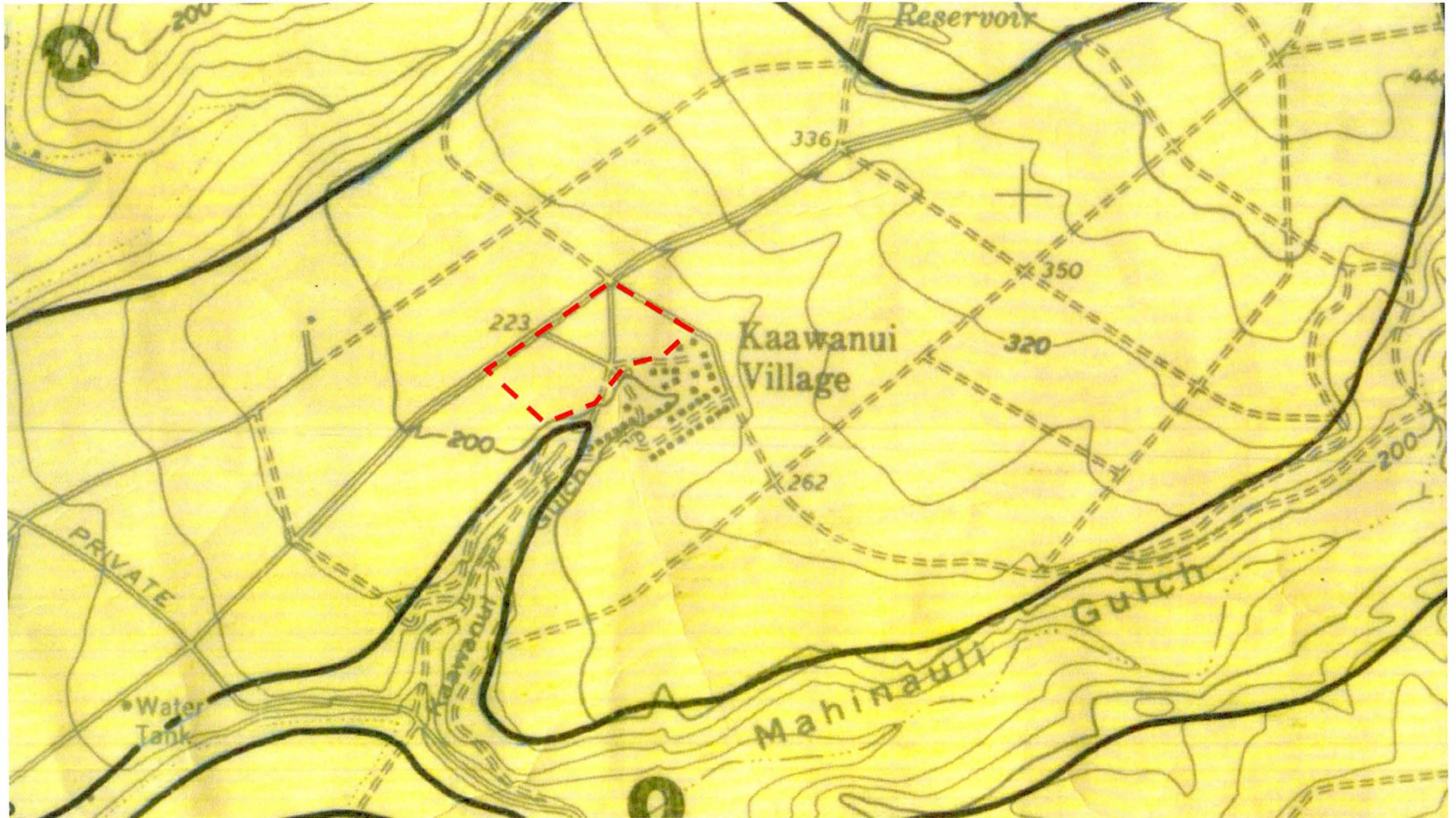
SECTION 4. The Planning Department is directed to note the changes on the official Zoning Maps on file with the Department.

SECTION 5. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 6. This Ordinance shall take effect upon its approval.

Introduced by:

Exhibit A



Amendment to Zoning Map ZM-200 from Agricultural (AG) to Residential-1 (R-1)

Makaweli, Kaua'i, Hawai'i

 Agricultural (AG) to Residential-1 (R-1) District Boundary Update

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



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

**TRANSMITTAL OF AGENCY COMMENTS TO
PLANNING COMMISSION**

DATE: March 4, 2025

PERMIT NUMBER(S): A-2025-3

APPLICANT(S): KAUAI PLANNING DEPARTMENT

Attached for the Planning Commission's reference are agency comments for the permit referenced above.

E.H.S.
MAR 11 2025

MAR 3 '25 AM 9:12
PLANNING DEPT



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

FROM: Kaaina S. Hull, Director

Planner: Shelea Koga

2/11/2025

SUBJECT: State Land Use District Boundary Amendment A-2025-3
Tax Map Key: 170060060000
Applicant: Planning Department
State Land Use District Boundary Amendment from the Agricultural District to the Urban District

TO:

- | | |
|---|--|
| <input type="checkbox"/> State Department of Transportation - STP | <input checked="" type="checkbox"/> County DPW - Engineering |
| <input checked="" type="checkbox"/> State DOT - Highways, Kauai (info only) | <input 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 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)

This matter is scheduled for a public hearing before the County of Kauai Planning Commission on 3/11/2025 at the Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Kauai, at 9:00 am or soon thereafter. If we do not receive your agency comments within one (1) month from the date of this request, we will assume that there are no objections to this permit request. Mahalo!



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

DATE: Feb 26, 2025

TO: To whom it may concern

FROM: Ellis Jones
District Environmental Health Program Chief

SUBJECT: RESPONSE_Land use district boundary_A-2025-3

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

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

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

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

Clean Air Branch

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

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

Clean Water Branch

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

Hazard Evaluation & Emergency Response Office

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

Indoor and Radiological Health Branch

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

Safe Drinking Water Branch

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

Solid & Hazardous Waste Branch

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

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

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

Wastewater Branch

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

Sanitation / Local DOH Comments:

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

Other

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

Ellis Jones

Ellis Jones

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

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



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

TRANSMITTAL OF PUBLIC TESTIMONY TO PLANNING COMMISSION

DATE: **March 4, 2025**

PERMIT NUMBER(S): **A-2025-3**

APPLICANT(S): **KAUAI PLANNING DEPARTMENT.**

Attached for the Planning Commission's reference is Public Testimony pertaining this application.

F.4.f.3.
MAR 11 2025

From: [Planning Department](#)
To: [Shelea Koga](#)
Cc: [Kaaina Hull](#)
Subject: FW: Rezoning from Ag to residential
Date: Friday, February 7, 2025 8:01:23 AM

From: Anastasia Schmoll <nctybroker@gmail.com>
Sent: Friday, February 7, 2025 6:26 AM
To: Planning Department <planningdepartment@kauai.gov>
Subject: Rezoning from Ag to residential

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.

Comment and recommendation: 1) name Anastasia Schmoll, your position/title RE BRoker, Coast and Country REalty BRE 01430464, 2) the agenda item that you are providing comment on
COUNTY ZONING AMENDMENT (ZA-2025-3) A bill for an ordinance amending Zoning Map ZM-200 (Hanapēpē) to rezone approximately 14.9 acres from the Agriculture District (A) to the Residential District (R-1) involving a parcel located immediately adjacent to the Kaua'i Coffee Visitor Center and the Numila Sugar Mill, situated on the makai side of Halewili Road in Wahiawa, further identified as Tax Map Key (TMK): (4) 2-2-001:001.

COUNTY ZONING AMENDMENT (ZA-2025-5) A bill for an ordinance amending Zoning Map ZM-200 (Hanapēpē) to rezone approximately 14.9 acres from the Agriculture District (A) to the Residential District (R-1) involving a parcel is located about one-half mile mauka and northeast of the Pakala United States Postal Service building in Makaweli, and further identified as Tax Map Key (TMK): (4) 1-7-006:006.

STATE LAND USE DISTRICT BOUNDRY AMENDMENT (A-2025-3) for a State Land Use District Boundary Amendment from the Agricultural District to the Urban District affecting a portion of approximately 14.9 acres of land situated about one-half mile mauka and northeast of the Pakala United States Postal Service building in Makaweli and further identified as Tax Map Key (TMK): (4) 1-7-006:006.

Comment and proposal for public comment; Any and all development must allocate and include 10% of construction and building to low income/ affordable housing.

Any and all Camp housing should needs to be build in compliance with current FHEO building

standards, and with HUD's HQS/NSPIRE standards of habitability.

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR
JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



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

DIRECTOR'S REPORT

I. SUMMARY

Action Required by Planning Commission: Consideration of multiple bills amending Chapter 8 of the Kaua'i County Code 1987, as amended, regarding the Comprehensive Zoning Ordinance (CZO), the Kaua'i Kākou – Kaua'i County General Plan, the State Land Use District, and the West Kaua'i Community Plan.

Permit Application Nos. Zoning Amendment ZA-2025-5
Zoning Amendment ZA-2025-6
General Plan Amendment GPA-2025-3
State Land Use Amendment A-2025-3

Name of Applicant(s) COUNTY OF KAUA'I, PLANNING DEPARTMENT

II. PERMIT INFORMATION

AMENDMENTS	
<input checked="" type="checkbox"/> Zoning Amendment	Pursuant to KCC Section 8-3.4(a), as amended, a Zoning Amendment is necessary when changing the boundaries of districts or by changing text whenever the public necessity and convenience and the general welfare require an amendment.
<input checked="" type="checkbox"/> General Plan Amendment	Pursuant to KCC Section 7-3.1, as amended, the General Plan of the County of Kaua'i may be amended by ordinance, in accordance with the Charter. An amendment may change provisions of this ordinance; text provisions or map designations of the General Plan document; or any of these in combination.
<input checked="" type="checkbox"/> State Land Use District Amendment	Pursuant to KCC Section 11-1, as amended, a State Land Use District Boundary Amendment Ordinance, organized as a Zoning Amendment, is required to reclassify a State Land Use District designation.

III. LEGAL REQUIREMENTS

KCC Section 8-3.4	
Public Hearing Date:	March 11, 2025
Date of Publication:	February 7, 2025
Date of Director's Report:	February 26, 2025

F.4.e.1.
F.4.f.1.
F.4.g.1.
F.4.h.1.

March 11, 2025

IV. DESCRIPTION OF PROPOSED BILLS

There are four separate amendments associated with the proposed Kā'awanui Village area:

1. **General Plan Amendment (GPA-2025-3)** – Proposes to amend Figure 5-1 (Kaua'i Land Use Map) and Figure 5-2 (West Kaua'i Land Use Map) of the *Kaua'i Kakou – Kaua'i County General Plan* from Agriculture to Plantation Camp (Exhibit A).
2. **West Kaua'i Community Plan Amendment (ZA-2025-6)** – Proposes amendments to Chapter 10, Article 3 of the *Kaua'i County Code 1987, as amended*, related to the West Kaua'i Community Plan (Exhibit B). This includes:
 - o Amending Section 10-3 to establish a Special Planning Area "Q" (SPA-Q), which shall also be known as the "Kā'awanui Plantation Camp Walkable Mixed-Use District." The Special Planning Area shall be adopted with a new map ZM-KAAV-100 (Kā'awanui Village) and adopted within the West Kaua'i Community Plan.
 - o Updating figure 12 of the West Kaua'i Community plan, Regional Town Plan Map to change the land use designation within the SPA-Q boundaries from Agriculture to Plantation Camp.
3. **State Land Use District Amendment (A-2025-3)** – Proposes to change approximately 14.9 acres of the State Land Use District boundary and designation of Tax Map Key (TMK) (4)1-7-006:006 from Agricultural to Urban (Exhibit C).
4. **Zoning Map Amendment (ZA-2025-5)** – Proposes to amend approximately 14.9 acres of Zoning Map ZM-200 to reflect zoning changes for TMK (4) 1-7-006:006 from Agricultural (Ag) to Residential-1 (R-1) (Exhibit D).

The proposed ordinances to amend County Zoning, the State Land Use District, the General Plan, and the West Kaua'i Community Plan aim to encourage new growth in an adjacent area to Kā'awanui Village that maintains and enhances its distinct form and character.

V. APPLICANT'S REASONS/JUSTIFICATION

The Kā'awanui Plantation Camp Form-Based Code (FBC) guides development in alignment with the West Kaua'i Community Plan and the County of Kaua'i General Plan. This FBC establishes a regulatory framework to preserve the character of the existing plantation camps, including Kā'awanui Village, while allowing for limited infill development and housing expansion. The Plantation Camps should remain compact and walkable with well-defined borders and small cottages, surrounded by working agricultural fields and activity. The intent of the code would:

1. Promote, preserve, and enhance existing community design and development patterns that reflect the distinct character of Kā'awanui Village historic plantation camp.
2. Support and maintain affordable-by-design housing stock.
3. Encourage appropriately scaled infill development within or near the historic boundaries of the camps.

Form-Based Codes (FBC) are a development regime that encourages the development of communities with a focus on "building form and character" as opposed to development frameworks based on the separation of uses, regularly referred to as Euclidian zoning. FBCs have been adopted to serve a variety of purposes that can include historic preservation, economic development, sustainability, affordable housing, and general planning. FBC follows a natural to urban transect model, that progressively experience greater density in line with desired development outcomes. The model transect is divided into six transect zones or T-zones: Natural (T1), Rural (T2), Sub-Urban (T3), General Urban (T4), Urban Center (T5), and Urban Core (T6). Kaua'i only experiences four transect types (T1-T4).

The development of FBCs included an intensive inventory process and an exercise to identify unique or historical characteristics that define the respective towns and villages. The Kā'awanui Plantation Camp transect is considered a special district due to the unique patterns which were identified. Within the Kā'awanui FBC, this transect is classified as T3 Kā'awanui Village Flex (T3KAAVF-PC), reinforcing and preserving the historic development patterns of the Kā'awanui community. The Kā'awanui FBC incorporates detailed regulations specific to building types, street standards, and civic space that are sensitive to the surrounding local character. The regulations set forth in the Form-Base Code help to maintain the unique characteristics of Kā'awanui Village.

Creating design standards specific to these areas ensures history and culture are a part of the future development. The Kā'awanui Plantation Camp Form-Based Code includes elements such as roof pitches, siding materials, building massing, building types, frontages, setbacks, rear exists and wings, and are regulated to reinforce existing character and to create new, compatible neighborhoods in Kā'awanui Village. For example, the building type regulations in T3 Kā'awanui Village Flex (T3KAAVF-PC) capture the form and characteristics of the historical Kā'awanui cottages. Crafting regulations that require unique features such as single or double hung windows, 4:12, 5:12, or 6:12 roof pitches, wood-based material, post and pier, and height of the wall ensure that new cottages will maintain the same look and feel of the surrounding cottages.

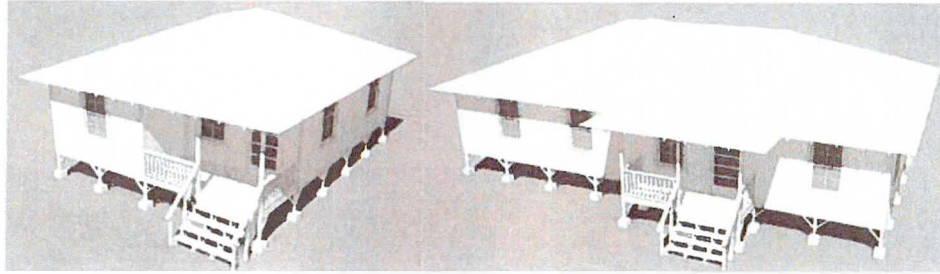


Figure 1: Example of applying the T3 Kā'awanui Village Flex (T3KAAVF-PC) regulations.



Figure 2, 3, 4: Pictures of Kā'awanui Village Cottages.

Form-Based Code differs from the existing use-base code requirements in the Comprehensive Zoning Ordinance in that the primary emphasis is on building and streetscape “form”, the importance of how the proposed development is integrated with the existing town character. This is a more comprehensive approach that includes the regulation of building types, street design, and civic space requirements. These standards are crafted to regulate the specific and desired qualities of areas identified through the inventory and data collection process.

The County of Kaua’i has adopted multiple Form-Based Codes tailored to preserve the unique and localized characteristics of South Kaua’i, West Kaua’i, and the Kaumakani Plantation Camps. During the South Kaua’i and West Kaua’i Community planning efforts, the community sought to preserve and revitalize their town cores. Form-Base Codes were ideally suited to meet this community goal. Since the adoption of the South Kaua’i, West Kaua’i, and the Kaumakani Plantation Camp Form-Based Code, the Planning Department and the respective communities have seen the value of this development approach.

Consistent with the West Kauai towns of Waimea, Kekaha, ‘Ele’ele, and Hanapēpē, Kā’awanui Village supports unique town and village features that can benefit from the establishment of a Form-Based Code. Kā’awanui Form-Based Code is a tool that seeks to maintain the existing character of Kā’awanui Village while simultaneously establishing design guidelines that inform buildout scenarios.

Implementing the Kāʻawanui Form-Based Code requires several zoning amendments to achieve the appropriate regulatory alignment between State and County Zoning. These amendments will allow for 14.9 additional acres for predominately residential uses.

1. **General Plan Amendment (GPA-2025-3)** – The General Plan amendment updates the Kauaʻi Land Use Map and West Kauaʻi Land Use Map within the General Plan to reflect a change from Agriculture to Plantation Camp, aligning with the historic residential uses of the area and future vision for lands adjacent to the existing Kāʻawanui Village. This designation supports the continued use and nominal expansion of the area for residential purposes.
2. **West Kauaʻi Community Plan Amendment (ZA-2025-6)** – Updates to the West Kauaʻi Community Plan ensure consistency between local planning documents and the Kāʻawanui FBC. The amendment revises the **Regional Town Plan Map (Figure 12)** to change the land use designation within the **Special Planning Area – Plantation Camp (SPA-Q)** from Agriculture to Plantation Camp, supporting the envisioned small-town character and historic Kāʻawanui Village development. The proposal also amends Section 10-3 to establish a Special Planning Area “Q” (SPA-Q), which shall also be known as the “Kāʻawanui Plantation Camp Walkable Mixed-Use District.” The Special Planning Area shall be adopted with a new map ZM-KAAV-100 (Kāʻawanui Village) and adopted within the West Kauaʻi Community Plan.
3. **State Land Use District Amendment (A-2025-3)** – This amendment is needed to reclassify 14.9 acres from Agricultural to Urban, allowing for residential development adjacent to the historic Kāʻawanui Village residential footprint to allow for a nominal expansion of the area for residential purposes while keeping within the form and character of the historic camp.
4. **Zoning Map Amendment (ZA-2025-5)** – This change updates the underlying County of Kauai Zoning from Agricultural (Ag) to Residential-1 (R-1) allowing for residential development adjacent to the historic Kāʻawanui Village area.

VI. AGENCY COMMENTS

Comments from applicable government agencies are being sought and are expected at the time of the public hearing scheduled for March 11, 2025.

VII. PRELIMINARY EVALUATION

In evaluating the proposed zoning amendment, the following aspect should be taken into consideration:

1. Comprehensive Zoning Ordinance (CZO)

The proposed amendment is to be evaluated pursuant to Section 8-3.4(d) of the CZO, Kaua'i County Code (KCC), as amended. The section, reads:

“(d) Consideration. In considering an amendment, the Planning Commission shall consider the purposes of the existing and proposed changes to the Zoning Ordinance. A change in the Zoning Map or text shall not be made unless the change will further the public necessity and convenience and the general welfare.”

As previously mentioned, the intent of the amendment is to amend the West Kaua'i Community Plan to add Special Planning Area “Q” (SPA-Q), which shall be referred to as the “Kā'awanui Village Plantation Camp Walkable Mixed Use District.” Amending the code to include Special Planning Area “Q” would further accommodate public necessity and for convenience.

2. General Plan

The 2018 General Plan sets forth a vision, goals, and policies to guide future growth on Kaua'i. The proposed amendment is consistent with the overall vision and policies outlined in the 2018 General Plan.

A. Section 1.4, entitled “Policies to Guide Growth”

i. **Policy #1: “Manage Growth to Preserve Rural Character”**

The new design standards that correspond with Special Planning Area “Q” will ensure the rural characteristics of our communities are maintained through the preservation of the Kā'awanui Village building form and characteristics.

ii. **Policy #2: Provide Affordable Housing While Facilitating a Diversity of Privately-Developed Housing for Local Families.**

According to the General Plan, Communities that cater to a high-end market, resulting in enclaves of similar household incomes and housing types, are no longer acceptable. The design standards that correspond with Special Planning Area “Q” limit development to building standards that cater to and support the local housing market. These design standards will provide an opportunity to create housing for local families.

iii. **Policy #3: Recognize the Identity of Kaua'i's individual Towns and Districts.**

Policy #3 of the General Plan states that Kauai's towns and planning districts are distinct, each with its own character, opportunities, and needs. The design standards outlined for Kā'awanui Village acknowledge the characteristics and features that generate the unique community identity of the Kā'awanui Village.

B. Section 3.0 Actions by Sector, Subsection Sector VII, entitled "Heritage Resources" states for code changes:

- i. **Update and create Special Planning Areas in towns to ensure new development and redevelopment of existing sites or structures is done in a "historically sensitive" manner.** The proposed Kā'awanui Form-Based Code implements these exact code changes recommended by the General Plan creating design standards to preserve the historic character of Kā'awanui Village.

X. PRELIMINARY CONCLUSION

Based on the foregoing, it is concluded that the proposal is reasonable and appropriate. It is also consistent with the policies and recommendations of the Kaua'i General Plan.

XI. PRELIMINARY RECOMMENDATION

Based on the foregoing evaluation and conclusion, it is hereby Zoning Amendment ZA-2025-5, Zoning Amendment ZA-2025-6, General Plan Amendment GPA-2025-3 and State Land Use District Amendment A-2025-3 be **APPROVED**.

By  _____
SHELEA KOGA
Planner

Approved & Recommended to Commission:

By  _____
KA'ĀINA S. HULL
Director of Planning

Date: 3 / 3 / 2025

“EXHIBIT A”

(Proposed General Plan Amendment GPA-2025-3)

For reference

ORDINANCE NO. _____

BILL NO. _____

**A BILL FOR AN ORDINANCE AMENDING
"KAUA'I KĀKOU – KAUA'I COUNTY GENERAL PLAN" (2018)
RELATING TO A PARCEL LOCATED IN MAKAWELI, KAUA'I**

(County of Kaua'i Planning Department, Applicant) (GPA-2025-3)

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. Findings and Purpose. The purpose of this Ordinance is to update the booklet entitled "Kaua'i Kākou – Kaua'i County General Plan" (2018) (incorporated by reference in Chapter 7, Kaua'i County Code 1987, as amended) (The General Plan for the County of Kaua'i). The subject property, identified as Tax Map Key (TMK) Parcel (4) 1-7-006:006 and referred to hereafter as "Kā'awanui Village," is located about one-half mile mauka and northeast of the Pākalā United States Postal Service building in Makaweli.

The Council finds the Kā'awanui Village amendment boundaries are delineated by the map in Exhibit A and contain an area of approximately 14.9 acres.

The Council finds that TMK Parcel (4) 1-7-006:006 is not designated as Important Agricultural Lands by the Hawai'i State Land Use Commission.

The Council finds that the Kā'awanui Village area maintain a unique sense of identity and has historic features and qualities that should be perpetuated.

The Council finds that the current landowner (Gay & Robinson Inc) has consented to this General Plan amendment.

SECTION 2: The booklet entitled "Kaua'i Kākou – Kaua'i County General Plan" (2018) is amended as follows:

1. Amend page 229 by deleting Figure 5-1, Kaua'i Land Use Map (as previously amended by Ordinance No. 1084), and replacing it with a new map, Figure 5-1, Kaua'i Land Use Map, as shown on the map attached to this Ordinance as Exhibit B, and on file with the Planning Department, County of Kaua'i.
2. Amend page 233 by deleting the amended Figure 5-2, West Kaua'i Land Use Map (as previously amended by ordinance No. 1084), and replacing it with a new map, Figure 5-3 West Kaua'i Land Use Map as shown on the map attached to this Ordinance as Exhibit C, and on file with the Planning Department, County of Kaua'i.

SECTION 3. The Planning Department is directed to note the changes on the official Zoning Maps on file with the Department.

SECTION 4. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 5. This Ordinance shall take effect upon its approval.

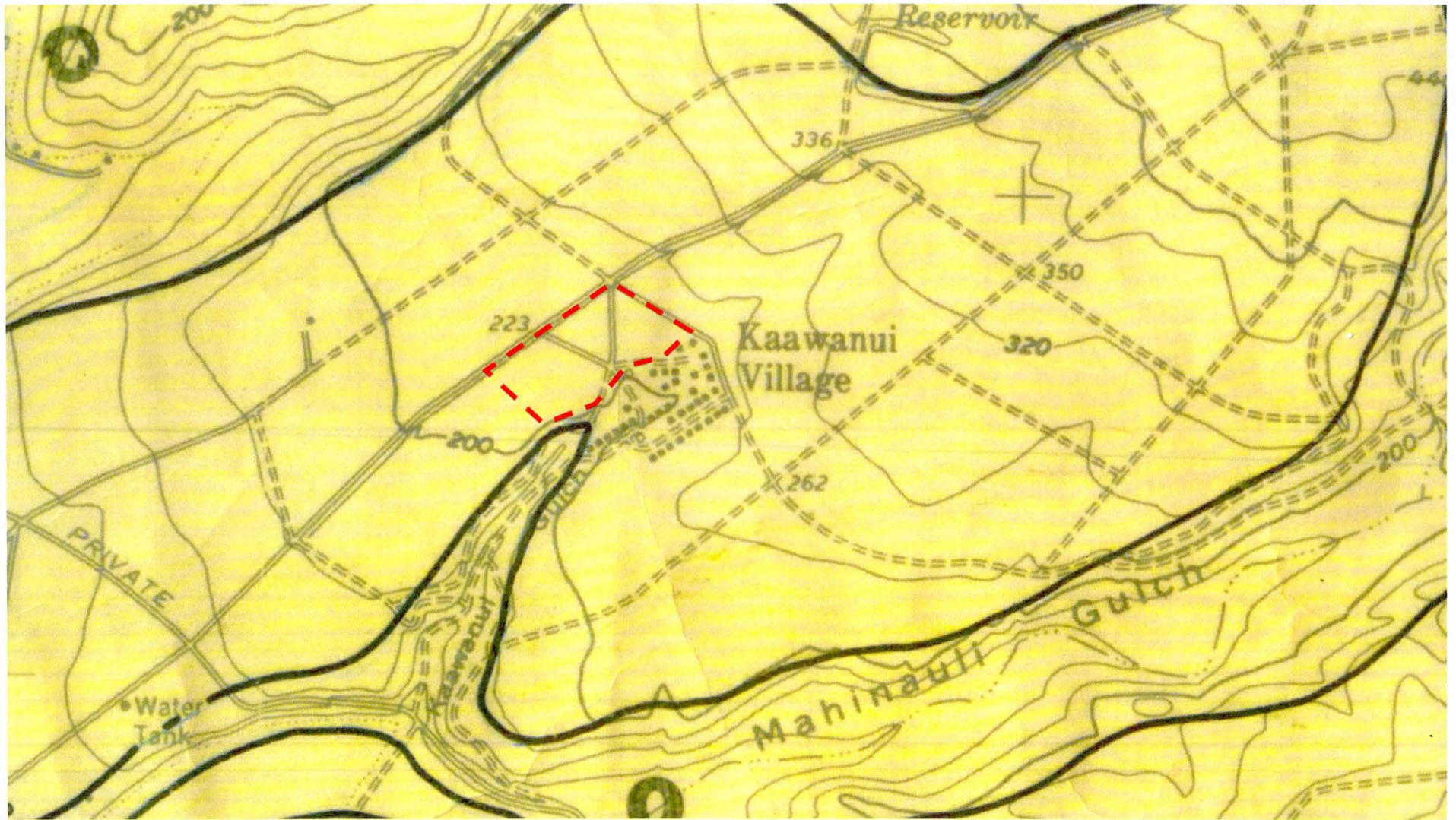
Introduced by:

(By Request)

DATE OF INTRODUCTION:

Līhu'e, Kaua'i, Hawai'i

Exhibit A



State Land Use District (SLUD) Boundary Amendment from Agricultural (A) to Urban (U)

Makaweli, Kaua'i, Hawai'i

 State Land Use District (SLUD) District Boundary Update from Agriculture (A) to Urban (U)

Exhibit B

Map Showing Amendment to the Kaua'i General Plan (2018) Land Use Map Figure 5-1 "Kaua'i Land Use Map"

-  Planning District Boundary
-  Major Roads
-  Roads
-  Streams
-  USGS 40 ft. Contours
-  Urban Edge Boundary
-  Reservoirs
-  Natural
-  Agricultural
-  Agricultural (IAL)
-  Parks and Recreation
-  Golf Course
-  Homestead
-  Residential Community
-  Urban Center
-  Neighborhood Center
-  Neighborhood General
-  Large Town
-  Small Town
-  Resort
-  Provisional Resort (Pending Community Plan Process)
-  University Zone
-  Plantation Camp
-  Industrial
-  Transportation
-  Military
-  Provisional Agriculture

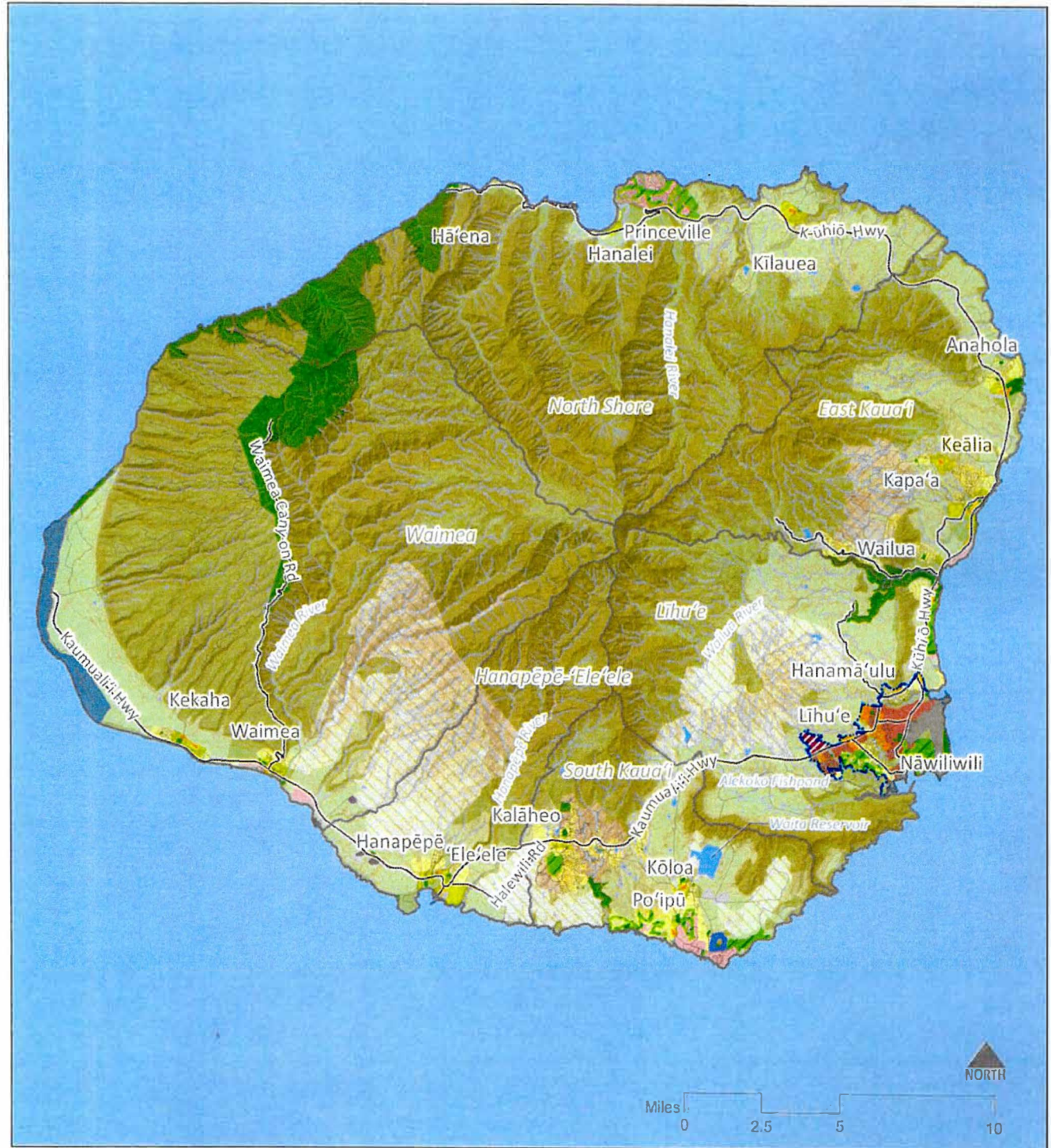
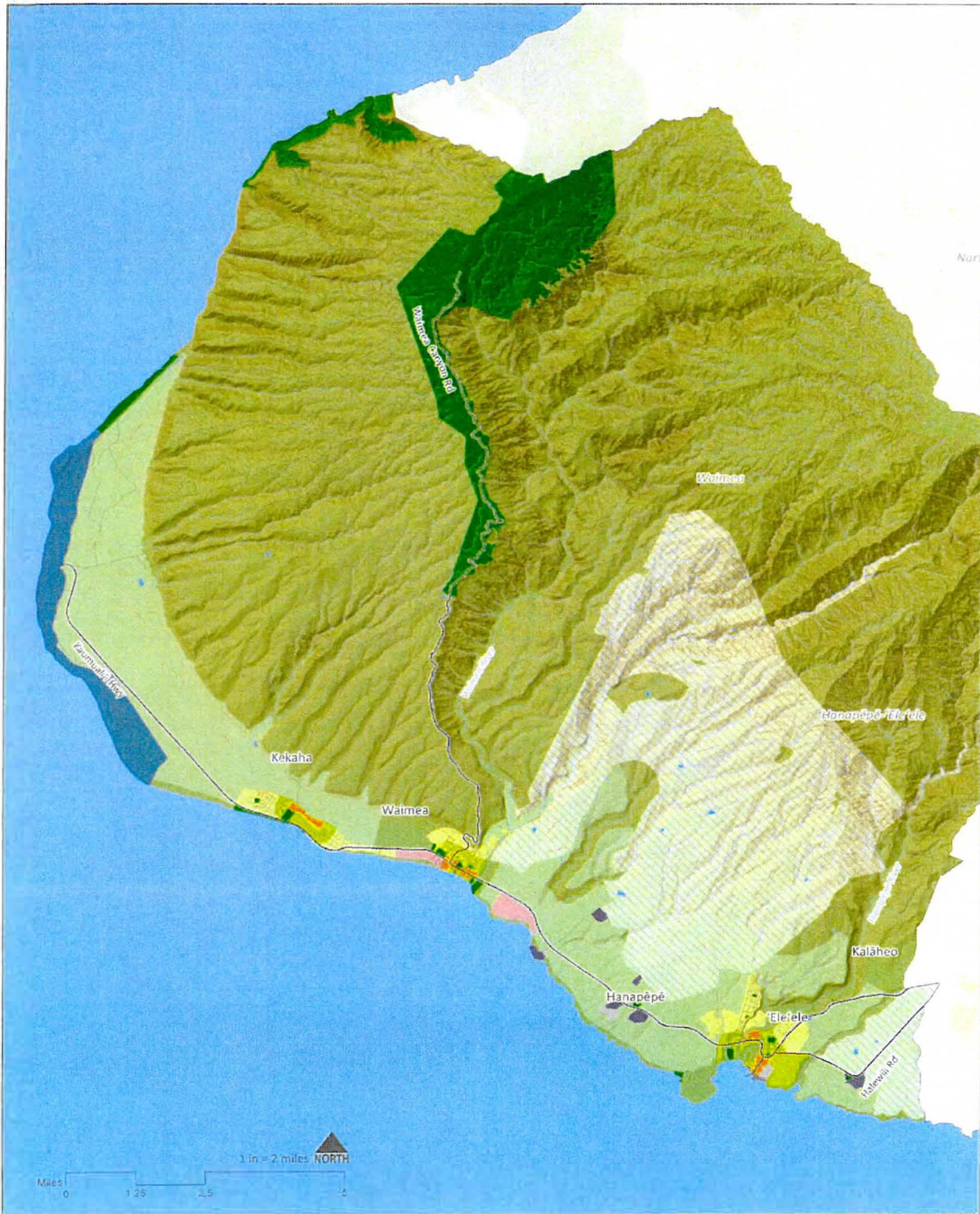
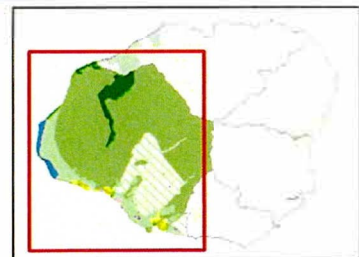


Exhibit C

Map Showing Proposed Amendment to the Kaua'i General Plan (2018) Land Use Map
 Figure 5-2 Hanapēpē to 'Ele'ele to Figure 5-2 "West Kaua'i District"



- | | | |
|---|--|--|
| — Major Roads | Natural | Resort |
| — Roads | Agricultural | Plantation Camp |
| — Streams | Agricultural (IAL) | Industrial |
| — USGS 40 ft. Contours | Parks and Recreation | Transportation |
| Planning District Boundary | Residential Community | Military |
| Reservoirs | Neighborhood Center | |
| | Neighborhood General | |



“EXHIBIT B”

(Proposed Zoning Amendment ZA-2025-6)

For reference

ORDINANCE NO. _____

BILL NO. _____

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 10 ARTICLE 3, KAUA'I COUNTY CODE 1987, AS
AMENDED, RELATING TO THE
WEST KAUA'I COMMUNITY PLAN IMPLEMENTING ORDINANCE (2020)**

(County of Kaua'i Planning Department, Applicant) (ZA-2025-6)

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. Findings and Purpose. The purpose of this Ordinance is to amend Chapter 10, Article 3, Kauai County Code 1987, as amended, relating to the West Kauai Community Plan. The proposal amends Section 10-3 of the Kauai County Code relating to text and mapping requirements to establish a Special Planning Area "Q", which shall be referred to as the "Kā'awanui Plantation Camp Walkable Mixed Use District", and be designated as "SPA-Q" as shown on Zoning Maps ZM-KC6-100 (Kā'awanui Village) involving a portion of a property further identified as Tax Map Key 1-7-006:006. The proposal also amends the West Kaua'i Regional Map to reflect land use designation updates from "Agriculture" to "Plantation Camp" within the SPA-Q boundaries.

The Council finds the Kā'awanui Village amendment boundaries delineated by the map in Exhibit A.

The Council finds that TMK Parcel (4) 1-7-006:006 is not designated as Important Agricultural Lands by the Hawai'i State Land Use Commission.

The Council finds that the West Kaua'i Community Plan (WKCP), adopted by the County of Kaua'i in December 2020, recognizes there is a clear need to protect and preserve these historical structures while accommodating future growth and uses compatible with those that have historically occurred at these camps for over a century.

The Council finds that the current landowner (Gay & Robinson Inc) has consented to this West Kaua'i Community Plan amendment.

SECTION 2. Amend Section 10-3 of the Kaua'i County Code to add a Special Planning Area "Q" (SPA-Q), which shall also be known as the "Kā'awanui Plantation Camp Walkable Mixed Use District". The Special Planning Area shall be adopted with a new map ZM-KC6-100 (Kā'awanui Village) and adopted within the West Kaua'i Community Plan as attached in Exhibit B. The corresponding design standards in text format shall be adopted within the West Kaua'i Community Plan as attached in Exhibit C.

SECTION 3. The booklet entitled "West Kaua'i Community Plan" (2020) is amended as follows:

1. Amend page 126 by deleting Figure 12, Regional Town Plan Map, and replacing it with a new map, Figure 12, Regional Town Plan Map, as shown on the map attached to this Ordinance as Exhibit D, and on file with the Planning Department, County of Kaua'i.

SECTION 4. The content of Chapter 10, Article 3, West Kaua'i Community Plan Implementing Ordinance, Kaua'i County Code, as amended is amended as follows:

§ 10-3.1. Title and Purpose.

- (a) This Article shall be known and may be cited as the "West Kaua'i Community Plan Implementing Ordinance." It is adopted:
- (1) To provide design and development standards in order to implement the detailed planning goals and objectives for the West Kaua'i Planning District;
 - (2) To establish special planning areas, future growth areas, land uses, and development and design standards to guide and regulate future development;
 - (3) To protect certain physical characteristics found to be of particular public value, as provided in Chapter 8, Article 11, Section 6, Kaua'i County Code 1987, as amended (Special Planning Areas); and
 - (4) Establish exceptions, modifications, or additions to the provisions of Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance) and Chapter 9, Kaua'i County Code 1987, as amended (Subdivision Ordinance) in order to more specifically provide for the regulation of land use, subdivision, and development practices within the West Kaua'i Planning District.
- (b) Nature of the West Kaua'i Community Plan Ordinance. This Article provides the necessary framework and guidelines to direct future development and capital improvements in the West Kaua'i area, whose boundary is described in the report entitled "West Kaua'i Community Plan." Additionally, this Article supplements Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance) and Chapter 9, Kaua'i County Code 1987, as amended (Subdivision Ordinance) by regulating use and development standards within the West Kaua'i Special Planning Areas, as identified in the zoning maps or surveyed maps, or both, attached to Ordinance No. 1083, Ordinance No. 1138, [and] Ordinance No. XXXX, and Ordinance No. XXXX on file with the Planning Department, County of Kaua'i.
- (c) The guidelines of this Article are based on the report entitled "West Kaua'i Community Plan" (Planning Commission draft approved in 2020, as amended by the Kaua'i County Council in 2020, and as may be subsequently amended), a booklet whose major components include:
- (1) Regional and town plan maps;
 - (2) Policies for the West Kaua'i region as a whole;
 - (3) Goals and objectives for Kekaha, Waimea, Hanapēpē, 'Ele'ele, Port Allen, Kaumakani, Pākalā Village, Numila, and other areas; and
 - (4) Appendices.
- (Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

§ 10-3.2. Vision and Goals.

The vision and goals for the region referred to in this Article, which shall be known as the West Kaua'i Planning District, and its communities are described in the report entitled "West Kaua'i Community

Plan."

(Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

§ 10-3.3. Application of Regulations.

- (a) The West Kaua'i Form-Based Code, attached as Appendix "C", the Plantation Camp Form-Based Code, attached as Appendix "D", [and] the Numila Plantation Camp Form-Based Code, attached as Appendix "E," and the Kā'awanui Planation Camp Form-Based Code, attached as Appendix "F" to the West Kaua'i Community Plan, are by reference incorporated herein and made a part hereof. The provisions of the West Kaua'i Form-Based Code, the Plantation Camp Form Based Code, [and] the Numila Plantation Camp Form Based Code, and the Kā'awanui Planation Camp Form-Based Code shall apply to all new development located within the Special Planning Areas, as identified in the zoning maps or surveyed maps, or both, attached to Ordinance No. 1083, Ordinance No. 1138, [and] Ordinance No. XXXX, and Ordinance No. XXXX on file with the Planning Department, County of Kaua'i.
- (b) The regulations and procedures established in Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance) shall apply within the Special Planning Areas of the West Kaua'i Planning District, except to the extent that such regulations or procedures are changed or modified by the provisions of the West Kaua'i Form-Based Code. When the provisions of this Article differ with respect to the provisions of Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance) and Chapter 9, Kaua'i County Code 1987, as amended (Subdivision Ordinance), the West Kaua'i Form-Based Code shall supersede such provisions as provided in Chapter 8, Article 11, Kaua'i County Code 1987, as amended (Special Treatment Districts (ST)).

(Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

§ 10-3.4. Existing Conditions.

- (a) This Article does not mandate the immediate modification of structures and uses lawfully in existence upon the enactment of this Article.
- (b) The requirements of this Article will not be triggered by routine maintenance not requiring a zoning permit.
- (c) Existing Buildings and Structures. Buildings and structures lawfully in existence upon the enactment of this Article that do not conform to the provisions of this Article are subject to the requirements of Chapter 8, Article 13, Section 1, Kaua'i County Code 1987, as amended (Nonconforming Buildings and Structures).
- (d) Existing Uses. Uses lawfully in existence upon the enactment of this Article that are not consistent with the Special Planning Areas will be allowed to continue on the parcel of record as provided in Chapter 8, Article 13, Section 2, Kaua'i County Code 1987, as amended (Nonconforming Uses).

(Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

§ 10-3.5. Special Planning Areas, Designation, and Procedures.

- (a) Designation of Special Planning Areas "K," "L," "M," "N," "O," [and] "P[.]" and "Q." The

boundaries of the following form-based code districts are hereby adopted as described in the West Kaua'i Form-Based Code and the Plantation Camp Form-Based Code, attached as Appendix "C," Appendix "D," [and] Appendix "E," and Appendix "F" to the West Kaua'i Community Plan, and shall be referred to as follows:

- (1) Special Planning Area "K," which shall also be known as the "Kekaha Town Walkable Mixed Use District" and be designated as "SPA-K" as shown on the zoning map attached to Ordinance No. 1083 as Exhibit 1, and on file with the Planning Department, County of Kaua'i.
- (2) Special Planning Area "L," which shall also be known as the "Waimea Town Walkable Mixed Use District" and be designated as "SPA-L" as shown on the zoning map attached to Ordinance No. 1083 as Exhibit 2, and on file with the Planning Department, County of Kaua'i.
- (3) Special Planning Area "M," which shall also be known as the "Hanapēpē Town Walkable Mixed Use District" and be designated as "SPA-M" as shown on the zoning map attached to Ordinance No. 1083 as Exhibit 3, and on file with the Planning Department, County of Kaua'i.
- (4) Special Planning Area "N," which shall also be known as the "Ele'ele-Port Allen Walkable Mixed Use District" and be designated as "SPA-N" as shown on the zoning map attached to Ordinance No. 1083 as Exhibit 4, and on file with the Planning Department, County of Kaua'i.
- (5) Special Planning Area "O," which shall also be known as the "Kaumakani Plantation Camp Walkable Mixed Use District" and designated "SPA-O" as shown on the zoning and surveyed maps attached to Ordinance No. 1138 as Exhibit 1, Exhibit 2a, and Exhibit 2b, and on file with the Planning Department, County of Kaua'i.
- (6) Special Planning Area "P," which shall also be known as the "Numila Plantation Camp Walkable Mixed Use District" and designated "SPA-P" as shown on the zoning map attached to Ordinance No. XXXX as Exhibit B, and on file with the Planning Department, County of Kaua'i.

(7) Special Planning Area "Q," which shall also be known as the "Kā'awanui Plantation Camp Walkable Mixed Use District" and designated "SPA-Q" as shown on the zoning map attached to Ordinance No. XXXX as Exhibit B, and on file with the Planning Department, County of Kaua'i.

- (b) Designation of Zoning Maps. In order to carry out the purpose of this Article, the zoning maps ZM-K100 (Kekaha), ZM-W100 (Waimea), and ZM H200 (Hanapēpē) of Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance), are hereby amended. Zoning Map ZM-KV-100 (Kaumakani Village), ZM-KA-100 (Kaumakani Avenue), [and] ZM-NC-100 (Numila Camp), and ZM-KC6-100 (Kā'awanui Village) is hereby adopted. (Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

§ 10-3.6. Implementation of the West Kaua'i Community Plan.

The West Kaua'i Community Plan shall serve as a guide for all development within the West Kaua'i area.

(Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

SECTION 5. The Planning Department is directed to note the changes on the official Zoning Maps on file with the Department.

SECTION 6. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 7. This Ordinance shall take effect upon its approval.

Introduced by:

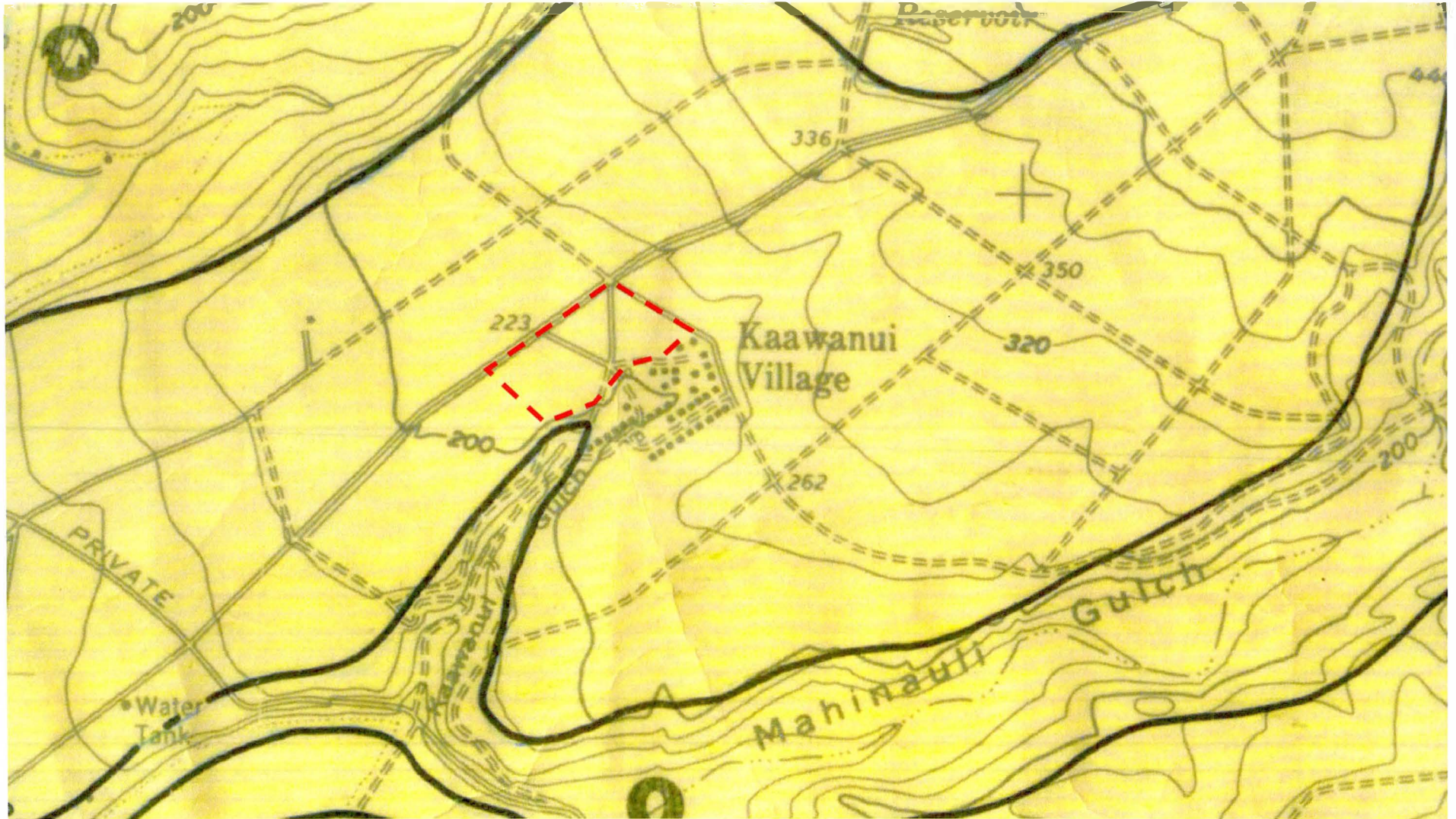
(By Request)

DATE OF INTRODUCTION:

Līhu'e, Kaua'i, Hawai'i

Exhibit A

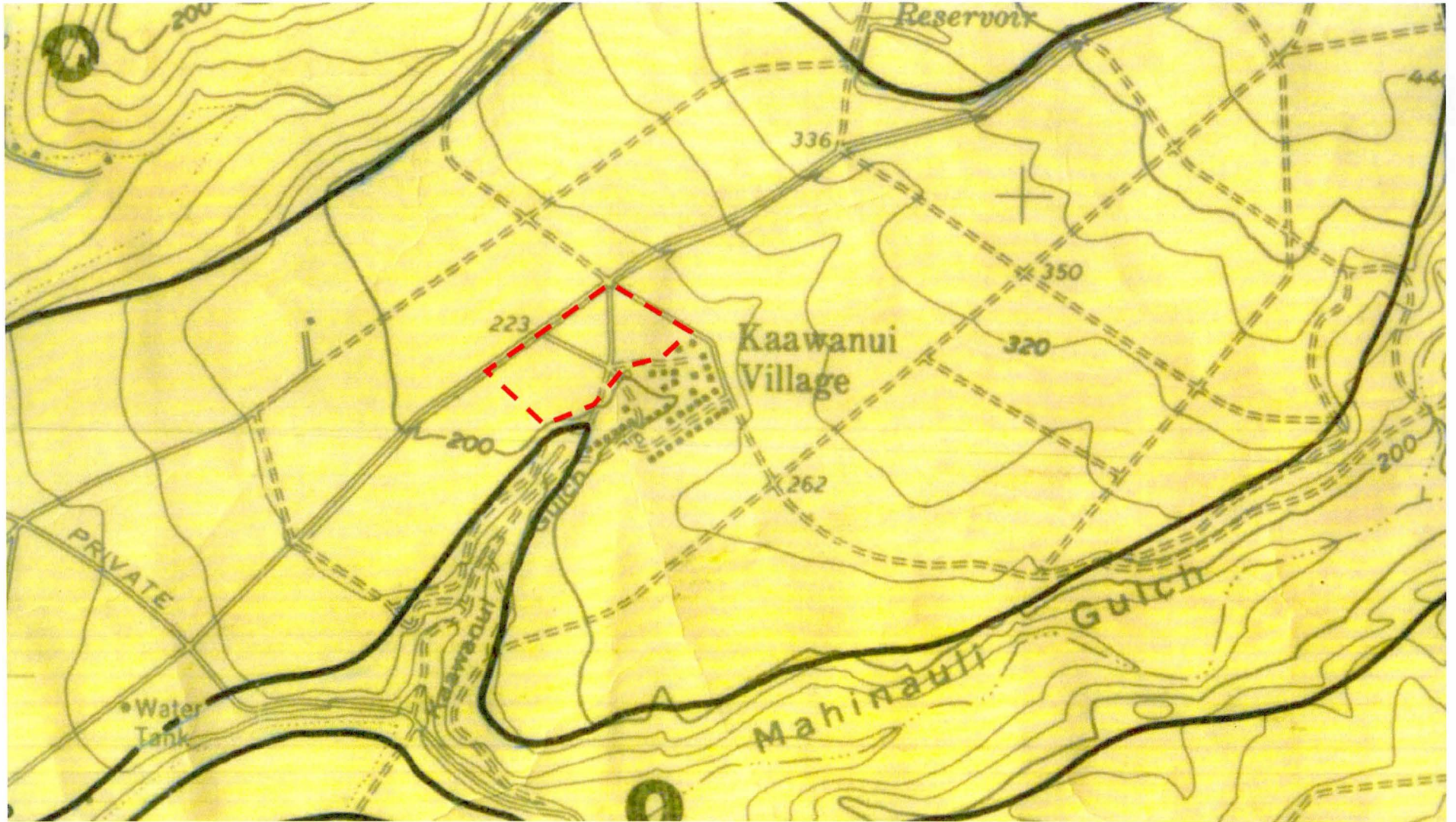
Location Map



Zoning Amendment Location Map

 Amendment Boundaries

Exhibit B

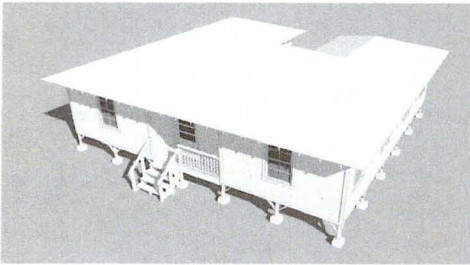


Zoning Map ZM-KC6-100 (Kā'awanui Village)



SPA-Q Boundary - Kā'awanui Plantation Camp Walkable Mixed Use District
Makaweli, Kaua'i, Hawai'i

Exhibit C



Kā'awanui Village Form-Based Code

Prepared by the County of Kaua'i Planning Department



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Sub-Article 1.1 Purpose

1.1.010 Purpose and Intent

The Kāʻawanui Village Form-Based Code guides development in a manner consistent with the goals of the West Kauaʻi Community Plan and County of Kauaʻi General Plan. This Form-Based Code provides a regulatory framework to regenerate development that is inspired by the Kāʻawanui Village Plantation Camp.

The Code is guided by policy that supports new construction of plantation homes that are inspired by several historic building types that were once located throughout the Kāʻawanui Village Plantation Camp. The intent of the code is to allow new infill construction to be in keeping with the form and character of the former plantation camp and to provide affordable housing stock that can support agricultural activity. Specifically, the code:

- A. 1. Promote, preserve, and enhance existing community design and development patterns that reflect the distinct character of Kāʻawanui Village historic plantation camp;
- B. Promotes and maintains affordable housing stock, especially for agricultural workers or those with familial connections to the agriculture industry; and
- C. Encourages appropriately-scaled infill development that is located within or near the historic confines of the camp.

1.1.020 Using Zoning to Reinforce West Kauaʻi's Places

Zoning is a tool that can be used to help implement the community's vision of a place. Form-Based Code is one form of zoning tool that emphasizes the physical form and character over the separation of use. This provides an alternative approach to Euclidean zoning, which is the type of zoning in the CZO (Chapter 8 of the Kauaʻi County Code 1987, as amended). Kauaʻi has five distinct place types based on historic settlement patterns. They include the following:

- A. Rural crossroads;
- B. Plantation camps;
- C. Small village;
- D. Large village;
- E. Town.

As it pertains to plantation camps, Form-Based Code can activate former plantation camp lands and allow for new construction to be developed in a manner that will be in keeping with the historic plantation camps that once thrived in these areas.

1.1.030 Plantation Camp Place Type

During the Plantation era, workers lived in plantation camps located near or adjacent to the sugar mills and cane fields. These camps were built to a pedestrian-oriented scale that made it possible to traverse by foot to work and services. The fields that surrounded the towns provided a *de facto* greenbelt. The relationship between the plantation camps and agricultural lands reinforced the region's rural identity. Even with the rise of the automobile and the trend of suburban development patterns, the legacy of these camps remains in West Kaua'i.

The 2018 General Plan identifies existing plantation camps in the Future Land Use Map. The Plantation Camp is defined as an historic remnant of former plantation housing that is not connected to an existing town and is surrounded by the agricultural district. Some plantation camps were demolished and have since reverted to agricultural uses. Today's remaining plantation camps are clusters of houses with little or no retail or public facilities. Five plantation camps are designated in the General Plan and include Numila, Kaumakani Village, Kaumakani Avenue, Kā'awanui Village, and Pakala Camp. Plantation camps are important vestiges of Kaua'i's sugar plantation history. Each camp maintains a unique sense of identity and has features and qualities that its residents would like to see preserved.

Until recently, the County zoning for these areas was "Agriculture". The 2021 West Kaua'i Community Plan (WKCP) updated the County zoning for those plantation camps located within the SLUD-Urban District, which include Numila, Kaumakani Village, Kaumakani Avenue, and Pakala Camp. Two new zoning districts were created in the WKCP: Plantation Camp District and Special Treatment – Coastal Edge District.

Kā'awanui Village:

Gay and Robinson Kā'awanui Village was a plantation camp located on the island of Kaua'i, Hawaii. Established during the early 20th century, the camp was part of the extensive sugar plantation operations owned by the Gay and Robinson families, who were prominent figures in Hawaii's sugar industry. The plantation camps, including Kā'awanui Village, were integral to the daily operations of the plantations, providing housing and community facilities for the workers and their families. The camp was home to a diverse population of laborers, including many immigrants from Japan, the Philippines, China, and Portugal, who had come to Hawaii seeking better economic opportunities. These workers played a crucial role in the cultivation and processing of sugar cane, which was a major export commodity for Hawaii.

Life in the camp was characterized by a strong sense of community, with residents often sharing cultural traditions, foods, and celebrations. Despite the challenging working conditions, the camp residents forged tight-knit communities and supported each other through the demanding plantation lifestyle.

As the sugar industry in Hawaii began to decline in the latter half of the 20th century, many of the plantation camps, including Gay and Robinson Kā'awanui Village, were eventually abandoned or repurposed. The legacy of these camps remains a significant part of Hawaii's agricultural and cultural history, reflecting the contributions and experiences of the plantation workers and their families.

1.1.040 **The West Kauai Kā’awanui Village Transect**

The Form-Based Code transect is an organizing principle used in Form-Based Code that establishes a hierarchy of zones, which contain places and building types and replaces use as the organizing principle. Typically, the model transect is divided into six transect zones or T-zones: Natural (T1), Rural (T2), Sub-Urban (T3), General Urban (T4), Urban Center (T5), and Urban Core (T6).

The Kā’awanui Village Form-Based Code uses transect zones to create new, compatible neighborhoods that are inspired by the former historic plantation camp of Kā’awanui Village. Each transect zone has its own set of standards that will help to guide the desired form and character of an area that will be inspired by the historic uses and building types that once occupied these areas.

The West Kauai Kā’awanui Village Plantation Camp Transect Zones:

- A. T3 Kā’awanui Village Flex – Plantation Camp (T3KAAVF-PC) The form and character of this transect zone supports a limited amount of new development that includes building types derived from the historic Kā’awanui Village camp and the West Kauai region. New development will provide an opportunity for new single family and multifamily buildings that will integrate compatible medium-density residential building types, such as a multiplex small, with historic building types.

1.1.050 **Lack of Lot Lines**

Design standards for Form-Based Codes generally promote and facilitate orientation of structures to public roads and civic spaces that facilitate an interface between the private and the public realm. In particular, Form-Based Codes rely on setbacks and build-to-lines in relation to lot lines to orient proposed structures with public areas. The Kāʻawanui Village Form-Based Code Transects is within a single lot of record. The Kāʻawanui Village Transects and the corresponding dwellings and structures are not separated by individual lot lines. Without individual lot lines, the Code utilizes building-to-building and building-to-thoroughfare setbacks to establish the interface between the private and public realm. This approach is unique but necessary to achieve a high-quality public realm inherent within the existing plantation camp environment.

Sub-Article 1.2 Transect Map

1.2.010 Transect Map

The transect zones established in this Article are mapped on the Transect Map on the following page:

Figure 1.2.010 Kā'awanui Village Transect Map



Article 2: Transect Descriptions and Building Types

Sub-Article 2.1: Kā’awanui Village Transect Zone Descriptions **12-13**

2.1.010 T3 Kā’awanui Village – Plantation Camp (T3KAAV-PC) 12-13

2.1.010 T3 Kāʻawanui Village Flex (T3KAAVF-PC)



General note: the illustration above is intended to provide a brief overview of the transect zone and is descriptive in nature.

A. Transect Zone Intent and Description

This Zone maintains the historical pattern and intensity of the Kāʻawanui Village Plantation Camp while allowing new construction to occur on sites that were previously demolished.

B. Building Types

1. Permissible Building Types	Standards
i. Kāʻawanui Horizontal Cottage	2.2.010
ii. Kāʻawanui Vertical Cottage	2.2.020
iii. H-Type Cottage	2.2.030
iv. HSPA Cottage	2.2.040
v. Duplex	2.2.050
vi. Multiplex Small	2.2.060
vii. Dormitory	2.2.070
viii. Camp Store	2.2.080
ix. Community Parking Facility	2.2.090

- With the exception of accessory structures, all other building types are prohibited.

C. Use Table

i. Residential Uses	Permitted Use
ii. Home Businesses	Permitted Use
iii. *Commercial	Permitted Use

- Residential use and Home Businesses are the only permissible use within the building types except for commercial operations in the Camp Store building type. All other uses are prohibited.
- *Commercial operations are a Permitted Use only within the Camp Store building type.

2.1.010 T3 Kāʻawanui Village Flex (T3KAAVF-PC)**D. Building Placement****1. Front Thoroughfare Setbacks**

- i. There is a 10 foot minimum setback from the front thoroughfare.

2. Building-to-Building Setbacks

- i. There is a 5 foot minimum setback between buildings or accessory structures.

3. Side Thoroughfare Setbacks

- i. There is a 10 foot minimum setback from the side thoroughfare for all structures.

4. Building Placement Notes

- i. Fences may encroach into the front or side setback; however, fences shall not exceed 4 feet in height.

E. Miscellaneous

- i. A maximum of one Camp Store is allowed within the Kāʻawanui Village – Plantation Camp transect for every 50 cottages.
- ii. Any additional Camp Stores will require a use permit.

F. Parking**1. Required Spaces**

- i. 1 off-thoroughfare parking stall is required per building. The required stall can be located in a Community Parking Facility.

F. Accessory Structures

- i. Non-habitable detached accessory structures do not require a building type and shall be located behind the rear of the building.
- ii. Accessory structures are allowed throughout this transect.
- iii. Accessory structures shall not exceed 600 square feet in size.
- iv. Accessory structures shall be limited to no more than 2 per building.
- v. Permissible roof types for accessory structures are Gable, Hip, Flat, and single-sloping shed roofs.
- vi. All Accessory Structures shall have a maximum of 9 feet from the finished floor to top of wall plate.

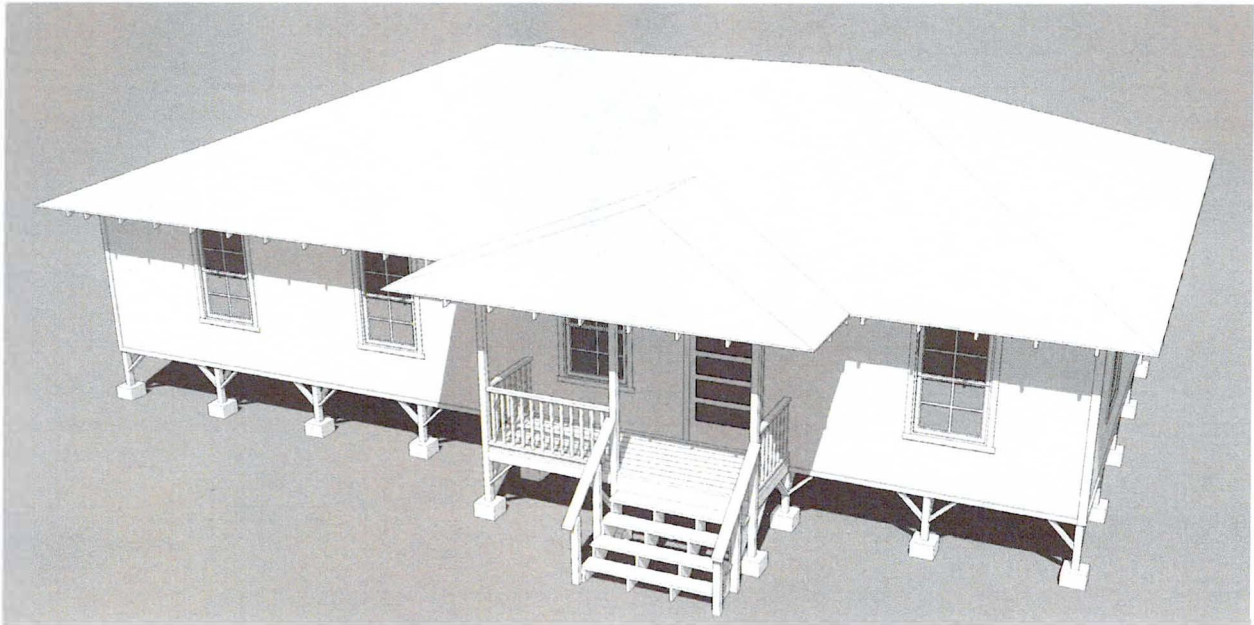
G. *Community Parking Facility

- i. The Community Parking Facility may be constructed to accommodate the required parking stalls.
- ii. There is a 10 foot minimum setback from the front thoroughfare for the Community Parking Facility.

Article 2: Transect Descriptions and Building Types

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2.2.030	H-Type Cottage	19-20
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2.2.090	Community Parking Facility	30

2.2.010 Kā'awanui Horizontal Cottage



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Kā'awanui Horizontal Cottage: This building type is a medium-sized detached residential structure, and it is used for single family occupancy. The longest side of this building type is parallel to the main thoroughfare.

B. Building Size and Massing

1. Massing

- i. A Kā'awanui Horizontal Cottage shall have 1 main body section.
- ii. No more than 1 main body is permissible for each Kā'awanui Horizontal Cottage.
- iii. A Kā'awanui Horizontal Cottage may have up to 1 wing attached to the main body.
- iv. The wing shall project from either the front or the rear of the main body.
- v. The wing shall be aligned with either of the sides of the main body.

2. Main Body

- i. The minimum width of the main body shall be 30 feet and a maximum of 48 feet.
- ii. The minimum depth of the main body shall be 18 feet and a maximum of 32 feet.

B. Building Size and Massing (continued)

3. Wing(s)

- i. The width of the wing shall be no more than 22 feet maximum.
- ii. The depth of the wing shall be no more than 14 feet maximum.

C. Building Frontages

- i. A Kā'awanui Horizontal Cottage shall have at least 1 frontage type.
- ii. The permissible frontage types are: Lānai, Projecting; Lānai, Engaged. All other frontage types are prohibited.
- iii. The frontage may be attached to a front projecting wing.

D. Pedestrian Access

- i. The main entrance location shall be located in the frontage of the Kā'awanui Cottage.
- ii. A rear entrance is required and shall be located on the rear of the main body or the back wall of a rear wing.

2.2.010 Kā'awanui Horizontal Cottage**F. Foundation**

- i. The Kā'awanui Horizontal Cottage shall have a post-on-pier foundation that does not exceed 4 feet, except as required by the County of Kauai Floodplain Management Program.

G. Fenestration

- i. All windows shall be single or double hung.

H. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

I. Height

- i. The Kā'awanui Horizontal Cottage shall have a maximum height limit of 9 feet from the finished floor to the top of wall plate.

J. Roof**1. Roof Pitch**

- i. The Kā'awanui Horizontal Cottage roof pitch ratios shall be set at a 4:12, 5:12 or 6:12 pitch.

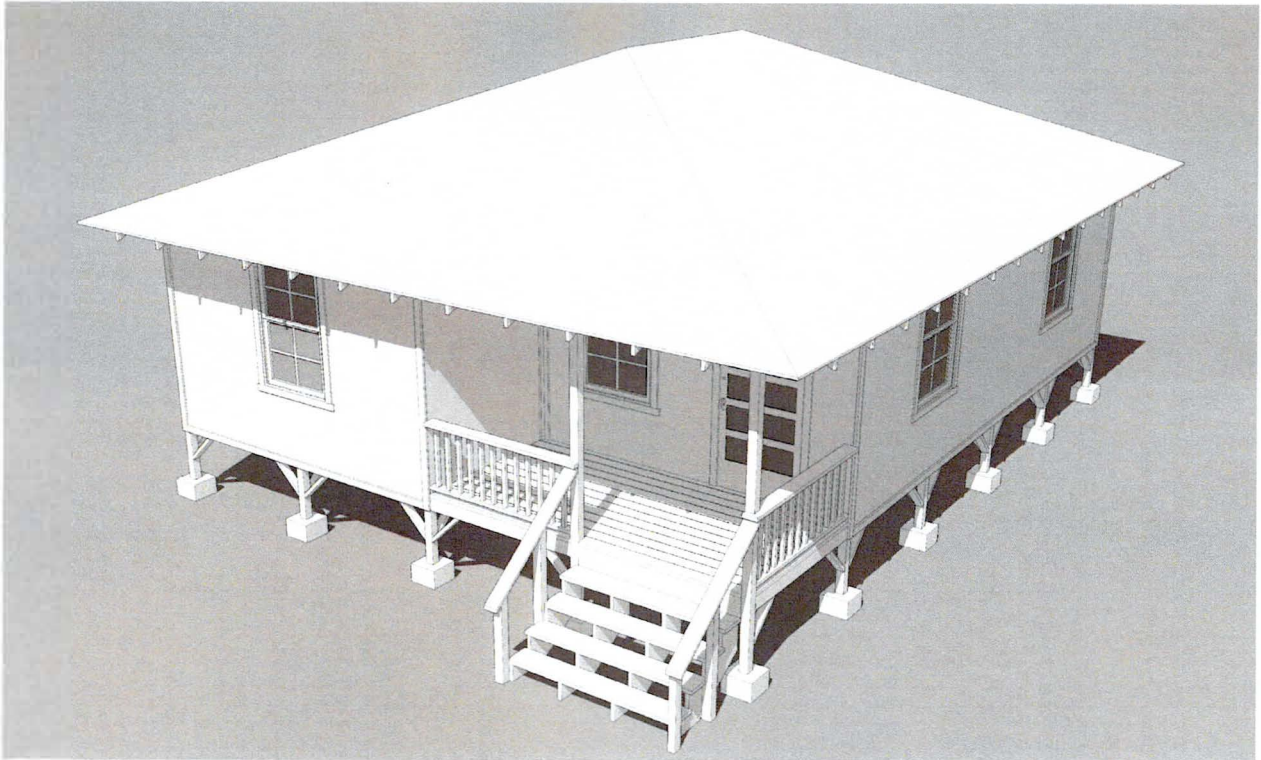
2. Roof Material Type

- i. The Kā'awanui Horizontal Cottage roof materials shall be corrugated metal.

3. Miscellaneous

- i. The Kā'awanui Horizontal Cottage roof types shall be Gable, Hip, or Dutch-Gable.
- ii. Gable roofs shall have a decorative vent feature. The decorative vent shall include a fire mesh.

2.2.020 Kā'awanui Vertical Cottage



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Kā'awanui Vertical Cottage: This building type is a medium-sized detached residential structure, and it is used for single family occupancy. The shortest side of this building type is parallel to the main thoroughfare.

B. Building Size and Massing

1. Massing

- i. A Kā'awanui Vertical Cottage shall have 1 main body section.
- ii. No more than 1 main body is permissible for each Kā'awanui Vertical Cottage.
- iii. A Kā'awanui Vertical Cottage shall not have wings.

2. Main Body

- i. The minimum width of the main body shall be 16 feet and a maximum of 28 feet.
- ii. The minimum depth of the main body shall be 30 feet and a maximum of 44 feet.

C. Building Frontages

- i. A Kā'awanui Vertical Cottage shall have at least 1 frontage type.
- ii. The permissible frontage types are: Lānai, Projecting; Lānai, Engaged. All other frontage types are prohibited.

D. Pedestrian Access

- i. The main entrance location shall be located in the frontage of the Kā'awanui Vertical Cottage.

2.2.020 Kā'awanui Vertical Cottage**F. Foundation**

- i. The Kā'awanui Vertical Cottage shall have a post-on-pier foundation that does not exceed 4 feet, except as required by the County of Kauai Floodplain Management Program.

G. Fenestration

- i. All windows shall be single or double hung.

H. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

I. Height

- i. The Kā'awanui Vertical Cottage shall have a maximum height of 9 feet from the finished floor to the top of wall plate.

J. Roof**1. Roof Pitch**

- i. The Kā'awanui Vertical Cottage roof pitch ratios shall be set at a 4:12, 5:12 or 6:12 pitch.

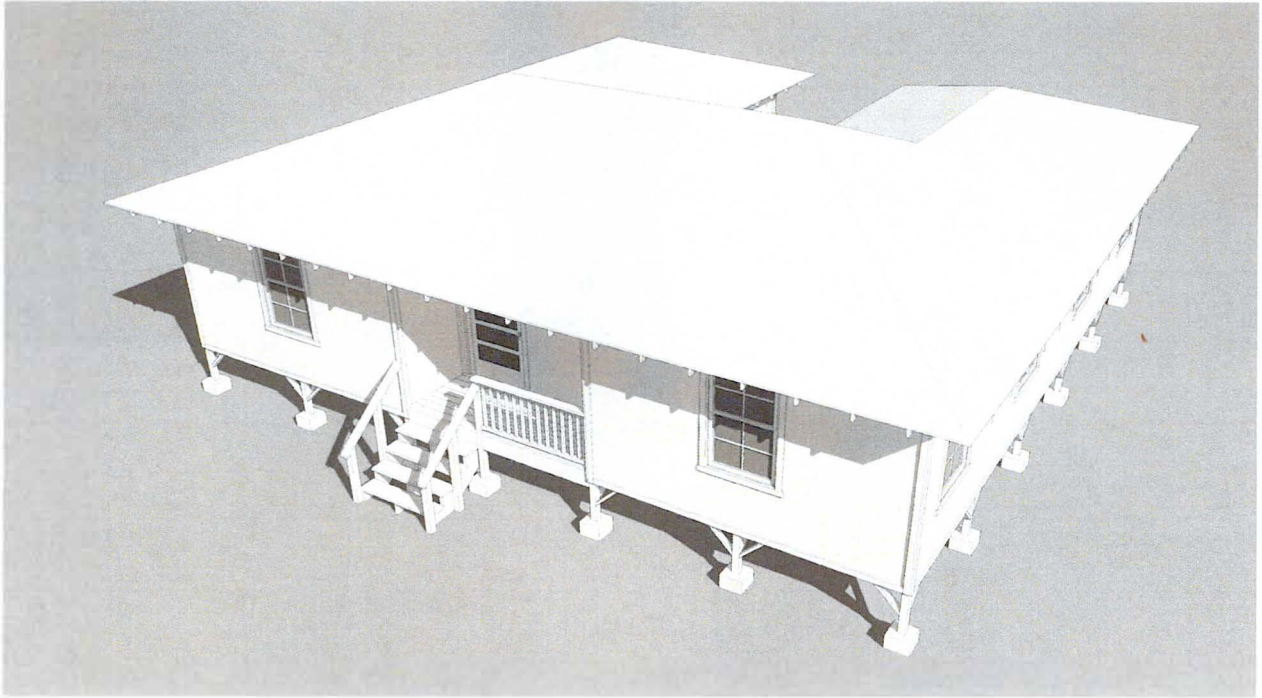
2. Roof Material Type

- i. The Kā'awanui Vertical Cottage roof materials shall be corrugated metal.

3. Miscellaneous

- i. The Kā'awanui Vertical Cottage roof types shall be Gable or Hip.
- ii. Gable roofs shall have a decorative vent feature that does not have to be wood. The decorative vent shall include a fire mesh.

2.2.030 H-Type Cottage



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

H-Type Cottage: This building type is a medium-sized detached residential structure, and it is used for single or multi family occupancy. The longest side of the main body of this building type is parallel to the main thoroughfare.

B. Building Size and Massing

1. Massing

- i. A H-type Cottage shall have 1 main body section.
- ii. No more than 1 main body is permissible for each H-Type Cottage.
- iii. A H-Type Cottage shall have 2 wings attached to the rear of the main body.
- iv. The wings shall be aligned with the sides of the the main body's side walls.

2. Main Body

- i. The width of the main body shall be 40 feet.
- ii. The depth of the main body shall be 24 feet.

3. Wing(s)

- i. The width of the wing shall be 15 feet.
- ii. The depth of the wing shall be 10 feet.

C. Building Frontages

- i. A H-Type Cottage shall have a Lānai, Engaged frontage type.
- ii. The Lānai, Engaged shall be located in the center of the structure.

D. Pedestrian Access

- i. The main entrance location shall be located in the frontage of the H-Type Cottage.

E. Foundation

- i. The H-Type Cottage shall have a post-on-pier foundation that does not exceed 4 feet, except as required by the County of Kauai Floodplain Management Program.

F. Fenestration

- i. All windows shall be single or double hung.

G. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

2.2.030 H-Type Cottage**H. Height**

- i. The H-Type Cottage shall have a maximum height of 9 feet from the finished floor to the top of wall plate.

I. Roof**1. Roof Pitch**

- i. The H-Type Cottage roof pitch ratios shall be set at a 4:12.

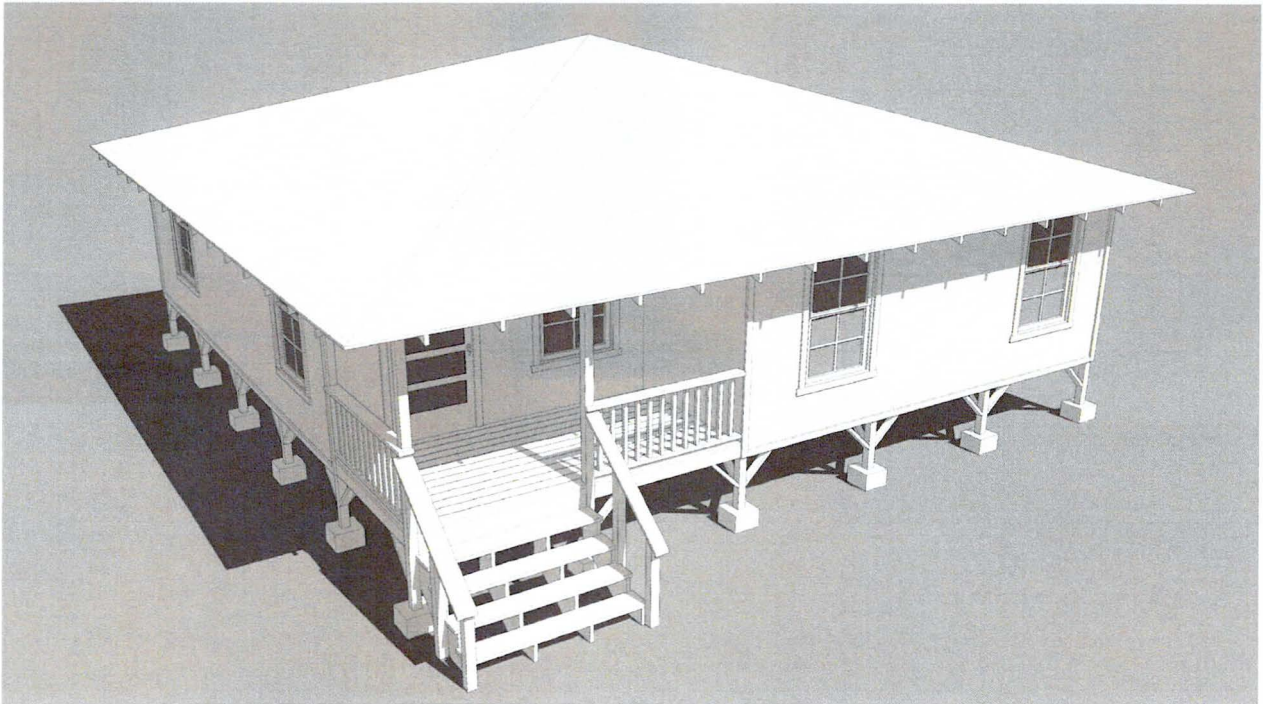
2. Roof Material Type

- i. The H-Type Cottage roof materials shall be corrugated metal.

3. Miscellaneous

- i. The H-Type Cottage roof types shall be Hip.

2.2.040 HSPA Cottage



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

HSPA Cottage: This building type is a small to medium sized square detached residential structure, and it is used for single family occupancy.

B. Building Size and Massing

1. Massing

- i. A HSPA Cottage shall have 1 main body section.
- ii. No more than 1 main body is permissible for each HSPA Cottage.
- iii. A HSPA Cottage shall not have wings.

2. Main Body

- i. The minimum width of the main body shall be 25 feet and a maximum of 35 feet.
- ii. The depth of the main body shall be equal to the width of the main body, creating a square structure.

C. Building Frontages

- i. A HSPA Cottage shall have a frontage type.
- ii. The permissible frontage type is Lānai, Engaged; All other frontage types are prohibited.

D. Pedestrian Access

- i. The main entrance location shall be located in the frontage of the HSPA Cottage.

E. Foundation

- i. The HSPA Cottage shall have a post-on-pier foundation that does not exceed 4 feet, except as required by the County of Kauai Floodplain Management Program.

F. Fenestration

- i. All windows shall be single or double hung.

G. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

2.2.040 HSPA Cottage**H. Height**

- i. The HSPA Cottage shall have a maximum height of 9 feet from the finished floor to the top of wall plate.

I. Roof**1. Roof Pitch**

- i. The HSPA Cottage roof pitch ratios shall be set at a 4:12 or 5:12 pitch.

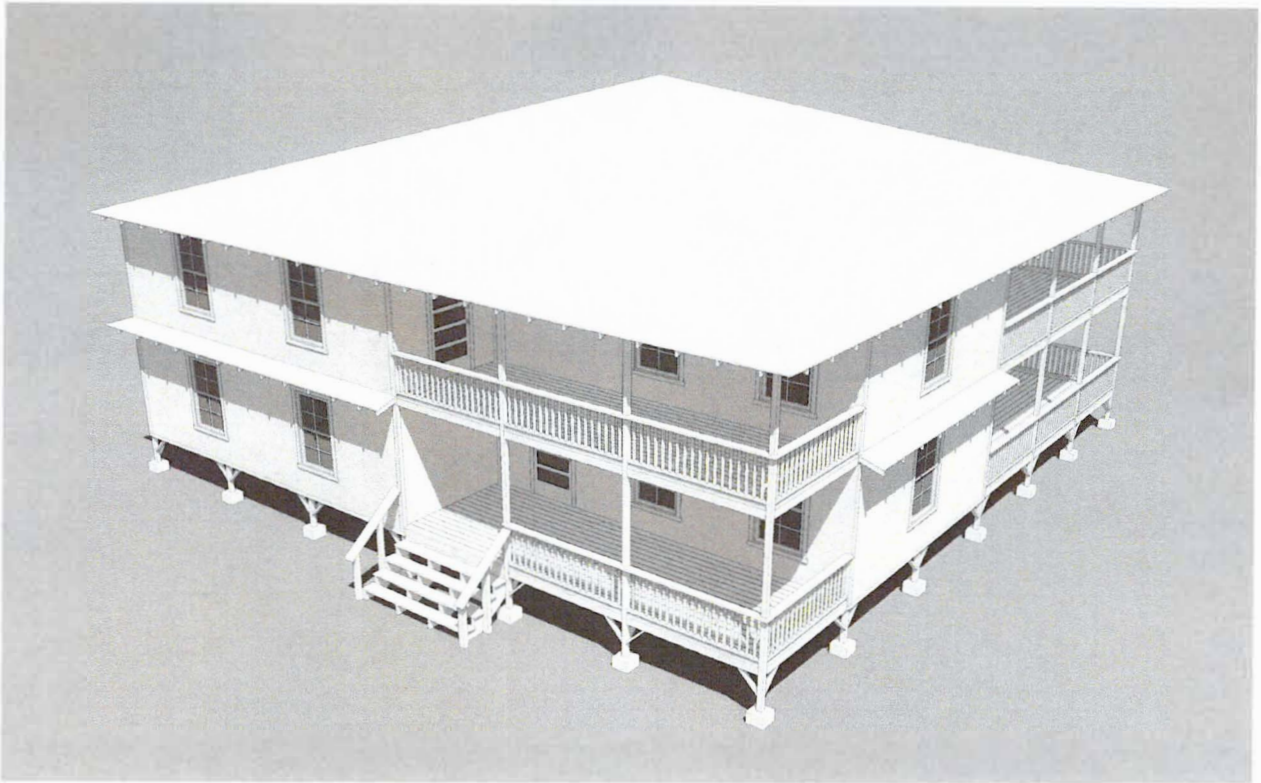
2. Roof Material Type

- i. The HSPA Cottage roof materials shall be corrugated metal.

3. Miscellaneous

- i. The HSPA Cottage roof types shall be Gable.
- ii. Gable roofs shall have a decorative vent feature.

2.2.050 Duplex



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Duplex: This Building type is a small-to-medium sized structure that consist of two side-by-side or stacked dwelling units, both facing the street and sharing one common party wall. This type has the appearance of a medium to large single-family home and is appropriately scaled to fit within primarily single-family neighborhoods or medium density neighborhoods. It enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.

B. Building Size and Massing

1. Massing

- i. A Duplex shall have one main body.
- ii. No more than one main body is permissible for each Duplex.
- iii. A Duplex may have a maximum of two wings attached to the main body.
- iv. Wings shall not be attached to each other.

B. Building Size and Massing (continued)

2. Main Body

- i. The width of the main body shall be no more than 48 feet maximum.
- ii. The depth of the main body shall be no more than 40 feet maximum.

3. Wing(s)

- i. The width of the wing shall be no more than 15 feet maximum.
- ii. The depth of the wing shall be no more than 20 feet maximum.
- iii. Where multiple wings are proposed, each wing shall have at least 10 feet of separation from each other respective wing.

C. Building Frontages

- i. A Duplex shall have at least one frontage type per unit. The permissible frontage types are: Lānaʻi, Projecting; Lānaʻi, Engaged; and Stoop. All other frontage types are prohibited.

2.2.050 Duplex**D. Pedestrian Access**

- i. The main pedestrian entries shall be located in the frontage of the Duplex.
- ii. Each unit shall have an individual street-facing entry on the front façade.

F. Fenestration

- i. All windows shall be single or double hung.

G. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

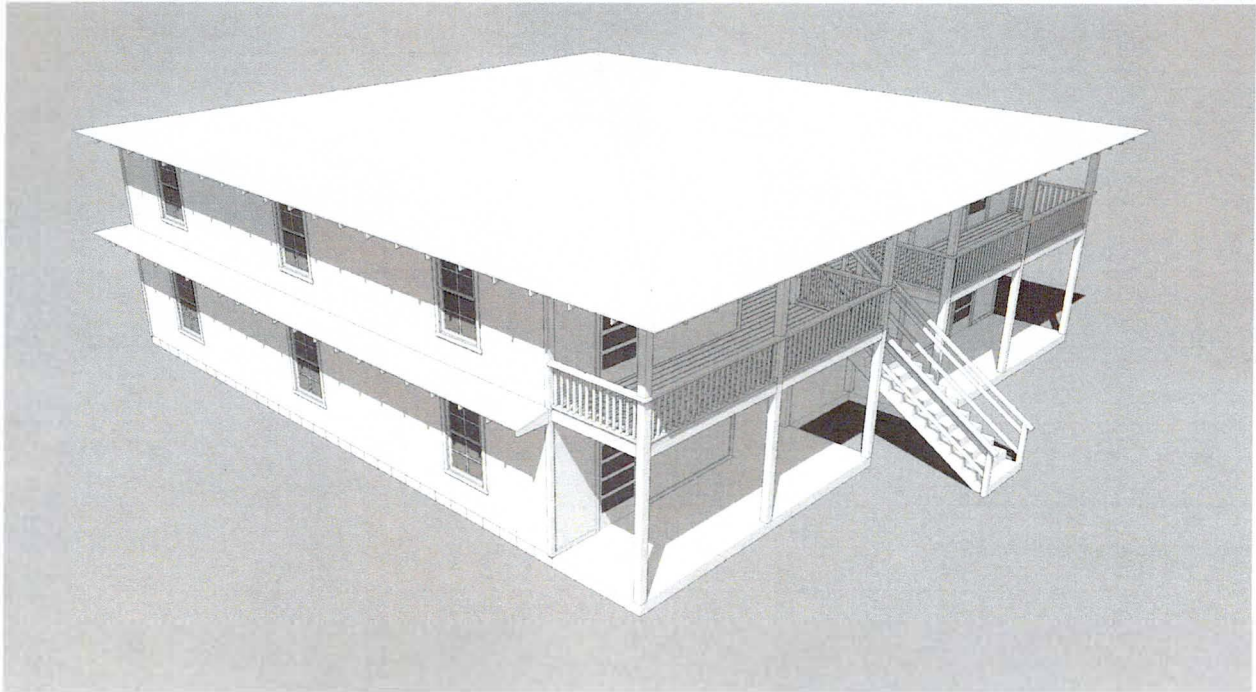
H. Height

- i. The Duplex shall be 30 feet maximum in height from the finished grade to the top of the peak of the roof. Up to four additional feet is permissible to elevate the structure to post on pier. Except as required by the County of Kauai Floodplain Management Program.
- ii. Finished grade at main entry shall not be greater than 4 feet above existing grade.
- iii. The Duplex shall not be greater than two stories in height.

I. Roof

- i. The Duplex roof material shall be corrugated metal.

2.2.060 Multiplex Small



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Multiplex Small: This building type is a medium structure that consists of three to six side-by-side and/or stacked dwelling units, typically with one shared entry or individual entries along the front. This type has the appearance of a medium-sized family home and is appropriately scaled to fit in sparingly within primarily single-family neighborhoods or into medium-density neighborhoods. This type enables appropriately scaled, well-designed higher densities and is important for providing a broad choice of house types and promoting walkability.

B. Number of Units

- i. The minimum number of units in a Multiplex Small building is three.
- ii. The maximum number of units in a Multiplex Small building is six.

B. Building Size and Massing

1. Massing

- i. A Multiplex Small building shall have one main body.
- ii. No more than one main body is permissible for each Multiplex Small building.
- iii. Wings shall not be attached to each other.

B. Building Size and Massing (continued)

2. Main Body

- i. The width of the main body shall be no more than 48 feet maximum.
- ii. The depth of the main body shall be no more than 36 feet maximum.

3. Wing(s)

- i. The width of the wing shall be no more than 24 feet maximum.
- ii. The depth of the wing shall be no more than 24 feet maximum.
- iii. Where multiple wings are proposed, each wing shall have at least 10 feet of separation from each other respective wing.

C. Building Frontages

- i. A Multiplex Small building shall have at least one frontage type. The permissible frontage types are: Lānaʻi, Projecting; Lānaʻi, Engaged; and Stoop. All other frontage types are prohibited.

D. Pedestrian Access

- i. The main pedestrian entries shall be located in the frontage of the Multiplex Small building.

2.2.060 Multiplex Small**E. Fenestration**

- i. All windows shall be single or double hung.

F. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

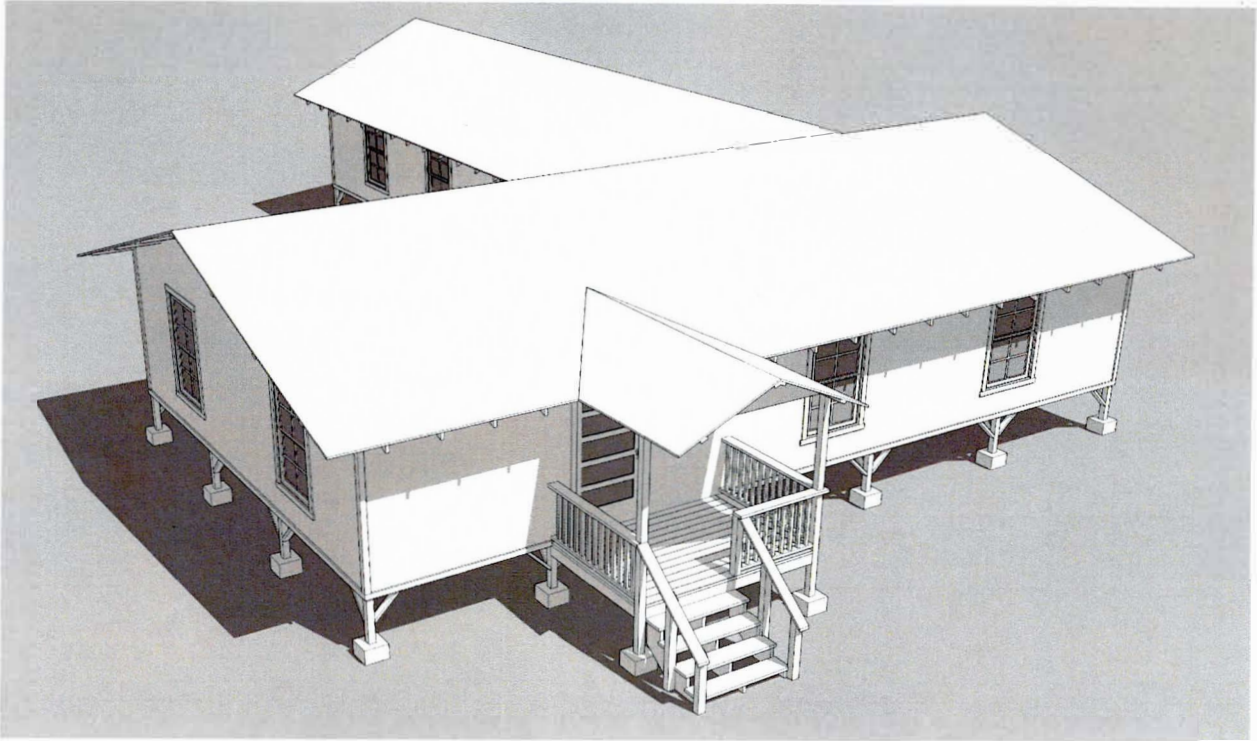
G. Height

- i. The Multiplex Small shall be 30 feet maximum in height from the finished grade to the top of the peak of the roof. Up to four additional feet is permissible to elevate the structure to post on pier. Except as required by the County of Kauai Floodplain Management Program.
- ii. Finished grade at main entry shall not be greater than 4 feet above existing grade.
- iii. The Multiplex Small shall not be greater than two stories in height.

H. Roof

- i. The Multiplex Small roof material shall be corrugated metal.

2.2.070 Dormitory



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Dormitory: This building type is a medium-sized detached residential structure for boarding or residential purposes.

B. Building Size and Massing

1. Massing

- i. A Dormitory shall have one main body.
- ii. No more than one main body is permissible for each Dormitory building type.
- iii. A Dormitory may have a maximum of two wings attached to the main body.
- iv. Wings shall not be attached to each other.

2. Main Body

- i. The width of the main body shall not be greater than 62 feet.
- ii. The depth of the main body shall not be greater than 52 feet.

3. Wing(s)

- i. The width of the wing shall not be greater than 26 feet.
- ii. The depth of the wing shall not be greater than 25 feet.

C. Building Frontages

- i. The Dormitory shall have a Lāna'i, Projecting. All other frontage types are prohibited.

D. Pedestrian Access

- i. The main entrance location shall be located in the front of the Dormitory.

F. Fenestration

- i. All windows shall be single or double hung.

G. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

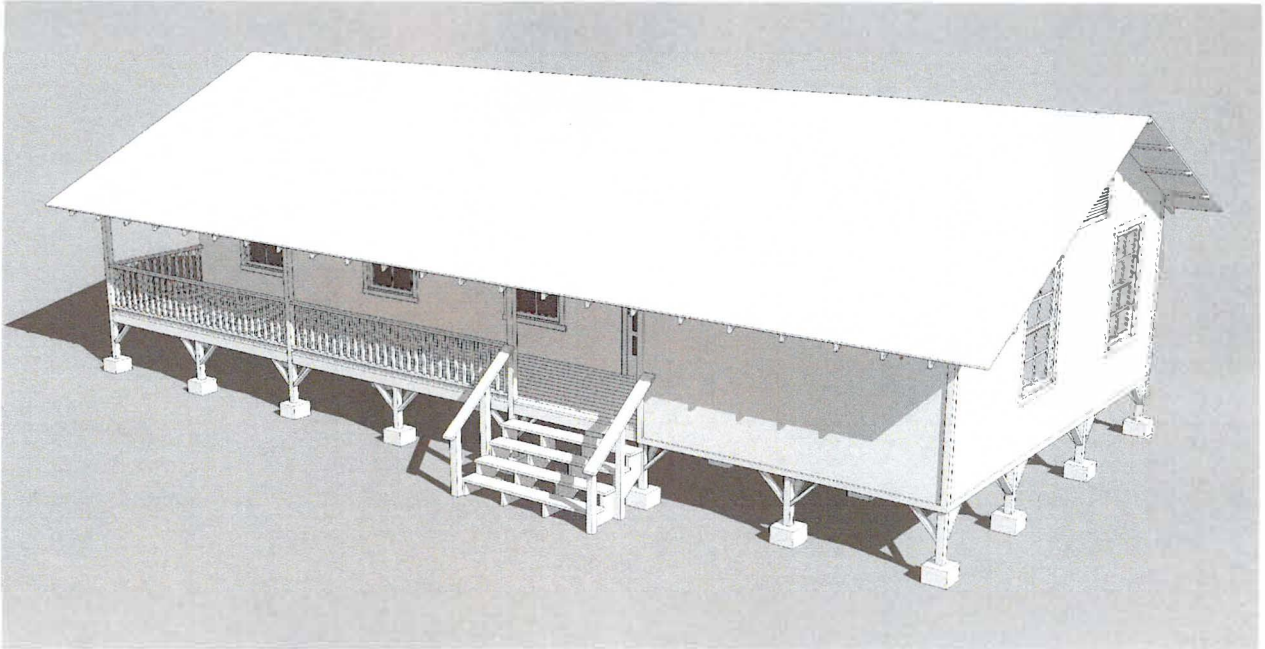
2.2.070 Dormitory**H. Height**

- i. The Dormitory shall be 20 feet maximum in height from the finished grade to the top of the peak of the roof. Up to four additional feet is permissible to elevate the structure to post on pier. Except as required by the County of Kauai Floodplain Management Program.
- ii. Finished grade at main entry shall not be greater than 4 feet above existing grade.
- iii. The Dormitory shall not be greater than one story in height.

I. Roof

- i. The Dormitory roof materials shall be corrugated metal.

2.2.080 Camp Store



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Camp Store: This building type is a small to medium sized detached commercial structure.

B. Building Size and Massing

1. Massing

- i. A Camp Store shall have 1 main body section.
- ii. No more than 1 main body is permissible for each Camp Store.
- iii. A Camp Store shall not have wings.

2. Main Body

- i. The width of the main body shall be 40 feet.
- ii. The depth of the main body shall be 20 feet.

C. Building Frontages

- i. A Camp Store shall have a frontage type.
- ii. The permissible frontage type is Lānai, Projecting. All other frontage types are prohibited.

D. Pedestrian Access

- i. The main entrance location shall be located in the frontage of the Camp Store Cottage.

E. Fenestration

- i. All windows shall be single or double hung.

F. Foundation

- i. The H-Type Cottage shall have a post-on-pier foundation that does not exceed 4 feet, except as required by the County of Kauai Floodplain Management Program.

G. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

H. Height

- i. The Camp Store shall have a maximum height limit of 9 feet from the finished floor to the top of wall plate.

I. Roof

1. Roof Pitch

- i. The Camp Store roof pitch ratio shall be set at 6:12.

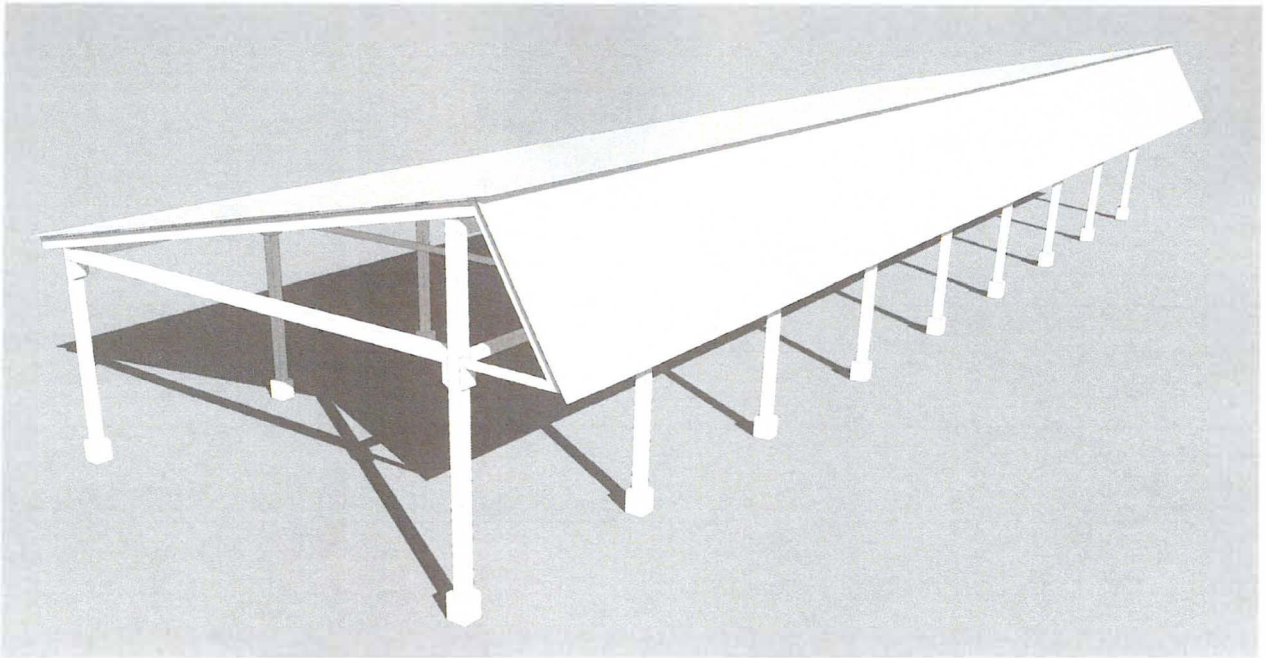
2. Roof Material Type

- i. The Camp Store roof materials shall be corrugated metal.

3. Miscellaneous

- i. The Camp Store roof types shall be Gable.
- ii. Gable roofs shall have a decorative vent feature.

2.2.090 Community Parking Facility



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Community Parking Facility: This building type is a detached parking structure and is associated with residential uses.

B. Building Size and Massing

1. Massing

- i. A Community Parking Facility shall have 1 main body section.
- ii. No more than 1 main body is permissible for each Community Parking Facility.
- iii. The Main body shall not exceed 120 ft in width and 30 feet in depth.
- iv. The maximum height shall be no more than 20 ft.

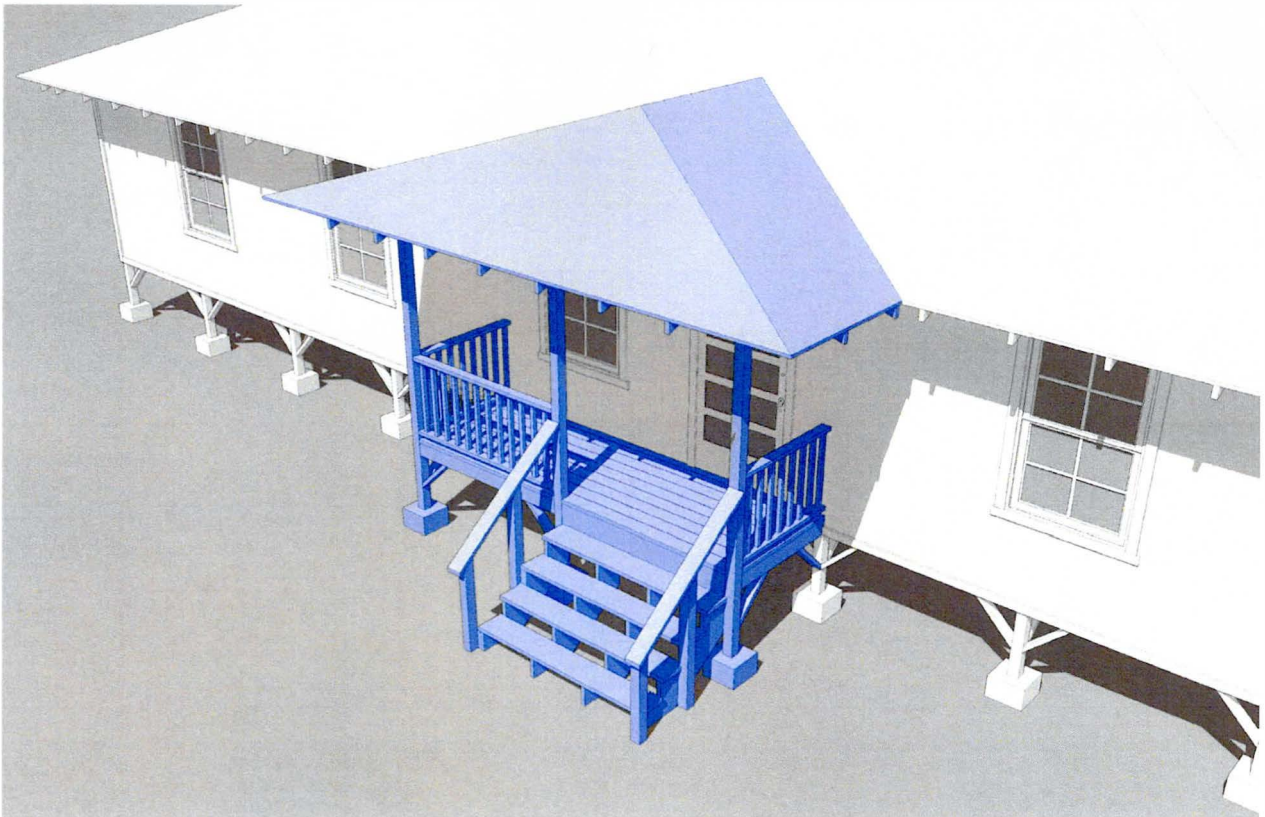


General note: Kaumakani Village Shared Parking Structure

Article 2: Transect Descriptions and Building Types, Frontages

Sub-Article 2.3: Kā’awanui Village Building Type Frontages		32-34
2.3.010	Lānai, Projecting	32
2.3.020	Lānai, Engaged	33
2.3.030	Stoop	34

2.3.010 Lānai, Projecting



General note: the illustration above is intended to provide a brief overview of the Frontage type and is descriptive in nature.

A. Description

Lānai, Projecting: The main façade of the building has a small to medium setback from the thoroughfare. The Lanai, Projecting is open on 3 sides.

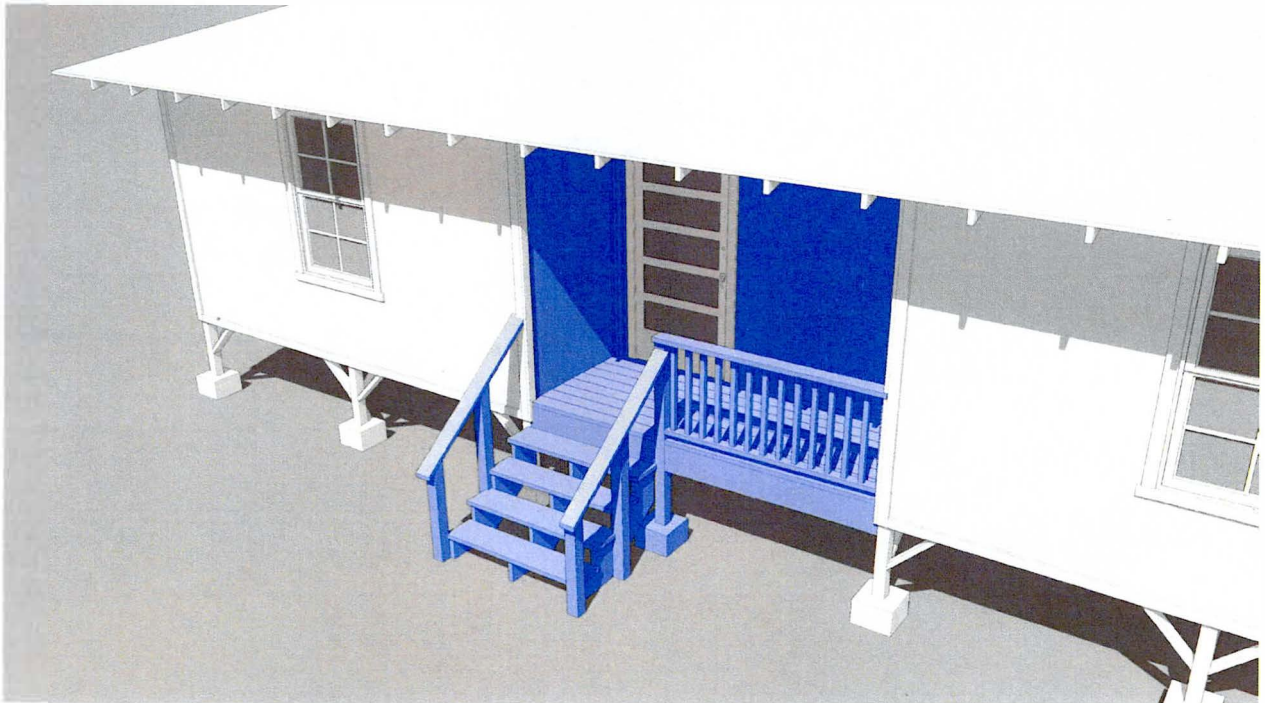
B. Location

- i. The Lānai, Projecting shall be located on the front of the cottage facing the thoroughfare.

C. Size

- i. The width of the frontage shall be a minimum of 5 feet and a maximum of 12 feet.
- ii. The depth of the frontage shall be a minimum of 4 feet and a maximum of 6 feet, excluding the stairs.
- iii. The height of the Lānai shall be a minimum of 8 feet from the bottom to top plate.

2.3.020 Lānai, Engaged



General note: the illustration above is intended to provide a brief overview of the Frontage type and is descriptive in nature.

A. Description

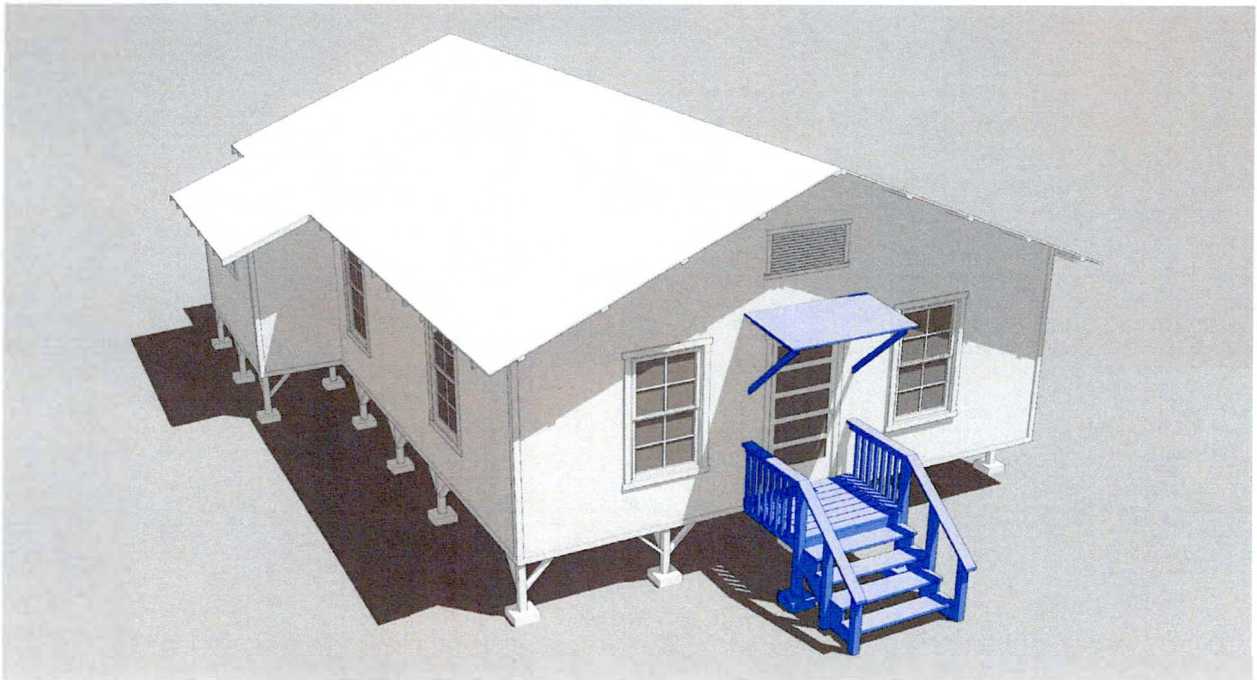
Lānai, Engaged: The main façade of the building has a small to medium setback from the thoroughfare. The Lanai, Engaged has 2 adjacent sides of the Lanai that are engaged to the building. If the Lanai, Engaged is situated in the center of the structure it can be engaged on 3 sides.

B. Location

- i. The Lānai, Engaged shall be located on the front of the cottage facing the thoroughfare.

C. Size

- i. The width of the frontage shall be a minimum of 8 feet and a maximum of 12.
- ii. The depth of the frontage shall be a minimum of 4 feet and maximum of 8 feet, excluding the stairs.
- iii. The height of the Lānai shall be a minimum of 8 feet from the bottom to top plate.

2.3.030 Stoop

General note: the illustration above is intended to provide a brief overview of the Frontage type and is descriptive in nature.

A. Description

Stoop: The main façade of the building is near the frontage line. This type is appropriate for residential uses with small setbacks.

B. Location

- i. The Stoop shall be located on the front of the building facing the thoroughfare.

C. Size

- i. The width of the stoop shall be a minimum of five feet and maximum of eight feet.
- ii. The depth of the Stoop shall be 5 feet, excluding the stairs.

Article 3: Neighborhood Standards

Sub-Article 3.1: Thoroughfare Standards **36**

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3.1.020	Applicability	36
3.1.030	Standards	36

Sub-Article 3.2: Civic Space Standards **37-40**

3.2.010	Purpose	37
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3.2.030	Civic Spaces	37-38
3.2.040	Civic Space Type Standards	39-40

Sub-Article 3.1: Thoroughfare Standards

- 3.1.010 **Purpose:** The purpose of this article is to provide optional standards for proposed thoroughfares within the plantation camp zones.
- 3.1.020 **Applicability:** Any proposed thoroughfares within the plantation camp zones.
- 3.1.030 **Standards:**
- A. All proposed roads and thoroughfares shall meet the County of Kauai Street Design Manual requirements as determined by the County Engineer.
 - B. The County Engineer may approve a thoroughfare that does not meet the Street Design Manual standards within the Plantation Camp Zones if the following criteria are met:
 - 1. The thoroughfare is 18 to 20 ft. in width;
 - 2. The thoroughfare is paved or comprised of a compacted surface approved by the Fire Department for emergency vehicle access;
 - 3. On street parking is prohibited;
 - 4. The thoroughfare’s associated residences have access to a shared parking facility within a standard pedestrian shed.
 - 5. The shared parking facility has at least one parking stall for each of the associated residences it services.
 - 6. All of the residential units proposed on the thoroughfare are setback from the thoroughfare no more than 20 ft.

Sub-Article 3.2: Civic Space Standards

3.2.010 **Purpose:** The purpose of this article is to establish civic space standards for plantation camp civic space. Civic buildings and civic spaces provide important gathering places for communities and access to outdoor activities. The civic buildings and civic spaces should be carefully located and accessible to all. The following standards shall be met by providing and locating civic buildings and civic spaces.

3.2.020 **Standards:** The design of civic spaces shall meet the standards set forth in Sub-Article 3.2.

3.2.030 **Civic Spaces:** The standards established in the Sub-Article provide the transect zones with a diverse palette of parks and other publicly accessible civic spaces that are essential components of walkable urban environments.

The service area, size frontage and disposition of elements of standards of each civic space types are regulatory. The illustration and description of each civic space type are illustrative in nature and not regulatory.

- A. Service Area. Describes how the civic space relates to the County as a whole and the area that will be served by the civic space.
- B. Size. The overall range of allowed sizes of the civic space.
- C. Frontage. The relationship along property lines of a civic space to adjacent building or lots.
 - 1. Building. Civic spaces that are listed as having a “Building” Frontage shall have the fronts of buildings, either attached to the park or across a thoroughfare, facing onto the civic space for a minimum of three-quarters of the perimeter.
 - 2. Independent. Civic spaces that are listed as having an “Independent” frontage shall have the fronts of buildings, either attached to the park or across a thoroughfare, facing on to the civic space to the maximum extent possible, but may have the side or rear of a building or lot front on to the civic space.
- D. Disposition of Elements. The placement of objects within the civic space.
 - 1. Natural. Civic spaces with natural character are designed in a natural manner with no formal arrangement of elements.
 - 2. Formal. Civic spaces with a formal character have a more rigid layout that follows geometric forms and has trees and other elements arranged in formal patterns.
 - 3. Informal. Civic spaces with an informal character have a mix of formal and natural characteristics.

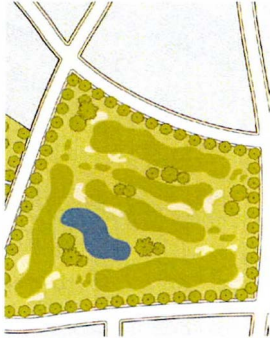
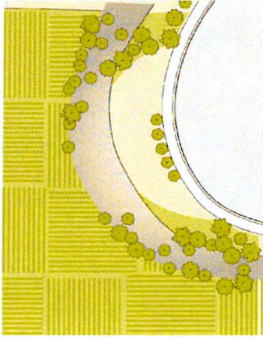
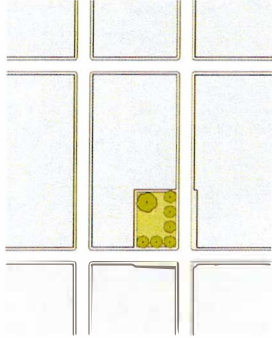
Typical Facilities. Provides a list of the typical facilities found within the civic space. This list is not intended to be a complete list of facilities allowed nor is it intended that every civic space could contain each of the facilities listed.

Ownership and Maintenance of Required Open Space, and Civic Space. Open space areas shall be maintained as permanent open space and/or civic space through one or more of the following options:

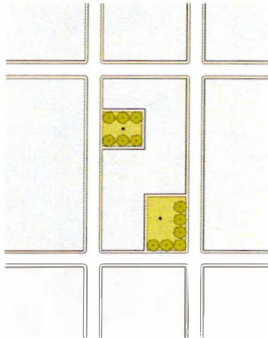
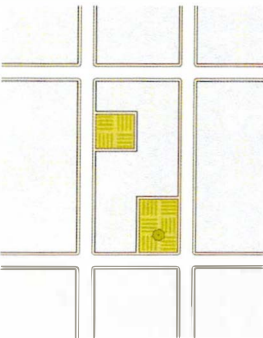
- A. Establishment of an entity to manage and maintain the open space by the property owner, in a form that ensures long-term maintenance and management;
- B. Conveyance of the land to a property owners' or homeowners' association that holds the land in common ownership and will be responsible for managing and maintain it for its intended purposes;
- C. Conveyance of the land to a third-party beneficiary, such as a nonprofit environmental or civic organization, that is organized for , capable of, and willing to accept responsibility for managing and maintaining the land for its intended purposes; or
- D. Dedication of the land to the County or other appropriate public agency that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended purposes.

The civic spaces specified in Table 3.2.030 (Civic Space Type Standards) are allowed by right or with the specified approvals in the designated transect zones.

Sub-Article 3.2: Civic Space Standards

3.2.040 Civic Space Type Standards			
Civic Space Type	Special Use Park	Overlook Park	Pocket Park
Illustration			
Description	A space that is civic in nature but that does not fit into any pre-established civic space type category.	An open space that provides space for viewing scenic or historically significant vistas, usually from a height.	An open space available for informal activities in close proximity to neighborhood residences.
Location & Size			
Location			
Service Area	Regional	Regional	Neighborhood
Size			
Minimum	No Minimum	No Minimum	4,000 square feet
Maximum	No Maximum	No Maximum	1 acre
Character			
Frontage	Building or Independent	Independent	Building
Disposition of Elements	Natural, Formal, or Informal	Natural or Informal	Formal or Informal
Typical Facilities	Passive and Active Recreation, Accessory Structure, Drinking Fountains, Community Facility < 5,000 gross square feet, Paths and Trails.	Passive Recreation, Accessory Structure, Drinking Fountains, Paths and Trails.	Passive Recreation, Accessory Structure, Drinking Fountains, Paths and Trails.

3.2.040 Civic Space Type Standards (continued)

Civic Space Type	Playground	Community Garden
Illustration		
Description	<p>An open space designed and equipped for the recreation of children. A Playground should be fenced and may include an open shelter. Playgrounds may be included within other civic spaces.</p>	<p>An open space designed as a grouping of garden plots that are available to nearby residents for small-scale cultivation. Community Gardens may be included within other civic spaces.</p>
Location & Size		
Location	Neighborhood	Neighborhood
Service Area		
Size	No Minimum	No Minimum
Minimum		
Maximum	No Maximum	No Maximum
Character		
Frontage Disposition of Elements	Independent or Building Formal or Informal	Independent or Building Formal or Informal
Typical Facilities		
Accessory Structure, Drinking Fountains, Paths and Trails.	Accessory Structure, Drinking Fountains, Paths and Trails.	

Article 4: Administration and Procedures

Sub-Article 4.1: Purpose and Applicability 42-43

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Sub-Article 4.1: Purpose and Applicability

- 4.1.010 **Purpose:** This Article establishes procedures for the preparation, filing, and processing of applications for development permits and other entitlements required by this Code.
- 4.1.020 **Applicability:**
- A. This Form-Based Code applies to any construction, development, activity, or use within the land zoned with the SPA designation as shown in Figure 1.2.010 (Kā’awanui Village Transect Map).
 - B. The requirements of this Code are in addition to all applicable federal, state, and county laws and regulations governing land use and development, including Chapter 8 (Comprehensive Zoning Ordinance) and Chapter 9 (Subdivision), Kaua’i County Code 1987, as amended.
 - C. In case of conflict between any provision of this Code, Kaua’i County Code Chapter 8 (Comprehensive Zoning Ordinance) (“CZO”), and any other Kaua’i County Code, rule, or regulation conflict, this Code shall apply.
- 4.1.030 **Review Authority:**
- A. Table 4.1.030.A (Review Authority) identifies the County official or body responsible for reviewing and making decisions on each type of application required by this Code.
 - B. All applications for property located within the Plan Area are subject to the review and approval of the review authority(s) identified in Table 4.1.030.A Review Authority.

Table: 4.1.030.A: Review Authority

Approval	Reference	Planning Director	Planning Commission	County Council
Zoning Permits				
Class I	Subsec. 8-3.1(c) CZO	Decision	Appeal	
Class II	Subsec. 8-3.1(d) CZO	Decision	Appeal	
Class III	Subsec. 8-3.1(e) CZO	Decision	Appeal	
Class IV	Subsec. 8-3.1(f) CZO	Recommend	Appeal/Decision	
Use Permit	Sec. 8-3.2 CZO	Recommend	Appeal/Decision	
Variance	Sec. 8-3.2 CZO	Recommend	Appeal/Decision	
Amendment	Sec. 8-3.2 CZO	Recommend	Recommend	Decision
Minor Modification	4.2.040	Decision	Appeal/Decision	

4.1.040 **Concurrent Processing:** Multiple applications for the same project will be processed concurrently, reviewed, and approved or denied by the highest review authority designated by this Code for any of the permits or approvals (i.e., a project for which applications for a Class II Zoning Permit and a Use Permit are filed must have both applications decided by the Planning Commission, instead of the Director first deciding on the Zoning Permit as otherwise required by Table 4.1.030.A (Review Authority).

4.1.050 **Rules of Interpretation:**

A. Authority. The Director has the authority to interpret any provision of this Code. Whenever the Director determines that the meaning or applicability of any Code requirement is subject to interpretation, the Director may issue an official interpretation. The Director may also refer any issue of interpretation to the Planning Commission for their determination.

B. Language.

1. The words “shall,” “must,” “will,” “is to,” and “are to” are always mandatory;
2. “Should” is not mandatory but is strongly recommended; and “may” is permissive;
3. The present tense includes the past and future tenses; and the future tense includes the present;
4. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise; and
5. The words “includes” and “including” shall mean “including but not limited to”.
6. “Applicant” means an owner or any person who has full written authorization of the owner.
7. “Owner” means the holders of equitable and legal title of land in fee simple.
8. When used in this Code, the terms “Code,” “this Code,” or “Form-Based Code” means the West Kaua’i Form-Based Code

C. Time Limits. Whenever a number of days is specified in this Code, the number of days shall be construed as consecutive calendar days. A time limit shall extend to 4:30 p.m. on the following working day where the last of the specified number of days falls on a weekend or holiday.

D. Uses Not Listed. The Director has the authority to determine other unlisted uses as similar in nature to those listed in the respective Use Tables of Article 2 (Specific to Transect Zones) as requiring a use permit, and that those similar uses may also be permissible in that respective Transect Zone with a Use Permit

Sub-Article 4.2: Permits and Approvals

4.2.010 Zoning Permits:

- A. No person shall undertake any construction or development or carry on any activity, or use, for which a zoning permit is required by this Code, or obtain a building permit for construction, development, activity, or use regulated by this Code, without first obtaining the required permit.
- B. To obtain any permit, the applicant shall show compliance with the standards established in this Code and shall submit, where necessary, a plot plan as required by CZO Sec. 8-4.6(d).
- C. Applications for zoning permits as required in this Code shall be processed in accordance with CZO Sec. 8-3.1 (Zoning Permits).
- D. For any Zoning Permit, the designated Review Authority may approve, with or without conditions, or deny the permit. The following Zoning Permits are required for the following activities:
 - 1. Class I Permit. A Class I Permit must be obtained for construction or development not located in a Constraint District or a Special Treatment District where the construction or development does not require a Use Permit or a Variance Permit and:
 - a. For non-residential or mixed-use projects that are generally permitted; or
 - b. For residential projects, the project consists of no more than one (1) dwelling unit.
 - 2. Class II Permit. A Class II Permit must be obtained for construction or development of a residential project consisting of between two (2) to ten (10) dwelling units that are not located in a Constraint District or a Special Treatment District where the construction or development does not require a Use Permit or a Variance Permit.
 - 3. Class III Permit. A Class III Permit must be obtained for construction or development where the construction or development does not require a Variance Permit or a Use Permit and:
 - a. For any project where a Class I or Class II Zoning Permit would otherwise be required, except that the development is located in a Constraint District or a Special Treatment District; or
 - b. For residential projects, the project consists of between eleven (11) and fifty (50) units; or

- 4. Class IV Permit. A Class IV Permit must be obtained for construction or development, whether or not the development is located in a Constraint District or Special Treatment District where:
 - a. For non-residential or mixed-use projects that require a use permit; or
 - b. For residential projects, the project consists of fifty-one (51) or more dwelling units; or
 - c. For any project, a Class I, II, or III Permit would otherwise be required, except that a Use Permit or a Variance Permit is required.

E. After-the-Fact Permits. In addition to the Zoning Permit filing and processing fee(s), an application for a Zoning Permit for a structure partially or fully constructed without the required approvals and/or a use that has commenced prior to the required approvals shall have an additional filing, inspection, and processing fee(s) which is double that of the original filing and processing fee(s) or five hundred dollars (\$500.00), whichever is greater.

4.2.020 **Use Permits:**

No person shall undertake any construction or development, or carry on any activity or use for which a Use Permit is required by this Code, or obtain a building permit for construction, development, activity or use for which a Use Permit is required by this Code, without first obtaining a Use Permit in accordance with CZO Sec. 8-3.2 (Use Permits).

4.2.030 **Variance:**

Request for a variance from the provisions of this Code must comply with the requirements in CZO Sec. 8-3.3 (Variance).

4.2.040 **Minor Modifications:**

The Planning Director may approve minor modifications of up to 10% of all dimensional requirements for all building types.

Sub-Article 4.3: Administration and Enforcement

4.3.010 **Amendments:**

This Code may be amended in compliance with the requirements in CZO Sec. 8-3.4.

4.3.020 **Non-Conforming Provisions:**

Nothing in the Kāʻawanui Village Form-Based Code shall restrict or prevent an applicant from re-constructing or repairing a structure in a respective Plantation Camp transect pursuant to Section 8-8A2, subsections (a) and (b), of the Kauai County Code, 1987, as amended.

Any new densities, structures, and uses, proposed in a respective Plantation Camp transect beyond those permissible within Section 8-8A of the Kauai County Code, 1987, as amended, shall be in conformance with the rules, regulations, and standards of the subject Kāʻawanui Village Form-Based Code.

4.3.030 **Appeals:**

- A. An applicant who seeks to appeal from an adverse decision of the Director or designee shall file a notice of appeal with the Director and the Planning Commission within thirty (30) days after the adverse decision.
- B. If the appeal is from the denial of a Class III Zoning Permit, the Director shall make the notice public and shall notify any persons who have duly requested notice of appeals.
- C. The Planning Commission shall consider the appeal at a public session within sixty (60) days of the filing of the notice of appeal and shall render its decision within that period.

4.3.040 **Fee Exemptions:**

- A. A Zoning Permit application for a housing project or portions of housing projects that are developed to be affordable to low-income households as determined by the Housing Director or authorized representative of the County Housing Agency shall be exempt from the filing and processing fee required in CZO Subsection 8-3.1(b)(1), provided such projects conform to applicable provisions of the County's affordable housing program.
- B. A Zoning Permit application for a housing project or portions of housing projects that are developed to be affordable as determined by the Housing Director or authorized representative of the County Housing Agency shall be exempt from one-half (1/2) of the filing and processing fee required in CZO Subsection 8-3.1(b)(1), provided such projects conform to applicable provisions of the County's affordable housing program.
- C. No exemptions shall be afforded for such housing projects from any fees or costs arising from compliance with CZO Subsection 8-3.1(f)(4) or (h).

4.3.050 **Enforcement:**

- A. Enforcement, legal procedures, and penalties for violations of any of the regulations and standards within the Plantation Camp Form-Based Code are established pursuant to section 10-7.2 of the Kauai County Code, 1987, as amended.

Article 5: Definitions

Sub-Article 5.1: Definitions of Terms and Phrases **48-49**

5.1.010 Definitions 48-49

Sub-Article 5.1: Definitions of Terms and Phrases

5.1.010 Definitions

This Section provides definitions for specialized terms and phrases used in this Article. All other applicable definitions in Chapter 8 of the Kauai County Code or CZO apply.

Civic Space – An outdoor area dedicated for civic activities. See Sub-Article 35.2 (Civic Space Standards).

Civic Building – A structure operated by governmental or not-for-profit organizations and limited to civic and related uses.

County Engineer – The County Engineer of the Department of Public Works of the County of Kauai.

Director – Planning Director of the County of Kauai.

Foundation – The lowest load-bearing part of a building, typically including structural placement below ground level

Front – The front section of the building facing the thoroughfare or a civic space. If two or more portions of a building face a thoroughfare or a civic space, the Director shall determine which portion of the building is the front.

Frontage – The main entrance of a building located between the front of a building and a thoroughfare or civic space.

Glazing – The glass component of a building's façade.

Gable Roof – A roof with two sloping side and a gable, or wall, at each end.

Hip Gable/Dutch Gable Roof – Is a roof with a small gable at the top of a hip roof.

Hip Roof – A roof that slopes upward from all sides of the structure, having no vertical ends.

Main Body – The main body constitutes the primary structure.

Mechanical Equipment Storage – small roofed accessory structure, attached or detached, that is no larger than 40 square feet in size.

Post-on-Pier – Type of development where the weight of the structure is distributed across a series of posts installed under the home and mounted to piers, which are typically masonry blocks arranged to distribute the weight evenly.

Rear – Section of the building the opposite front of the building.

Residential Use – The use of a structure or site for human habitation that may include a home, abode, or place where an individual is actually living at a specific point in time. Residences do not include transient accommodations such as transient hotels, motels, tourist cabins, or trailer courts, and dormitories, fraternity or sorority houses.

Setback – A designated minimal amount of space required between a structure and the thoroughfare.

Shed Roof – A flat roof that slopes in one direction and may lean against another wall or building.

Side – Section of the building running perpendicular to the front and rear of the building.

Thoroughfare – A road or path designed for multiple users, including pedestrians, bicyclists, and vehicles.

Transect Zone – A defined area that meets the organization of the human habitat with a development intensity that meets natural and/or build form characteristics.

Wing – A wing is part of a building that is subordinate to the main body.

Exhibit D

Map Showing Amendment to the West Kaua'i Community Plan (2020) Land Use Map Figure 12 "West Kaua'i Regional Map Showing Town Plan Areas".

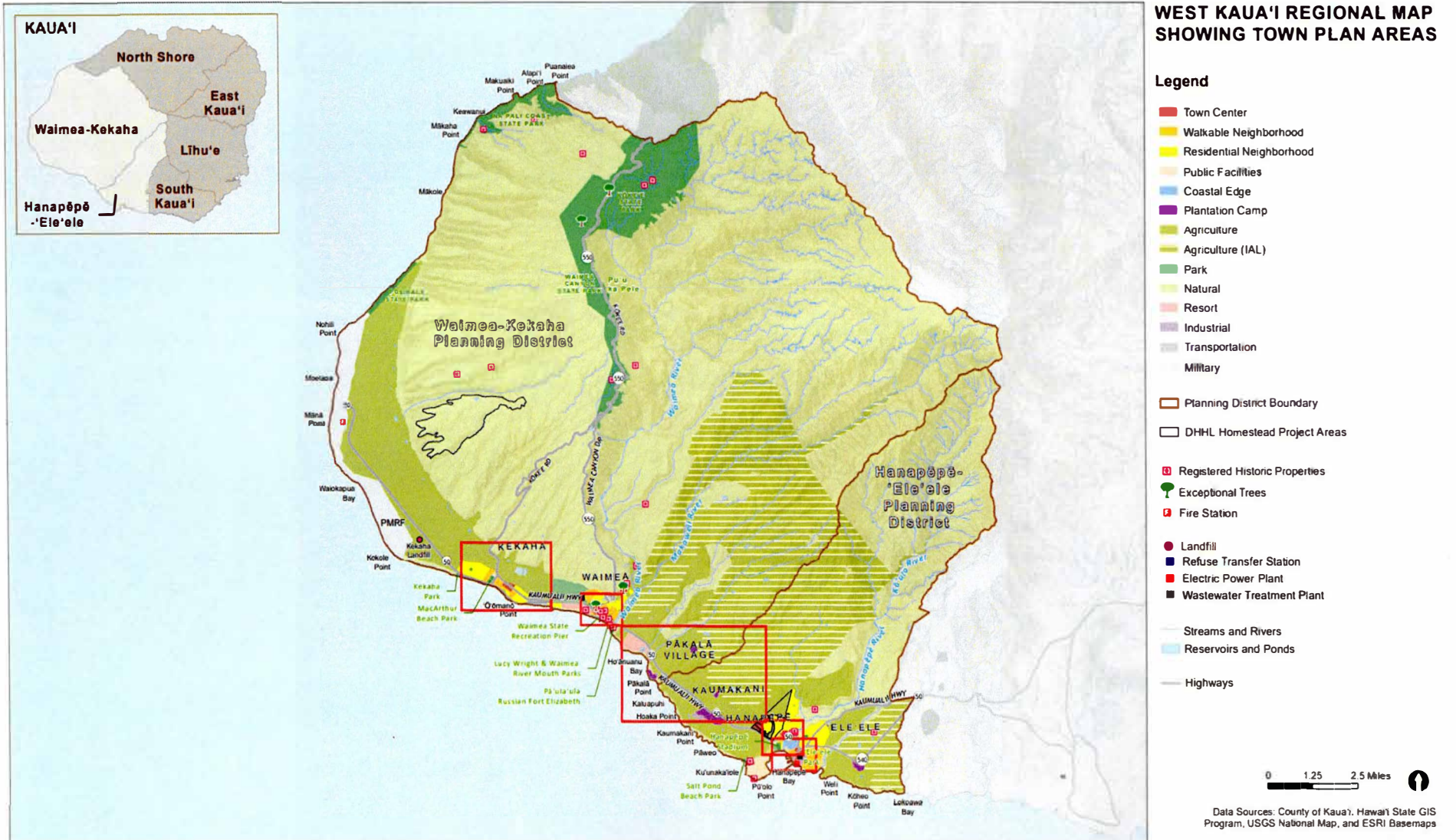


FIGURE 12 | Regional Town Plan Map

“EXHIBIT C”

(Proposed State Land Use District Amendment A-2025-3)

For reference

ORDINANCE NO. _____

BILL NO. _____

**A BILL FOR AN ORDINANCE AMENDING
THE STATE LAND USE DISTRICT BOUNDARY
RELATING TO A PARCEL LOCATED IN MAKAWELI, KAUA'I**

(County of Kaua'i Planning Department, Applicant) (A-2025-3)

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. Purpose. The purpose of this Ordinance is to update approximately 14.9 acres of the State Land Use District boundary and designation of Tax Map Key (TMK) (4) 1-7-006:006 from Agricultural to Urban.

SECTION 2. The State Land Use District Boundary designation for approximately 14.9 acres of the parcel in Makaweli, Kaua'i, identified as TMK (4) 1-7-006:006, as shown on the attached map as Exhibit A, is hereby amended from the State "Agricultural" Land Use District (A) to the State "Urban" Land Use District (U), subject to the following conditions:

1. The State Land Use District Boundary Amendment shall be limited to the area delineated in Exhibit A.
2. The Landowner shall resolve and comply with the applicable standards and requirements, if any, of all State of Hawai'i and County of Kaua'i departments and agencies.
3. The Landowner is advised that additional government agency conditions may be imposed. It shall be the Landowner's responsibility to resolve those conditions with the respective agencies.

SECTION 3. The Planning Department is directed to note the changes on the official Zoning Maps on file with the Department.

SECTION 4. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 5. This Ordinance shall take effect upon its approval.

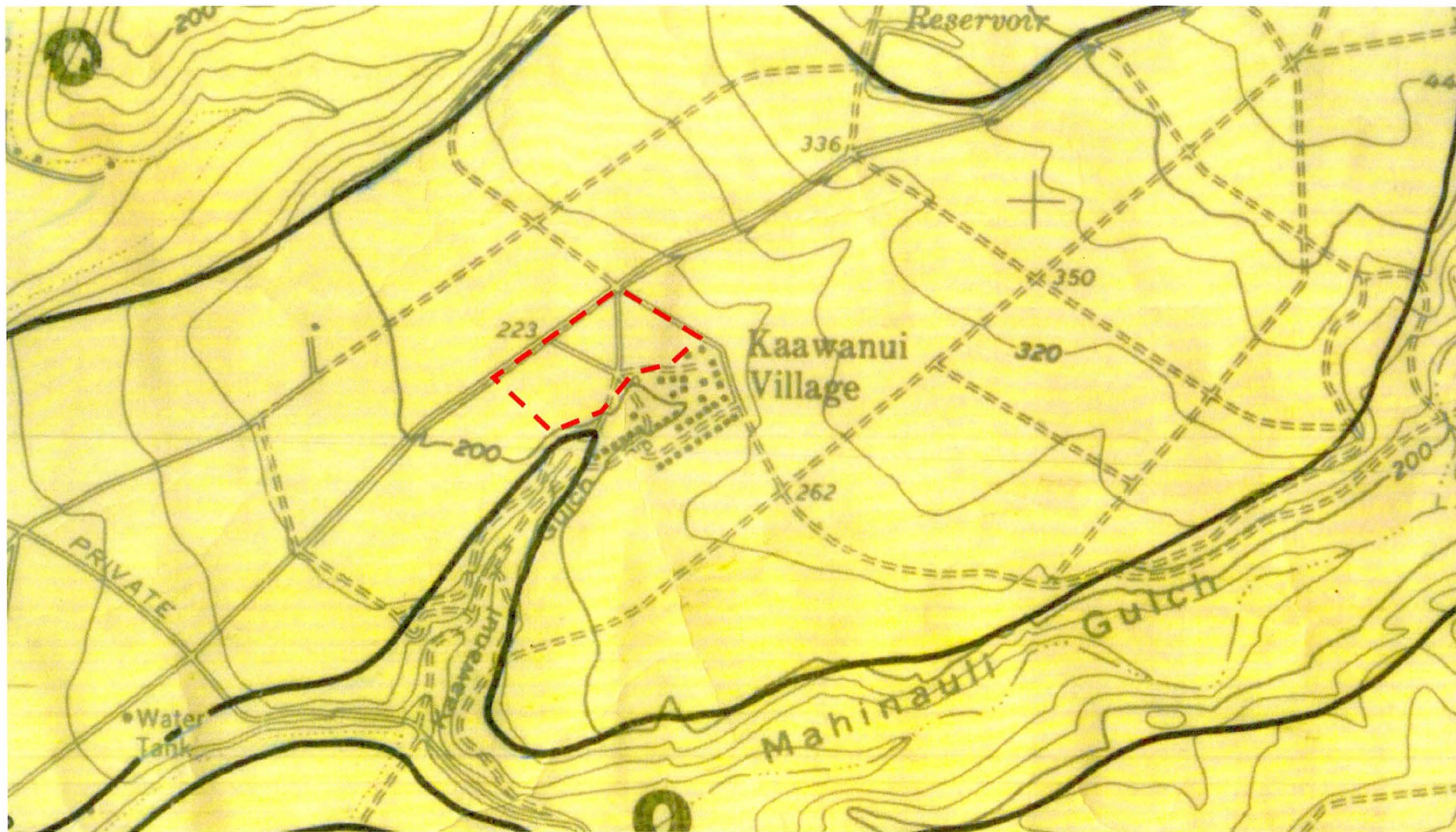
Introduced by:

(By Request)

DATE OF INTRODUCTION:

Lihu'e, Kaua'i, Hawai'i

Exhibit A



State Land Use District (SLUD) Boundary Amendment from Agricultural (A) to Urban (U)

Makaweli, Kaua'i, Hawai'i

 State Land Use District (SLUD) District Boundary Update from Agriculture (A) to Urban (U)

“EXHIBIT D”

(Proposed Zoning Amendment ZA-2025-5)

For reference

ORDINANCE NO. _____

BILL NO. _____

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 8,
KAUA'I COUNTY CODE 1987, AS AMENDED,
RELATING TO ZONING BOUNDARIES IN MAKAWELI, KAUA'I**

(County of Kaua'i Planning Department, Applicant) (ZA-2025-5)

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. Purpose. The purpose of this Ordinance is to update the County of Kaua'i Zoning Map ZM-200 to reflect zoning designation updates within the subject parcel Tax Map Key (TMK) (4) 1-7-006:006, from "Agricultural" (Ag) to "Residential-1" (R-1).

SECTION 2. Findings. The Council finds that the West Kaua'i Community Plan (WKCP), adopted by the County of Kaua'i in December 2020, recognizes there is a clear need to protect and preserve these historical structures while accommodating future growth and uses compatible with those that have historically occurred at these camps for over a century.

The Council finds that TMK (4) 1-7-006:006 is not designated as Important Agricultural Lands by the Hawai'i State Land Use Commission.

The Council finds the Kā'awanui Village amendment boundaries are delineated by the map in Exhibit A and contain an area of approximately 14.9 acres.

SECTION 3. The Comprehensive Zoning Ordinance (CZO) is hereby amended by amending ZM-200 within the CZO referenced in Section 8-2.3 by making the following changes to ZM-200 as shown in Exhibit A of this Ordinance which are attached hereto and incorporated by reference, subject to the following conditions:

1. The Landowner is advised that additional government agency conditions may be imposed. It shall be the Landowner's responsibility to resolve those conditions with the respective agencies.

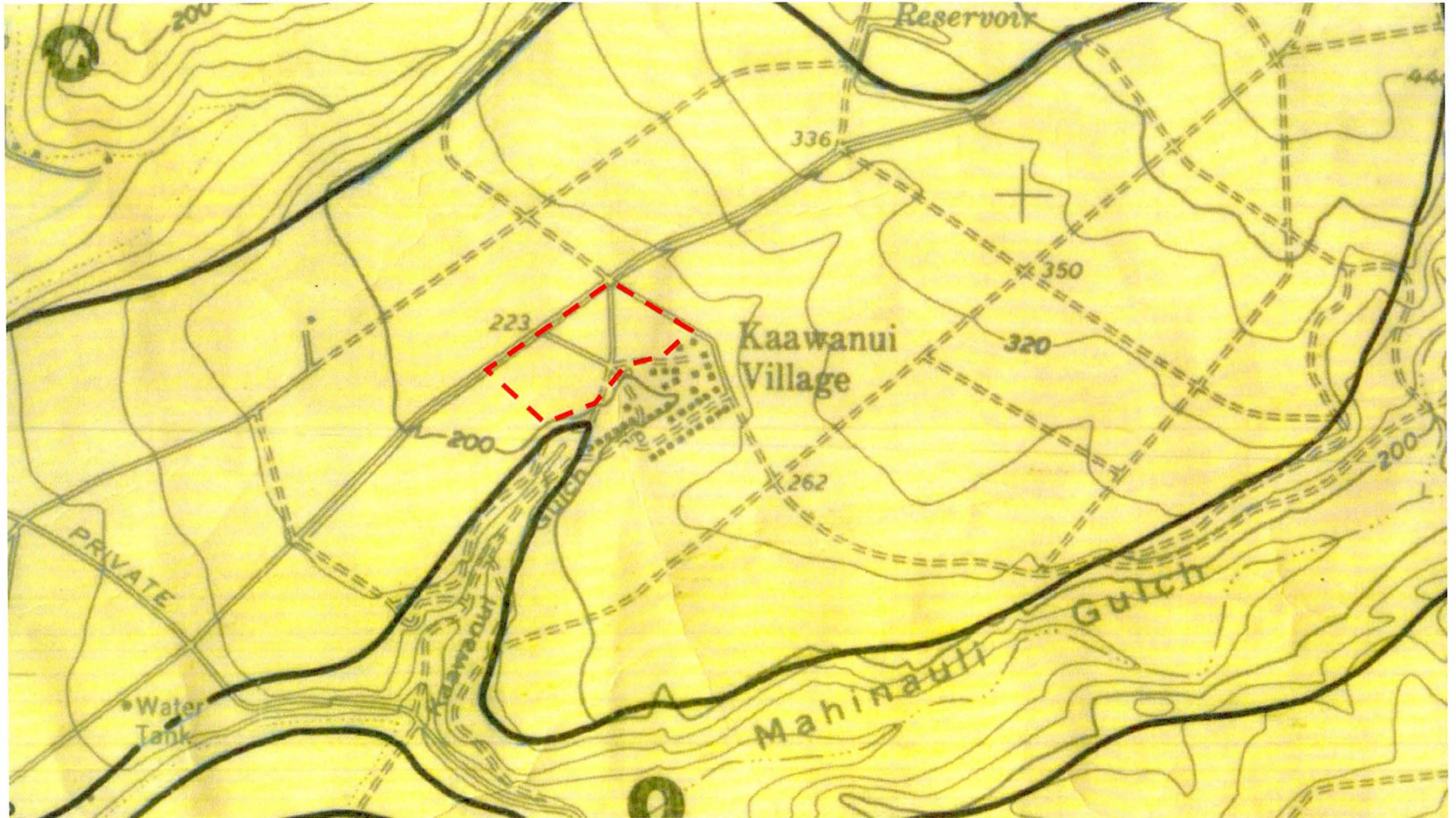
SECTION 4. The Planning Department is directed to note the changes on the official Zoning Maps on file with the Department.

SECTION 5. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 6. This Ordinance shall take effect upon its approval.

Introduced by:

Exhibit A



Amendment to Zoning Map ZM-200 from Agricultural (AG) to Residential-1 (R-1)

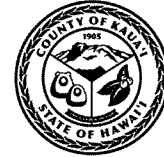
Makaweli, Kaua'i, Hawai'i

 Agricultural (AG) to Residential-1 (R-1) District Boundary Update

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



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

TRANSMITTAL OF PUBLIC TESTIMONY TO PLANNING COMMISSION

DATE: **March 4, 2025**

PERMIT NUMBER(S): **ZA-2025-5**

APPLICANT(S): **KAUAI PLANNING DEPARTMENT.**

Attached for the Planning Commission's reference is Public Testimony pertaining this application.

F.4.g.2.
MAR 11 2025

From: [Planning Department](#)
To: [Shelea Koga](#)
Cc: [Kaaina Hull](#)
Subject: FW: Rezoning from Ag to residential
Date: Friday, February 7, 2025 8:01:23 AM

From: Anastasia Schmoll <nctybroker@gmail.com>
Sent: Friday, February 7, 2025 6:26 AM
To: Planning Department <planningdepartment@kauai.gov>
Subject: Rezoning from Ag to residential

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.

Comment and recommendation: 1) name Anastasia Schmoll, your position/title RE BRoker, Coast and Country REalty BRE 01430464, 2) the agenda item that you are providing comment on

COUNTY ZONING AMENDMENT (ZA-2025-3) A bill for an ordinance amending Zoning Map ZM-200 (Hanapēpē) to rezone approximately 14.9 acres from the Agriculture District (A) to the Residential District (R-1) involving a parcel located immediately adjacent to the Kaua'i Coffee Visitor Center and the Numila Sugar Mill, situated on the makai side of Halewili Road in Wahiawa, further identified as Tax Map Key (TMK): (4) 2-2-001:001.

COUNTY ZONING AMENDMENT (ZA-2025-5) A bill for an ordinance amending Zoning Map ZM-200 (Hanapēpē) to rezone approximately 14.9 acres from the Agriculture District (A) to the Residential District (R-1) involving a parcel is located about one-half mile mauka and northeast of the Pakala United States Postal Service building in Makaweli, and further identified as Tax Map Key (TMK): (4) 1-7-006:006.

STATE LAND USE DISTRICT BOUNDARY AMENDMENT (A-2025-3) for a State Land Use District Boundary Amendment from the Agricultural District to the Urban District affecting a portion of approximately 14.9 acres of land situated about one-half mile mauka and northeast of the Pakala United States Postal Service building in Makaweli and further identified as Tax Map Key (TMK): (4) 1-7-006:006.

Comment and proposal for public comment; Any and all development must allocate and include 10% of construction and building to low income/ affordable housing.

Any and all Camp housing should needs to be build in compliance with current FHEO building

standards, and with HUD's HQS/NSPIRE standards of habitability.

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR
JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



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

DIRECTOR'S REPORT

I. SUMMARY

Action Required by Planning Commission: Consideration of multiple bills amending Chapter 8 of the Kaua'i County Code 1987, as amended, regarding the Comprehensive Zoning Ordinance (CZO), the Kaua'i Kākou – Kaua'i County General Plan, the State Land Use District, and the West Kaua'i Community Plan.

Permit Application Nos. Zoning Amendment ZA-2025-5
Zoning Amendment ZA-2025-6
General Plan Amendment GPA-2025-3
State Land Use Amendment A-2025-3

Name of Applicant(s) COUNTY OF KAUA'I, PLANNING DEPARTMENT

II. PERMIT INFORMATION

AMENDMENTS	
<input checked="" type="checkbox"/> Zoning Amendment	Pursuant to KCC Section 8-3.4(a), as amended, a Zoning Amendment is necessary when changing the boundaries of districts or by changing text whenever the public necessity and convenience and the general welfare require an amendment.
<input checked="" type="checkbox"/> General Plan Amendment	Pursuant to KCC Section 7-3.1, as amended, the General Plan of the County of Kaua'i may be amended by ordinance, in accordance with the Charter. An amendment may change provisions of this ordinance; text provisions or map designations of the General Plan document; or any of these in combination.
<input checked="" type="checkbox"/> State Land Use District Amendment	Pursuant to KCC Section 11-1, as amended, a State Land Use District Boundary Amendment Ordinance, organized as a Zoning Amendment, is required to reclassify a State Land Use District designation.

III. LEGAL REQUIREMENTS

KCC Section 8-3.4	
Public Hearing Date:	March 11, 2025
Date of Publication:	February 7, 2025
Date of Director's Report:	February 26, 2025

F.4.e.1.
F.4.f.1.
F.4.g.1.
F.4.h.1.

March 11, 2025

IV. DESCRIPTION OF PROPOSED BILLS

There are four separate amendments associated with the proposed Kā'awanui Village area:

1. **General Plan Amendment (GPA-2025-3)** – Proposes to amend Figure 5-1 (Kaua'i Land Use Map) and Figure 5-2 (West Kaua'i Land Use Map) of the *Kaua'i Kakou – Kaua'i County General Plan* from Agriculture to Plantation Camp (Exhibit A).
2. **West Kaua'i Community Plan Amendment (ZA-2025-6)** – Proposes amendments to Chapter 10, Article 3 of the *Kaua'i County Code 1987, as amended*, related to the West Kaua'i Community Plan (Exhibit B). This includes:
 - o Amending Section 10-3 to establish a Special Planning Area "Q" (SPA-Q), which shall also be known as the "Kā'awanui Plantation Camp Walkable Mixed-Use District." The Special Planning Area shall be adopted with a new map ZM-KAAV-100 (Kā'awanui Village) and adopted within the West Kaua'i Community Plan.
 - o Updating figure 12 of the West Kaua'i Community plan, Regional Town Plan Map to change the land use designation within the SPA-Q boundaries from Agriculture to Plantation Camp.
3. **State Land Use District Amendment (A-2025-3)** – Proposes to change approximately 14.9 acres of the State Land Use District boundary and designation of Tax Map Key (TMK) (4)1-7-006:006 from Agricultural to Urban (Exhibit C).
4. **Zoning Map Amendment (ZA-2025-5)** – Proposes to amend approximately 14.9 acres of Zoning Map ZM-200 to reflect zoning changes for TMK (4) 1-7-006:006 from Agricultural (Ag) to Residential-1 (R-1) (Exhibit D).

The proposed ordinances to amend County Zoning, the State Land Use District, the General Plan, and the West Kaua'i Community Plan aim to encourage new growth in an adjacent area to Kā'awanui Village that maintains and enhances its distinct form and character.

V. APPLICANT'S REASONS/JUSTIFICATION

The Kā'awanui Plantation Camp Form-Based Code (FBC) guides development in alignment with the West Kaua'i Community Plan and the County of Kaua'i General Plan. This FBC establishes a regulatory framework to preserve the character of the existing plantation camps, including Kā'awanui Village, while allowing for limited infill development and housing expansion. The Plantation Camps should remain compact and walkable with well-defined borders and small cottages, surrounded by working agricultural fields and activity. The intent of the code would:

1. Promote, preserve, and enhance existing community design and development patterns that reflect the distinct character of Kā'awanui Village historic plantation camp.
2. Support and maintain affordable-by-design housing stock.
3. Encourage appropriately scaled infill development within or near the historic boundaries of the camps.

Form-Based Codes (FBC) are a development regime that encourages the development of communities with a focus on "building form and character" as opposed to development frameworks based on the separation of uses, regularly referred to as Euclidian zoning. FBCs have been adopted to serve a variety of purposes that can include historic preservation, economic development, sustainability, affordable housing, and general planning. FBC follows a natural to urban transect model, that progressively experience greater density in line with desired development outcomes. The model transect is divided into six transect zones or T-zones: Natural (T1), Rural (T2), Sub-Urban (T3), General Urban (T4), Urban Center (T5), and Urban Core (T6). Kaua'i only experiences four transect types (T1-T4).

The development of FBCs included an intensive inventory process and an exercise to identify unique or historical characteristics that define the respective towns and villages. The Kā'awanui Plantation Camp transect is considered a special district due to the unique patterns which were identified. Within the Kā'awanui FBC, this transect is classified as T3 Kā'awanui Village Flex (T3KAAVF-PC), reinforcing and preserving the historic development patterns of the Kā'awanui community. The Kā'awanui FBC incorporates detailed regulations specific to building types, street standards, and civic space that are sensitive to the surrounding local character. The regulations set forth in the Form-Base Code help to maintain the unique characteristics of Kā'awanui Village.

Creating design standards specific to these areas ensures history and culture are a part of the future development. The Kā'awanui Plantation Camp Form-Based Code includes elements such as roof pitches, siding materials, building massing, building types, frontages, setbacks, rear exists and wings, and are regulated to reinforce existing character and to create new, compatible neighborhoods in Kā'awanui Village. For example, the building type regulations in T3 Kā'awanui Village Flex (T3KAAVF-PC) capture the form and characteristics of the historical Kā'awanui cottages. Crafting regulations that require unique features such as single or double hung windows, 4:12, 5:12, or 6:12 roof pitches, wood-based material, post and pier, and height of the wall ensure that new cottages will maintain the same look and feel of the surrounding cottages.

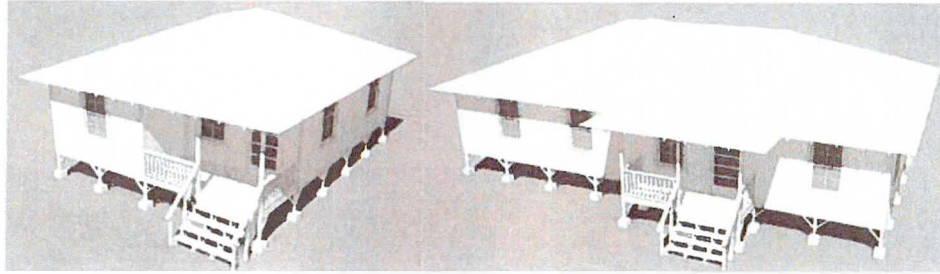


Figure 1: Example of applying the T3 Kā'awanui Village Flex (T3KAAVF-PC) regulations.



Figure 2, 3, 4: Pictures of Kā'awanui Village Cottages.

Form-Based Code differs from the existing use-base code requirements in the Comprehensive Zoning Ordinance in that the primary emphasis is on building and streetscape “form”, the importance of how the proposed development is integrated with the existing town character. This is a more comprehensive approach that includes the regulation of building types, street design, and civic space requirements. These standards are crafted to regulate the specific and desired qualities of areas identified through the inventory and data collection process.

The County of Kaua’i has adopted multiple Form-Based Codes tailored to preserve the unique and localized characteristics of South Kaua’i, West Kaua’i, and the Kaumakani Plantation Camps. During the South Kaua’i and West Kaua’i Community planning efforts, the community sought to preserve and revitalize their town cores. Form-Base Codes were ideally suited to meet this community goal. Since the adoption of the South Kaua’i, West Kaua’i, and the Kaumakani Plantation Camp Form-Based Code, the Planning Department and the respective communities have seen the value of this development approach.

Consistent with the West Kauai towns of Waimea, Kekaha, ‘Ele‘ele, and Hanapēpē, Kā’awanui Village supports unique town and village features that can benefit from the establishment of a Form-Based Code. Kā’awanui Form-Based Code is a tool that seeks to maintain the existing character of Kā’awanui Village while simultaneously establishing design guidelines that inform buildout scenarios.

Implementing the Kāʻawanui Form-Based Code requires several zoning amendments to achieve the appropriate regulatory alignment between State and County Zoning. These amendments will allow for 14.9 additional acres for predominately residential uses.

1. **General Plan Amendment (GPA-2025-3)** – The General Plan amendment updates the Kauaʻi Land Use Map and West Kauaʻi Land Use Map within the General Plan to reflect a change from Agriculture to Plantation Camp, aligning with the historic residential uses of the area and future vision for lands adjacent to the existing Kāʻawanui Village. This designation supports the continued use and nominal expansion of the area for residential purposes.
2. **West Kauaʻi Community Plan Amendment (ZA-2025-6)** – Updates to the West Kauaʻi Community Plan ensure consistency between local planning documents and the Kāʻawanui FBC. The amendment revises the **Regional Town Plan Map (Figure 12)** to change the land use designation within the **Special Planning Area – Plantation Camp (SPA-Q)** from Agriculture to Plantation Camp, supporting the envisioned small-town character and historic Kāʻawanui Village development. The proposal also amends Section 10-3 to establish a Special Planning Area “Q” (SPA-Q), which shall also be known as the “Kāʻawanui Plantation Camp Walkable Mixed-Use District.” The Special Planning Area shall be adopted with a new map ZM-KAAV-100 (Kāʻawanui Village) and adopted within the West Kauaʻi Community Plan.
3. **State Land Use District Amendment (A-2025-3)** – This amendment is needed to reclassify 14.9 acres from Agricultural to Urban, allowing for residential development adjacent to the historic Kāʻawanui Village residential footprint to allow for a nominal expansion of the area for residential purposes while keeping within the form and character of the historic camp.
4. **Zoning Map Amendment (ZA-2025-5)** – This change updates the underlying County of Kauai Zoning from Agricultural (Ag) to Residential-1 (R-1) allowing for residential development adjacent to the historic Kāʻawanui Village area.

VI. AGENCY COMMENTS

Comments from applicable government agencies are being sought and are expected at the time of the public hearing scheduled for March 11, 2025.

VII. PRELIMINARY EVALUATION

In evaluating the proposed zoning amendment, the following aspect should be taken into consideration:

1. Comprehensive Zoning Ordinance (CZO)

The proposed amendment is to be evaluated pursuant to Section 8-3.4(d) of the CZO, Kaua'i County Code (KCC), as amended. The section, reads:

“(d) Consideration. In considering an amendment, the Planning Commission shall consider the purposes of the existing and proposed changes to the Zoning Ordinance. A change in the Zoning Map or text shall not be made unless the change will further the public necessity and convenience and the general welfare.”

As previously mentioned, the intent of the amendment is to amend the West Kaua'i Community Plan to add Special Planning Area “Q” (SPA-Q), which shall be referred to as the “Kā'awanui Village Plantation Camp Walkable Mixed Use District.” Amending the code to include Special Planning Area “Q” would further accommodate public necessity and for convenience.

2. General Plan

The 2018 General Plan sets forth a vision, goals, and policies to guide future growth on Kaua'i. The proposed amendment is consistent with the overall vision and policies outlined in the 2018 General Plan.

A. Section 1.4, entitled “Policies to Guide Growth”

i. **Policy #1: “Manage Growth to Preserve Rural Character”**

The new design standards that correspond with Special Planning Area “Q” will ensure the rural characteristics of our communities are maintained through the preservation of the Kā'awanui Village building form and characteristics.

ii. **Policy #2: Provide Affordable Housing While Facilitating a Diversity of Privately-Developed Housing for Local Families.**

According to the General Plan, Communities that cater to a high-end market, resulting in enclaves of similar household incomes and housing types, are no longer acceptable. The design standards that correspond with Special Planning Area “Q” limit development to building standards that cater to and support the local housing market. These design standards will provide an opportunity to create housing for local families.

iii. **Policy #3: Recognize the Identity of Kaua'i's individual Towns and Districts.**

Policy #3 of the General Plan states that Kauai's towns and planning districts are distinct, each with its own character, opportunities, and needs. The design standards outlined for Kā'awanui Village acknowledge the characteristics and features that generate the unique community identity of the Kā'awanui Village.

B. Section 3.0 Actions by Sector, Subsection Sector VII, entitled "Heritage Resources" states for code changes:

- i. **Update and create Special Planning Areas in towns to ensure new development and redevelopment of existing sites or structures is done in a "historically sensitive" manner.** The proposed Kā'awanui Form-Based Code implements these exact code changes recommended by the General Plan creating design standards to preserve the historic character of Kā'awanui Village.

X. PRELIMINARY CONCLUSION

Based on the foregoing, it is concluded that the proposal is reasonable and appropriate. It is also consistent with the policies and recommendations of the Kaua'i General Plan.

XI. PRELIMINARY RECOMMENDATION

Based on the foregoing evaluation and conclusion, it is hereby Zoning Amendment ZA-2025-5, Zoning Amendment ZA-2025-6, General Plan Amendment GPA-2025-3 and State Land Use District Amendment A-2025-3 be **APPROVED**.

By  _____
SHELEA KOGA
Planner

Approved & Recommended to Commission:

By  _____
KA'ĀINA S. HULL
Director of Planning

Date: 3 / 3 / 2025

“EXHIBIT A”

(Proposed General Plan Amendment GPA-2025-3)

For reference

ORDINANCE NO. _____

BILL NO. _____

**A BILL FOR AN ORDINANCE AMENDING
"KAUA'I KĀKOU – KAUA'I COUNTY GENERAL PLAN" (2018)
RELATING TO A PARCEL LOCATED IN MAKAWELI, KAUA'I**

(County of Kaua'i Planning Department, Applicant) (GPA-2025-3)

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. Findings and Purpose. The purpose of this Ordinance is to update the booklet entitled "Kaua'i Kākou – Kaua'i County General Plan" (2018) (incorporated by reference in Chapter 7, Kaua'i County Code 1987, as amended) (The General Plan for the County of Kaua'i). The subject property, identified as Tax Map Key (TMK) Parcel (4) 1-7-006:006 and referred to hereafter as "Kā'awanui Village," is located about one-half mile mauka and northeast of the Pākalā United States Postal Service building in Makaweli.

The Council finds the Kā'awanui Village amendment boundaries are delineated by the map in Exhibit A and contain an area of approximately 14.9 acres.

The Council finds that TMK Parcel (4) 1-7-006:006 is not designated as Important Agricultural Lands by the Hawai'i State Land Use Commission.

The Council finds that the Kā'awanui Village area maintain a unique sense of identity and has historic features and qualities that should be perpetuated.

The Council finds that the current landowner (Gay & Robinson Inc) has consented to this General Plan amendment.

SECTION 2: The booklet entitled "Kaua'i Kākou – Kaua'i County General Plan" (2018) is amended as follows:

1. Amend page 229 by deleting Figure 5-1, Kaua'i Land Use Map (as previously amended by Ordinance No. 1084), and replacing it with a new map, Figure 5-1, Kaua'i Land Use Map, as shown on the map attached to this Ordinance as Exhibit B, and on file with the Planning Department, County of Kaua'i.
2. Amend page 233 by deleting the amended Figure 5-2, West Kaua'i Land Use Map (as previously amended by ordinance No. 1084), and replacing it with a new map, Figure 5-3 West Kaua'i Land Use Map as shown on the map attached to this Ordinance as Exhibit C, and on file with the Planning Department, County of Kaua'i.

SECTION 3. The Planning Department is directed to note the changes on the official Zoning Maps on file with the Department.

SECTION 4. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 5. This Ordinance shall take effect upon its approval.

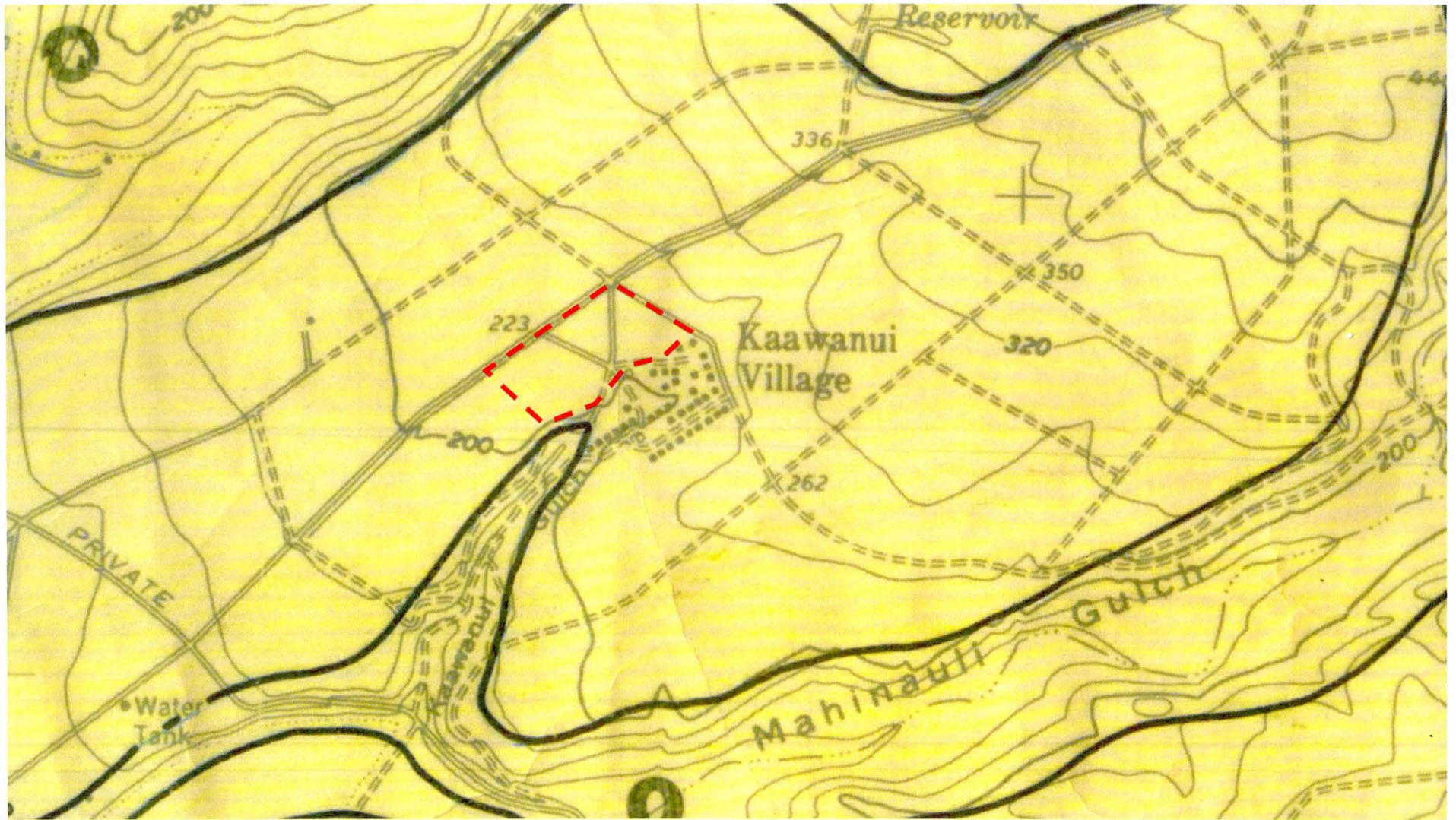
Introduced by:

(By Request)

DATE OF INTRODUCTION:

Līhu'e, Kaua'i, Hawai'i

Exhibit A



State Land Use District (SLUD) Boundary Amendment from Agricultural (A) to Urban (U)

Makaweli, Kaua'i, Hawai'i

 State Land Use District (SLUD) District Boundary Update from Agriculture (A) to Urban (U)

Exhibit B

Map Showing Amendment to the Kaua'i General Plan (2018) Land Use Map Figure 5-1 "Kaua'i Land Use Map"

-  Planning District Boundary
-  Major Roads
-  Roads
-  Streams
-  USGS 40 ft. Contours
-  Urban Edge Boundary
-  Reservoirs
-  Natural
-  Agricultural
-  Agricultural (IAL)
-  Parks and Recreation
-  Golf Course
-  Homestead
-  Residential Community
-  Urban Center
-  Neighborhood Center
-  Neighborhood General
-  Large Town
-  Small Town
-  Resort
-  Provisional Resort (Pending Community Plan Process)
-  University Zone
-  Plantation Camp
-  Industrial
-  Transportation
-  Military
-  Provisional Agriculture

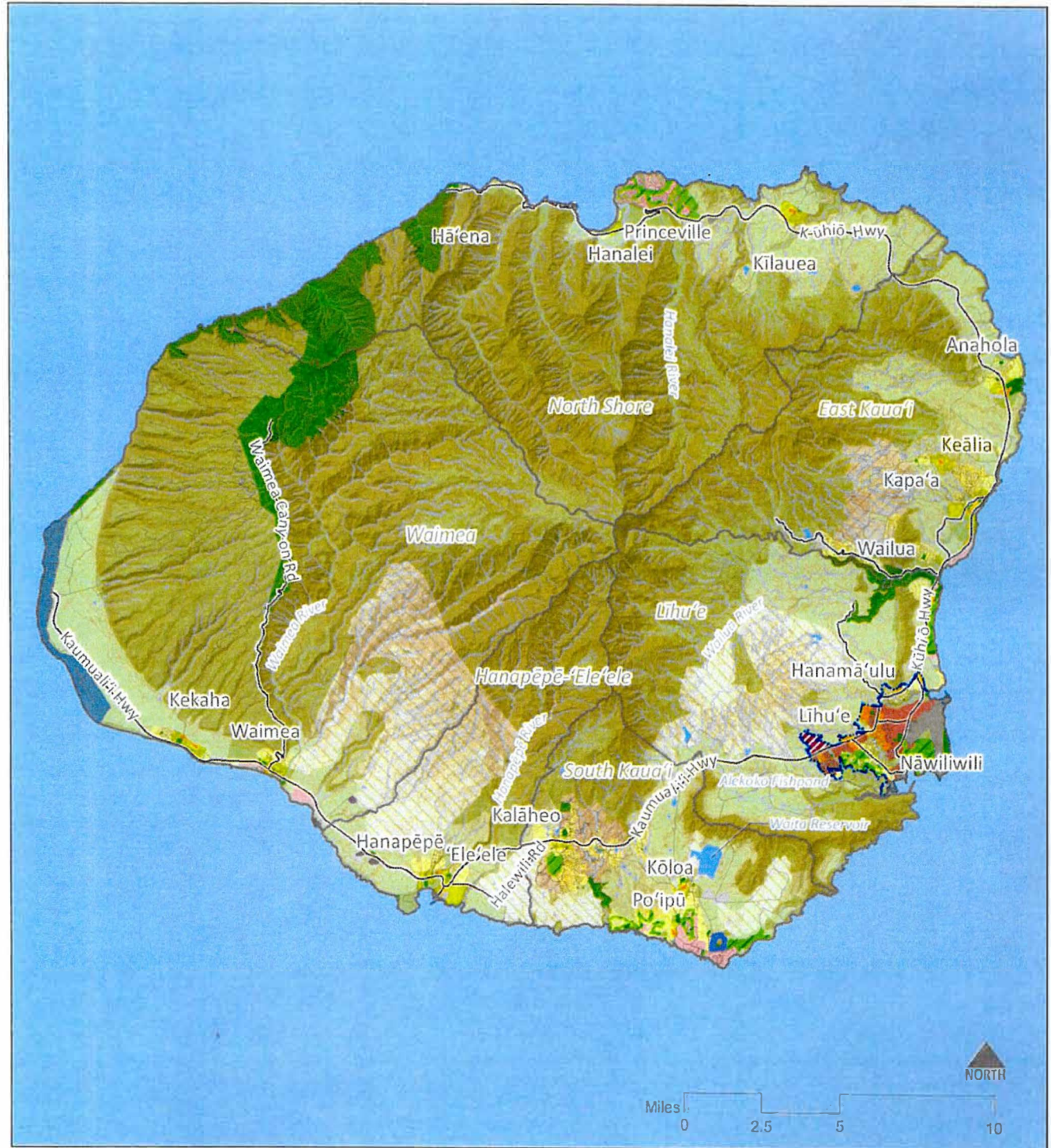
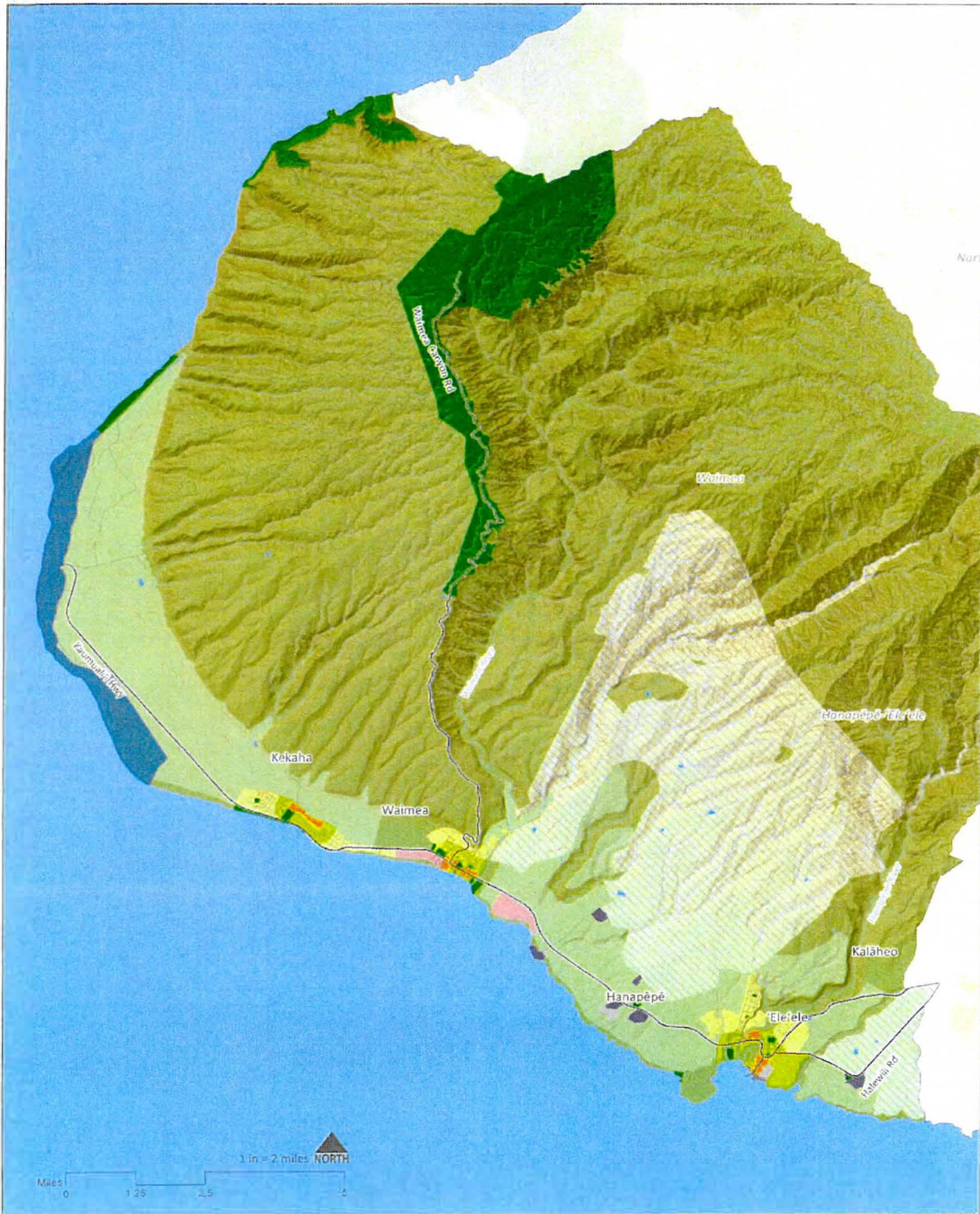
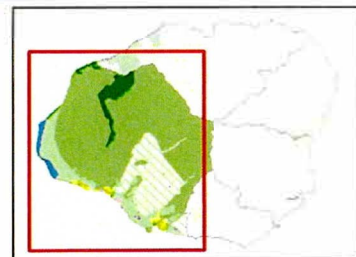


Exhibit C

Map Showing Proposed Amendment to the Kaua'i General Plan (2018) Land Use Map
 Figure 5-2 Hanapēpē to 'Ele'ele to Figure 5-2 "West Kaua'i District"



- | | | |
|---|--|--|
| — Major Roads | Natural | Resort |
| — Roads | Agricultural | Plantation Camp |
| — Streams | Agricultural (IAL) | Industrial |
| — USGS 40 ft. Contours | Parks and Recreation | Transportation |
| □ Planning District Boundary | Residential Community | Military |
| Reservoirs | Neighborhood Center | |
| | Neighborhood General | |



“EXHIBIT B”

(Proposed Zoning Amendment ZA-2025-6)

For reference

ORDINANCE NO. _____

BILL NO. _____

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 10 ARTICLE 3, KAUA'I COUNTY CODE 1987, AS
AMENDED, RELATING TO THE
WEST KAUA'I COMMUNITY PLAN IMPLEMENTING ORDINANCE (2020)**

(County of Kaua'i Planning Department, Applicant) (ZA-2025-6)

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. Findings and Purpose. The purpose of this Ordinance is to amend Chapter 10, Article 3, Kauai County Code 1987, as amended, relating to the West Kauai Community Plan. The proposal amends Section 10-3 of the Kauai County Code relating to text and mapping requirements to establish a Special Planning Area "Q", which shall be referred to as the "Kā'awanui Plantation Camp Walkable Mixed Use District", and be designated as "SPA-Q" as shown on Zoning Maps ZM-KC6-100 (Kā'awanui Village) involving a portion of a property further identified as Tax Map Key 1-7-006:006. The proposal also amends the West Kaua'i Regional Map to reflect land use designation updates from "Agriculture" to "Plantation Camp" within the SPA-Q boundaries.

The Council finds the Kā'awanui Village amendment boundaries delineated by the map in Exhibit A.

The Council finds that TMK Parcel (4) 1-7-006:006 is not designated as Important Agricultural Lands by the Hawai'i State Land Use Commission.

The Council finds that the West Kaua'i Community Plan (WKCP), adopted by the County of Kaua'i in December 2020, recognizes there is a clear need to protect and preserve these historical structures while accommodating future growth and uses compatible with those that have historically occurred at these camps for over a century.

The Council finds that the current landowner (Gay & Robinson Inc) has consented to this West Kaua'i Community Plan amendment.

SECTION 2. Amend Section 10-3 of the Kaua'i County Code to add a Special Planning Area "Q" (SPA-Q), which shall also be known as the "Kā'awanui Plantation Camp Walkable Mixed Use District". The Special Planning Area shall be adopted with a new map ZM-KC6-100 (Kā'awanui Village) and adopted within the West Kaua'i Community Plan as attached in Exhibit B. The corresponding design standards in text format shall be adopted within the West Kaua'i Community Plan as attached in Exhibit C.

SECTION 3. The booklet entitled "West Kaua'i Community Plan" (2020) is amended as follows:

1. Amend page 126 by deleting Figure 12, Regional Town Plan Map, and replacing it with a new map, Figure 12, Regional Town Plan Map, as shown on the map attached to this Ordinance as Exhibit D, and on file with the Planning Department, County of Kaua'i.

SECTION 4. The content of Chapter 10, Article 3, West Kaua'i Community Plan Implementing Ordinance, Kaua'i County Code, as amended is amended as follows:

§ 10-3.1. Title and Purpose.

- (a) This Article shall be known and may be cited as the "West Kaua'i Community Plan Implementing Ordinance." It is adopted:
- (1) To provide design and development standards in order to implement the detailed planning goals and objectives for the West Kaua'i Planning District;
 - (2) To establish special planning areas, future growth areas, land uses, and development and design standards to guide and regulate future development;
 - (3) To protect certain physical characteristics found to be of particular public value, as provided in Chapter 8, Article 11, Section 6, Kaua'i County Code 1987, as amended (Special Planning Areas); and
 - (4) Establish exceptions, modifications, or additions to the provisions of Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance) and Chapter 9, Kaua'i County Code 1987, as amended (Subdivision Ordinance) in order to more specifically provide for the regulation of land use, subdivision, and development practices within the West Kaua'i Planning District.
- (b) Nature of the West Kaua'i Community Plan Ordinance. This Article provides the necessary framework and guidelines to direct future development and capital improvements in the West Kaua'i area, whose boundary is described in the report entitled "West Kaua'i Community Plan." Additionally, this Article supplements Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance) and Chapter 9, Kaua'i County Code 1987, as amended (Subdivision Ordinance) by regulating use and development standards within the West Kaua'i Special Planning Areas, as identified in the zoning maps or surveyed maps, or both, attached to Ordinance No. 1083, Ordinance No. 1138, [and] Ordinance No. XXXX, and Ordinance No. XXXX on file with the Planning Department, County of Kaua'i.
- (c) The guidelines of this Article are based on the report entitled "West Kaua'i Community Plan" (Planning Commission draft approved in 2020, as amended by the Kaua'i County Council in 2020, and as may be subsequently amended), a booklet whose major components include:
- (1) Regional and town plan maps;
 - (2) Policies for the West Kaua'i region as a whole;
 - (3) Goals and objectives for Kekaha, Waimea, Hanapēpē, 'Ele'ele, Port Allen, Kaumakani, Pākalā Village, Numila, and other areas; and
 - (4) Appendices.
- (Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

§ 10-3.2. Vision and Goals.

The vision and goals for the region referred to in this Article, which shall be known as the West Kaua'i Planning District, and its communities are described in the report entitled "West Kaua'i Community

Plan."

(Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

§ 10-3.3. Application of Regulations.

- (a) The West Kaua'i Form-Based Code, attached as Appendix "C", the Plantation Camp Form-Based Code, attached as Appendix "D", [and] the Numila Plantation Camp Form-Based Code, attached as Appendix "E," and the Kā'awanui Planation Camp Form-Based Code, attached as Appendix "F" to the West Kaua'i Community Plan, are by reference incorporated herein and made a part hereof. The provisions of the West Kaua'i Form-Based Code, the Plantation Camp Form Based Code, [and] the Numila Plantation Camp Form Based Code, and the Kā'awanui Planation Camp Form-Based Code shall apply to all new development located within the Special Planning Areas, as identified in the zoning maps or surveyed maps, or both, attached to Ordinance No. 1083, Ordinance No. 1138, [and] Ordinance No. XXXX, and Ordinance No. XXXX on file with the Planning Department, County of Kaua'i.
- (b) The regulations and procedures established in Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance) shall apply within the Special Planning Areas of the West Kaua'i Planning District, except to the extent that such regulations or procedures are changed or modified by the provisions of the West Kaua'i Form-Based Code. When the provisions of this Article differ with respect to the provisions of Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance) and Chapter 9, Kaua'i County Code 1987, as amended (Subdivision Ordinance), the West Kaua'i Form-Based Code shall supersede such provisions as provided in Chapter 8, Article 11, Kaua'i County Code 1987, as amended (Special Treatment Districts (ST)).

(Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

§ 10-3.4. Existing Conditions.

- (a) This Article does not mandate the immediate modification of structures and uses lawfully in existence upon the enactment of this Article.
- (b) The requirements of this Article will not be triggered by routine maintenance not requiring a zoning permit.
- (c) Existing Buildings and Structures. Buildings and structures lawfully in existence upon the enactment of this Article that do not conform to the provisions of this Article are subject to the requirements of Chapter 8, Article 13, Section 1, Kaua'i County Code 1987, as amended (Nonconforming Buildings and Structures).
- (d) Existing Uses. Uses lawfully in existence upon the enactment of this Article that are not consistent with the Special Planning Areas will be allowed to continue on the parcel of record as provided in Chapter 8, Article 13, Section 2, Kaua'i County Code 1987, as amended (Nonconforming Uses).

(Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

§ 10-3.5. Special Planning Areas, Designation, and Procedures.

- (a) Designation of Special Planning Areas "K," "L," "M," "N," "O," [and] "P[.]" and "Q." The

boundaries of the following form-based code districts are hereby adopted as described in the West Kaua'i Form-Based Code and the Plantation Camp Form-Based Code, attached as Appendix "C," Appendix "D," [and] Appendix "E," and Appendix "F" to the West Kaua'i Community Plan, and shall be referred to as follows:

- (1) Special Planning Area "K," which shall also be known as the "Kekaha Town Walkable Mixed Use District" and be designated as "SPA-K" as shown on the zoning map attached to Ordinance No. 1083 as Exhibit 1, and on file with the Planning Department, County of Kaua'i.
- (2) Special Planning Area "L," which shall also be known as the "Waimea Town Walkable Mixed Use District" and be designated as "SPA-L" as shown on the zoning map attached to Ordinance No. 1083 as Exhibit 2, and on file with the Planning Department, County of Kaua'i.
- (3) Special Planning Area "M," which shall also be known as the "Hanapēpē Town Walkable Mixed Use District" and be designated as "SPA-M" as shown on the zoning map attached to Ordinance No. 1083 as Exhibit 3, and on file with the Planning Department, County of Kaua'i.
- (4) Special Planning Area "N," which shall also be known as the "Ele'ele-Port Allen Walkable Mixed Use District" and be designated as "SPA-N" as shown on the zoning map attached to Ordinance No. 1083 as Exhibit 4, and on file with the Planning Department, County of Kaua'i.
- (5) Special Planning Area "O," which shall also be known as the "Kaumakani Plantation Camp Walkable Mixed Use District" and designated "SPA-O" as shown on the zoning and surveyed maps attached to Ordinance No. 1138 as Exhibit 1, Exhibit 2a, and Exhibit 2b, and on file with the Planning Department, County of Kaua'i.
- (6) Special Planning Area "P," which shall also be known as the "Numila Plantation Camp Walkable Mixed Use District" and designated "SPA-P" as shown on the zoning map attached to Ordinance No. XXXX as Exhibit B, and on file with the Planning Department, County of Kaua'i.

(7) Special Planning Area "Q," which shall also be known as the "Kā'awanui Plantation Camp Walkable Mixed Use District" and designated "SPA-Q" as shown on the zoning map attached to Ordinance No. XXXX as Exhibit B, and on file with the Planning Department, County of Kaua'i.

- (b) Designation of Zoning Maps. In order to carry out the purpose of this Article, the zoning maps ZM-K100 (Kekaha), ZM-W100 (Waimea), and ZM H200 (Hanapēpē) of Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance), are hereby amended. Zoning Map ZM-KV-100 (Kaumakani Village), ZM-KA-100 (Kaumakani Avenue), [and] ZM-NC-100 (Numila Camp), and ZM-KC6-100 (Kā'awanui Village) is hereby adopted. (Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

§ 10-3.6. Implementation of the West Kaua'i Community Plan.

The West Kaua'i Community Plan shall serve as a guide for all development within the West Kaua'i area.

(Ord. No. 1083, December 3, 2020; Ord. No. 1138, November 2, 2022)

SECTION 5. The Planning Department is directed to note the changes on the official Zoning Maps on file with the Department.

SECTION 6. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 7. This Ordinance shall take effect upon its approval.

Introduced by:

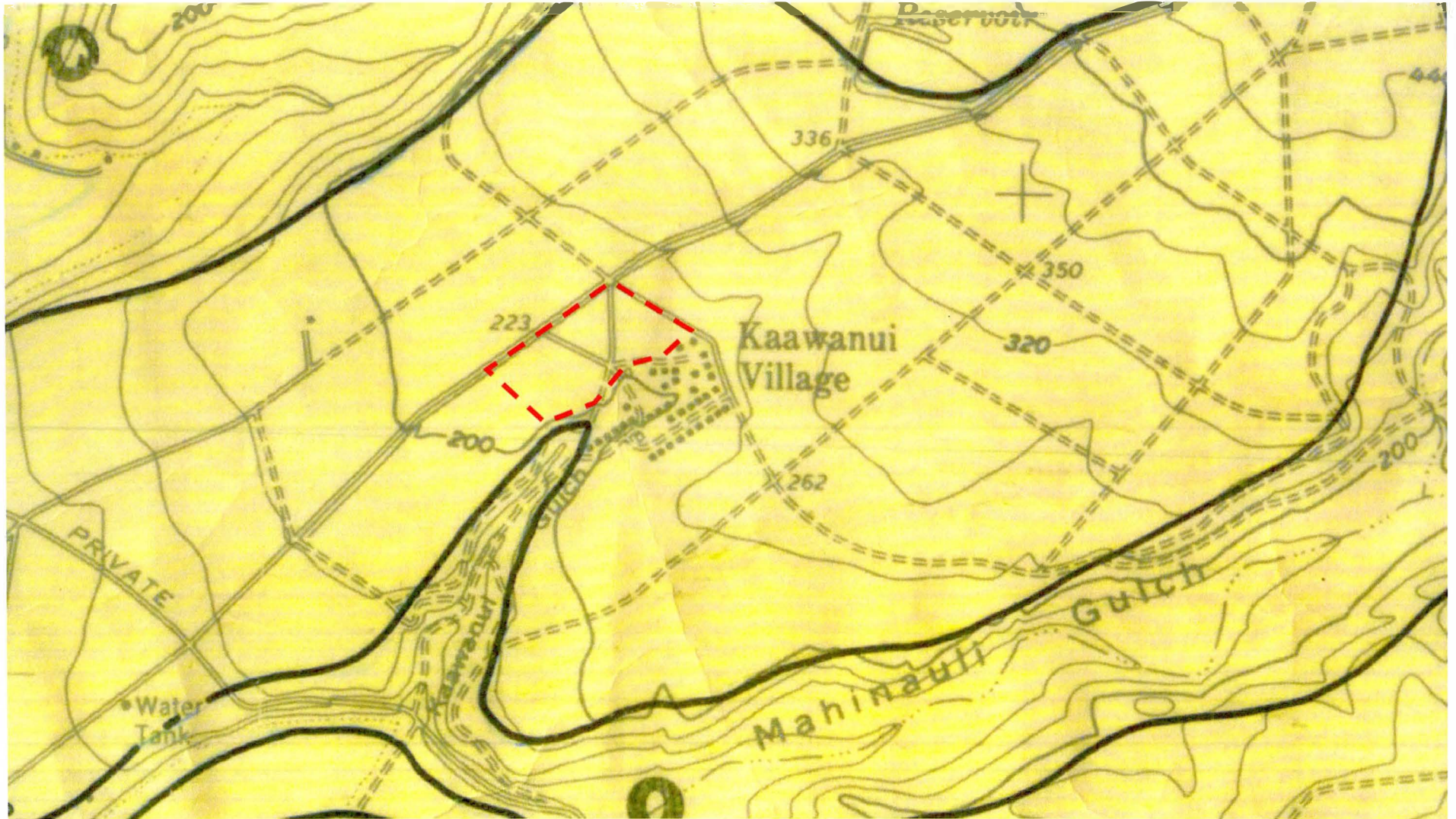
(By Request)

DATE OF INTRODUCTION:

Līhu'e, Kaua'i, Hawai'i

Exhibit A

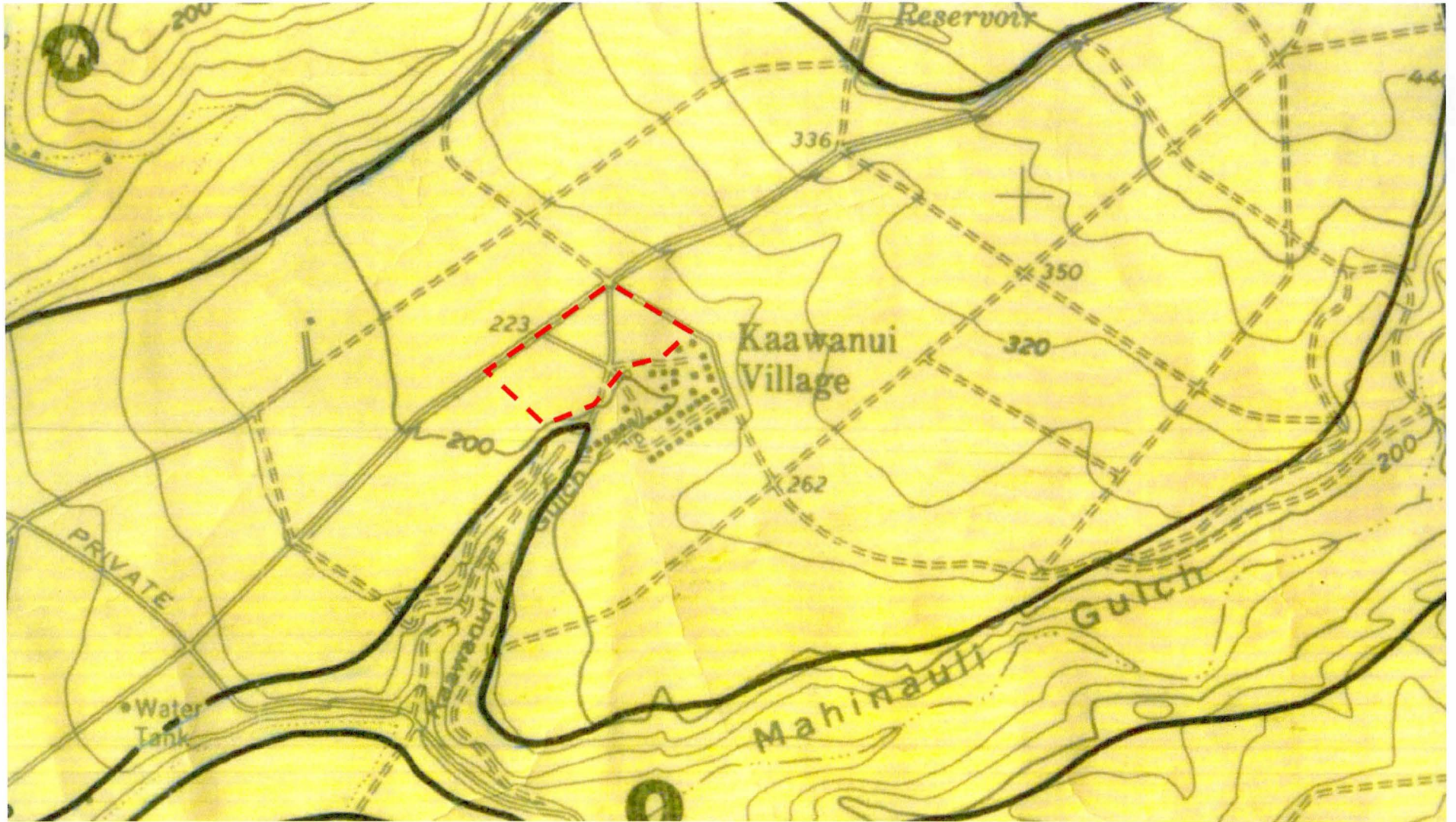
Location Map



Zoning Amendment Location Map

 Amendment Boundaries

Exhibit B

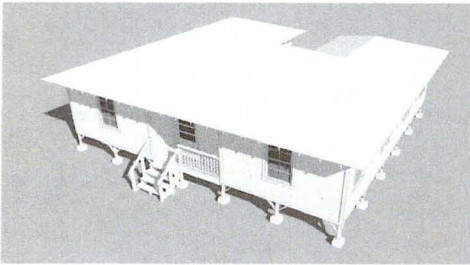


Zoning Map ZM-KC6-100 (Kā'awanui Village)



SPA-Q Boundary - Kā'awanui Plantation Camp Walkable Mixed Use District
Makaweli, Kaua'i, Hawai'i

Exhibit C



Kā'awanui Village Form-Based Code

Prepared by the County of Kaua'i Planning Department



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Sub-Article 1.1 Purpose

1.1.010 Purpose and Intent

The Kāʻawanui Village Form-Based Code guides development in a manner consistent with the goals of the West Kauaʻi Community Plan and County of Kauaʻi General Plan. This Form-Based Code provides a regulatory framework to regenerate development that is inspired by the Kāʻawanui Village Plantation Camp.

The Code is guided by policy that supports new construction of plantation homes that are inspired by several historic building types that were once located throughout the Kāʻawanui Village Plantation Camp. The intent of the code is to allow new infill construction to be in keeping with the form and character of the former plantation camp and to provide affordable housing stock that can support agricultural activity. Specifically, the code:

- A. 1. Promote, preserve, and enhance existing community design and development patterns that reflect the distinct character of Kāʻawanui Village historic plantation camp;
- B. Promotes and maintains affordable housing stock, especially for agricultural workers or those with familial connections to the agriculture industry; and
- C. Encourages appropriately-scaled infill development that is located within or near the historic confines of the camp.

1.1.020 Using Zoning to Reinforce West Kauaʻi's Places

Zoning is a tool that can be used to help implement the community's vision of a place. Form-Based Code is one form of zoning tool that emphasizes the physical form and character over the separation of use. This provides an alternative approach to Euclidean zoning, which is the type of zoning in the CZO (Chapter 8 of the Kauaʻi County Code 1987, as amended). Kauaʻi has five distinct place types based on historic settlement patterns. They include the following:

- A. Rural crossroads;
- B. Plantation camps;
- C. Small village;
- D. Large village;
- E. Town.

As it pertains to plantation camps, Form-Based Code can activate former plantation camp lands and allow for new construction to be developed in a manner that will be in keeping with the historic plantation camps that once thrived in these areas.

1.1.030 Plantation Camp Place Type

During the Plantation era, workers lived in plantation camps located near or adjacent to the sugar mills and cane fields. These camps were built to a pedestrian-oriented scale that made it possible to traverse by foot to work and services. The fields that surrounded the towns provided a *de facto* greenbelt. The relationship between the plantation camps and agricultural lands reinforced the region's rural identity. Even with the rise of the automobile and the trend of suburban development patterns, the legacy of these camps remains in West Kaua'i.

The 2018 General Plan identifies existing plantation camps in the Future Land Use Map. The Plantation Camp is defined as an historic remnant of former plantation housing that is not connected to an existing town and is surrounded by the agricultural district. Some plantation camps were demolished and have since reverted to agricultural uses. Today's remaining plantation camps are clusters of houses with little or no retail or public facilities. Five plantation camps are designated in the General Plan and include Numila, Kaumakani Village, Kaumakani Avenue, Kā'awanui Village, and Pakala Camp. Plantation camps are important vestiges of Kaua'i's sugar plantation history. Each camp maintains a unique sense of identity and has features and qualities that its residents would like to see preserved.

Until recently, the County zoning for these areas was "Agriculture". The 2021 West Kaua'i Community Plan (WKCP) updated the County zoning for those plantation camps located within the SLUD-Urban District, which include Numila, Kaumakani Village, Kaumakani Avenue, and Pakala Camp. Two new zoning districts were created in the WKCP: Plantation Camp District and Special Treatment – Coastal Edge District.

Kā'awanui Village:

Gay and Robinson Kā'awanui Village was a plantation camp located on the island of Kaua'i, Hawaii. Established during the early 20th century, the camp was part of the extensive sugar plantation operations owned by the Gay and Robinson families, who were prominent figures in Hawaii's sugar industry. The plantation camps, including Kā'awanui Village, were integral to the daily operations of the plantations, providing housing and community facilities for the workers and their families. The camp was home to a diverse population of laborers, including many immigrants from Japan, the Philippines, China, and Portugal, who had come to Hawaii seeking better economic opportunities. These workers played a crucial role in the cultivation and processing of sugar cane, which was a major export commodity for Hawaii.

Life in the camp was characterized by a strong sense of community, with residents often sharing cultural traditions, foods, and celebrations. Despite the challenging working conditions, the camp residents forged tight-knit communities and supported each other through the demanding plantation lifestyle.

As the sugar industry in Hawaii began to decline in the latter half of the 20th century, many of the plantation camps, including Gay and Robinson Kā'awanui Village, were eventually abandoned or repurposed. The legacy of these camps remains a significant part of Hawaii's agricultural and cultural history, reflecting the contributions and experiences of the plantation workers and their families.

1.1.040 **The West Kauai Kāʻawanui Village Transect**

The Form-Based Code transect is an organizing principle used in Form-Based Code that establishes a hierarchy of zones, which contain places and building types and replaces use as the organizing principle. Typically, the model transect is divided into six transect zones or T-zones: Natural (T1), Rural (T2), Sub-Urban (T3), General Urban (T4), Urban Center (T5), and Urban Core (T6).

The Kāʻawanui Village Form-Based Code uses transect zones to create new, compatible neighborhoods that are inspired by the former historic plantation camp of Kāʻawanui Village. Each transect zone has its own set of standards that will help to guide the desired form and character of an area that will be inspired by the historic uses and building types that once occupied these areas.

The West Kauai Kāʻawanui Village Plantation Camp Transect Zones:

- A. T3 Kāʻawanui Village Flex – Plantation Camp (T3KAAVF-PC) The form and character of this transect zone supports a limited amount of new development that includes building types derived from the historic Kāʻawanui Village camp and the West Kauai region. New development will provide an opportunity for new single family and multifamily buildings that will integrate compatible medium-density residential building types, such as a multiplex small, with historic building types.

1.1.050 **Lack of Lot Lines**

Design standards for Form-Based Codes generally promote and facilitate orientation of structures to public roads and civic spaces that facilitate an interface between the private and the public realm. In particular, Form-Based Codes rely on setbacks and build-to-lines in relation to lot lines to orient proposed structures with public areas. The Kāʻawanui Village Form-Based Code Transects is within a single lot of record. The Kāʻawanui Village Transects and the corresponding dwellings and structures are not separated by individual lot lines. Without individual lot lines, the Code utilizes building-to-building and building-to-thoroughfare setbacks to establish the interface between the private and public realm. This approach is unique but necessary to achieve a high-quality public realm inherent within the existing plantation camp environment.

Sub-Article 1.2 Transect Map

1.2.010 Transect Map

The transect zones established in this Article are mapped on the Transect Map on the following page:

Figure 1.2.010 Kā'awanui Village Transect Map



Article 2: Transect Descriptions and Building Types

Sub-Article 2.1: Kā’awanui Village Transect Zone Descriptions **12-13**

2.1.010 T3 Kā’awanui Village – Plantation Camp (T3KAAV-PC) 12-13

2.1.010 T3 Kāʻawanui Village Flex (T3KAAVF-PC)



General note: the illustration above is intended to provide a brief overview of the transect zone and is descriptive in nature.

A. Transect Zone Intent and Description

This Zone maintains the historical pattern and intensity of the Kāʻawanui Village Plantation Camp while allowing new construction to occur on sites that were previously demolished.

B. Building Types

1. Permissible Building Types	Standards
i. Kāʻawanui Horizontal Cottage	2.2.010
ii. Kāʻawanui Vertical Cottage	2.2.020
iii. H-Type Cottage	2.2.030
iv. HSPA Cottage	2.2.040
v. Duplex	2.2.050
vi. Multiplex Small	2.2.060
vii. Dormitory	2.2.070
viii. Camp Store	2.2.080
ix. Community Parking Facility	2.2.090

- With the exception of accessory structures, all other building types are prohibited.

C. Use Table

i. Residential Uses	Permitted Use
ii. Home Businesses	Permitted Use
iii. *Commercial	Permitted Use

- Residential use and Home Businesses are the only permissible use within the building types except for commercial operations in the Camp Store building type. All other uses are prohibited.
- *Commercial operations are a Permitted Use only within the Camp Store building type.

2.1.010 T3 Kāʻawanui Village Flex (T3KAAVF-PC)**D. Building Placement****1. Front Thoroughfare Setbacks**

- i. There is a 10 foot minimum setback from the front thoroughfare.

2. Building-to-Building Setbacks

- i. There is a 5 foot minimum setback between buildings or accessory structures.

3. Side Thoroughfare Setbacks

- i. There is a 10 foot minimum setback from the side thoroughfare for all structures.

4. Building Placement Notes

- i. Fences may encroach into the front or side setback; however, fences shall not exceed 4 feet in height.

E. Miscellaneous

- i. A maximum of one Camp Store is allowed within the Kāʻawanui Village – Plantation Camp transect for every 50 cottages.
- ii. Any additional Camp Stores will require a use permit.

F. Parking**1. Required Spaces**

- i. 1 off-thoroughfare parking stall is required per building. The required stall can be located in a Community Parking Facility.

F. Accessory Structures

- i. Non-habitable detached accessory structures do not require a building type and shall be located behind the rear of the building.
- ii. Accessory structures are allowed throughout this transect.
- iii. Accessory structures shall not exceed 600 square feet in size.
- iv. Accessory structures shall be limited to no more than 2 per building.
- v. Permissible roof types for accessory structures are Gable, Hip, Flat, and single-sloping shed roofs.
- vi. All Accessory Structures shall have a maximum of 9 feet from the finished floor to top of wall plate.

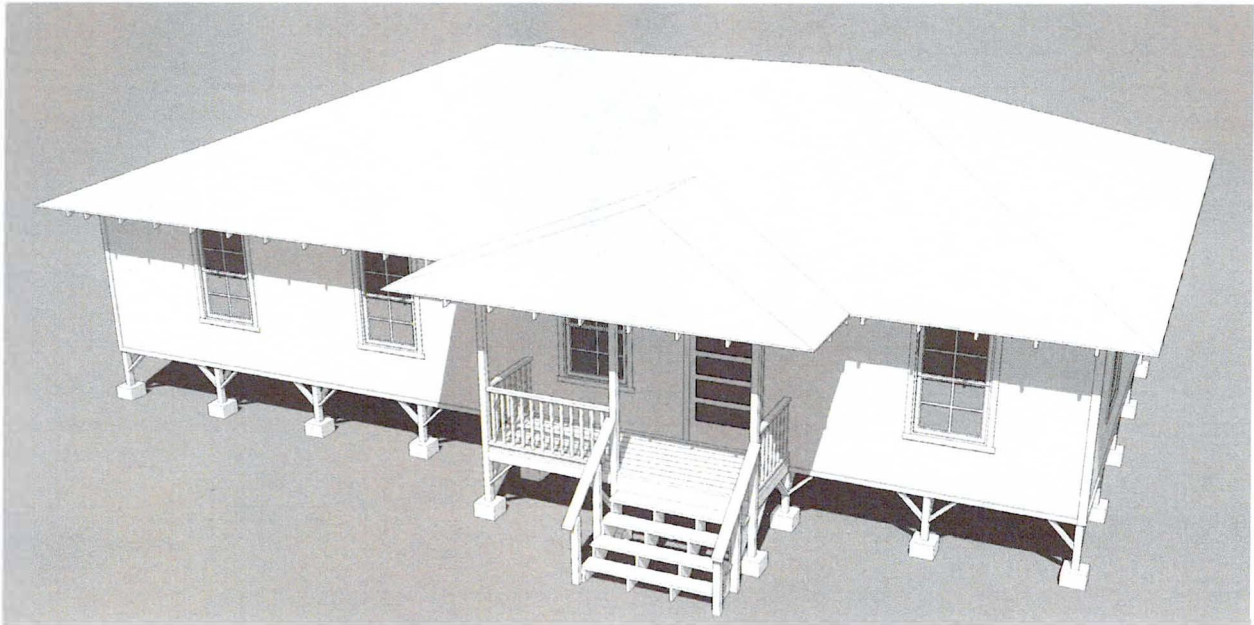
G. *Community Parking Facility

- i. The Community Parking Facility may be constructed to accommodate the required parking stalls.
- ii. There is a 10 foot minimum setback from the front thoroughfare for the Community Parking Facility.

Article 2: Transect Descriptions and Building Types

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2.2.010 Kā'awanui Horizontal Cottage



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Kā'awanui Horizontal Cottage: This building type is a medium-sized detached residential structure, and it is used for single family occupancy. The longest side of this building type is parallel to the main thoroughfare.

B. Building Size and Massing

1. Massing

- i. A Kā'awanui Horizontal Cottage shall have 1 main body section.
- ii. No more than 1 main body is permissible for each Kā'awanui Horizontal Cottage.
- iii. A Kā'awanui Horizontal Cottage may have up to 1 wing attached to the main body.
- iv. The wing shall project from either the front or the rear of the main body.
- v. The wing shall be aligned with either of the sides of the main body.

2. Main Body

- i. The minimum width of the main body shall be 30 feet and a maximum of 48 feet.
- ii. The minimum depth of the main body shall be 18 feet and a maximum of 32 feet.

B. Building Size and Massing (continued)

3. Wing(s)

- i. The width of the wing shall be no more than 22 feet maximum.
- ii. The depth of the wing shall be no more than 14 feet maximum.

C. Building Frontages

- i. A Kā'awanui Horizontal Cottage shall have at least 1 frontage type.
- ii. The permissible frontage types are: Lānai, Projecting; Lānai, Engaged. All other frontage types are prohibited.
- iii. The frontage may be attached to a front projecting wing.

D. Pedestrian Access

- i. The main entrance location shall be located in the frontage of the Kā'awanui Cottage.
- ii. A rear entrance is required and shall be located on the rear of the main body or the back wall of a rear wing.

2.2.010 Kā'awanui Horizontal Cottage**F. Foundation**

- i. The Kā'awanui Horizontal Cottage shall have a post-on-pier foundation that does not exceed 4 feet, except as required by the County of Kauai Floodplain Management Program.

G. Fenestration

- i. All windows shall be single or double hung.

H. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

I. Height

- i. The Kā'awanui Horizontal Cottage shall have a maximum height limit of 9 feet from the finished floor to the top of wall plate.

J. Roof**1. Roof Pitch**

- i. The Kā'awanui Horizontal Cottage roof pitch ratios shall be set at a 4:12, 5:12 or 6:12 pitch.

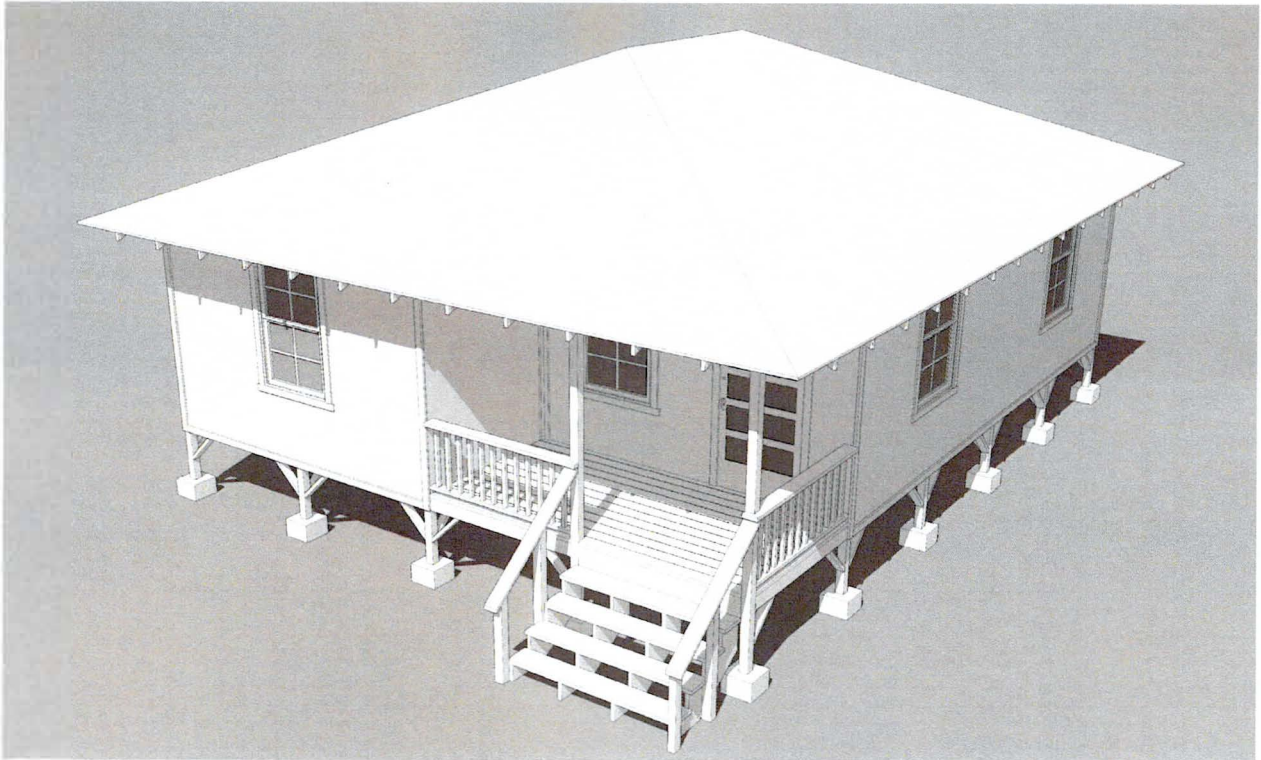
2. Roof Material Type

- i. The Kā'awanui Horizontal Cottage roof materials shall be corrugated metal.

3. Miscellaneous

- i. The Kā'awanui Horizontal Cottage roof types shall be Gable, Hip, or Dutch-Gable.
- ii. Gable roofs shall have a decorative vent feature. The decorative vent shall include a fire mesh.

2.2.020 Kā'awanui Vertical Cottage



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Kā'awanui Vertical Cottage: This building type is a medium-sized detached residential structure, and it is used for single family occupancy. The shortest side of this building type is parallel to the main thoroughfare.

B. Building Size and Massing

1. Massing

- i. A Kā'awanui Vertical Cottage shall have 1 main body section.
- ii. No more than 1 main body is permissible for each Kā'awanui Vertical Cottage.
- iii. A Kā'awanui Vertical Cottage shall not have wings.

2. Main Body

- i. The minimum width of the main body shall be 16 feet and a maximum of 28 feet.
- ii. The minimum depth of the main body shall be 30 feet and a maximum of 44 feet.

C. Building Frontages

- i. A Kā'awanui Vertical Cottage shall have at least 1 frontage type.
- ii. The permissible frontage types are: Lānai, Projecting; Lānai, Engaged. All other frontage types are prohibited.

D. Pedestrian Access

- i. The main entrance location shall be located in the frontage of the Kā'awanui Vertical Cottage.

2.2.020 Kā'awanui Vertical Cottage**F. Foundation**

- i. The Kā'awanui Vertical Cottage shall have a post-on-pier foundation that does not exceed 4 feet, except as required by the County of Kauai Floodplain Management Program.

G. Fenestration

- i. All windows shall be single or double hung.

H. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

I. Height

- i. The Kā'awanui Vertical Cottage shall have a maximum height of 9 feet from the finished floor to the top of wall plate.

J. Roof**1. Roof Pitch**

- i. The Kā'awanui Vertical Cottage roof pitch ratios shall be set at a 4:12, 5:12 or 6:12 pitch.

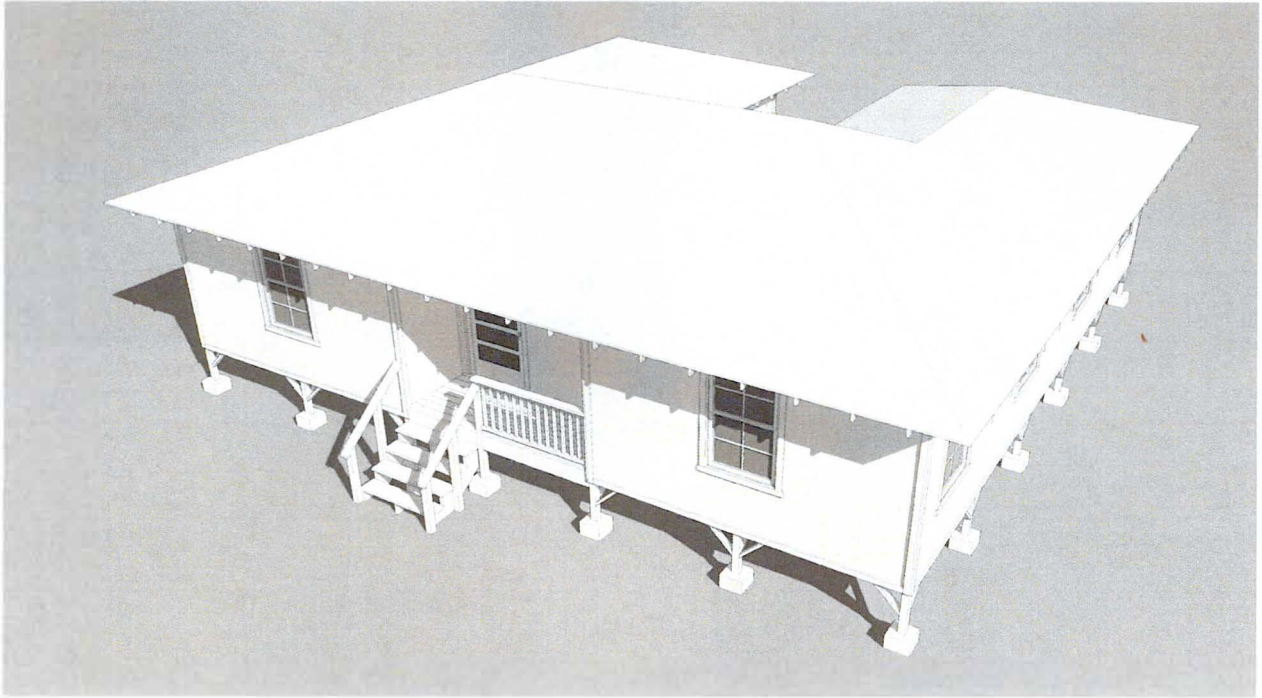
2. Roof Material Type

- i. The Kā'awanui Vertical Cottage roof materials shall be corrugated metal.

3. Miscellaneous

- i. The Kā'awanui Vertical Cottage roof types shall be Gable or Hip.
- ii. Gable roofs shall have a decorative vent feature that does not have to be wood. The decorative vent shall include a fire mesh.

2.2.030 H-Type Cottage



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

H-Type Cottage: This building type is a medium-sized detached residential structure, and it is used for single or multi family occupancy. The longest side of the main body of this building type is parallel to the main thoroughfare.

B. Building Size and Massing

1. Massing

- i. A H-type Cottage shall have 1 main body section.
- ii. No more than 1 main body is permissible for each H-Type Cottage.
- iii. A H-Type Cottage shall have 2 wings attached to the rear of the main body.
- iv. The wings shall be aligned with the sides of the the main body's side walls.

2. Main Body

- i. The width of the main body shall be 40 feet.
- ii. The depth of the main body shall be 24 feet.

3. Wing(s)

- i. The width of the wing shall be 15 feet.
- ii. The depth of the wing shall be 10 feet.

C. Building Frontages

- i. A H-Type Cottage shall have a Lānai, Engaged frontage type.
- ii. The Lānai, Engaged shall be located in the center of the structure.

D. Pedestrian Access

- i. The main entrance location shall be located in the frontage of the H-Type Cottage.

E. Foundation

- i. The H-Type Cottage shall have a post-on-pier foundation that does not exceed 4 feet, except as required by the County of Kauai Floodplain Management Program.

F. Fenestration

- i. All windows shall be single or double hung.

G. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

2.2.030 H-Type Cottage**H. Height**

- i. The H-Type Cottage shall have a maximum height of 9 feet from the finished floor to the top of wall plate.

I. Roof**1. Roof Pitch**

- i. The H-Type Cottage roof pitch ratios shall be set at a 4:12.

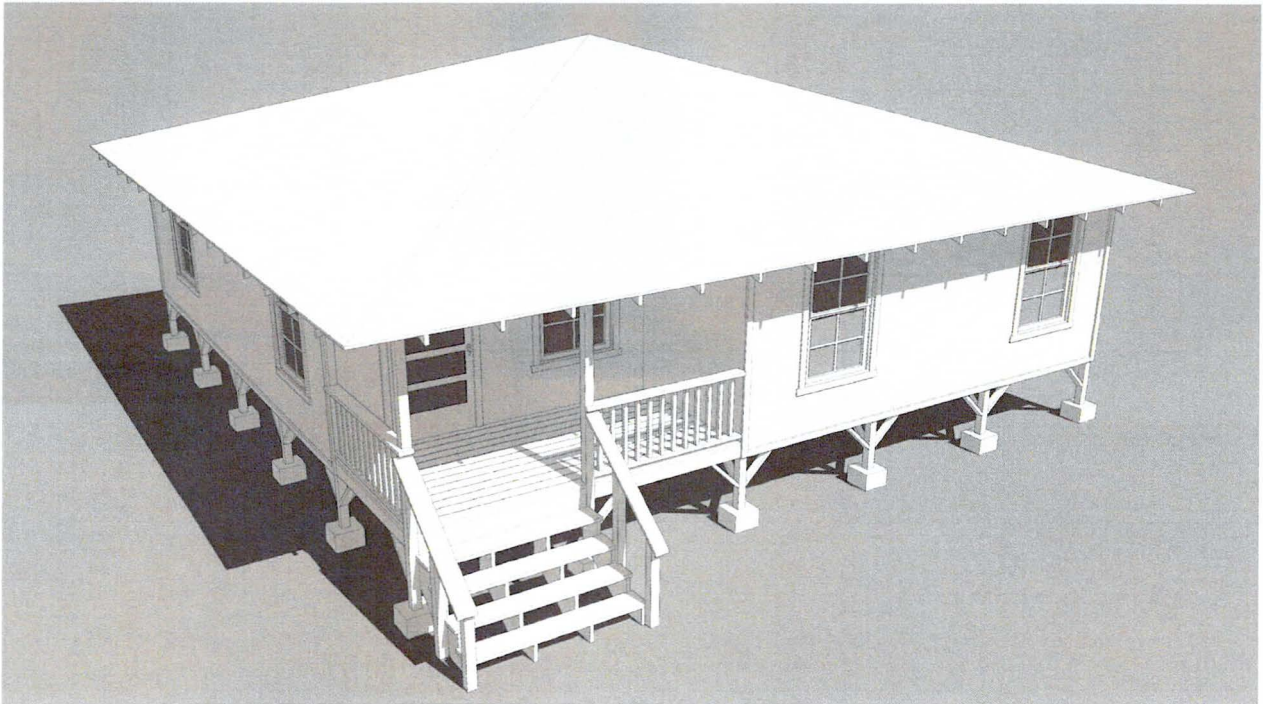
2. Roof Material Type

- i. The H-Type Cottage roof materials shall be corrugated metal.

3. Miscellaneous

- i. The H-Type Cottage roof types shall be Hip.

2.2.040 HSPA Cottage



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

HSPA Cottage: This building type is a small to medium sized square detached residential structure, and it is used for single family occupancy.

B. Building Size and Massing

1. Massing

- i. A HSPA Cottage shall have 1 main body section.
- ii. No more than 1 main body is permissible for each HSPA Cottage.
- iii. A HSPA Cottage shall not have wings.

2. Main Body

- i. The minimum width of the main body shall be 25 feet and a maximum of 35 feet.
- ii. The depth of the main body shall be equal to the width of the main body, creating a square structure.

C. Building Frontages

- i. A HSPA Cottage shall have a frontage type.
- ii. The permissible frontage type is Lānai, Engaged; All other frontage types are prohibited.

D. Pedestrian Access

- i. The main entrance location shall be located in the frontage of the HSPA Cottage.

E. Foundation

- i. The HSPA Cottage shall have a post-on-pier foundation that does not exceed 4 feet, except as required by the County of Kauai Floodplain Management Program.

F. Fenestration

- i. All windows shall be single or double hung.

G. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

2.2.040 HSPA Cottage**H. Height**

- i. The HSPA Cottage shall have a maximum height of 9 feet from the finished floor to the top of wall plate.

I. Roof**1. Roof Pitch**

- i. The HSPA Cottage roof pitch ratios shall be set at a 4:12 or 5:12 pitch.

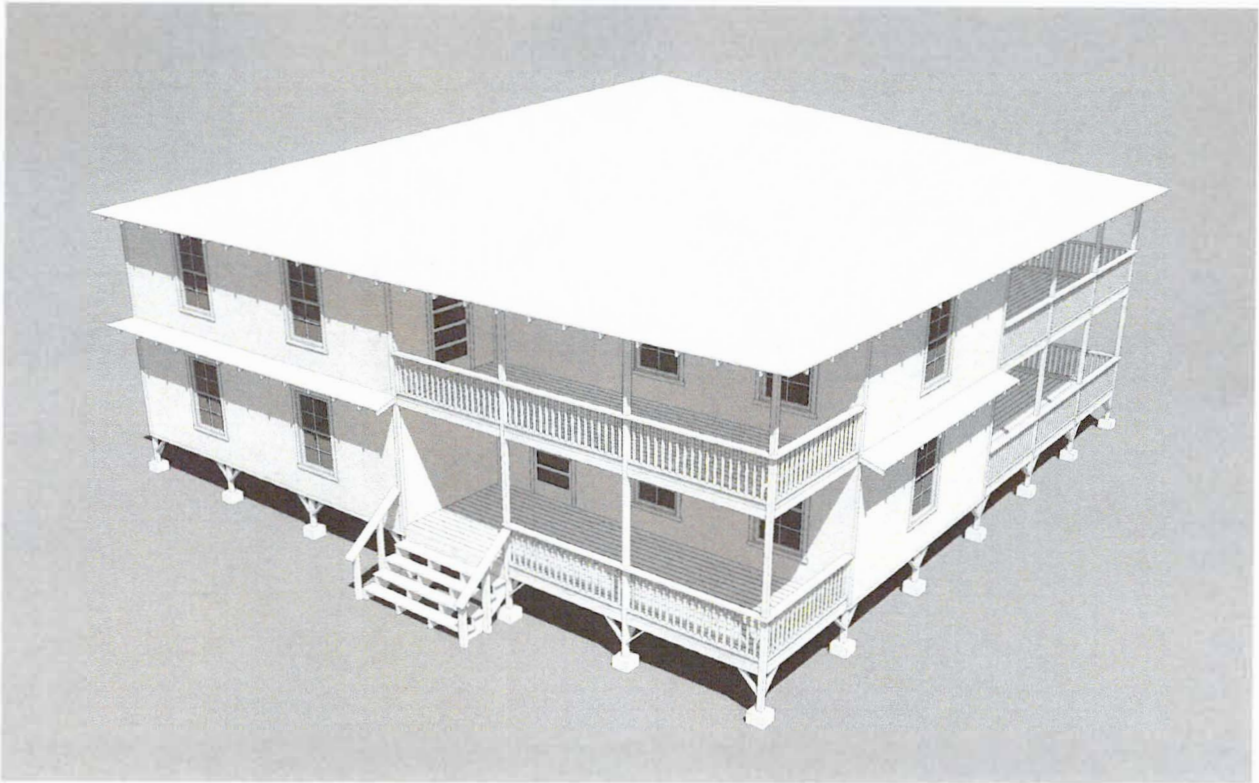
2. Roof Material Type

- i. The HSPA Cottage roof materials shall be corrugated metal.

3. Miscellaneous

- i. The HSPA Cottage roof types shall be Gable.
- ii. Gable roofs shall have a decorative vent feature.

2.2.050 Duplex



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Duplex: This Building type is a small-to-medium sized structure that consist of two side-by-side or stacked dwelling units, both facing the street and sharing one common party wall. This type has the appearance of a medium to large single-family home and is appropriately scaled to fit within primarily single-family neighborhoods or medium density neighborhoods. It enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.

B. Building Size and Massing

1. Massing

- i. A Duplex shall have one main body.
- ii. No more than one main body is permissible for each Duplex.
- iii. A Duplex may have a maximum of two wings attached to the main body.
- iv. Wings shall not be attached to each other.

B. Building Size and Massing (continued)

2. Main Body

- i. The width of the main body shall be no more than 48 feet maximum.
- ii. The depth of the main body shall be no more than 40 feet maximum.

3. Wing(s)

- i. The width of the wing shall be no more than 15 feet maximum.
- ii. The depth of the wing shall be no more than 20 feet maximum.
- iii. Where multiple wings are proposed, each wing shall have at least 10 feet of separation from each other respective wing.

C. Building Frontages

- i. A Duplex shall have at least one frontage type per unit. The permissible frontage types are: Lāna'i, Projecting; Lāna'i, Engaged; and Stoop. All other frontage types are prohibited.

2.2.050 Duplex**D. Pedestrian Access**

- i. The main pedestrian entries shall be located in the frontage of the Duplex.
- ii. Each unit shall have an individual street-facing entry on the front façade.

F. Fenestration

- i. All windows shall be single or double hung.

G. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

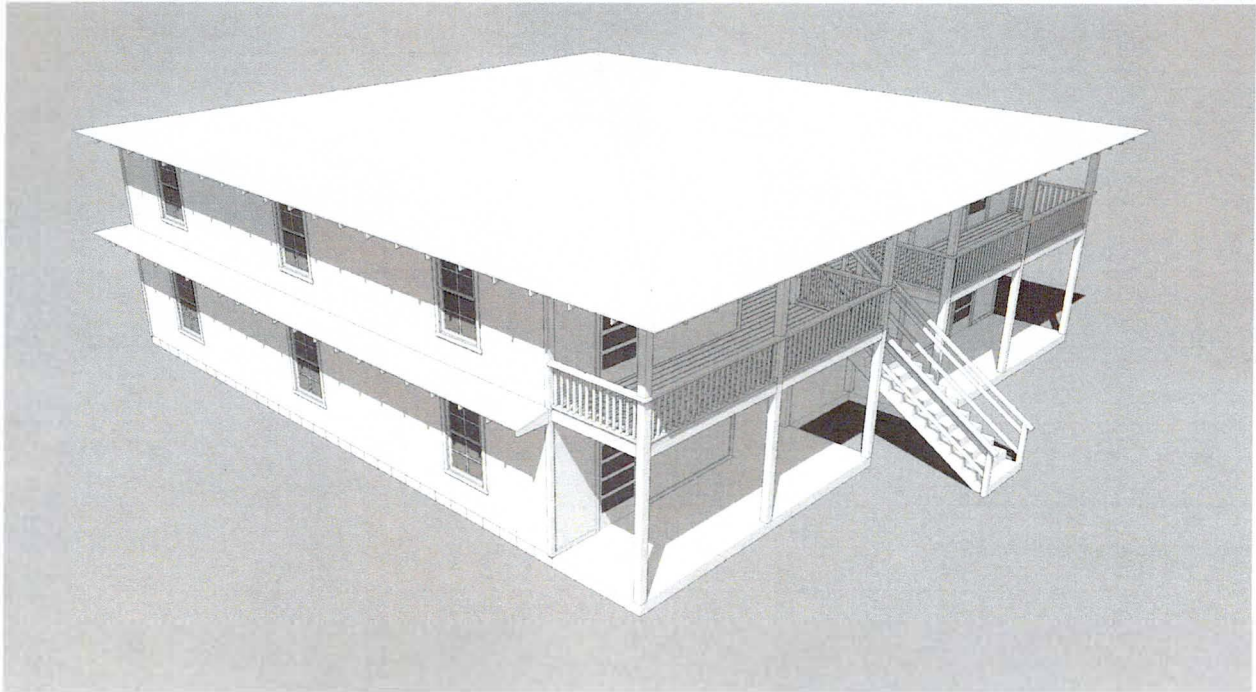
H. Height

- i. The Duplex shall be 30 feet maximum in height from the finished grade to the top of the peak of the roof. Up to four additional feet is permissible to elevate the structure to post on pier. Except as required by the County of Kauai Floodplain Management Program.
- ii. Finished grade at main entry shall not be greater than 4 feet above existing grade.
- iii. The Duplex shall not be greater than two stories in height.

I. Roof

- i. The Duplex roof material shall be corrugated metal.

2.2.060 Multiplex Small



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Multiplex Small: This building type is a medium structure that consists of three to six side-by-side and/or stacked dwelling units, typically with one shared entry or individual entries along the front. This type has the appearance of a medium-sized family home and is appropriately scaled to fit in sparingly within primarily single-family neighborhoods or into medium-density neighborhoods. This type enables appropriately scaled, well-designed higher densities and is important for providing a broad choice of house types and promoting walkability.

B. Number of Units

- i. The minimum number of units in a Multiplex Small building is three.
- ii. The maximum number of units in a Multiplex Small building is six.

B. Building Size and Massing

1. Massing

- i. A Multiplex Small building shall have one main body.
- ii. No more than one main body is permissible for each Multiplex Small building.
- iii. Wings shall not be attached to each other.

B. Building Size and Massing (continued)

2. Main Body

- i. The width of the main body shall be no more than 48 feet maximum.
- ii. The depth of the main body shall be no more than 36 feet maximum.

3. Wing(s)

- i. The width of the wing shall be no more than 24 feet maximum.
- ii. The depth of the wing shall be no more than 24 feet maximum.
- iii. Where multiple wings are proposed, each wing shall have at least 10 feet of separation from each other respective wing.

C. Building Frontages

- i. A Multiplex Small building shall have at least one frontage type. The permissible frontage types are: Lānaʻi, Projecting; Lānaʻi, Engaged; and Stoop. All other frontage types are prohibited.

D. Pedestrian Access

- i. The main pedestrian entries shall be located in the frontage of the Multiplex Small building.

2.2.060 Multiplex Small**E. Fenestration**

- i. All windows shall be single or double hung.

F. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

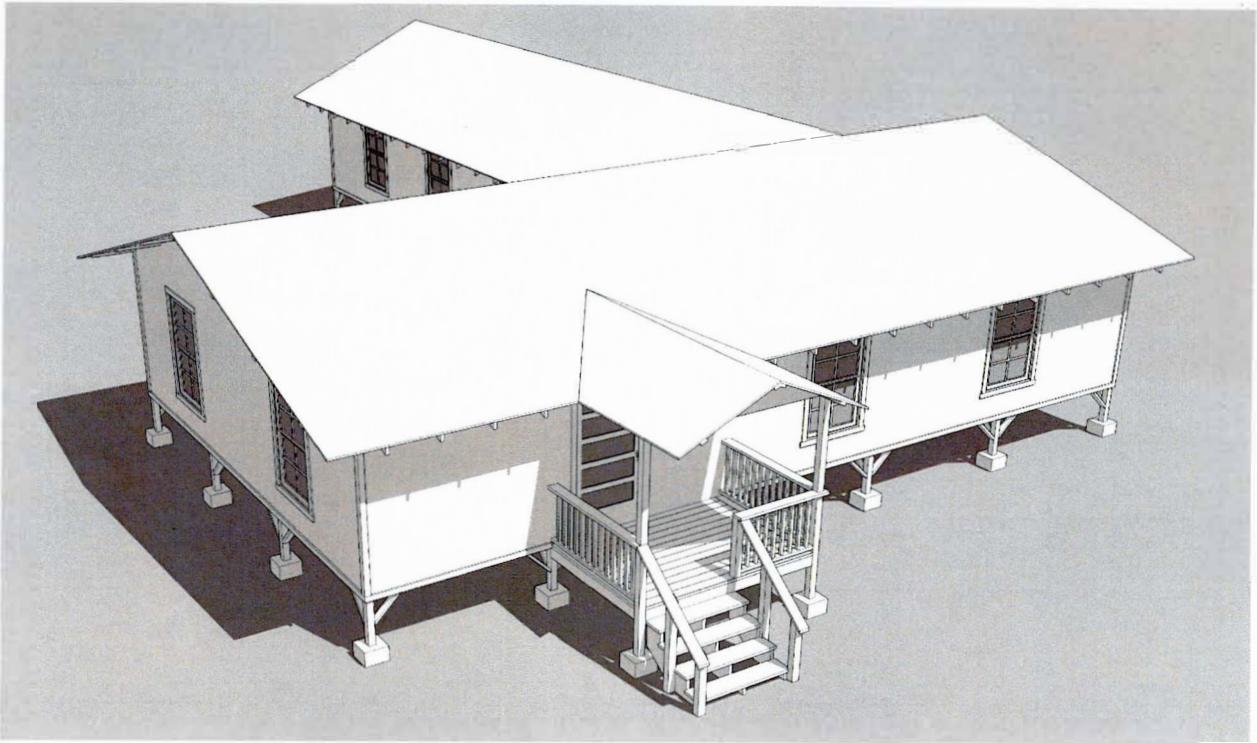
G. Height

- i. The Multiplex Small shall be 30 feet maximum in height from the finished grade to the top of the peak of the roof. Up to four additional feet is permissible to elevate the structure to post on pier. Except as required by the County of Kauai Floodplain Management Program.
- ii. Finished grade at main entry shall not be greater than 4 feet above existing grade.
- iii. The Multiplex Small shall not be greater than two stories in height.

H. Roof

- i. The Multiplex Small roof material shall be corrugated metal.

2.2.070 Dormitory



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Dormitory: This building type is a medium-sized detached residential structure for boarding or residential purposes.

B. Building Size and Massing

1. Massing

- i. A Dormitory shall have one main body.
- ii. No more than one main body is permissible for each Dormitory building type.
- iii. A Dormitory may have a maximum of two wings attached to the main body.
- iv. Wings shall not be attached to each other.

2. Main Body

- i. The width of the main body shall not be greater than 62 feet.
- ii. The depth of the main body shall not be greater than 52 feet.

3. Wing(s)

- i. The width of the wing shall not be greater than 26 feet.
- ii. The depth of the wing shall not be greater than 25 feet.

C. Building Frontages

- i. The Dormitory shall have a Lāna'i, Projecting. All other frontage types are prohibited.

D. Pedestrian Access

- i. The main entrance location shall be located in the front of the Dormitory.

F. Fenestration

- i. All windows shall be single or double hung.

G. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

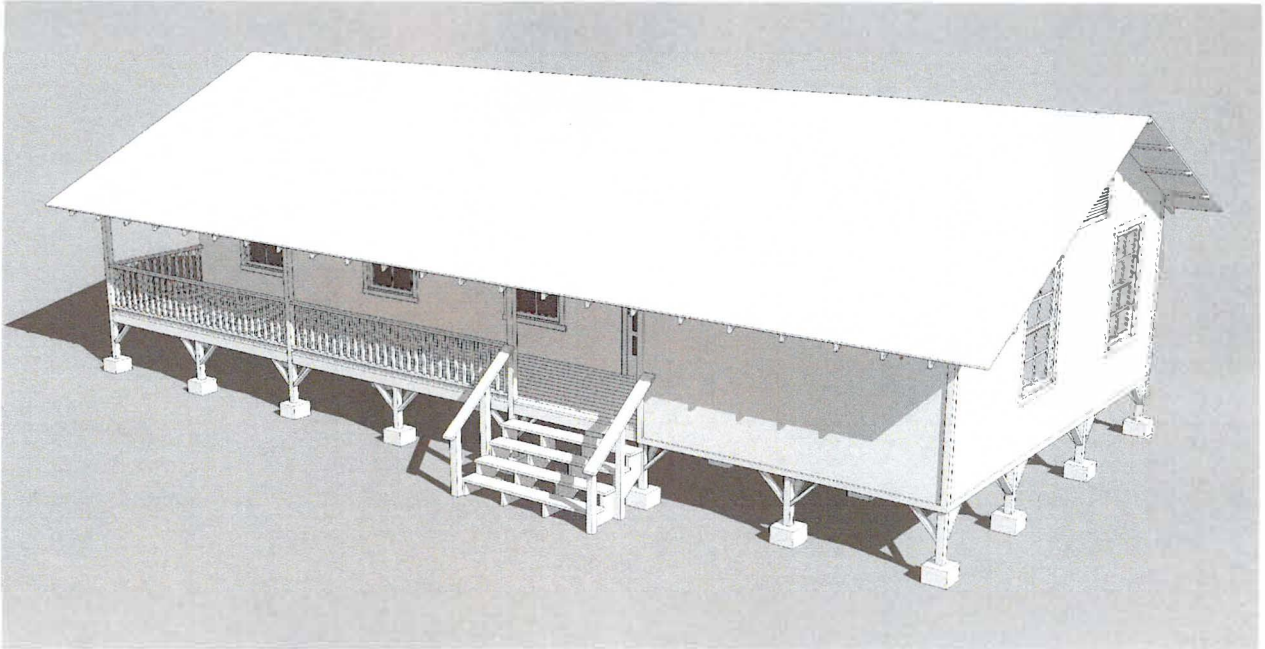
2.2.070 Dormitory**H. Height**

- i. The Dormitory shall be 20 feet maximum in height from the finished grade to the top of the peak of the roof. Up to four additional feet is permissible to elevate the structure to post on pier. Except as required by the County of Kauai Floodplain Management Program.
- ii. Finished grade at main entry shall not be greater than 4 feet above existing grade.
- iii. The Dormitory shall not be greater than one story in height.

I. Roof

- i. The Dormitory roof materials shall be corrugated metal.

2.2.080 Camp Store



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Camp Store: This building type is a small to medium sized detached commercial structure.

B. Building Size and Massing

1. Massing

- i. A Camp Store shall have 1 main body section.
- ii. No more than 1 main body is permissible for each Camp Store.
- iii. A Camp Store shall not have wings.

2. Main Body

- i. The width of the main body shall be 40 feet.
- ii. The depth of the main body shall be 20 feet.

C. Building Frontages

- i. A Camp Store shall have a frontage type.
- ii. The permissible frontage type is Lānai, Projecting. All other frontage types are prohibited.

D. Pedestrian Access

- i. The main entrance location shall be located in the frontage of the Camp Store Cottage.

E. Fenestration

- i. All windows shall be single or double hung.

F. Foundation

- i. The H-Type Cottage shall have a post-on-pier foundation that does not exceed 4 feet, except as required by the County of Kauai Floodplain Management Program.

G. Siding

- i. All siding materials shall be wood-based materials.
- ii. All siding shall be vertically aligned.

H. Height

- i. The Camp Store shall have a maximum height limit of 9 feet from the finished floor to the top of wall plate.

I. Roof

1. Roof Pitch

- i. The Camp Store roof pitch ratio shall be set at 6:12.

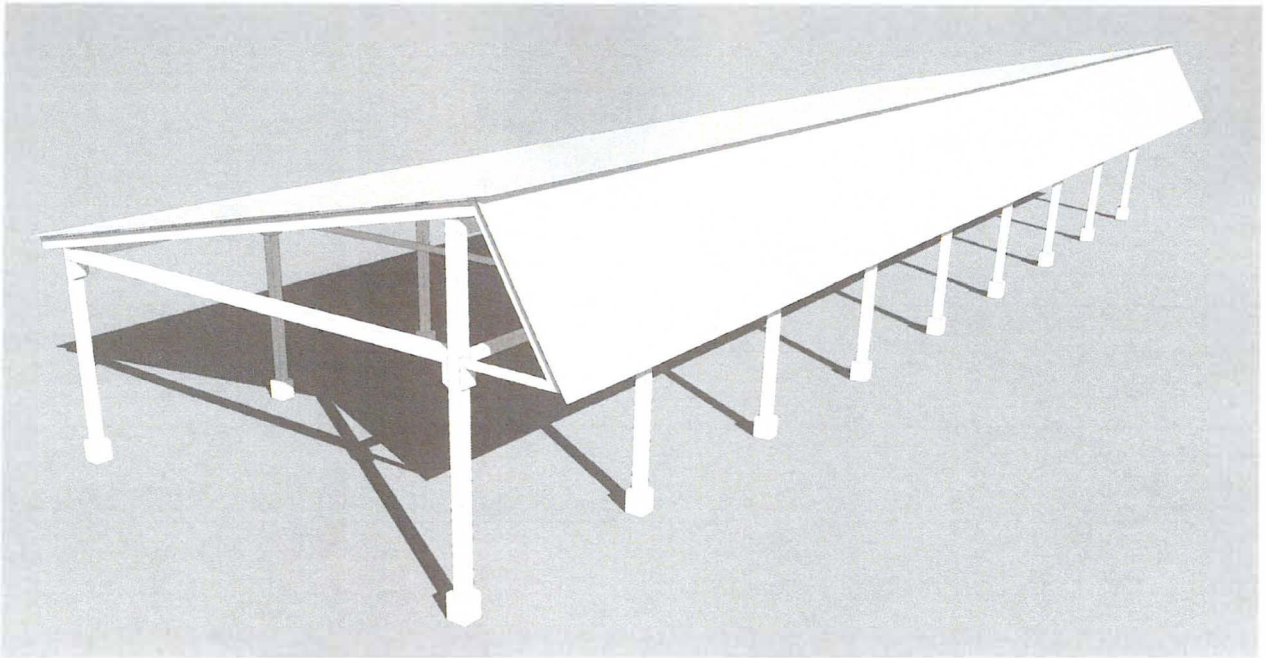
2. Roof Material Type

- i. The Camp Store roof materials shall be corrugated metal.

3. Miscellaneous

- i. The Camp Store roof types shall be Gable.
- ii. Gable roofs shall have a decorative vent feature.

2.2.090 Community Parking Facility



General note: the illustration above is intended to provide a brief overview of the building type and is descriptive in nature.

A. Description

Community Parking Facility: This building type is a detached parking structure and is associated with residential uses.

B. Building Size and Massing

1. Massing

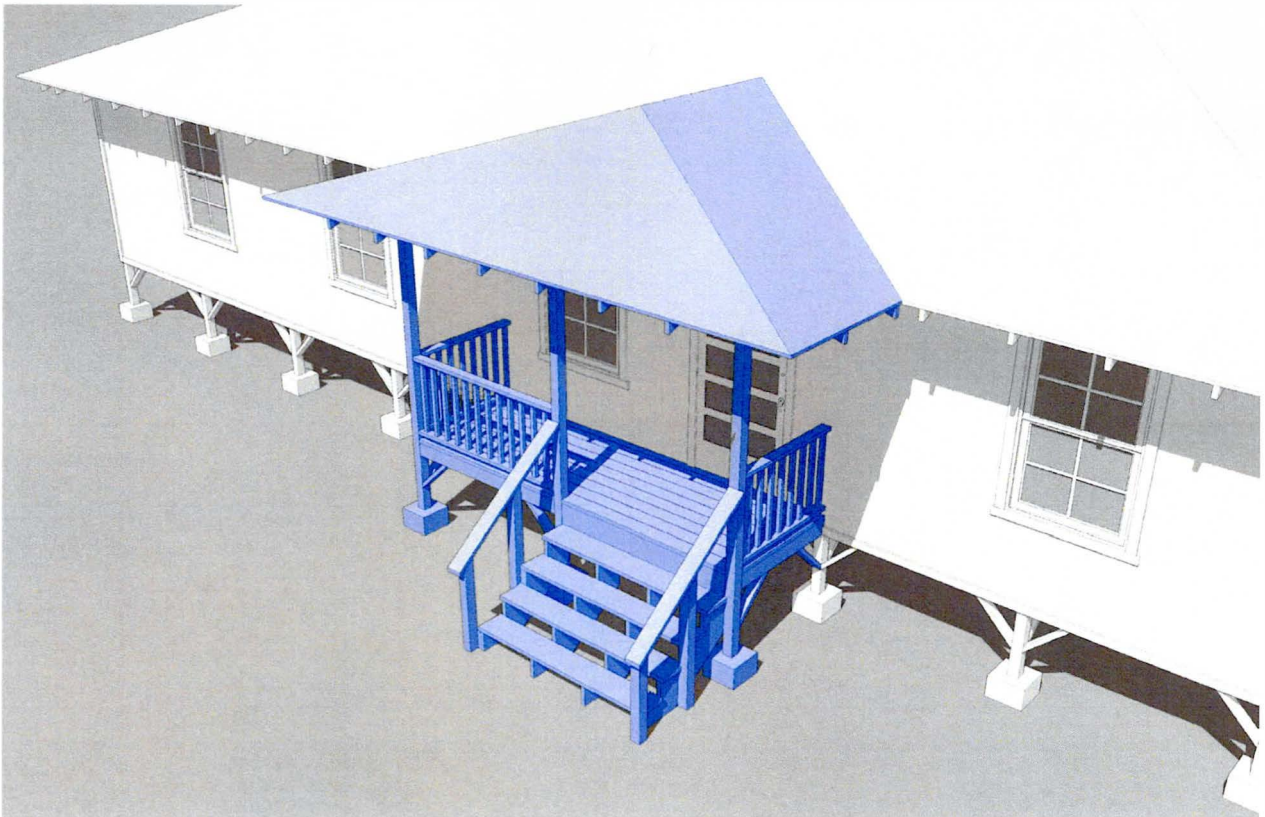
- i. A Community Parking Facility shall have 1 main body section.
- ii. No more than 1 main body is permissible for each Community Parking Facility.
- iii. The Main body shall not exceed 120 ft in width and 30 feet in depth.
- iv. The maximum height shall be no more than 20 ft.



General note: Kaumakani Village Shared Parking Structure

Article 2: Transect Descriptions and Building Types, Frontages

Sub-Article 2.3: Kā’awanui Village Building Type Frontages		32-34
2.3.010	Lānai, Projecting	32
2.3.020	Lānai, Engaged	33
2.3.030	Stoop	34

2.3.010 Lānai, Projecting

General note: the illustration above is intended to provide a brief overview of the Frontage type and is descriptive in nature.

A. Description

Lānai, Projecting: The main façade of the building has a small to medium setback from the thoroughfare. The Lanai, Projecting is open on 3 sides.

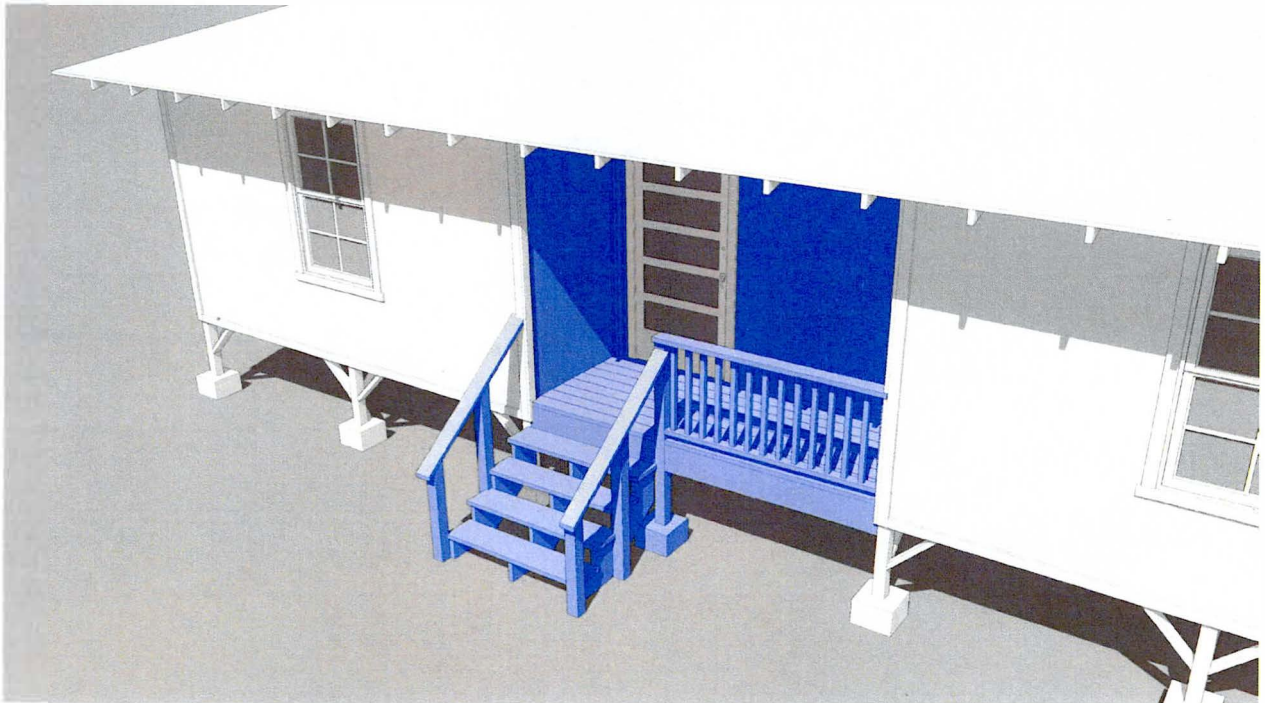
B. Location

- i. The Lānai, Projecting shall be located on the front of the cottage facing the thoroughfare.

C. Size

- i. The width of the frontage shall be a minimum of 5 feet and a maximum of 12 feet.
- ii. The depth of the frontage shall be a minimum of 4 feet and a maximum of 6 feet, excluding the stairs.
- iii. The height of the Lānai shall be a minimum of 8 feet from the bottom to top plate.

2.3.020 Lānai, Engaged



General note: the illustration above is intended to provide a brief overview of the Frontage type and is descriptive in nature.

A. Description

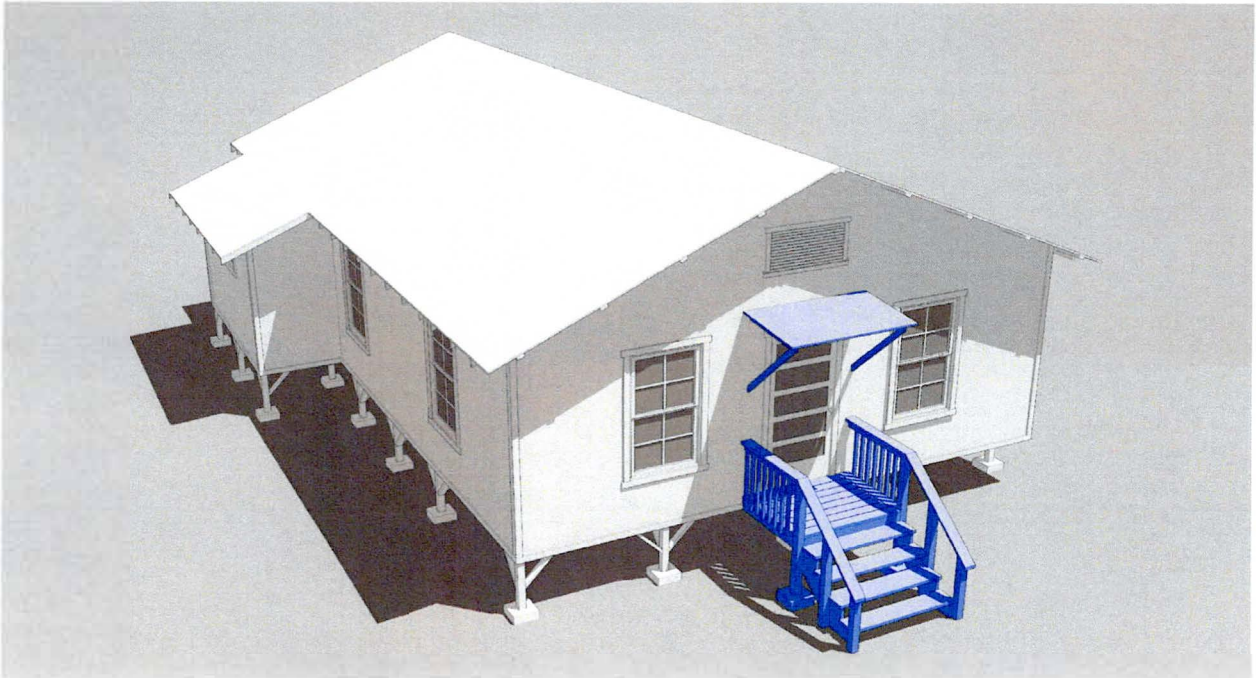
Lānai, Engaged: The main façade of the building has a small to medium setback from the thoroughfare. The Lanai, Engaged has 2 adjacent sides of the Lanai that are engaged to the building. If the Lanai, Engaged is situated in the center of the structure it can be engaged on 3 sides.

B. Location

- i. The Lānai, Engaged shall be located on the front of the cottage facing the thoroughfare.

C. Size

- i. The width of the frontage shall be a minimum of 8 feet and a maximum of 12.
- ii. The depth of the frontage shall be a minimum of 4 feet and maximum of 8 feet, excluding the stairs.
- iii. The height of the Lānai shall be a minimum of 8 feet from the bottom to top plate.

2.3.030 Stoop

General note: the illustration above is intended to provide a brief overview of the Frontage type and is descriptive in nature.

A. Description

Stoop: The main façade of the building is near the frontage line. This type is appropriate for residential uses with small setbacks.

B. Location

- i. The Stoop shall be located on the front of the building facing the thoroughfare.

C. Size

- i. The width of the stoop shall be a minimum of five feet and maximum of eight feet.
- ii. The depth of the Stoop shall be 5 feet, excluding the stairs.

Article 3: Neighborhood Standards

Sub-Article 3.1: Thoroughfare Standards **36**

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3.1.020	Applicability	36
3.1.030	Standards	36

Sub-Article 3.2: Civic Space Standards **37-40**

3.2.010	Purpose	37
3.2.020	Standards	37
3.2.030	Civic Spaces	37-38
3.2.040	Civic Space Type Standards	39-40

Sub-Article 3.1: Thoroughfare Standards

- 3.1.010 **Purpose:** The purpose of this article is to provide optional standards for proposed thoroughfares within the plantation camp zones.
- 3.1.020 **Applicability:** Any proposed thoroughfares within the plantation camp zones.
- 3.1.030 **Standards:**
- A. All proposed roads and thoroughfares shall meet the County of Kauai Street Design Manual requirements as determined by the County Engineer.
 - B. The County Engineer may approve a thoroughfare that does not meet the Street Design Manual standards within the Plantation Camp Zones if the following criteria are met:
 - 1. The thoroughfare is 18 to 20 ft. in width;
 - 2. The thoroughfare is paved or comprised of a compacted surface approved by the Fire Department for emergency vehicle access;
 - 3. On street parking is prohibited;
 - 4. The thoroughfare's associated residences have access to a shared parking facility within a standard pedestrian shed.
 - 5. The shared parking facility has at least one parking stall for each of the associated residences it services.
 - 6. All of the residential units proposed on the thoroughfare are setback from the thoroughfare no more than 20 ft.

Sub-Article 3.2: Civic Space Standards

3.2.010 **Purpose:** The purpose of this article is to establish civic space standards for plantation camp civic space. Civic buildings and civic spaces provide important gathering places for communities and access to outdoor activities. The civic buildings and civic spaces should be carefully located and accessible to all. The following standards shall be met by providing and locating civic buildings and civic spaces.

3.2.020 **Standards:** The design of civic spaces shall meet the standards set forth in Sub-Article 3.2.

3.2.030 **Civic Spaces:** The standards established in the Sub-Article provide the transect zones with a diverse palette of parks and other publicly accessible civic spaces that are essential components of walkable urban environments.

The service area, size frontage and disposition of elements of standards of each civic space types are regulatory. The illustration and description of each civic space type are illustrative in nature and not regulatory.

- A. Service Area. Describes how the civic space relates to the County as a whole and the area that will be served by the civic space.
- B. Size. The overall range of allowed sizes of the civic space.
- C. Frontage. The relationship along property lines of a civic space to adjacent building or lots.
 - 1. Building. Civic spaces that are listed as having a “Building” Frontage shall have the fronts of buildings, either attached to the park or across a thoroughfare, facing onto the civic space for a minimum of three-quarters of the perimeter.
 - 2. Independent. Civic spaces that are listed as having an “Independent” frontage shall have the fronts of buildings, either attached to the park or across a thoroughfare, facing on to the civic space to the maximum extent possible, but may have the side or rear of a building or lot front on to the civic space.
- D. Disposition of Elements. The placement of objects within the civic space.
 - 1. Natural. Civic spaces with natural character are designed in a natural manner with no formal arrangement of elements.
 - 2. Formal. Civic spaces with a formal character have a more rigid layout that follows geometric forms and has trees and other elements arranged in formal patterns.
 - 3. Informal. Civic spaces with an informal character have a mix of formal and natural characteristics.

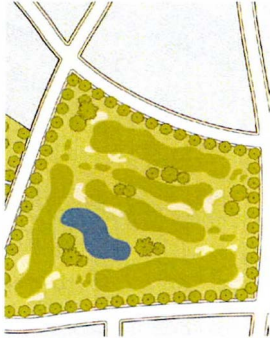
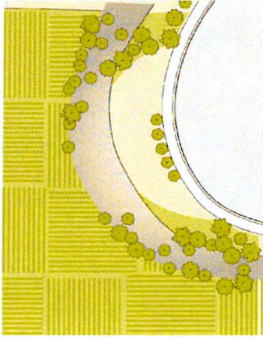
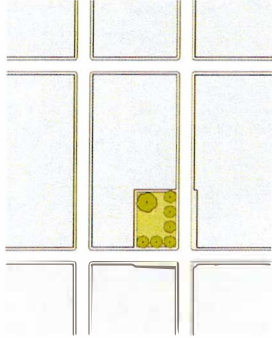
Typical Facilities. Provides a list of the typical facilities found within the civic space. This list is not intended to be a complete list of facilities allowed nor is it intended that every civic space could contain each of the facilities listed.

Ownership and Maintenance of Required Open Space, and Civic Space. Open space areas shall be maintained as permanent open space and/or civic space through one or more of the following options:

- A. Establishment of an entity to manage and maintain the open space by the property owner, in a form that ensures long-term maintenance and management;
- B. Conveyance of the land to a property owners' or homeowners' association that holds the land in common ownership and will be responsible for managing and maintain it for its intended purposes;
- C. Conveyance of the land to a third-party beneficiary, such as a nonprofit environmental or civic organization, that is organized for , capable of, and willing to accept responsibility for managing and maintaining the land for its intended purposes; or
- D. Dedication of the land to the County or other appropriate public agency that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended purposes.

The civic spaces specified in Table 3.2.030 (Civic Space Type Standards) are allowed by right or with the specified approvals in the designated transect zones.

Sub-Article 3.2: Civic Space Standards

3.2.040 Civic Space Type Standards			
Civic Space Type	Special Use Park	Overlook Park	Pocket Park
Illustration			
Description	A space that is civic in nature but that does not fit into any pre-established civic space type category.	An open space that provides space for viewing scenic or historically significant vistas, usually from a height.	An open space available for informal activities in close proximity to neighborhood residences.
Location & Size			
Location			
Service Area	Regional	Regional	Neighborhood
Size			
Minimum	No Minimum	No Minimum	4,000 square feet
Maximum	No Maximum	No Maximum	1 acre
Character			
Frontage	Building or Independent	Independent	Building
Disposition of Elements	Natural, Formal, or Informal	Natural or Informal	Formal or Informal
Typical Facilities	Passive and Active Recreation, Accessory Structure, Drinking Fountains, Community Facility < 5,000 gross square feet, Paths and Trails.	Passive Recreation, Accessory Structure, Drinking Fountains, Paths and Trails.	Passive Recreation, Accessory Structure, Drinking Fountains, Paths and Trails.

3.2.040 Civic Space Type Standards (continued)

Civic Space Type	Playground	Community Garden
Illustration		
Description	<p>An open space designed and equipped for the recreation of children. A Playground should be fenced and may include an open shelter. Playgrounds may be included within other civic spaces.</p>	<p>An open space designed as a grouping of garden plots that are available to nearby residents for small-scale cultivation. Community Gardens may be included within other civic spaces.</p>
Location & Size		
Location	Neighborhood	Neighborhood
Service Area		
Size	No Minimum	No Minimum
Minimum		
Maximum	No Maximum	No Maximum
Character		
Frontage Disposition of Elements	Independent or Building Formal or Informal	Independent or Building Formal or Informal
Typical Facilities		
	Accessory Structure, Drinking Fountains, Paths and Trails.	Accessory Structure, Drinking Fountains, Paths and Trails.

Article 4: Administration and Procedures

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Sub-Article 4.1: Purpose and Applicability

- 4.1.010 **Purpose:** This Article establishes procedures for the preparation, filing, and processing of applications for development permits and other entitlements required by this Code.
- 4.1.020 **Applicability:**
- A. This Form-Based Code applies to any construction, development, activity, or use within the land zoned with the SPA designation as shown in Figure 1.2.010 (Kā’awanui Village Transect Map).
 - B. The requirements of this Code are in addition to all applicable federal, state, and county laws and regulations governing land use and development, including Chapter 8 (Comprehensive Zoning Ordinance) and Chapter 9 (Subdivision), Kaua’i County Code 1987, as amended.
 - C. In case of conflict between any provision of this Code, Kaua’i County Code Chapter 8 (Comprehensive Zoning Ordinance) (“CZO”), and any other Kaua’i County Code, rule, or regulation conflict, this Code shall apply.
- 4.1.030 **Review Authority:**
- A. Table 4.1.030.A (Review Authority) identifies the County official or body responsible for reviewing and making decisions on each type of application required by this Code.
 - B. All applications for property located within the Plan Area are subject to the review and approval of the review authority(s) identified in Table 4.1.030.A Review Authority.

Table: 4.1.030.A: Review Authority

Approval	Reference	Planning Director	Planning Commission	County Council
Zoning Permits				
Class I	Subsec. 8-3.1(c) CZO	Decision	Appeal	
Class II	Subsec. 8-3.1(d) CZO	Decision	Appeal	
Class III	Subsec. 8-3.1(e) CZO	Decision	Appeal	
Class IV	Subsec. 8-3.1(f) CZO	Recommend	Appeal/Decision	
Use Permit	Sec. 8-3.2 CZO	Recommend	Appeal/Decision	
Variance	Sec. 8-3.2 CZO	Recommend	Appeal/Decision	
Amendment	Sec. 8-3.2 CZO	Recommend	Recommend	Decision
Minor Modification	4.2.040	Decision	Appeal/Decision	

4.1.040 **Concurrent Processing:** Multiple applications for the same project will be processed concurrently, reviewed, and approved or denied by the highest review authority designated by this Code for any of the permits or approvals (i.e., a project for which applications for a Class II Zoning Permit and a Use Permit are filed must have both applications decided by the Planning Commission, instead of the Director first deciding on the Zoning Permit as otherwise required by Table 4.1.030.A (Review Authority).

4.1.050 **Rules of Interpretation:**

A. Authority. The Director has the authority to interpret any provision of this Code. Whenever the Director determines that the meaning or applicability of any Code requirement is subject to interpretation, the Director may issue an official interpretation. The Director may also refer any issue of interpretation to the Planning Commission for their determination.

B. Language.

1. The words “shall,” “must,” “will,” “is to,” and “are to” are always mandatory;
2. “Should” is not mandatory but is strongly recommended; and “may” is permissive;
3. The present tense includes the past and future tenses; and the future tense includes the present;
4. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise; and
5. The words “includes” and “including” shall mean “including but not limited to”.
6. “Applicant” means an owner or any person who has full written authorization of the owner.
7. “Owner” means the holders of equitable and legal title of land in fee simple.
8. When used in this Code, the terms “Code,” “this Code,” or “Form-Based Code” means the West Kaua’i Form-Based Code

C. Time Limits. Whenever a number of days is specified in this Code, the number of days shall be construed as consecutive calendar days. A time limit shall extend to 4:30 p.m. on the following working day where the last of the specified number of days falls on a weekend or holiday.

D. Uses Not Listed. The Director has the authority to determine other unlisted uses as similar in nature to those listed in the respective Use Tables of Article 2 (Specific to Transect Zones) as requiring a use permit, and that those similar uses may also be permissible in that respective Transect Zone with a Use Permit

Sub-Article 4.2: Permits and Approvals

4.2.010 Zoning Permits:

- A. No person shall undertake any construction or development or carry on any activity, or use, for which a zoning permit is required by this Code, or obtain a building permit for construction, development, activity, or use regulated by this Code, without first obtaining the required permit.
- B. To obtain any permit, the applicant shall show compliance with the standards established in this Code and shall submit, where necessary, a plot plan as required by CZO Sec. 8-4.6(d).
- C. Applications for zoning permits as required in this Code shall be processed in accordance with CZO Sec. 8-3.1 (Zoning Permits).
- D. For any Zoning Permit, the designated Review Authority may approve, with or without conditions, or deny the permit. The following Zoning Permits are required for the following activities:
 - 1. Class I Permit. A Class I Permit must be obtained for construction or development not located in a Constraint District or a Special Treatment District where the construction or development does not require a Use Permit or a Variance Permit and:
 - a. For non-residential or mixed-use projects that are generally permitted; or
 - b. For residential projects, the project consists of no more than one (1) dwelling unit.
 - 2. Class II Permit. A Class II Permit must be obtained for construction or development of a residential project consisting of between two (2) to ten (10) dwelling units that are not located in a Constraint District or a Special Treatment District where the construction or development does not require a Use Permit or a Variance Permit.
 - 3. Class III Permit. A Class III Permit must be obtained for construction or development where the construction or development does not require a Variance Permit or a Use Permit and:
 - a. For any project where a Class I or Class II Zoning Permit would otherwise be required, except that the development is located in a Constraint District or a Special Treatment District; or
 - b. For residential projects, the project consists of between eleven (11) and fifty (50) units; or

- 4. Class IV Permit. A Class IV Permit must be obtained for construction or development, whether or not the development is located in a Constraint District or Special Treatment District where:
 - a. For non-residential or mixed-use projects that require a use permit; or
 - b. For residential projects, the project consists of fifty-one (51) or more dwelling units; or
 - c. For any project, a Class I, II, or III Permit would otherwise be required, except that a Use Permit or a Variance Permit is required.

E. After-the-Fact Permits. In addition to the Zoning Permit filing and processing fee(s), an application for a Zoning Permit for a structure partially or fully constructed without the required approvals and/or a use that has commenced prior to the required approvals shall have an additional filing, inspection, and processing fee(s) which is double that of the original filing and processing fee(s) or five hundred dollars (\$500.00), whichever is greater.

4.2.020 **Use Permits:**

No person shall undertake any construction or development, or carry on any activity or use for which a Use Permit is required by this Code, or obtain a building permit for construction, development, activity or use for which a Use Permit is required by this Code, without first obtaining a Use Permit in accordance with CZO Sec. 8-3.2 (Use Permits).

4.2.030 **Variance:**

Request for a variance from the provisions of this Code must comply with the requirements in CZO Sec. 8-3.3 (Variance).

4.2.040 **Minor Modifications:**

The Planning Director may approve minor modifications of up to 10% of all dimensional requirements for all building types.

Sub-Article 4.3: Administration and Enforcement

4.3.010 **Amendments:**

This Code may be amended in compliance with the requirements in CZO Sec. 8-3.4.

4.3.020 **Non-Conforming Provisions:**

Nothing in the Kāʻawanui Village Form-Based Code shall restrict or prevent an applicant from re-constructing or repairing a structure in a respective Plantation Camp transect pursuant to Section 8-8A2, subsections (a) and (b), of the Kauai County Code, 1987, as amended.

Any new densities, structures, and uses, proposed in a respective Plantation Camp transect beyond those permissible within Section 8-8A of the Kauai County Code, 1987, as amended, shall be in conformance with the rules, regulations, and standards of the subject Kāʻawanui Village Form-Based Code.

4.3.030 **Appeals:**

- A. An applicant who seeks to appeal from an adverse decision of the Director or designee shall file a notice of appeal with the Director and the Planning Commission within thirty (30) days after the adverse decision.
- B. If the appeal is from the denial of a Class III Zoning Permit, the Director shall make the notice public and shall notify any persons who have duly requested notice of appeals.
- C. The Planning Commission shall consider the appeal at a public session within sixty (60) days of the filing of the notice of appeal and shall render its decision within that period.

4.3.040 **Fee Exemptions:**

- A. A Zoning Permit application for a housing project or portions of housing projects that are developed to be affordable to low-income households as determined by the Housing Director or authorized representative of the County Housing Agency shall be exempt from the filing and processing fee required in CZO Subsection 8-3.1(b)(1), provided such projects conform to applicable provisions of the County's affordable housing program.
- B. A Zoning Permit application for a housing project or portions of housing projects that are developed to be affordable as determined by the Housing Director or authorized representative of the County Housing Agency shall be exempt from one-half (1/2) of the filing and processing fee required in CZO Subsection 8-3.1(b)(1), provided such projects conform to applicable provisions of the County's affordable housing program.
- C. No exemptions shall be afforded for such housing projects from any fees or costs arising from compliance with CZO Subsection 8-3.1(f)(4) or (h).

4.3.050 **Enforcement:**

- A. Enforcement, legal procedures, and penalties for violations of any of the regulations and standards within the Plantation Camp Form-Based Code are established pursuant to section 10-7.2 of the Kauai County Code, 1987, as amended.

Article 5: Definitions

Sub-Article 5.1: Definitions of Terms and Phrases **48-49**

5.1.010 Definitions 48-49

Sub-Article 5.1: Definitions of Terms and Phrases

5.1.010 Definitions

This Section provides definitions for specialized terms and phrases used in this Article. All other applicable definitions in Chapter 8 of the Kauai County Code or CZO apply.

Civic Space – An outdoor area dedicated for civic activities. See Sub-Article 35.2 (Civic Space Standards).

Civic Building – A structure operated by governmental or not-for-profit organizations and limited to civic and related uses.

County Engineer – The County Engineer of the Department of Public Works of the County of Kauai.

Director – Planning Director of the County of Kauai.

Foundation – The lowest load-bearing part of a building, typically including structural placement below ground level

Front – The front section of the building facing the thoroughfare or a civic space. If two or more portions of a building face a thoroughfare or a civic space, the Director shall determine which portion of the building is the front.

Frontage – The main entrance of a building located between the front of a building and a thoroughfare or civic space.

Glazing – The glass component of a building's façade.

Gable Roof – A roof with two sloping side and a gable, or wall, at each end.

Hip Gable/Dutch Gable Roof – Is a roof with a small gable at the top of a hip roof.

Hip Roof – A roof that slopes upward from all sides of the structure, having no vertical ends.

Main Body – The main body constitutes the primary structure.

Mechanical Equipment Storage – small roofed accessory structure, attached or detached, that is no larger than 40 square feet in size.

Post-on-Pier – Type of development where the weight of the structure is distributed across a series of posts installed under the home and mounted to piers, which are typically masonry blocks arranged to distribute the weight evenly.

Rear – Section of the building the opposite front of the building.

Residential Use – The use of a structure or site for human habitation that may include a home, abode, or place where an individual is actually living at a specific point in time. Residences do not include transient accommodations such as transient hotels, motels, tourist cabins, or trailer courts, and dormitories, fraternity or sorority houses.

Setback – A designated minimal amount of space required between a structure and the thoroughfare.

Shed Roof – A flat roof that slopes in one direction and may lean against another wall or building.

Side – Section of the building running perpendicular to the front and rear of the building.

Thoroughfare – A road or path designed for multiple users, including pedestrians, bicyclists, and vehicles.

Transect Zone – A defined area that meets the organization of the human habitat with a development intensity that meets natural and/or build form characteristics.

Wing – A wing is part of a building that is subordinate to the main body.

Exhibit D

Map Showing Amendment to the West Kaua'i Community Plan (2020) Land Use Map Figure 12 "West Kaua'i Regional Map Showing Town Plan Areas".

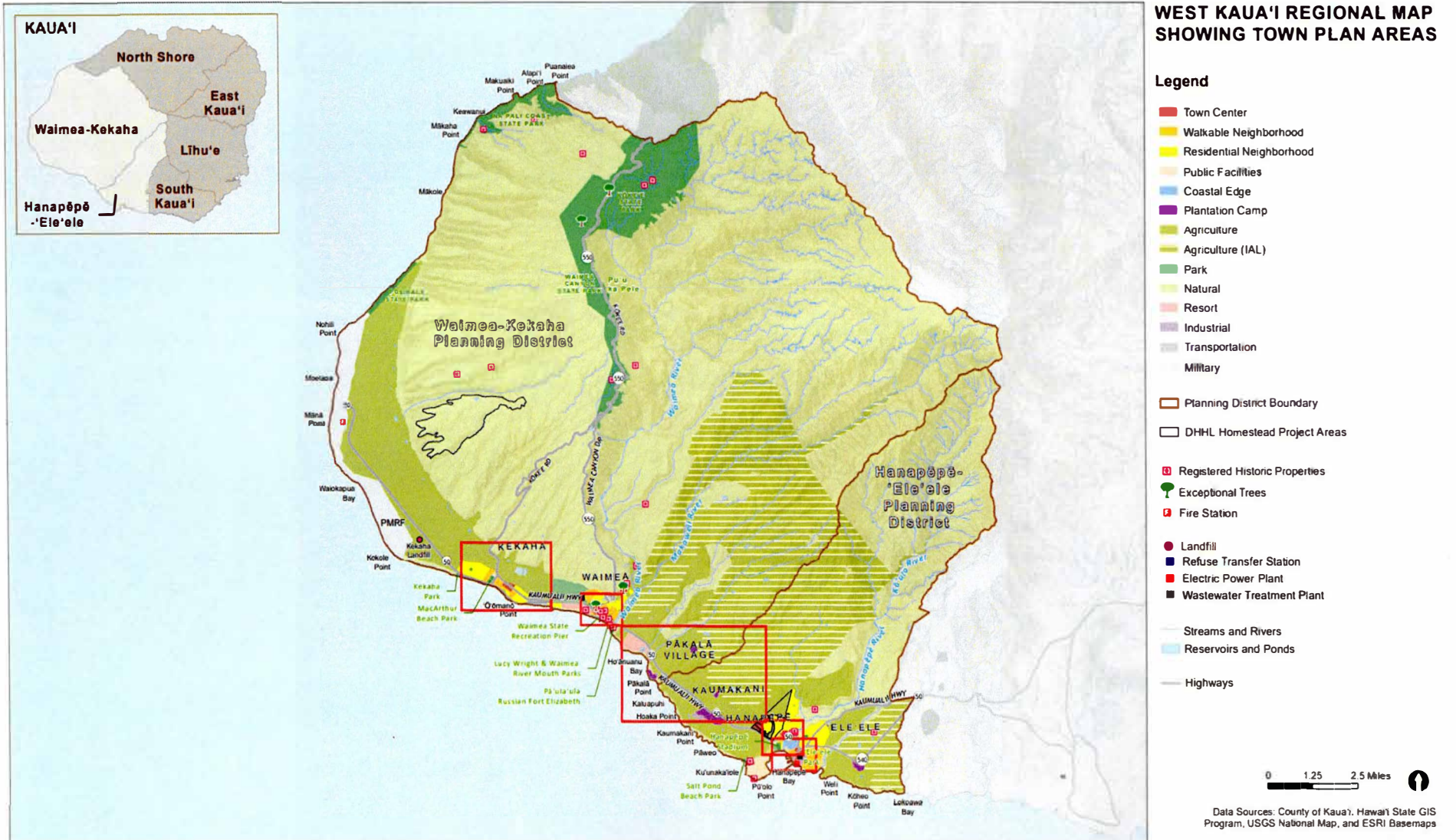


FIGURE 12 | Regional Town Plan Map

“EXHIBIT C”

(Proposed State Land Use District Amendment A-2025-3)

For reference

ORDINANCE NO. _____

BILL NO. _____

**A BILL FOR AN ORDINANCE AMENDING
THE STATE LAND USE DISTRICT BOUNDARY
RELATING TO A PARCEL LOCATED IN MAKAWELI, KAUA'I**

(County of Kaua'i Planning Department, Applicant) (A-2025-3)

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. Purpose. The purpose of this Ordinance is to update approximately 14.9 acres of the State Land Use District boundary and designation of Tax Map Key (TMK) (4) 1-7-006:006 from Agricultural to Urban.

SECTION 2. The State Land Use District Boundary designation for approximately 14.9 acres of the parcel in Makaweli, Kaua'i, identified as TMK (4) 1-7-006:006, as shown on the attached map as Exhibit A, is hereby amended from the State "Agricultural" Land Use District (A) to the State "Urban" Land Use District (U), subject to the following conditions:

1. The State Land Use District Boundary Amendment shall be limited to the area delineated in Exhibit A.
2. The Landowner shall resolve and comply with the applicable standards and requirements, if any, of all State of Hawai'i and County of Kaua'i departments and agencies.
3. The Landowner is advised that additional government agency conditions may be imposed. It shall be the Landowner's responsibility to resolve those conditions with the respective agencies.

SECTION 3. The Planning Department is directed to note the changes on the official Zoning Maps on file with the Department.

SECTION 4. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 5. This Ordinance shall take effect upon its approval.

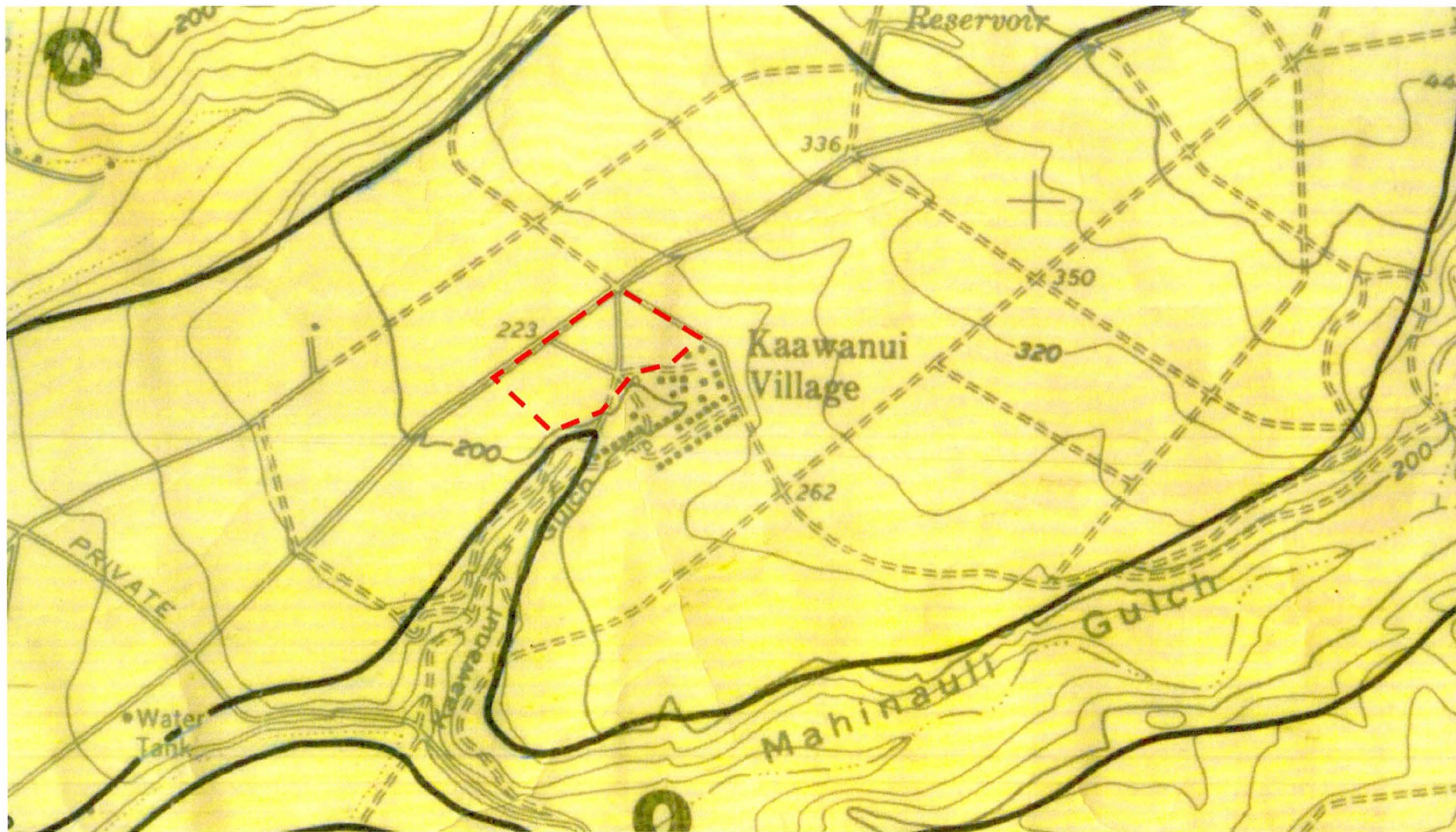
Introduced by:

(By Request)

DATE OF INTRODUCTION:

Lihu'e, Kaua'i, Hawai'i

Exhibit A



State Land Use District (SLUD) Boundary Amendment from Agricultural (A) to Urban (U)

Makaweli, Kaua'i, Hawai'i

 State Land Use District (SLUD) District Boundary Update from Agriculture (A) to Urban (U)

“EXHIBIT D”

(Proposed Zoning Amendment ZA-2025-5)

For reference

ORDINANCE NO. _____

BILL NO. _____

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 8,
KAUA'I COUNTY CODE 1987, AS AMENDED,
RELATING TO ZONING BOUNDARIES IN MAKAWELI, KAUA'I**

(County of Kaua'i Planning Department, Applicant) (ZA-2025-5)

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. Purpose. The purpose of this Ordinance is to update the County of Kaua'i Zoning Map ZM-200 to reflect zoning designation updates within the subject parcel Tax Map Key (TMK) (4) 1-7-006:006, from "Agricultural" (Ag) to "Residential-1" (R-1).

SECTION 2. Findings. The Council finds that the West Kaua'i Community Plan (WKCP), adopted by the County of Kaua'i in December 2020, recognizes there is a clear need to protect and preserve these historical structures while accommodating future growth and uses compatible with those that have historically occurred at these camps for over a century.

The Council finds that TMK (4) 1-7-006:006 is not designated as Important Agricultural Lands by the Hawai'i State Land Use Commission.

The Council finds the Kā'awanui Village amendment boundaries are delineated by the map in Exhibit A and contain an area of approximately 14.9 acres.

SECTION 3. The Comprehensive Zoning Ordinance (CZO) is hereby amended by amending ZM-200 within the CZO referenced in Section 8-2.3 by making the following changes to ZM-200 as shown in Exhibit A of this Ordinance which are attached hereto and incorporated by reference, subject to the following conditions:

1. The Landowner is advised that additional government agency conditions may be imposed. It shall be the Landowner's responsibility to resolve those conditions with the respective agencies.

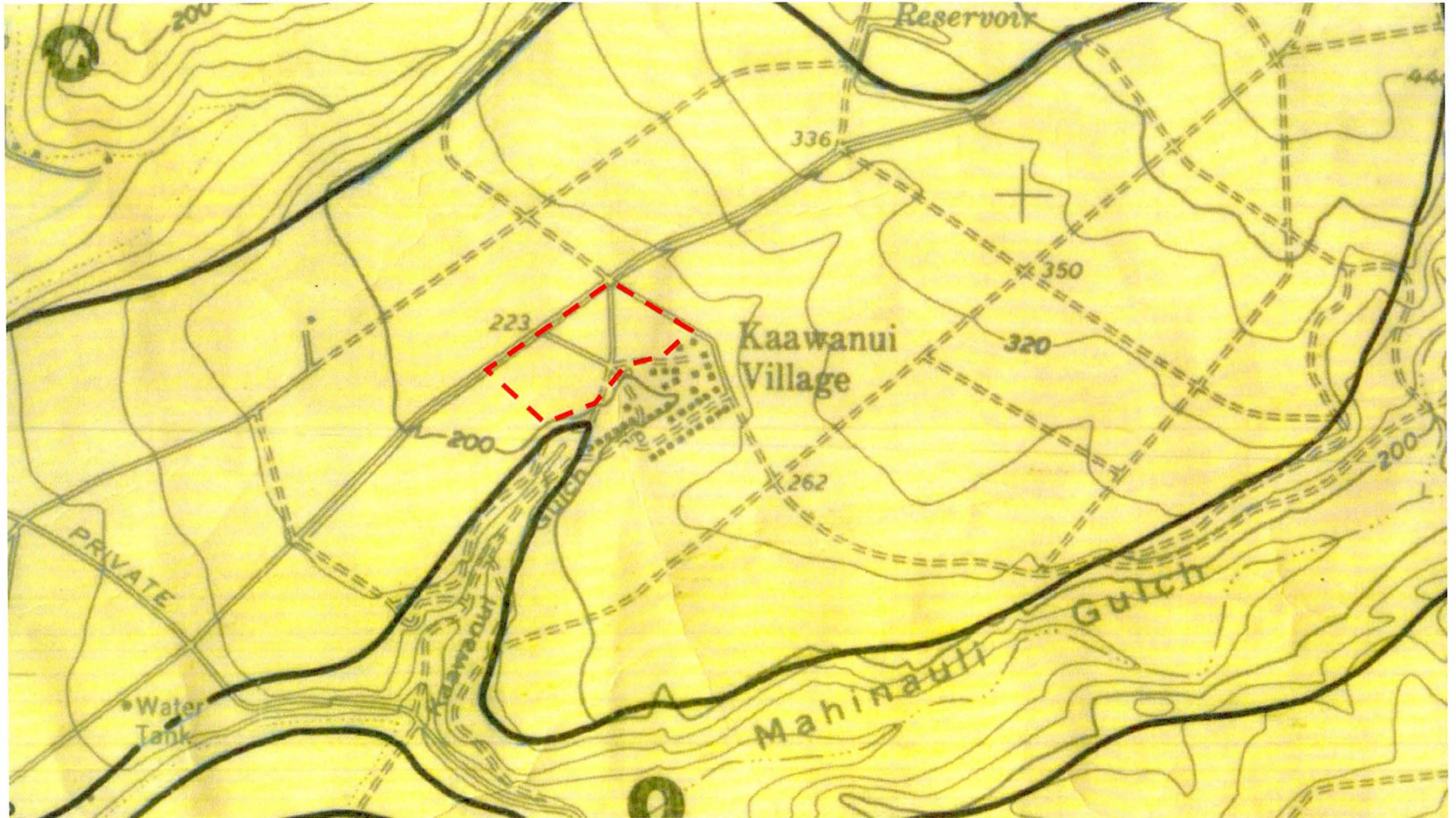
SECTION 4. The Planning Department is directed to note the changes on the official Zoning Maps on file with the Department.

SECTION 5. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 6. This Ordinance shall take effect upon its approval.

Introduced by:

Exhibit A



Amendment to Zoning Map ZM-200 from Agricultural (AG) to Residential-1 (R-1)

Makaweli, Kaua'i, Hawai'i

 Agricultural (AG) to Residential-1 (R-1) District Boundary Update

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



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

TRANSMITTAL OF AGENCY COMMENTS TO PLANNING COMMISSION

DATE: March 4, 2025

PERMIT NUMBER(S): ZA-2025-6

APPLICANT(S): KAUAI PLANNING DEPARTMENT

Attached for the Planning Commission's reference are agency comments for the permit referenced above.

F.4.h.2.
MAR 11 2025

MAR 3 '25 AM 9:12
PLANNING DEPT



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

FROM: Kaaina S. Hull, Director

Planner: Shelea Koga

2/11/2025

SUBJECT: Zoning Amendment ZA-2025-6
Tax Map Key: 170060060000
Applicant: Planning Department
establish a Special Planning Area "Q", which shall be referred to as the "Ka'awanui Plantation Camp Walkable Mixed Use District", and be designated as "SPA-Q"

TO:

- | | |
|---|--|
| <input type="checkbox"/> State Department of Transportation - STP | <input checked="" type="checkbox"/> County DPW - Engineering |
| <input checked="" type="checkbox"/> State DOT - Highways, Kauai (info only) | <input 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 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)

This matter is scheduled for a public hearing before the County of Kauai Planning Commission on 3/11/2025 at the Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Kauai, at 9:00 am or soon thereafter. If we do not receive your agency comments within one (1) month from the date of this request, we will assume that there are no objections to this permit request. Mahalo!



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

DATE: Feb 26, 2025

TO: To whom it may concern

FROM: Ellis Jones
District Environmental Health Program Chief

SUBJECT: RESPONSE_ZA-2025-6

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

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

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

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

Clean Air Branch

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

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

Clean Water Branch

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

Hazard Evaluation & Emergency Response Office

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

Indoor and Radiological Health Branch

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

Safe Drinking Water Branch

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

Solid & Hazardous Waste Branch

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

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

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

Wastewater Branch

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

Sanitation / Local DOH Comments:

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

Other

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

Ellis Jones

Ellis Jones

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

Ka'āina S. Hull
Director of Planning



Jodi A. Higuchi Sayegusa
Deputy Director of Planning

**COUNTY OF KAUA'I
PLANNING DEPARTMENT**

DIRECTOR'S REPORT

I. SUMMARY

Action Required by Planning Commission: Consideration for an Ordinance to amend Chapter 8 (Comprehensive Zoning Ordinance), Kaua'i County Code 1987, as amended, relating to commercial use of parks facilities

Permit Application No.: Zoning Amendment ZA-2025-7

Name of Applicant(s): KAUA'I COUNTY COUNCIL

II. PERMIT INFORMATION

AMENDMENTS	
<input checked="" type="checkbox"/> Zoning Amendment	Pursuant to KCC Section 8-3.4(a), as amended, a Zoning Amendment is necessary because it involves the changing of legislation text whenever the public necessity and convenience and the general welfare require an amendment.
<input type="checkbox"/> General Plan Amendment	
<input type="checkbox"/> Community Plan Amendment	
<input type="checkbox"/> State Land Use District Amendment	

III. LEGAL REQUIREMENTS

KCC Section 8-3.4	
Public Hearing Date:	March 11, 2025
Date of Publication:	February 07, 2025
Date of Director's Report:	February 26, 2025

IV. DESCRIPTION OF THE AMENDMENT

The proposed bill (see attached Exhibit A), amends Chapter 8 (Comprehensive Zoning Ordinance) of the Kaua'i County Code to allow for farmers' and artisans' markets within State and County park areas, as well as quasi-public lands. Additionally, it amends the Comprehensive Zoning Ordinance (CZO) to allow event concessions associated with park events, such as athletic games, meets, fairs, and concerts, within these County and State park areas. Permitting local farmers' markets, artisans' markets, and event concessions has been shown to support local economies, enhance access to fresh and healthy food, activate public spaces, preserve cultural heritage by showcasing local craftsmanship, and strengthen community connections. Recognizing these benefits, this proposed amendment aims to expand the permissiveness of farmers' markets, artisans' markets, and event concessions within designated zoning districts, ensuring proper oversight while supporting the social and economic well-being of local communities.

To effectuate these changes, the proposed bill includes the following amendments to the definitions within the Comprehensive Zoning Ordinance (CZO):

- Introduces new definitions for “Agricultural Products,” “Artisans Market I,” “Artisans Market II,” “Event Concessions,” “Farmers Market I,” “Farmers Market II,” and “Quasi-Public.”
- Replaces the existing definition of “Farmers Market” by removing it and adding the new definitions “Farmers Market I” and “Farmers Market II.”

Furthermore, the proposed bill specifies the conditions under which Artisans Markets, Farmers Markets, and event concessions would be permissible and when a use permit would be required within the respective zoning districts. The key amendments are as follows:

- **Artisans and Farmers Markets (≤ 2 times per week):** Allowed in State and County park areas and quasi-public lands across all zoning districts, *except the Agricultural District*, without a Use Permit.
- **Artisans & Farmers Markets (> 2 times per week):** Allowed without a Use Permit in State and County park areas and quasi-public lands in the Resort (RR), Neighborhood Commercial (CN), General Commercial (CG), Industrial Light (IL), Industrial General (IG), and University (UNV) districts. A Use Permit is required in the Residential (R-1 to R-6, R-10 to R-20), Agriculture (AG) and Open (O) districts.
- **Event Concessions:** Permissible within State and County park areas across all zoning districts, *except the Agricultural District*.

Table 1 provides a visual summary of the proposed amendments, outlining permitted uses and Use Permit requirements for Artisans Markets, Farmers Markets, and event concessions across the respective zoning districts. In the table below, ‘P’ designates a permitted use, while ‘U’ indicates that a Use Permit is required.

Table 1. Proposed Amendments: Permitted Uses and Use Permit Requirements by Zoning District.

Use	Zoning District									
	R-1 to R-6	R-10 to R-20	RR	CN	CG	IL	IG	AG	O	UNV
Artisan Market I (<i>≤ 2 times per week</i>)	P	P	P	P	P	P	P	U	P	P
Artisan Market II (<i>> 2 times per week</i>)	U	U	P	P	P	P	P	U	U	P
Farmers Market I (<i>≤ 2 times per week</i>)	P	P	P	P	P	P	P	U	P	P
Farmers Market II (<i>> 2 times per week</i>)	U	U	P	P	P	P	P	U	U	P
Event Concessions	P	P	P	P	P	P	P	U	P	P

Please refer to the attached (Exhibit A) proposed draft bill language for further details.

V. AMENDMENT JUSTIFICATION

Farmers markets, artisans markets, and local event concessions offer a wide range of benefits to the community. These markets and event concessions play a vital role in transforming public spaces into vibrant community hubs, enhancing access to fresh, locally grown produce, products, and crafted goods. These markets can provide small-scale farmers and artisans with sustainable income while keeping financial resources within the local economy. Additionally, they foster stronger community connections, creating opportunities for residents to engage with one another. Farmers markets also contribute to healthier lifestyles by improving access to nutritious options. By prioritizing locally sourced ingredients and products, these markets promote sustainability by reducing reliance on long-distance food and product transportation, thereby enhancing both the resilience and the social and economic fabric of the community.

The Kaua‘i County General Plan (2018) recognizes these benefits, noting that the rise of farmers markets on Kaua‘i reflects a growing demand for locally grown, healthy food. Residents have expressed a desire in expanding Kaua‘i’s capacity to "grow its own food" and reduce its reliance on imported products. The General Plan also highlights the need to enhance the marketing for Kaua‘i-made products.

Currently, farmers and artisan markets operate across the island, utilizing both public parks and privately owned lands that serve as community gathering spaces. These markets offer access to fresh, locally grown produce, as well as handcrafted and locally designed goods. Markets are typically held in public parks as well as in private parking lots, grassy fields, and shopping centers, utilizing available public and quasi-public spaces to support local commerce, activate underutilized areas, and foster community interaction.

Market activity and event concessions within the Residential, Open, and Agricultural District currently require a Use Permit. While frequent market activity can sometimes lead

to conflicts related to noise, traffic, and land-use compatibility, overly restrictive regulations can also pose challenges for small businesses that rely on these markets and events. Establishing a balanced regulatory framework that expands opportunities for market activity while addressing potential community impacts is essential to supporting small farmers and vendors while ensuring compatibility with surrounding neighborhoods.

To address these issues, the proposed bill aims to expand the permissiveness of farmers markets, artisan markets, and event concessions. It establishes clear definitions for different market types based on frequency, clarifies the concept of quasi-public land, and broadens allowances for markets and concessions within the Residential and Open Districts. By delineating where and how often markets may operate, the bill seeks to provide greater flexibility while preventing excessive market activity that could lead to community conflicts.

VI. AGENCY COMMENTS

Attached through separate transmittal.

VII. PRELIMINARY EVALUATION

In evaluating the proposed zoning amendment, the following aspects should be taken into consideration:

CZO Amendment

Pursuant to Section 8-1.5 (Definitions) of the K.C.C., a “Farmers market” is defined as the following:

“Farmers market” means the offering of fresh agricultural products for sale by multiple farmers or farms directly to the consumer at an open-air or enclosed area.

The proposed bill seeks to replace the existing definition of “Farmers Market” with a more comprehensive definition. The term “Farmers Market” is replaced with two distinct definitions: “Farmers Market I” and “Farmers Market II.”

“Farmers Market I” means an area within a designated State or County Park facility, or located on quasi-public land that the County of Kaua‘i Director of Parks and Recreation and Planning Director determine to be equal to and commensurate with a County of Kaua‘i Park Facility, and used for outdoor sales of agricultural products, baked goods, dairy products, and delicatessen items. This market shall not occur more than two (2) times per week.

“Farmers Market II” means an area within a designated State or County Park facility, or located on quasi-public land that the County of Kaua‘i Director of Parks and Recreation and

Planning Director determine to be equal to and commensurate with a County of Kaua'i Park Facility, and used for outdoor sales of agricultural products, baked goods, dairy products, and delicatessen items. This market may occur more than two (2) times per week.

The two new definitions for "Farmers Market" introduce several key differences compared to the original definition. First, while the original definition only mentioned that the market occurs in an open-air or enclosed space, the revised definition specifies that the market must take place within a designated State or County Park facility or on quasi-public land that the County of Kaua'i Director of Parks and Recreation and the Planning Director determine to be equivalent to a County of Kaua'i Park Facility. This clarification ensures better consideration of appropriate locations that minimize potential community conflicts and contribute to enhancing community vibrancy and well-being.

Secondly, the new definitions now establish specific guidelines regarding farmers market frequency, which were not addressed in the original definition. Under the new definitions Farmer Market I is permitted to operate no more than twice per week and Farmers Market II may operate more than twice per week. This distinction ensures that market frequency is appropriately considered in land use regulations, helping to mitigate potential conflicts in zoning districts where frequent market activity may not be suitable. Markets intending to operate more than two days per week in sensitive zoning areas will be required to obtain a Use Permit, providing greater oversight and ensuring compatibility with surrounding land uses.

Finally, the new definitions broaden the scope of products permitted for sale at farmers markets, enhancing market diversity and economic opportunities for local producers. In addition to agricultural products, the expanded definition now includes baked goods, dairy products, and delicatessen items. By broadening the range of products available, this proposed bill aims to increase consumer access to locally produced goods, enhance food security, and stimulate the local economy by creating new opportunities for farmers and small businesses.

It is important to note that the proposed bill introduces a new definition of 'Agricultural products' to specify the types of products permitted for sale at farmers markets. Below is the new definition along with its corresponding explanation:

““Agricultural products” means those products produced from conducting agricultural activities including livestock products, poultry products, or apiary, horticultural, or floricultural products, or the planting, cultivating, and harvesting of crops, or the farming or ranching of any plant or animal species in a controlled salt, brackish, or freshwater environment.

This new definition is being proposed to provide clarity, as it is referenced in the updated Farmers Market definition but is not currently defined. Establishing a clear definition is necessary to specify which products are included. While the Comprehensive Zoning Ordinance (CZO) defines "Agriculture" as the breeding, planting, nourishing, caring for, gathering, and

processing of any animal or plant organism for human nourishment or as raw material for non-food products, it does not explicitly define “Agricultural Products.” The proposed definition distinguishes agricultural products as the tangible outcomes of agricultural activities, including livestock, poultry, horticulture, aquaculture, and other related goods. This clarification ensures consistency in regulatory interpretation and implementation.

The current definition of "Farmers Market" primarily focuses on agricultural vendors and does not account for the many artisan vendors who also participate in market activities. To address this gap, the proposed bill introduces two distinct categories of Artisan Markets.

Similar to the differentiation in farmers market classifications, the bill distinguishes between:

- Artisan Market I – Markets that occur less than twice per week.
- Artisan Market II – Markets that operate more than twice per week.

These updated definitions ensure clear regulatory guidelines for artisan markets, aligning their operation with the proposed farmers market structures. The specific definitions and their justifications are outlined below.

“Artisans Market I” means an area within a designated State or County Park facility, or located on quasi-public land that the County of Kaua‘i Director of Parks and Recreation and Planning Director determine to be equal to and commensurate with a County of Kaua‘i Park Facility, and used for outdoor sales of artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items, all of which were handcrafted by the artisan present at the respective stall or sale area within the market. This market shall not occur more than two (2) times per week.

The proposed bill explicitly introduces a definition for Artisan Markets as they are being added as a new listed use in the Use Table of Section 8-2.4 of the Comprehensive Zoning Ordinance (CZO). Establishing this definition is critical for providing a regulatory framework that supports small-scale artisans and distinguishes these markets from other commercial retail operations.

By requiring artisans to be present at their stalls, the definition safeguards the authenticity of products sold, promotes direct engagement between creators and consumers, and fosters an environment where traditional and contemporary craftsmanship can thrive. Additionally, limiting market operations to a maximum of two days per week helps strike a balance between supporting economic opportunities while reducing the likelihood of disruptions in surrounding areas that could arise from more frequent market activities.

“Artisans Market II” means an area within a designated State or County Park facility, or located on quasi-public land that the County of Kaua‘i Director of Parks and Recreation and Planning Director determine to be equal to and commensurate with a County of Kaua‘i Park Facility, and used for outdoor sales of artwork, jewelry, furniture, sculpture, pottery,

leathercraft, hand-woven articles, and related items, all of which were handcrafted by the artisan present at the respective stall or sale area within the market. This market may occur more than two (2) times per week.

Similar to "Artisan Market I," the definition for "Artisan Market II" is explicitly established as it is being added as a new listed use in the Use Table of Section 8-2.4 of the Comprehensive Zoning Ordinance (CZO). Defining "Artisan Market II" distinguishes it from less frequent markets, ensuring that appropriate regulatory measures are in place to mitigate potential impacts on surrounding areas. By formally recognizing this market type, the proposed bill provides artisans with expanded opportunities to showcase and sell their handcrafted goods in locations deemed appropriate or in locations that may require a Use Permit based on zoning district compatibility. Allowing for more frequent market operations supports local economic development, increases public access to authentic handmade products, and fosters a dynamic marketplace that enriches the cultural and artistic fabric of the community.

The definitions for Farmers Market I & II and Artisan Market I & II specify that these markets may be located on quasi-public lands, provided that the County of Kaua'i Director of Parks and Recreation and the Planning Director determine such lands to be equivalent to and commensurate with a County of Kaua'i Park Facility. As a result, the proposed bill includes a new definition for "quasi-public", as outlined below:

"Quasi-public" means land available for a use that satisfies a public purpose although under private ownership or control."

Explicitly defining "quasi-public" is necessary to ensure clarity and consistency in determining where Artisan Markets and Farmers Markets may operate. Since the proposed bill permits these markets on quasi-public lands, a definition helps eliminate ambiguity.

In addition to Farmers Markets and Artisan Markets, the proposed bill permits commercial concessions associated with park events, such as athletic games, meets, fairs, and concerts within State and County Park areas. To facilitate this, a new definition for "event concessions" has been introduced. The definition and its justification are outlined below.

"Event concessions" means the commercial sales of food and beverages, as well as event-associated promotional material within a designated State or County Park facility for events approved by the County of Kaua'i Director of Parks and Recreation, including but not limited to athletic games or meets, fairs, or concerts.

As 'event concessions' is introduced as a new use in the Use Table of Section 8-2.4 of the Comprehensive Zoning Ordinance (CZO), its definition is crucial for regulatory clarity and effective implementation. The proposed bill includes a definition for 'event concessions' to ensure that the sale of food, beverages, and event-related merchandise

occurs in a structured and legally recognized manner. This provision enhances the experience of park-based events, provides economic opportunities for local businesses, and aligns concession activities with park management objectives and public interests. By defining event concessions, the bill establishes clear guidelines for where and when concessions may operate, ensuring compatibility with public events and compliance with oversight from the County of Kaua‘i Director of Parks and Recreation.

As specified in Section 8-2.4 (Table of Uses) of the Kaua‘i County Code (K.C.C.), Farmers markets are not currently recognized as a permitted use in the Residential, Agriculture, and Open Districts, requiring a Use Permit for operation in these areas. Furthermore, because Artisan Markets and Event Concessions are not explicitly defined in the Kaua‘i County Code (K.C.C.), these uses are often categorized under similar existing uses listed in Section 8-2.4, such as ‘Retail Shops and Stores,’ ‘Retail Sales,’ or ‘Gift Shops’ for Artisan Markets, and ‘Outdoor Recreation Concessions’ or ‘Retail Sales’ for Event Concessions.

The proposed bill expands the permissiveness of farmers markets, artisan markets, and event concessions and identifies when a Use Permit would be required. Table 2 summarizes the implications of the proposed bill for each zoning district and then the following section presents an analysis of the proposed bill's impacts within these districts.

Table 2. Current land use regulations versus the proposed bill regulations for market activity and event concessions in zoning districts.

Zoning District	Use	Current regulation	Proposed bill regulation
Residential (R-1 to R-6)	Artisan Market I	U	P
	Artisan Market II	U	U
	Farmers Market I	U	P
	Farmers Market II	U	U
	Event Concessions	U	P
Residential (R-10 to R-20)	Artisan Market I	U	P
	Artisan Market II	U	U
	Farmers Market I	U	P
	Farmers Market II	U	U
	Event Concessions	U	P
Resort (RR)	Artisan Market I	P	P
	Artisan Market II	P	P
	Farmers Market I	P	P
	Farmers Market II	P	P
	Event Concessions	P	P
Neighborhood Commercial (CN)	Artisan Market I	P	P
	Artisan Market II	P	P

	Farmers Market I	P	P
	Farmers Market II	P	P
	Event Concessions	P	P
General Commercial (CG)	Artisan Market I	P	P
	Artisan Market II	P	P
	Farmers Market I	P	P
	Farmers Market II	P	P
	Event Concessions	P	P
Industrial Light (IL)	Artisan Market I	P	P
	Artisan Market II	P	P
	Farmers Market I	P	P
	Farmers Market II	P	P
	Event Concessions	P	P
Industrial General (IG)	Artisan Market I	P	P
	Artisan Market II	P	P
	Farmers Market I	P	P
	Farmers Market II	P	P
	Event Concessions	P	P
Agriculture (AG)	Artisan Market I	U	U
	Artisan Market II	U	U
	Farmers Market I	U	U
	Farmers Market II	U	U
	Event Concessions	U	U
Open (O)	Artisan Market I	U	P
	Artisan Market II	U	U
	Farmers Market I	U	P
	Farmers Market II	U	U
	Event Concessions	U	P
University (UNV)	Artisan Market I	P	P
	Artisan Market II	P	P
	Farmers Market I	P	P
	Farmers Market II	P	P
	Event Concessions	P	P

Residential District

Pursuant to 8-4.1 of the K.C.C., the purpose of the Residential District is as follows:

To regulate the number of people living in a given area by specifying the maximum allowable number of dwelling units that may be developed on any given parcel of land. In order not to differentiate between economic groups or lifestyles, a reasonable flexibility in the type of dwelling units and their placement on the land has been provided.

Additional subitems are provided to further expand upon the overall purpose of the Residential District. Pertinent to the proposed bill includes the following:

(e) To maintain the character and integrity of communities within residential districts and support residents in continuing to live and raise their families in these neighborhoods.

The proposed bill would allow Artisan Markets I, Farmers Markets I, and event concessions as permissible uses in all six residential density districts (R-1 to R-6 and R-10 to R-20). Markets operating more than twice a week, classified as Artisan Markets II and Farmers Markets II, would require a Use Permit. Under current regulations, all such uses, regardless of frequency, require a Use Permit in the Residential District.

In evaluating the proposed zoning amendment, Artisan Markets, Farmers Markets, and event concessions have the potential to enhance neighborhood livability by providing valuable community benefits. These markets can offer residents convenient, walkable access to fresh, locally sourced produce and products while fostering vibrant community gathering spaces that support local businesses and encourage social interaction. According to the definitions for Artisan and Farmers Markets, these markets must be located on State or County Park facilities or on land designated as quasi-public, while event concessions are permitted only within designated State or County Park facilities for events. This strategic placement activates parklands, enriching neighborhood vibrancy and offering residents greater access to food, goods, and cultural experiences.

However, these markets also present potential challenges, including increased foot traffic, parking demand, and noise levels, which may impact the character of residential neighborhoods. While some degree of increased foot traffic, parking demand, and noise is inevitable, the bill mitigates these impacts by maintaining the requirement for a Use Permit for markets operating more than twice a week in residential districts. Furthermore, in consideration of parking demand during market times, the proposed bill requires Artisan I & II Markets and Farmers I & II Markets to provide one off-street parking space per 1,000 square feet of market area, ensuring adequate accommodation to reduce on-street parking congestions.

Additionally, by restricting markets and event concessions to specific locations—such as park facilities or quasi-public lands approved by the County of Kaua'i Director of Parks and Recreation and the Planning Director—the bill aims to balance the benefits of these markets with the need to preserve neighborhood character. Through these measures, the proposal seeks to support local commerce, community interaction, and access to food and goods while minimizing potential disruptions to residential areas.

Resort District

The purpose of the Resort District, as outlined in Section 8-5.1 of the K.C.C., is as follows:

- (a) To create and protect attractive areas in pleasing and harmonious surroundings to accommodate the needs and desires primarily of visitors, tourists and transient guests.
- (b) To control density and to assure that undue congestion of streets and facilities will not occur.
- (c) To control the organization and design of use and structures to assure that the development will not detract from the natural features and attributes of the surrounding area.
- (d) To insure that physical and visual public access to recreational, historic, and scenic areas is maintained and improved.

Currently, Artisan Markets, Farmers Markets, and event concessions are permitted within the Resort District. The proposed bill would uphold their permissibility while refining their classification. Rather than categorizing these markets and events under broader use categories such as “Gift Shops” or “Retail Food,” the bill explicitly designates Artisan Markets I and II, Farmers Markets I and II, and event concessions as distinct permissible uses. This clarification aims to enhance regulatory transparency and clarity.

Commercial District

As outlined in Section 8-6.1 of the Kaua‘i County Code (K.C.C.), the purpose of the Commercial District is as follows:

- (a) To designate areas suitable for commercial and public or private business activities distributed so as to supply goods and services to the public in a convenient and efficient manner.
- (b) To relate commercial and business activities to established or projected transport, utility and community patterns so that they may contribute to the general health, safety and welfare of the public.
- (c) To assure that commercial and business development and uses will not detract from the environmental qualities of the surrounding areas.

The Commercial District is divided into two categories:

- Neighborhood Commercial (CN) District – Includes businesses that provide frequently needed goods and services to residents and are compatible with nearby residential areas.

- **General Commercial (CG) District** – Accommodates larger-scale commercial uses that serve multiple residential neighborhoods and may be less compatible with residential environments.

Currently, Farmers Markets, event concessions, and Artisan Markets within the Commercial District are a permissible use since they can fall under the category of "Retail shops and stores." The proposed bill would uphold their permissibility while refining their classification. The proposed bill also explicitly defines Farmers Markets I & II, Artisan Markets I & II, and event concessions as a distinct use, providing greater regulatory clarity and ensures consistency in use classifications.

However, there may be concern related to increased parking demand during market times. The proposed bill seeks to address parking concerns by requiring Artisan and Farmers Markets to provide one off-street parking space per 1,000 square feet of market area, ensuring adequate accommodation to reduce on-street parking congestions.

Industrial District

According to Section 8-7.1 of the Kaua'i County Code (K.C.C.), the purpose of the Industrial District is the following:

- (a) To provide areas for the location of commercial, industrial, processing and manufacturing uses which are not compatible with those permissible activities and uses in the Commercial or Residential Districts;
- (b) To regulate and control development, construction, organization or subdivision for those uses;
- (c) To assure that uses which are potentially detrimental to the health, safety and welfare of the public have been located, developed or constructed to substantially eliminate their potential detrimental effects.

The Industrial District is divided into two categories:

- **Limited Industrial (IL) District** – Supports activities that complement but may not necessarily be compatible with uses in the Commercial District.
- **General Industrial (IG) District** – Accommodates industrial processing, storage, and business activities that are generally considered offensive to the senses or could pose potential risks to health, safety, and welfare.

Currently, Farmers Markets, event concessions, and Artisan Markets are permitted within the Industrial District as they fall under the broader category of "Retail Sales." The proposed bill would maintain their permissibility while explicitly defining Farmers Markets I & II, Artisan Markets I & II, and event concessions as distinct uses. This clarification aims to enhance regulatory consistency and provide greater transparency in use classifications.

It should be noted that Industrial areas often contain large, underutilized spaces that can accommodate market activities without disrupting surrounding land uses. Additionally, these districts are generally less sensitive to noise and increased foot traffic, making them well-suited for larger or more frequent market operations. However, careful site selection of quasi-public lands will be essential to ensure that market activities are not located in proximity to industrial operations involving hazardous materials or activities that could pose safety concerns.

Agriculture District

Section 8-8.1 of the K.C.C states the purpose of the Agriculture District as the following:

The Agriculture District establishes means by which land needs for existing and potential agriculture can be both protected and accommodated, while providing the opportunity for a wider range of the population to become involved in agriculture by allowing the creation of a reasonable supply of various sized parcels.

The purpose of the Agriculture District is further delineated in the following subpoints:

- (a) To protect the agriculture potential of lands within the County of Kaua'i to ensure a resource base adequate to meet the needs and activities of the present and future;
- (b) To assure a reasonable relationship between the availability of agriculture lands for various agriculture uses and the feasibility of those uses;
- (c) To limit and control the dispersal of residential and urban use within agriculture lands.

Currently, Farmers Markets, Artisan Markets, and event concessions require a Use Permit to operate on agriculturally zoned lands. The proposed bill removes the existing definition of Farmers Markets as a designated use in these areas but does not establish Farmers Markets, Artisan Markets, or event concessions as permissible uses. As a result, these uses would continue to require a Use Permit for operation.

Given that Farmers Markets provide a direct means for farmers to sell their produce, they could be considered a compatible use that supports agricultural productivity and sustainability. However, it is important to note that under H.R.S. §205-6, a Special Permit is required for uses within the Agricultural District that are not classified as agricultural or rural. While Farmers Markets involve the sale of farm-grown produce, one could argue that the act of selling constitutes a retail use rather than an agricultural activity, thereby necessitating a Special Permit.

Similarly, certain event concessions may be appropriate for agriculturally zoned lands, particularly those that celebrate or support agricultural practices. Events such as local food festivals or rodeos, which highlight agricultural heritage and activities, could be considered suitable uses. The proposed bill would also require that events be approved from the County of Kaua'i Director of Parks and Recreation and must take place on designated State or County Park facilities. Given this, it may be worth considering whether event concessions should also be permitted on agricultural lands. However, as with Farmers Markets, certain events may not align with agricultural uses, which would necessitate a Special Permit.

Lastly, Artisan Markets, while they may include products derived from raw agricultural materials, primarily serve as retail enterprises, which are typically more aligned with urban commercial districts. As non-agricultural uses within an Agricultural District require a Special Permit, it may be most appropriate to maintain requiring the Use Permit on Artisan Markets in these areas to preserve the primary agricultural function of the land.

Open District

The general purpose of the Open District, as stated in Section 8-9.1, is as follows:

To create and maintain an adequate and functional amount of predominantly open land to provide for the recreational and aesthetic needs of the community or to provide for the effective functioning of land, air, water, plant and animal systems or communities.

Currently, Farmers Markets, Artisan Markets, and event concessions require a Use Permit to operate on open zoned lands. The proposed bill would allow Artisan Markets I, Farmers Markets I, and event concessions as permissible uses in the open district. Markets operating more than twice a week, classified as Artisan Markets II and Farmers Markets II, would require a Use Permit.

A majority (approximately 64%) of the County's parks are located on open-zoned lands, making these areas primary locations for markets and event concessions. Given that the purpose of lands in the Open District is to support the community's recreational needs, hosting markets and event concessions in designated spaces deemed appropriate by the County of Kaua'i Parks and Recreation Director and the Planning Director may align with this intent.

However, it is essential to recognize that not all open-zoned areas may be suitable for such activities due to environmental resources or sensitivities in certain locations. When evaluating potential event sites within County or State Park facilities, as well as identifying appropriate quasi-public lands for markets, careful consideration should be given to environmental constraints and site suitability. Additionally, given the role of Open District lands in preserving ecological and physical systems, it is appropriate to limit

the frequency of Artisan and Farmers Markets in these areas. Markets occurring more than twice a week should not be automatically permitted to ensure that Open District lands maintain their intended function. Therefore, it is appropriate that Artisan Markets II and Farmers Markets II require a Use Permit to regulate their frequency and minimize potential impacts on these areas.

It should also be noted that markets and event concessions located within the Special Management Area (SMA) would still be required to obtain an SMA Use Permit due to the sensitivity of coastal areas. This requirement ensures that any proposed activities within these areas are carefully reviewed to prevent adverse environmental and ecological impacts.

University District

Section 8-29.1 of the K.C.C. states the general purpose of the University District as the following:

The University District (UNV) shall apply to areas of land that are utilized for campus-related activities and is intended to apply to areas for the location and expansion of universities and similar educational campus environments, and the uses and facilities that are associated with and are supportive of them. Special consideration of such uses and facilities are appropriate given the unique characteristics of campus areas, the variety of uses needed to serve campus communities, and the varying intensities of land uses in such communities.

Currently, Artisan Markets, Farmers Markets, and event concessions are permitted within the University District. The proposed bill would uphold their permissibility. Rather than categorizing these markets and events under the broader use categories of “Retail Sales” the bill also explicitly designates Artisan Markets I and II, Farmers Markets I and II, and event concessions as distinct permissible uses. This clarification aims to enhance regulatory transparency and clarity.

General Plan

The proposed legislation must be evaluated through the lens of the overarching policies and objectives established in the General Plan. This report outlines how the proposed bill aligns with the policies, goals, and actions set forth in the General Plan. Overall, the proposed bill supports key objectives of the General Plan, particularly those focused on strengthening agricultural production, fostering a thriving business environment, and activating civic spaces:

A. Section 1.4, entitled “Policies to Guide Growth”

- 1) **Policy #10: “Help Business Thrive”**- The General Plan’s Policy #10 underscores the importance of fostering vibrant commercial areas within Town Centers by enhancing civic spaces and updating zoning standards.

Additionally, the policy emphasizes that future economic growth should promote opportunities for small businesses.

The proposed bill seeks to expand the permissiveness of farmers' markets, artisan markets, and event concessions to operate in zoning districts. It is important to recognize that many farmers, artisans, and food vendors who participate in these markets operate small businesses themselves. Additionally, markets and events contribute to the enhancement of civic spaces by increasing foot traffic, fostering economic revitalization, and encouraging longer customer dwell time. These factors collectively support brick-and-mortar businesses by attracting more visitors to commercial areas and creating a more vibrant local economy.

However, it is also necessary to acknowledge that market vendors generally incur lower overhead costs—such as rent and utilities—compared to traditional storefront businesses. This disparity can create competitive challenges, particularly if customers favor markets where products may be available at lower prices.

To balance these potential impacts, the bill establishes regulations to ensure that farmers' markets, artisan markets, and event concessions enhance rather than detract from small businesses. This is achieved by considering the frequency of market activities and the locations where they may occur, such as designated state or county park facilities or identified quasi-public lands. By regulating market frequency and placement, the bill aims to ensure that markets complement, rather than compete with, existing businesses while also contributing to the vitality of civic spaces.

- 2) **Policy #11: “Help Agricultural Lands Be Productive.”**- The General Plan’s Policy #11 emphasizes the importance of economic diversification and expanding access to locally produced food by fostering mechanisms that support a thriving agricultural sector. In alignment with this policy, the proposed bill allows farmers' markets as a permitted use in all zoning districts, except the agriculture district, if held up to two days per week. Markets operating more than two days per week will require a Use Permit in the Residential, Agriculture, and Open districts, but will be a permitted use in the Commercial, Resort, Industrial, and University districts. By expanding opportunities for farmers to sell their goods, the bill enhances access to locally produced food, strengthens agricultural production, and contributes to economic diversification.

B. Section 1.3, entitled “Visions and Goals”

- 1) **Goal #1: “A Sustainable Island”**- The General Plan’s GOAL #1 states that *“[a] sustainable economy requires increased self-reliance for food.”* By allowing farmers' markets to operate in the Residential and Open Districts,

in addition to the Commercial, Resort, Industrial, and University zoning districts, the proposed bill enhances access to locally produced food, further supporting this objective. Additionally, Goal #1 emphasizes the need to reduce Kaua'i's greenhouse gas emissions, identifying local food production as a key strategy to achieve this. By providing space to sell local food products, the bill helps minimize food miles, lowers the island's dependence on imported goods, and enhances Kaua'i's overall resilience and sustainability.

- 2) **Goal #3: "A Healthy and Resilient People"**- The General Plan's GOAL #3 highlights that "*health is influenced by the built environment, including... the availability of healthy foods*" recognizing that self-sufficiency and increased local food production are essential components of resilience. Goal #3 also highlights the importance of a diverse economy in fostering a resilient community, emphasizing the need for living-wage employment opportunities. Allowing farmers' markets as a permitted use in various zoning districts supports these objectives by expanding access to fresh, locally produced food, promoting self-sufficiency, and encouraging healthier food choices. Furthermore, artisan and farmers' markets provide economic opportunities for small businesses without a permanent storefront, offering them a platform to generate or supplement income while contributing to a more diverse and resilient local economy.
- 3) **Goal #4: "An Equitable Place, with Opportunity for All"**- The General Plan's GOAL #4 emphasizes that "*Opportunity is about equal access*" recognizing that one way to address the challenges of a high cost of living is by expanding employment opportunities that support economic self-sufficiency. The proposed bill allows artisan and farmers' markets to operate in the Residential, Resort, Commercial, Industrial, Open, and University zoning districts, provided they are located within a designated State or County park facility or on quasi-public land. Artisan and farmers' markets create a platform for small businesses to generate income, with some vendors relying entirely on market sales for their livelihoods. While operational costs vary depending on business models, selling through traditional retail stores often incurs higher expenses, such as rent, utilities, and wholesale pricing structures. By contrast, markets offer a lower-cost entry point for entrepreneurs with limited financial resources, making it more accessible for individuals to launch and sustain a business.

Additionally, the General Plan specifies actions that are tied to the overarching policies and goals outlined above. Some of the key actions related to the proposed bill are summarized in the text below:

A. Section 3.0, entitled "Actions by Sector"

1) Sector VI. Economy: "Agriculture"

- a. The General Plan calls for the action to *“Support the Sunshine Markets and other means of marketing Kaua’i agricultural and food products to residents, businesses, and visitors.”* The proposed bill seeks to expand support for farmers markets beyond the County-operated Sunshine Markets by establishing a legal framework for private farmers markets, which are currently not widely permitted.

Private farmers markets play a crucial role in enhancing public access to Kaua’i-grown produce and value-added products. This bill would expand the permissiveness of where farmers markets could occur, while also establishing location criteria to ensure their appropriate siting. By formalizing the operation of private farmers markets, this initiative strengthens local food systems and expands opportunities to market Kaua’i’s agricultural and food products to residents, businesses, and visitors.

- b. Another action outlined in the General plan is to *“Support commercial agricultural producers with agricultural cooperative extension services, marketing, and business development. Market agriculture and food products within Kaua’i...”* Expanding the permissibility of farmers markets and establishing clear criteria for their locations would create additional opportunities and venues for commercial agricultural producers to sell their products directly to consumers, thereby increasing market access.

Furthermore, farmers markets serve as structured and visible platforms for branding and promoting Kaua’i-grown food products, reinforcing efforts to strengthen the local agricultural economy and enhance the visibility of Kaua’i’s agricultural sector.

2) Sector VI. Economy: “Small Businesses and Promising Economic Sectors”

- a. The General Plan states an action to *“Reduce the costs and regulatory hurdles associated with starting a business.”* Currently, farmers and artisan markets, as well as event concessions require a use permit within the Residential, Agriculture, and Open District.

The proposed bill aims to expand the permissibility of farmers markets, artisan markets, and event concessions by allowing them to operate within the Residential and Open Districts, provided they occur no more than twice per week. By reducing the need for Use permits, this initiative lowers barriers to entry for small businesses, streamlining the process for hosting markets that support local farmers and artisans.

3) Sector V. Shared Spaces: “Town Centers”

- a. The General Plan identifies an action to *“Encourage vibrant shared space and destinations in town centers by... Supporting the creation of and improvement of venues for art and culture.”* In alignment with this objective, the proposed bill establishes clear regulations for artisan markets and local event concessions to be permissible within various zoning districts that are County or State park facilities or areas identified as ‘quasi-public’ spaces.

It is also worth noting that artisan markets serve as dynamic cultural hubs, showcasing local art, crafts, and traditional practices, thereby promoting Kauai’s cultural heritage. Additionally, these markets enhance community identity, provide economic opportunities for small businesses, and contribute to the activation of town centers as inclusive and vibrant destinations.

- b. The General Plan includes an action to *“Activate and revitalize public spaces with artwork, programs, and performances.”* In alignment with this goal, the proposed bill seeks to expand the permissibility of artisan markets and local event concessions, including live performances such as concerts, in designated areas.

By reducing regulatory barriers to allow these markets and events in appropriate public spaces, the proposed bill supports the enhancement of community gathering places. Artisan markets showcase local artwork and craftsmanship, while performances and engage residents and visitors, fostering a more dynamic, interactive, and culturally rich environment. This approach contributes to revitalizing town centers and public spaces, encouraging greater community interaction and cultural expression.

VIII. PRELIMINARY CONCLUSION

Based on the foregoing findings and evaluation the Planning Department concludes the following:

1. The proposed legislation aims to reduce regulatory barriers and expand the permitted uses of Farmers Markets, Artisan Markets, and event concessions, facilitating their establishment in State and County park areas and quasi-public lands. This initiative supports the activation of public spaces while fostering opportunities for farmers and local businesses.
2. The bill also enhances clarity within the Comprehensive Zoning Ordinance (CZO) by introducing precise definitions for newly identified land uses and terminology that currently lack formal definitions, ensuring consistency in regulatory interpretation.

3. Furthermore, the proposed legislation aligns with the objectives of the General Plan by promoting vibrant shared spaces, streamlining zoning regulations for small businesses, and strengthening support for Kaua'i's agricultural sector and locally produced food products.

IX. PRELIMINARY RECOMMENDATION

Based on the foregoing evaluation and conclusion, it is recommended that Zoning Amendment ZA-2025-7 be **APPROVED**.

By *Alisha Summers*
Alisha Summers (Feb 27, 2025 15:24 HST)
Alisha Summers
Planner

Approved & Recommended to Commission:

By *Ka'aina Hull*
KA'ĀINA S. HULL
Director of Planning

Date: 2/27/2025

Ka'āina S. Hull
Director of Planning



Jodi A. Higuchi Sayegusa
Deputy Director of Planning

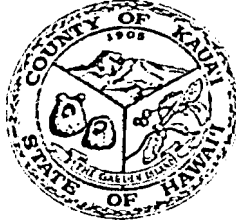
**COUNTY OF KAUA'I
PLANNING DEPARTMENT**

Exhibit A:

Proposed Bill

COUNTY COUNCIL

Mel Rapozo, Chair
KipuKai Kualii, Vice Chair
Addison Bulosan
Bernard P. Carvalho, Jr.
Felicia Cowden
Fern Holland
Arryl Kaneshiro



OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
Lyndon M. Yoshioka, Deputy County Clerk

Telephone: (808) 241-4188
Facsimile: (808) 241-6349
Email: cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kauai, Hawaii 96766

January 29, 2025

Francis DeGracia, Chair
and Members of the Planning Commission
c/o County of Kauai Planning Department
Via Email Only: planningdepartment@kauai.gov

Dear Chair DeGracia and Members of the Planning Commission:

**RE: REFERRAL OF PROPOSED DRAFT BILL (NO. 2942) RELATING
TO COMMERCIAL USE OF PARKS FACILITIES**

The Kauai County Council, at its meeting on January 29, 2025, referred the following measure to the Planning Commission for review and recommendation:

“Proposed Draft Bill (No. 2942) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO COMMERCIAL USE OF PARKS FACILITIES”

Thank you for your continued assistance in these planning matters. Should you have any questions, please feel free to contact me at (808) 241-4188.

Sincerely,

JADE K. FOUNTAIN-TANIGAWA
County Clerk, County of Kauai

JA:ss
Enclosure

ORDINANCE NO. _____

BILL NO. _____

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 8,
KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO
COMMERCIAL USE OF PARKS FACILITIES**

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

SECTION 1. Findings and Purpose. The Council finds that allowing farmers and artisans markets is appropriate within State and County Park areas and quasi-public land. The Council also finds that it is appropriate to allow commercial concessions associated with park events such as athletic games or meets, fairs, and concerts within State and County Park areas and quasi-public land. Therefore, the purpose of this Ordinance is to effectuate these changes and corresponding technical, alphabetization, and cross-reference amendments.

SECTION 2. Chapter 8, Section 8-1.5 (Definitions), Kauai County Code 1987, as amended, is hereby amended by adding a new definitions for "Agricultural products," "Artisans Market I," "Artisans Market II," "Event concessions," "Farmers Market I," "Farmers Market II," and "Quasi-public," to be appropriately inserted and to read as follows, and by deleting the existing definition of "Farmers market" as follows:

"Agricultural products" means those products produced from conducting agricultural activities including livestock products, poultry products, or apiary, horticultural, or floricultural products, or the planting, cultivating, and harvesting of crops, or the farming or ranching of any plant or animal species in a controlled salt, brackish, or freshwater environment.

"Artisans Market I" means an area within a designated State or County Park facility, or located on quasi-public land that the County of Kauai Director of Parks and Recreation and Planning Director determine to be equal to and commensurate with a County of Kauai Park Facility, and used for outdoor sales of artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items, all of which were handcrafted by the artisan present at the respective stall or sale area within the market. This market shall not occur more than two (2) times per week.

"Artisans Market II" means an area within a designated State or County Park facility, or located on quasi-public land that the County of Kauai Director of Parks and Recreation and Planning Director determine to be equal to and commensurate with a County of Kauai Park Facility, and used for outdoor sales of artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items, all of which were handcrafted by the

artisan present at the respective stall or sale area within the market. This market may occur more than two (2) times per week.

“Event concessions” means the commercial sales of food and beverages, as well as event-associated promotional material within a designated State or County Park facility for events approved by the County of Kaua‘i Director of Parks and Recreation, including but not limited to athletic games or meets, fairs, or concerts.

[“Farmers market” means the offering of fresh agricultural products for sale by multiple farmers or farms directly to the consumer at an open-air or enclosed area.]

“Farmers Market I” means an area within a designated State or County Park facility, or located on quasi-public land that the County of Kaua‘i Director of Parks and Recreation and Planning Director determine to be equal to and commensurate with a County of Kaua‘i Park Facility, and used for outdoor sales of agricultural products, baked goods, dairy products, and delicatessen items. This market shall not occur more than two (2) times per week.

“Farmers Market II” means an area within a designated State or County Park facility, or located on quasi-public land that the County of Kaua‘i Director of Parks and Recreation and Planning Director determine to be equal to and commensurate with a County of Kaua‘i Park Facility, and used for outdoor sales of agricultural products, baked goods, dairy products, and delicatessen items. This market may occur more than two (2) times per week.

“Quasi-public” means land available for a use that satisfies a public purpose although under private ownership or control.”

SECTION 3. Chapter 8, Section 8-2.4 (Table of Uses), Kaua‘i County Code 1987, as amended, is hereby amended to read as follows:

“

Table 8-2.4 Table of Uses

Sec.	USE	ZONING DISTRICT												
		Residential		Commercial Industrial										
		R-1 to R- 6	R-10 to R- 20	RR	CN	CG	IL	IG	AG	O	UNV			
8-2.4(a)(1)	Single-family detached dwellings	P	P											
8-2.4(a)(2)	Accessory structures and uses, including one guest house	P	P											
8-2.4(b)	Multiple-family and single-family attached dwellings	P	P											
8-2.4(c)	Public and private parks and home businesses are permitted in all districts	P	P											

Table 8-2.4 Table of Uses

Sec.	USE	ZONING DISTRICT												
		Residential		Commercial Industrial										
		R-1 to R-6	R-10 to R-20	RR	CN	CG	IL	IG	AG	O	UNV			
8-2.4(d)	Adult family boarding and family care homes that comply with all State Department of Social Services and Housing and State Department of Health rules, regulations and requirements provided, however, that the Planning Director may require a use permit for such applications that may create adverse impacts to the health, safety, morals, convenience, and welfare of the neighborhood or community that the proposed use is located	P	P											
8-2.4(e)	Transient vacation rentals, provided they are located within the designated Visitor Destination Areas established pursuant to Article 17 of this Chapter. These uses are prohibited in non-VDA areas	P	P											
<u>8-2.4(f)</u>	<u>Artisans Markets I, Farmers Markets I, event concessions</u>	<u>P</u>	<u>P</u>											
<u>8-2.4(g)(1)</u>	<u>Adult family group living home</u>	<u>U</u>	<u>U</u>											
<u>8-2.4(g)(2)</u>	<u>Artisans Markets II and Farmers Markets II</u>	<u>U</u>	<u>U</u>											
<u>[8-2.4(f)(1)]</u> <u>8-2.4(g)(3)</u>	Botanical and zoological gardens	U	U											
<u>[8-2.4(f)(2)]</u> <u>8-2.4(g)(4)</u>	Cemeteries, mortuaries and crematoriums	U	U											
<u>[8-2.4(f)(3)]</u> <u>8-2.4(g)(5)</u>	Churches, temples, and monasteries	U	U											
<u>[8-2.4(f)(4)]</u> <u>8-2.4(g)(6)</u>	Clubs, lodges, and community centers	U	U											
<u>[8-2.4(f)(5)]</u> <u>8-2.4(g)(7)</u>	Diversified and specialized agriculture and nurseries	U	U											
<u>[8-2.4(f)(6)]</u> <u>8-2.4(g)(8)</u>	Dormitories, guest and boarding houses; but not hotels and motels	U	U											
<u>[8-2.4(f)(7)]</u> <u>8-2.4(g)(9)</u>	Golf courses	U	U											
<u>[8-2.4(f)(8)]</u> <u>8-2.4(g)(10)</u>	Medical and nursing facilities	U	U											
<u>[8-2.4(f)(9)]</u> <u>8-2.4(g)(11)</u>	Museums, libraries and public services and facilities	U	U											
<u>[8-2.4(f)(10)]</u> <u>8-2.4(g)(12)</u>	Private and public utilities and facilities, other than maintenance and storage of equipment, materials, and vehicles	U	U											
<u>[8-2.4(f)(11)]</u> <u>8-2.4(g)(13)</u>	Project developments in accordance with Article 10 of this Chapter	U	U											
<u>[8-2.4(f)(12)]</u> <u>8-2.4(g)(14)</u>	Retail shops and stores	U	U											
<u>8-2.4(g)(15)</u>	<u>Residential care homes</u>	<u>U</u>	<u>U</u>											
<u>[8-2.4(f)(13)]</u> <u>8-2.4(g)(16)</u>	School and day care centers	U	U											

Table 8-2.4 Table of Uses

Sec.	USE	ZONING DISTRICT																		
		Residential		Commercial Industrial																
		R-1 to R-6	R-10 to R-20	RR	CN	CG	IL	IG	AG	O	UNV									
[8-2.4(f)(14)] <u>8-2.4(g)(17)</u>	Transportation terminals and docks	U	U																	
[8-2.4(f)(15)]	[Residential care homes]	[U]	[U]																	
[8-2.4(f)(16)]	[Adult family group living home]	[U]	[U]																	
[8-2.4(f)(17)] <u>8-2.4(g)(18)</u>	Any other use or structure which the Planning Director finds to be similar in nature to those listed in this Section and appropriate to the District	U	U																	
[8-2.4(g)(1)] <u>8-2.4(h)(1)</u>	Accessory uses and structures																			P
[8-2.4(g)(2)] <u>8-2.4(h)(2)</u>	Apartment hotels																			P
<u>8-2.4(h)(3)</u>	<u>Artisans Markets I & II, Farmers Markets I & II, and event concessions</u>																			P
[8-2.4(g)(3)] <u>8-2.4(h)(4)</u>	Automobile service and storage																			P
[8-2.4(g)(4)] <u>8-2.4(h)(5)</u>	Barber shop and beauty shop																			P
[8-2.4(g)(5)] <u>8-2.4(h)(6)</u>	Commercial recreation																			P
[8-2.4(g)(6)] <u>8-2.4(h)(7)</u>	Developed campgrounds																			P
[8-2.4(g)(7)] <u>8-2.4(h)(8)</u>	Gift shops																			P
[8-2.4(g)(8)] <u>8-2.4(h)(9)</u>	Golf courses																			P
[8-2.4(g)(9)] <u>8-2.4(h)(10)</u>	Home business																			P
[8-2.4(g)(10)] <u>8-2.4(h)(11)</u>	Hotels																			P
[8-2.4(g)(11)] <u>8-2.4(h)(12)</u>	Laundromat																			P
[8-2.4(g)(12)] <u>8-2.4(h)(13)</u>	Libraries																			P
[8-2.4(g)(13)] <u>8-2.4(h)(14)</u>	Motels																			P
[8-2.4(g)(14)] <u>8-2.4(h)(15)</u>	Museums																			P
[8-2.4(g)(15)] <u>8-2.4(h)(16)</u>	Police and fire stations																			P
[8-2.4(g)(16)] <u>8-2.4(h)(17)</u>	Public parks and monuments																			P
[8-2.4(g)(17)] <u>8-2.4(h)(18)</u>	Restaurants and food service																			P
[8-2.4(g)(18)] <u>8-2.4(h)(19)</u>	Retail cleaning outlets																			P
[8-2.4(g)(19)] <u>8-2.4(h)(20)</u>	Retail food and drug shops																			P
[8-2.4(g)(20)]	Shoe repair shops																			P

Table 8-2.4 Table of Uses

Sec.	USE	ZONING DISTRICT																		
		Residential		Commercial Industrial																
		R-1 to R-6	R-10 to R-20	RR	CN	CG	IL	IG	AG	O	UNV									
<u>8-2.4(h)(21)</u>																				
[8-2.4(g)(21)] <u>8-2.4(h)(22)</u>	Single-family detached dwellings			P																
[8-2.4(g)(22)] <u>8-2.4(h)(23)</u>	Transient vacation rentals, provided they are located within the designated Visitor Destination Areas established pursuant to Article 17 of this Chapter. These uses are prohibited in non-VDA areas			P																
[8-2.4(h)(1)] <u>8-2.4(i)(1)</u>	Agriculture			U																
[8-2.4(h)(2)] <u>8-2.4(i)(2)</u>	Automobile sales and repair			U																
[8-2.4(h)(3)] <u>8-2.4(i)(3)</u>	Bars, night clubs and cabaret, not a part of a hotel			U																
[8-2.4(h)(4)] <u>8-2.4(i)(4)</u>	Churches, temples and monasteries			U																
[8-2.4(h)(5)] <u>8-2.4(i)(5)</u>	Day camps			U																
[8-2.4(h)(6)] <u>8-2.4(i)(6)</u>	Employee or construction worker temporary housing			U																
[8-2.4(h)(7)] <u>8-2.4(i)(7)</u>	Marinas, transportation terminals and docks			U																
[8-2.4(h)(8)] <u>8-2.4(i)(8)</u>	Professional offices			U																
[8-2.4(h)(9)] <u>8-2.4(i)(9)</u>	Project development in accordance with Article 10 of this Chapter			U																
[8-2.4(h)(10)] <u>8-2.4(i)(10)</u>	Public utilities and facilities			U																
[8-2.4(h)(11)] <u>8-2.4(i)(11)</u>	Retail manufacturing			U																
[8-2.4(h)(12)] <u>8-2.4(i)(12)</u>	Shopping centers			U																
[8-2.4(h)(13)] <u>8-2.4(i)(13)</u>	Theaters and auditoriums			U																
[8-2.4(h)(14)] <u>8-2.4(i)(14)</u>	Any other use or structure which the Planning Director finds to be similar in nature to those listed in this Section and appropriate to the District			U																
[8-2.4(i)(1)] <u>8-2.4(i)(1)</u>	Accessory uses and structures																			P
[8-2.4(i)(2)] <u>8-2.4(i)(2)</u>	<u>Artisans Markets I & II, Farmers Markets I & II, and event concessions</u>																			P
[8-2.4(i)(2)] <u>8-2.4(i)(3)</u>	Automobile services																			P
[8-2.4(i)(3)] <u>8-2.4(i)(4)</u>	Churches, temples, and monasteries																			P
[8-2.4(i)(4)] <u>8-2.4(i)(5)</u>	Clubs, lodges, and community centers																			P

Table 8-2.4 Table of Uses

Sec.	USE	ZONING DISTRICT											
		Residential		Commercial Industrial									
		R-1 to R- 6	R-10 to R- 20	RR	CN	CG	IL	IG	AG	O	UNV		
<u>[8-2.4(j)(5)]</u> <u>8-2.4(j)(6)</u>	Household services				P								
<u>[8-2.4(j)(6)]</u> <u>8-2.4(j)(7)</u>	Multiple-family dwellings and single-family attached dwellings				P								
<u>[8-2.4(j)(7)]</u> <u>8-2.4(j)(8)</u>	Museums, libraries, and public services				P								
<u>[8-2.4(j)(8)]</u> <u>8-2.4(j)(9)</u>	Personal services, such as barber shops, laundromats, and shoe repair shops				P								
<u>[8-2.4(j)(9)]</u> <u>8-2.4(j)(10)</u>	Professional offices				P								
<u>[8-2.4(j)(10)]</u> <u>8-2.4(j)(11)</u>	Public parks and monuments				P								
<u>[8-2.4(j)(11)]</u> <u>8-2.4(j)(12)</u>	Retail shops and stores				P								
<u>[8-2.4(j)(12)]</u> <u>8-2.4(j)(13)</u>	Restaurants and food services				P								
<u>[8-2.4(j)(13)]</u> <u>8-2.4(j)(14)</u>	Single-family detached dwellings on lots or parcels of no less than 6,000 square feet				P								
<u>[8-2.4(j)(14)]</u> <u>8-2.4(j)(15)</u>	Transient vacation rentals, provided they are located within the designated Visitor Destination Areas established pursuant to Article 17 of this Chapter. These uses are prohibited in non-VDA areas				P								
<u>[8-2.4(k)(1)]</u> <u>8-2.4(k)(1)</u>	Accessory uses and structures						P						
<u>8-2.4(k)(2)</u>	<u>Artisans Markets I & II, Farmers Markets I & II, and event concessions</u>						P						
<u>[8-2.4(j)(2)]</u> <u>8-2.4(k)(3)</u>	Automobile sales, repair, and storage						P						
<u>[8-2.4(j)(3)]</u> <u>8-2.4(k)(4)</u>	Automobile services						P						
<u>[8-2.4(j)(4)]</u> <u>8-2.4(k)(5)</u>	Churches, temples, and monasteries						P						
<u>[8-2.4(j)(5)]</u> <u>8-2.4(k)(6)</u>	Clubs, lodges, and community centers						P						
<u>[8-2.4(j)(6)]</u> <u>8-2.4(k)(7)</u>	Commercial indoor amusement and parks						P						
<u>[8-2.4(j)(7)]</u> <u>8-2.4(k)(8)</u>	Department stores						P						
<u>[8-2.4(j)(8)]</u> <u>8-2.4(k)(9)</u>	Hotels and motels						P						
<u>[8-2.4(j)(9)]</u> <u>8-2.4(k)(10)</u>	Household services						P						
<u>[8-2.4(j)(10)]</u> <u>8-2.4(k)(11)</u>	Light manufacturing, such as handicrafts and garment fabrication						P						
<u>[8-2.4(j)(11)]</u> <u>8-2.4(k)(12)</u>	Minor food processing, such as cracked seeds, jellies, candies, and ice cream						P						
<u>[8-2.4(j)(12)]</u> <u>8-2.4(k)(13)</u>	Museums, libraries, and public services						P						

Table 8-2.4 Table of Uses

Sec.	USE	ZONING DISTRICT																		
		Residential		Commercial			Industrial													
		R-1 to R-6	R-10 to R-20	RR	CN	CG	IL	IG	AG	O	UNV									
<u>[8-2.4(j)(13)]</u> <u>8-2.4(k)(14)</u>	Offices and professional buildings					P														
<u>[8-2.4(j)(14)]</u> <u>8-2.4(k)(15)</u>	Parking garages					P														
<u>[8-2.4(j)(15)]</u> <u>8-2.4(k)(16)</u>	Personal services					P														
<u>[8-2.4(j)(16)]</u> <u>8-2.4(k)(17)</u>	Public offices and buildings					P														
<u>[8-2.4(j)(17)]</u> <u>8-2.4(k)(18)</u>	Public parks and monuments					P														
<u>[8-2.4(j)(18)]</u> <u>8-2.4(k)(19)</u>	Research and development					P														
<u>[8-2.4(j)(19)]</u> <u>8-2.4(k)(20)</u>	Residential dwellings, detached, attached, or multi-family dwellings					P														
<u>[8-2.4(j)(20)]</u> <u>8-2.4(k)(21)</u>	Restaurants and food services					P														
<u>[8-2.4(j)(21)]</u> <u>8-2.4(k)(22)</u>	Retail sales					P														
<u>[8-2.4(j)(22)]</u> <u>8-2.4(k)(23)</u>	Supermarkets and shopping centers					P														
<u>[8-2.4(j)(23)]</u> <u>8-2.4(k)(24)</u>	Transient vacation rentals, provided they are located within the designated Visitor Destination Areas established pursuant to Article 17 of this Chapter. These uses are prohibited in non-VDA areas					P														
<u>[8-2.4(j)(24)]</u> <u>8-2.4(k)(25)</u>	Transportation terminals and docks					P														
<u>[8-2.4(j)(25)]</u> <u>8-2.4(k)(26)</u>	Warehouses					P														
<u>[8-2.4(j)(26)]</u> <u>8-2.4(k)(27)</u>	Wholesale outlets					P														
<u>[8-2.4(k)(1)]</u> <u>8-2.4(l)(1)</u>	Animal hospitals				U															
<u>[8-2.4(k)(2)]</u> <u>8-2.4(l)(2)</u>	Automobile sales, repair, and storage				U															
<u>[8-2.4(k)(3)]</u> <u>8-2.4(l)(3)</u>	Botanical and zoological gardens				U															
<u>[8-2.4(k)(4)]</u> <u>8-2.4(l)(4)</u>	Communications facilities				U															
<u>[8-2.4(k)(5)]</u> <u>8-2.4(l)(5)</u>	Construction materials storage				U															
<u>[8-2.4(k)(6)]</u> <u>8-2.4(l)(6)</u>	Diversified agriculture				U															
<u>[8-2.4(k)(7)]</u> <u>8-2.4(l)(7)</u>	Food processing and packaging				U															
<u>[8-2.4(k)(8)]</u> <u>8-2.4(l)(8)</u>	Light manufacturing				U															
<u>[8-2.4(k)(9)]</u> <u>8-2.4(l)(9)</u>	Private and public utilities and facilities				U															

Table 8-2.4 Table of Uses

Sec.	USE	ZONING DISTRICT												
		Residential		Commercial Industrial										
		R-1 to R- 6	R-10 to R- 20	RR	CN	CG	IL	IG	AG	O	UNV			
[8-2.4(k)(10)] <u>8-2.4(l)(10)</u>	Project development in accordance with Article 10 of this Chapter				U									
[8-2.4(k)(11)] <u>8-2.4(l)(11)</u>	Research and development				U									
[8-2.4(k)(12)] <u>8-2.4(l)(12)</u>	Schools and day care centers				U									
[8-2.4(k)(13)] <u>8-2.4(l)(13)</u>	Warehouses				U									
[8-2.4(k)(14)] <u>8-2.4(l)(14)</u>	Any other use or structure which the Planning Director finds to be similar in nature to those listed in this Section and appropriate to the District				U									
[8-2.4(l)(1)] <u>8-2.4(m)(1)</u>	Animal hospitals								U					
[8-2.4(l)(2)] <u>8-2.4(m)(2)</u>	Bars								U					
[8-2.4(l)(3)] <u>8-2.4(m)(3)</u>	Botanical and zoological gardens								U					
[8-2.4(l)(4)] <u>8-2.4(m)(4)</u>	Commercial outdoor amusement								U					
[8-2.4(l)(5)] <u>8-2.4(m)(5)</u>	Communications facilities								U					
[8-2.4(l)(6)] <u>8-2.4(m)(6)</u>	Construction materials storage								U					
[8-2.4(l)(7)] <u>8-2.4(m)(7)</u>	Diversified agriculture								U					
[8-2.4(l)(8)] <u>8-2.4(m)(8)</u>	Food processing and packaging								U					
[8-2.4(l)(9)] <u>8-2.4(m)(9)</u>	Nightclubs and cabarets								U					
[8-2.4(l)(10)] <u>8-2.4(m)(10)</u>	Private and public utilities and facilities								U					
[8-2.4(l)(11)] <u>8-2.4(m)(11)</u>	Project development in accordance with Article 10 of this Chapter								U					
[8-2.4(l)(12)] <u>8-2.4(m)(12)</u>	Schools and day care centers								U					
[8-2.4(l)(13)] <u>8-2.4(m)(13)</u>	Any other use or structure which the Planning Director finds to be similar in nature to those listed in this Section and appropriate to the District								U					
[8-2.4(m)(1)] <u>8-2.4(n)(1)</u>	Accessory uses and structures												P	
[8-2.4(m)(2)] <u>8-2.4(n)(2)</u>	Animal hospitals												P	
<u>8-2.4(n)(3)</u>	<u>Artisans Markets I & II, Farmers Markets I & II, and event concessions</u>												P	
[8-2.4(m)(3)] <u>8-2.4(n)(4)</u>	Automobile services, sales, repair, and storage												P	
[8-2.4(m)(4)]	Cemeteries, mortuaries and crematoriums												P	

Table 8-2.4 Table of Uses

Sec.	USE	ZONING DISTRICT																		
		Residential		Commercial			Industrial													
		R-1 to R- 6	R-10 to R- 20	RR	CN	CG	IL	IG	AG	O	UNV									
<u>8-2.4(o)(13)</u>																				
[8-2.4(n)(13)] <u>8-2.4(o)(14)</u>	Mineral processing																			P
[8-2.4(n)(14)] <u>8-2.4(o)(15)</u>	Private and public utilities and facilities																			P
[8-2.4(n)(15)] <u>8-2.4(o)(16)</u>	Public parks and monuments																			P
[8-2.4(n)(16)] <u>8-2.4(o)(17)</u>	Restaurants, bars, and food services																			P
[8-2.4(n)(17)] <u>8-2.4(o)(18)</u>	Research and development																			P
[8-2.4(n)(18)] <u>8-2.4(o)(19)</u>	Retail sales																			P
[8-2.4(n)(19)] <u>8-2.4(o)(20)</u>	Transportation terminals and docks																			P
[8-2.4(n)(20)] <u>8-2.4(o)(21)</u>	Warehouses																			P
[8-2.4(o)(1)] <u>8-2.4(p)(1)</u>	Botanic and zoologic gardens																			U
[8-2.4(o)(2)] <u>8-2.4(p)(2)</u>	Commercial recreation and parks																			U
[8-2.4(o)(3)] <u>8-2.4(p)(3)</u>	Construction materials manufacturing																			U
[8-2.4(o)(4)] <u>8-2.4(p)(4)</u>	Diversified agriculture																			U
[8-2.4(o)(5)] <u>8-2.4(p)(5)</u>	Factories																			U
[8-2.4(o)(6)] <u>8-2.4(p)(6)</u>	Junk yards and dumps																			U
[8-2.4(o)(7)] <u>8-2.4(p)(7)</u>	Livestock and poultry yards																			U
[8-2.4(o)(8)] <u>8-2.4(p)(8)</u>	Museums, libraries, and public services																			U
[8-2.4(o)(9)] <u>8-2.4(p)(9)</u>	Office and professional buildings																			U
[8-2.4(o)(10)] <u>8-2.4(p)(10)</u>	Project development in accordance with Article 10 of this Chapter																			U
[8-2.4(o)(11)] <u>8-2.4(p)(11)</u>	Single-family dwellings																			U
[8-2.4(o)(12)] <u>8-2.4(p)(12)</u>	Any other use or structure which the Planning Director finds to be similar in nature to those listed in this Section and appropriate to the District																			U
[8-2.4(p)(1)] <u>8-2.4(q)(1)</u>	Commercial recreation and parks																			U
[8-2.4(p)(2)] <u>8-2.4(q)(2)</u>	Diversified agriculture																			U
[8-2.4(p)(3)] <u>8-2.4(q)(3)</u>	Inflammable or noxious chemical processing or storage																			U

Table 8-2.4 Table of Uses

Sec.	USE	ZONING DISTRICT																			
		Residential		Commercial						Industrial											
		R-1 to R-6	R-10 to R-20	RR	CN	CG	IL	IG	AG	O	UNV										
<u>[8-2.4(p)(4)]</u> <u>8-2.4(q)(4)</u>	Junk yards and dumps									U											
<u>[8-2.4(p)(5)]</u> <u>8-2.4(q)(5)</u>	Livestock and poultry yards and piggeries											U									
<u>[8-2.4(p)(6)]</u> <u>8-2.4(q)(6)</u>	Museums, libraries, and public services											U									
<u>[8-2.4(p)(7)]</u> <u>8-2.4(q)(7)</u>	Office and professional buildings											U									
<u>[8-2.4(p)(8)]</u> <u>8-2.4(q)(8)</u>	Project development in accordance with Article 10 of this Chapter											U									
<u>[8-2.4(p)(9)]</u> <u>8-2.4(q)(9)</u>	Stockyards											U									
<u>[8-2.4(p)(10)]</u> <u>8-2.4(q)(10)</u>	Any other use or structure which the Planning Director finds to be similar in nature to those listed in this Section and appropriate to the District											U									
<u>[8-2.4(q)(1)]</u> <u>8-2.4(r)(1)</u>	Accessory structures and uses																				P
<u>[8-2.4(q)(2)]</u> <u>8-2.4(r)(2)</u>	Agriculture, Diversified and Specialized; and Nurseries																				P
<u>[8-2.4(q)(3)]</u> <u>8-2.4(r)(3)</u>	Agriculture retail stand																				P2
<u>[8-2.4(q)(4)]</u> <u>8-2.4(r)(4)</u>	Aquaculture																				P
<u>[8-2.4(q)(5)]</u> <u>8-2.4(r)(5)</u>	Diversified agriculture																				P
<u>[8-2.4(q)(6)]</u> <u>8-2.4(r)(6)</u>	Farm Dwelling																				P
<u>[8-2.4(q)(7)]</u> <u>8-2.4(r)(7)</u>	Food processing and packaging of agriculture products																				P2
<u>[8-2.4(q)(8)]</u> <u>8-2.4(r)(8)</u>	Forestry																				P
<u>[8-2.4(q)(9)]</u> <u>8-2.4(r)(9)</u>	Historic sites																				P
<u>[8-2.4(q)(10)]</u> <u>8-2.4(r)(10)</u>	Intensive agriculture																				P
<u>[8-2.4(q)(11)]</u> <u>8-2.4(r)(11)</u>	Livestock and grazing																				P
<u>[8-2.4(q)(12)]</u> <u>8-2.4(r)(12)</u>	Orchards																				P
<u>[8-2.4(q)(13)]</u> <u>8-2.4(r)(13)</u>	Outdoor recreation																				P
<u>[8-2.4(q)(14)]</u> <u>8-2.4(r)(14)</u>	Pet keeping and raising, except as provided in Sec. 8-2.4(r)(12)																				P
<u>[8-2.4(q)(15)]</u> <u>8-2.4(r)(15)</u>	Piggery, except as provided in Sec. [8-2.4(r)(13)] <u>8-2.4(s)(12)</u>																				P
<u>[8-2.4(q)(16)]</u> <u>8-2.4(r)(16)</u>	Poultry Raising, except as provided in Sec. [8-2.4(r)(14)] <u>8-2.4(s)(13)</u>																				P
<u>[8-2.4(q)(17)]</u>	Public parks and monuments																				P

Table 8-2.4 Table of Uses

		ZONING DISTRICT										
Sec.	USE	Residential		Commercial				Industrial				
		R-1 to R-6	R-10 to R-20	RR	CN	CG	IL	IG	AG	O	UNV	
<u>8-2.4(r)(17)</u>												
[8-2.4(q)(18)] <u>8-2.4(r)(18)</u>	Resource management											P
[8-2.4(q)(19)] <u>8-2.4(r)(19)</u>	Single-family attached and detached dwellings											P
[8-2.4(q)(20)] <u>8-2.4(r)(20)</u>	Solar energy facilities placed within land with soil classified by the State of Hawai'i Land Study Bureau's detailed land classification as overall (master) productivity rating B, C, D, or E; those facilities placed within land with soil classified as overall productivity rating class B and C shall not occupy more than 10% of the acreage of the parcel, or 20 acres of land, whichever is less											P
[8-2.4(q)(21)] <u>8-2.4(r)(21)</u>	Undeveloped campgrounds											P
[8-2.4(q)(22)] <u>8-2.4(r)(22)</u>	Warehousing, storage, and packing of plant products											P
[8-2.4(q)(23)] <u>8-2.4(r)(23)</u>	Wildlife management											P
[8-2.4(r)(1)] <u>8-2.4(s)(1)</u>	Animal hospitals											U
[8-2.4(r)(2)] <u>8-2.4(s)(2)</u>	Botanical and Zoological gardens											U
[8-2.4(r)(3)] <u>8-2.4(s)(3)</u>	Cemeteries											U
[8-2.4(r)(4)] <u>8-2.4(s)(4)</u>	Churches, temples, and monasteries											U
[8-2.4(r)(5)] <u>8-2.4(s)(5)</u>	Commercial Recreation											U
[8-2.4(r)(6)] <u>8-2.4(s)(6)</u>	Construction and worker temporary housing											U
[8-2.4(r)(7)] <u>8-2.4(s)(7)</u>	Educational Campgrounds											U
[8-2.4(r)(8)] <u>8-2.4(s)(8)</u>	Farm worker housing											U
[8-2.4(r)(9)]	[Farmers Markets]											[U]
[8-2.4(r)(10)] <u>8-2.4(s)(9)</u>	Golf courses											U
[8-2.4(r)(11)] <u>8-2.4(s)(10)</u>	Mineral extraction and quarries											U
[8-2.4(r)(12)] <u>8-2.4(s)(11)</u>	Pet keeping and raising proposed within 500 feet of any Residential District											U
[8-2.4(r)(13)] <u>8-2.4(s)(12)</u>	Piggery, when to be located within 3,000 feet of any Use District											U
[8-2.4(r)(14)] <u>8-2.4(s)(13)</u>	Poultry Raising, when to be located within 3,000 feet of any Use District											U
[8-2.4(r)(15)] <u>8-2.4(s)(14)</u>	Private and public utilities facilities											U

Table 8-2.4 Table of Uses

Sec.	USE	ZONING DISTRICT										
		Residential		Commercial			Industrial					
		R-1 to R-6	R-10 to R-20	RR	CN	CG	IL	IG	AG	O	UNV	
[8-2.4(r)(16)] <u>8-2.4(s)(15)</u>	Restaurants and food services										U2	
[8-2.4(r)(17)] <u>8-2.4(s)(16)</u>	Retail Sales										U	
[8-2.4(r)(18)] <u>8-2.4(s)(17)</u>	Schools and day care centers										U	
[8-2.4(r)(19)] <u>8-2.4(s)(18)</u>	Transportation terminals										U	
[8-2.4(r)(20)] <u>8-2.4(s)(19)</u>	Any other use or structure which the Planning Director finds to be similar in nature to those listed in this Section and appropriate to the District											
[8-2.4(s)(1)] <u>8-2.4(t)(1)</u>	Accessory uses and structures											P
<u>8-2.4(t)(2)</u>	<u>Artisans Markets I, Farmers Markets I, and event concessions</u>											P
[8-2.4(s)(2)] <u>8-2.4(t)(3)</u>	Day-use areas											P
[8-2.4(s)(3)] <u>8-2.4(t)(4)</u>	Diversified agriculture											P
[8-2.4(s)(4)] <u>8-2.4(t)(5)</u>	Livestock and grazing, except as provided in Sec. 8-2.4(t)(6)											P
[8-2.4(s)(5)] <u>8-2.4(t)(6)</u>	Outdoor recreation											P
[8-2.4(s)(6)] <u>8-2.4(t)(7)</u>	Parks and monuments											P
[8-2.4(s)(7)] <u>8-2.4(t)(8)</u>	Private recreation areas											P
[8-2.4(s)(8)] <u>8-2.4(t)(9)</u>	Resource management											P
[8-2.4(s)(9)] <u>8-2.4(t)(10)</u>	Single-family detached dwellings											P
[8-2.4(s)(10)] <u>8-2.4(t)(11)</u>	Undeveloped campgrounds											P
<u>8-2.4(u)(1)</u>	<u>Artisans Markets II and Farmers Markets II</u>											U
[8-2.4(t)(1)] <u>8-2.4(u)(2)</u>	Communications facilities											U
[8-2.4(t)(2)] <u>8-2.4(u)(3)</u>	Day care centers											U
[8-2.4(t)(3)] <u>8-2.4(u)(4)</u>	Educational Campgrounds											U3
[8-2.4(t)(4)] <u>8-2.4(u)(5)</u>	Home businesses											U
[8-2.4(t)(5)] <u>8-2.4(u)(6)</u>	Intensive agriculture											U
[8-2.4(t)(6)] <u>8-2.4(u)(7)</u>	Livestock and grazing within the Urban District as established by the State Land Use Commission											U

Table 8-2.4 Table of Uses

Sec.	USE	ZONING DISTRICT										
		Residential		Commercial			Industrial					
		R-1 to R-6	R-10 to R-20	RR	CN	CG	IL	IG	AG	O	UNV	
<u>8-2.4(t)(7)</u> <u>8-2.4(u)(8)</u>	Outdoor recreation concessions											U
<u>8-2.4(t)(8)</u> <u>8-2.4(u)(9)</u>	Police and fire facilities											U
<u>8-2.4(t)(9)</u> <u>8-2.4(u)(10)</u>	Quarries											U
<u>8-2.4(t)(10)</u> <u>8-2.4(u)(11)</u>	Recreation vehicle parks											U
<u>8-2.4(t)(11)</u> <u>8-2.4(u)(12)</u>	Religious facilities											U
<u>8-2.4(t)(12)</u> <u>8-2.4(u)(13)</u>	Utility installations											U
<u>8-2.4(t)(13)</u> <u>8-2.4(u)(14)</u>	Any other use or structure which the Planning Director finds to be similar in nature to those listed in this Section and appropriate to the District											U
<u>8-2.4(u)(1)</u> <u>8-2.4(v)(1)</u>	Homestay											
<u>8-2.4(u)(2)</u> <u>8-2.4(v)(2)</u>	Homestay located in the Visitor Destination Area (VDA), pursuant to Article 18 of this Chapter	P	P	P	P	P						
<u>8-2.4(w)(1)</u>	<u>Accessory structures and uses</u>											P
<u>8-2.4(w)(2)</u>	<u>Artisans Markets I & II, Farmers Markets I & II, and event concessions</u>											P
<u>8-2.4(w)(3)</u>	<u>Botanical and zoological gardens</u>											P
<u>8-2.4(w)(4)</u>	<u>Diversified and specialized agriculture, orchards, nurseries, and related structures</u>											P
<u>8-2.4(w)(5)</u>	<u>Dormitories, residence halls, faculty multifamily rental housing, guest and boarding houses</u>											P
<u>8-2.4(v)(1)</u>	[Offices, classrooms, lecture halls, laboratories, and education buildings]											[P]
<u>8-2.4(v)(2)</u> <u>8-2.4(w)(6)</u>	Food service, cafeteria, and dining commons											P
<u>8-2.4(w)(7)</u>	<u>Gymnasiums, indoor recreational centers, and sports facilities under 3,000 attendees</u>											P
<u>8-2.4(v)(3)</u>	[School and day care centers]											[P]
<u>8-2.4(v)(4)</u> <u>8-2.4(w)(8)</u>	Museums and libraries											P
<u>8-2.4(w)(9)</u>	<u>Offices, classrooms, lecture halls, laboratories, and education buildings</u>											P
<u>8-2.4(v)(5)</u> <u>8-2.4(w)(10)</u>	Restaurants and snack shops											P
<u>8-2.4(v)(6)</u> <u>8-2.4(w)(11)</u>	Retail sales											P
<u>8-2.4(w)(12)</u>	<u>School and day care centers</u>											P
<u>8-2.4(w)(13)</u>	<u>Solar energy facilities</u>											P
<u>8-2.4(v)(7)</u> <u>8-2.4(w)(14)</u>	Transportation terminals											P

Table 8-2.4 Table of Uses

Sec.	USE	ZONING DISTRICT										
		Residential		Commercial Industrial								
		R-1 to R-6	R-10 to R-20	RR	CN	CG	IL	IG	AG	O	UNV	
[8-2.4(v)(8)]	[Solar energy facilities]											[P]
[8-2.4(v)(9)]	[Botanical and zoological gardens]											[P]
[8-2.4(v)(10)]	[Diversified and specialized agriculture, orchards, nurseries, and related structures]											[P]
[8-2.4(v)(11)]	[Accessory structures and uses]											[P]
[8-2.4(v)(12)]	[Dormitories, residence halls, faculty multifamily rental housing, guest and boarding houses]											[P]
[8-2.4(v)(13)]	[Gymnasiums, indoor recreational centers, and sports facilities under 3,000 attendees]											[P]
<u>8-2.4(x)(1)</u>	<u>Bars</u>											<u>U</u>
[8-2.4(w)(1)]	Gymnasiums, indoor recreational centers, and sports facilities with 3,000 attendees or greater											U
<u>8-2.4(x)(2)</u>												
<u>8-2.4(x)(3)</u>	<u>Medical and nursing facilities</u>											<u>U</u>
[8-2.4(w)(2)]	Multiple-family dwellings and single-family dwellings											U
<u>8-2.4(x)(4)</u>												
[8-2.4(w)(3)]	[Medical and nursing facilities]											[U]
[8-2.4(w)(4)]	Police and fire stations											U
<u>8-2.4(x)(5)</u>												
[8-2.4(w)(5)]	[Bars]											[U]
[8-2.4(w)(6)]	Private and public utilities and facilities, other than maintenance and storage of equipment, materials, and vehicles											U
<u>8-2.4(x)(6)</u>												
[8-2.4(w)(7)]	Any other use or structure which the Planning Director finds to be similar in nature to those listed in this Section and appropriate to the District											U
<u>8-2.4(x)(7)</u>												

”

SECTION 4. Chapter 8, Section 8-29.5 (Permits Required), Kaua'i County Code 1987, as amended, is hereby amended by amending Subsection 8-29.5(a) to read as follows:

“(a) Class I Permit. A Class I Permit shall be obtained for construction or development that consists of a use and accompanying structure(s) listed as generally permitted under [Section 8-2.4(v), Section 8-2.4(w)], and that:

- (1) The parcel is not located in a Constraint District or Special Treatment District; and/or
- (2) The construction or development does not require a Use Permit or a Variance Permit.”

SECTION 5. Chapter 8, Section 8-6.3 (Development Standards for Commercial Development), Kaua'i County Code 1987, as amended, is hereby amended by amending Subsection 8-6.3(e) to read as follows:

“(e) Driveways and Parking Areas. Driveways and parking areas shall be as follows:

(1) The minimum driveway width in Commercial Districts shall be 20 feet if there is two-way traffic and 14 feet if there is one-way traffic.

(2) Parking areas shall conform to standards of design and construction established by the County Engineer, provided that:

(A) No parking lot pavement edge may be located closer than five feet from the right-of-way line of a public street;

(B) No part of parked vehicles shall protrude into that setback;

(C) All parking lots shall be screened from public thoroughfares by a fence, wall or plant screen not less than four feet high, provided that the screening height shall be lowered to the standards as required under the County Traffic Code or to the standards of the Department of Public Works, at street corners, driveway intersections, and other locations. The setback area between the parking area paving and the public right-of-way shall be planted and shall not be paved.

(3) Off-Street Parking. The following requirements shall apply to commercial development in the Commercial District and any other district in which such uses are permitted or allowed:

(A) General retail sales and services where sales or business transactions normally involve the presence of consumers but do not establish capacity by seating: one parking space for each 300 square feet of gross floor space plus one space for every three employees, but not less than four spaces shall be required. This category includes, but is not limited to, grocery stores, drug stores, clothing stores, gift and sundry stores, banks, personal and household services.

(B) Retail sales and services where the capacity is established by seating: one parking space for each 200 square feet of gross floor space plus one space for every three employees, but not less than four spaces shall be required. This category includes, but is not limited to, restaurants, bars, cabarets, barber and beauty shops.

(C) Offices and office buildings: one parking space for every 200 square feet of net office space and waiting rooms or other spaces used by the public for the transaction of business or services, but not less than two parking spaces shall be required. This category includes, but is not limited to, general business offices, medical and dental offices.

(D) Churches, sport arenas, auditoriums, theaters, assembly halls and the like: one parking space for each eight seats in principal assembly room.

(E) Artisans Markets I & II and Farmers Markets I & II: one (1) parking space for every 1,000 square feet of market area. These designated off-street artisans and farmers market parking spaces can be provided by unmarked grass or gravel areas with the equivalent size to accommodate the respective required parking spaces.

(F) The Planning Director shall determine the distribution of requirements for any particular use or combination of uses and may increase parking requirements when particular uses or locations occur in areas where unusual traffic congestion or conditions exist or are projected.

~~(F)~~ (G) In cases where the provision of off-street parking to meet these requirements is not feasibly consistent with the parcel size or location, the applicant may be allowed to meet these requirements at any other location within 200 feet of the parcel where the use is proposed, provided that the requisite number of parking spaces at the location are under the control of the applicant and are devoted exclusively to parking uses in connection with the commercial development for which the application is made; and provided further, that a recorded easement or other interest is created in the land at the other location that assures permanent use of the other location for parking purposes.”

SECTION 6. The requirements of Chapter 20, Article 5 (Revocable Permits), and Chapter 23, Article 3 (Peddlers and Concessionaires), Kaua'i County Code 1987, as amended, apply to the new uses established by this Ordinance.

SECTION 7. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 8. Ordinance material to be repealed is bracketed. New Ordinance material is underscored. When revising, compiling, or printing this Ordinance for inclusion in the Kaua'i County Code 1987, as amended, the brackets, bracketed material, and underscoring shall not be included.

SECTION 9. This Ordinance shall take effect upon its approval.

Introduced by:



ARRYL KANESHIRO



FERN HOLLAND

DATE OF INTRODUCTION:

Līhu'e, Kaua'i, Hawai'i

V:\BILLS\2024-2026 TERM\Commercial Use of State and County Parks and Quasi Public Facilities

JA_dmc.doc

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



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

TRANSMITTAL OF AGENCY COMMENTS TO
PLANNING COMMISSION

DATE: **March 4, 2025**

PERMIT NUMBER(S): **ZA-2025-7**

APPLICANT(S): **Kauai County Council**

Attached for the Planning Commission's reference is agency comments pertaining to the permit application referenced above.

F.4.i.2.
March 11, 2025



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

FROM: Kaaina S. Hull, Director

Planner: Alisha Summers

2/4/2025

SUBJECT: Zoning Amendment ZA-2025-7

Applicant: Kauai County Council

A bill (2942) for an ordinance amending Chapter 8, Kaua'i County Code 1987, as amended, relating to the Comprehensive Zoning Ordinance (CZO). The purpose of this Ordinance is to permit farmers and artisans markets within State and County park areas and to introduce new definitions in Section 8-1.5 of the CZO to recognize this type of activity.

TO:

- | | |
|--|--|
| <input checked="" type="checkbox"/> State Department of Transportation - STP | <input checked="" type="checkbox"/> County DPW - Engineering |
| <input checked="" type="checkbox"/> State DOT - Highways, Kauai (info only) | <input 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 type="checkbox"/> U.S. Postal Department |
| <input type="checkbox"/> State DLNR - Conservation & Coastal Lands | <input checked="" type="checkbox"/> UH Sea Grant |
| <input type="checkbox"/> Office of Hawaiian Affairs | <input type="checkbox"/> Other: |

FOR YOUR COMMENTS (pertaining to your department)

2.10.2025

CTA HAS NO FURTHER COMMENT
ON BILL 2942.

MAHALO!

RECEIVED

FEB - 5 2025

County of Kauai
Transportation Agency

This matter is scheduled for a public hearing before the County of Kauai Planning Commission on 3/11/2025 at the Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Kauai, at 9:00 am or soon thereafter. If we do not receive your agency comments within one (1) month from the date of this request, we will assume that there are no objections to this permit request. Mahalo!



FEB 19 '25 PM 12:27
PLANNING DEPT

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

FROM: Kaaina S. Hull, Director

Planner: Alisha Summers

2/4/2025

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TO:

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- State DOT - Highways, Kauai (info only)
- State DOT - Airports, Kauai (info only)
- State DOT - Harbors, Kauai (info only)
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- State DLNR - Conservation & Coastal Lands
- Office of Hawaiian Affairs

- County DPW - Engineering
- County DPW - Wastewater
- County DPW - Building
- County DPW - Solid Waste
- County Department of Parks & Recreation
- County Fire Department
- County Housing Agency
- County Economic Development
- County Water Department
- County Civil Defense
- County Transportation Agency
- KHPRC
- U.S. Postal Department
- UH Sea Grant
- Other:

FOR YOUR COMMENTS (pertaining to your department)

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

DATE: Feb 13, 2025

TO: To whom it may concern

FROM: Ellis Jones
District Environmental Health Program Chief

SUBJECT: RESPONSE_Kauai County Council_ZA-2025-7

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

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

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

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

Clean Air Branch

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

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

Clean Water Branch

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

Hazard Evaluation & Emergency Response Office

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

Indoor and Radiological Health Branch

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

Safe Drinking Water Branch

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

Solid & Hazardous Waste Branch

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

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

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

Wastewater Branch

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

Sanitation / Local DOH Comments:

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

Other

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

Ellis Jones

Ellis Jones

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

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



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

SUPPLEMENTAL #1 TO PLANNING DIRECTOR'S REPORT

I. SUMMARY:

Action Required by Planning Commission:	Consideration for an Ordinance to amend Chapter 8 (Comprehensive Zoning Ordinance), Kaua'i County Code 1987, as amended, relating to commercial use of parks facilities
Permit Application No.:	Zoning Amendment ZA-2025-7
Name of Applicant(s)	KAUA'I COUNTY COUNCIL

II. ADDITIONAL FINDINGS

During the evaluation and analysis of the proposed bill (No. 2942), which aims to allow for farmers and artisans markets within State and County park areas, as well as on quasi-public lands, and to permit event concessions associated with park events within County and State park areas, it became clear that there are opportunities to strengthen the proposed legislation. The following considerations should be addressed:

Relating to "Event Concessions"

- SECTION 1 of the proposed bill states that the Council finds it appropriate to allow commercial concessions associated with park events, such as athletic games, fairs, and concerts, within State and County park areas, as well as on quasi-public land. However, the current definition of "Event Concessions" only specifies designated State or County park facilities as the permitted locations, resulting in confusion as to the bill's intent of the applicable locations where event concessions may take place.
- While the proposed bill currently authorizes event concessions within designated State and County park facilities, it is important to evaluate the potential for extending these allowances to other appropriate venues. School facilities, for instance, frequently host community events, including fairs and athletic games, where concessions such as food, beverages, tickets, and event-related merchandise may be necessary. Expanding the bill's provisions to include school facilities could enhance event accessibility and enrich community gatherings.
- The proposed bill defines "Event Concessions" as the commercial sale of food, beverages, and event-related promotional materials. However, ticket sales are a fundamental component of many events and should be explicitly included within this definition.

Without this clarification, certain events—such as fairs or athletic games—may face operational challenges or be unable to proceed.

Relating to the definition of “Quasi-Public”

- The proposed bill currently defines “quasi-public” land as “land available for a use that satisfies a public purpose, although under private ownership or control.” However, it is important to note that the Farmers Market I & II and the Artisans Market I & II currently place the responsibility on the County of Kaua’i Director of Parks and Recreation and the Planning Director to determine whether a quasi-public site is comparable to a County park facility.

Given the broad language of the current definition, it is possible for a site to be argued as satisfying a public purpose while being under private ownership, even if its primary function is commercial rather than serving a genuine public benefit. This ambiguity places the burden on County directors to assess the appropriateness of a location without clear criteria, potentially leading to inconsistencies in decision-making.

Relating to the definitions of “Farmers Market I” and “Farmers Market II”

- It is important to consider whether farmers markets should prioritize the sale of locally produced agricultural goods to better support the County’s agricultural industry. As currently written, the bill permits the sale of agricultural products, baked goods, dairy products, and delicatessen items without specifying that these items must be sourced from within the County. This could result in the sale of products made primarily from off-island or out-of-state ingredients, limiting the benefits to local farmers and producers. Without a requirement for products to be Kaua’i-grown, farmers markets risk functioning more like grocery stores, where imported goods compete with local produce rather than prioritizing regional food sustainability.
- The types of products allowed for sale under this bill should be carefully evaluated.
 - If a requirement is introduced to prioritize County-sourced ingredients, certain products—such as baked goods and delicatessen items—would likely be unable to meet this standard due to the necessity of sourcing some ingredients from outside Kaua’i.
 - Some processed or modified agricultural goods, such as jams or smoked fish, may contain a majority of Kaua’i- or Hawai’i-grown ingredients but undergo processing beyond their raw form. These types of products may be more appropriate for inclusion in the farmers market definition compared to baked goods and delicatessen items, which rely heavily on non-local ingredients, and invite a broader range of locally sourced products that may be included.
 - The bill’s current definition of “agricultural products” does not explicitly include caught or harvested seafood, such as fish, limu (seaweed) and other marine products. Given Kaua’i’s strong ties to ocean-based food sources, expanding the definition to include seafood should be considered to ensure a more comprehensive representation of local products.
 - Given the diverse range of products that may be sold at farmers markets, it may be beneficial to explicitly define product categories, such as dairy products and

aquaculture products, to ensure clarity, consistency, and regulatory compliance in determining which items are permissible for sale at the Farmers Markets.

Relating to the definitions of “Agricultural products”

- Farmers markets provide a valuable opportunity to support local farmers by offering a direct platform for the sale of Kauaʻi-grown produce. However, the current definition of “Agricultural Products” does not specify that these products must be sourced or grown on Kauaʻi. As a result, the bill, as written, allows for the sale of products originating from outside the island or even out of state, which may limit the intended economic and agricultural benefits for local farmers.

Relating to the definitions of “Artisans Market I” and “Artisans Market II”

The current definition of artisans market explicitly specifies the sale of handcrafted items such as such as artwork, jewelry, furniture, sculpture, pottery, leathercraft, and hand-woven articles. However, there are several aspects of this definition that could be refined to ensure clarity, inclusivity, and alignment with the realities of small artisan businesses.

- The existing definition does not explicitly include wood crafts from woodworking or photography, despite these being common artisan products sold at markets. Adding these categories would help clarify the range of crafts allowed.
- Some artisan products are designed using technology rather than being traditionally handcrafted. It may be beneficial to broaden the definition to include products designed by the artisan, rather than restricting it solely to handcrafted goods.
- The proposed bill requires that the artisan must be physically present at their stall or sale area, but it does not clearly define what qualifies someone as an "artisan." Providing a clear definition would help ensure regulatory consistency.
- Requiring the artisan to be present at the stall may pose challenges for small businesses that rely on business representatives or family members to staff their booths. Furthermore, many small artisans seek to expand their reach or focus on creating their products rather than direct sales. However, to prevent larger businesses from exploiting this flexibility, any allowances should include provisions that prioritize small, independent artisans rather than mass-produced goods sold by business representatives.
- Certain food products, such as baked goods or specialty culinary dishes, involve artistic craftsmanship and design. While these products may not always be made with locally sourced ingredients, their creative and artisanal nature could justify their inclusion in the definition of artisan products.
- The sale of vintage Hawaiian clothing and other historic items is a popular and culturally significant small business sector. Unlike handcrafted goods, vintage items are curated rather than manipulated or altered, requiring a different classification. Given their role in

preserving Hawaiian culture and history, it may be appropriate to explicitly include them in the list of permitted artisan market items.

Relating to the Table of Uses

- The originally proposed bill maintains the requirement for a Use Permit for Farmers Markets, Artisan Markets, and event concessions on agriculturally zoned lands. While this requirement may be appropriate for Artisan Markets, which primarily serve a retail function, it could create unnecessary barriers for local farmers seeking to participate in markets that directly support agricultural activity. Additionally, event concessions that showcase agricultural practices, such as food festivals or rodeos, would also be restricted from occurring on agriculturally zoned lands, limiting opportunities to promote and celebrate local agriculture.
- The originally proposed bill permits Artisan Market I, Farmers Market I, and event concessions to operate within the Open District. However, it does not explicitly prohibit Artisan Markets from occurring within the State Land Use District (SLUD) Agricultural District, where such activities may be inappropriate.

III. EVALUATION

The following section reviews the proposed amendments to the initially drafted bill. Sections highlighted in yellow reflect changes made to the original bill's language.

Relating to "Event Concessions"

- *Consistency in the Designation of Event Concession Areas*
To ensure clarity and consistency, Section 1 in the proposed bill should align with the designated locations where such concessions are permitted, as outlined in the definition of event concessions. County and State park facilities are publicly owned and managed spaces, specifically designated for recreation and community events. These locations are well-suited for event concessions that support these activities, as they ensure transparent oversight and accountability. Therefore the bill should explicitly limit event concessions to County and State park facilities, as specified in the event concessions definition, and exclude quasi-public lands, ensuring consistency throughout the bill's sections.
- Proposed changes to the definition of "event concessions"

The originally proposed bill defines "event concessions" as the following:

"Event concessions" means the commercial sales of food and beverages, as well as event-associated promotional material within a designated State or County Park facility for events approved by the County of Kaua'i Director of Parks and Recreation, including but not limited to athletic games or meets, fairs, or concerts.

In analysis of the proposed bill and in light of the additional findings, the definition is proposed to be amended as follows (amendments highlighted in yellow):

“Event concessions” means the commercial sales of food and beverages, ticket sales for the event, as well as event-associated promotional material within a designated State or County Park facility or a State Department of Education facility for events approved by the County of Kaua’i Director of Parks and Recreation, including but not limited to athletic games or meets, fairs, or concerts.

Two amendments to the definition is proposed: 1) expanding its scope to include the State Department of Education facilities as permissible locations for event concessions, in addition to State and County park facilities; and 2) include ticket sales for the event. Including State Department of Education (DOE) facilities are deemed to be appropriate given that these facilities are publicly owned and managed spaces that are also designated as gathering areas. Furthermore, excluding State Department of Education (DOE) facilities from the bill may result in several challenges, such as the inability to sell tickets for events that often take place at schools like fairs or athletic games. As for ticket sales, certain events, such as athletic games and fairs, often require ticket sales for proper operation. To ensure comprehensive coverage of all typical commercial transactions at event concessions and to prevent events from being hindered, the bill should explicitly as part of the definition of event concessions. This inclusion will help ensure that events can proceed smoothly without operational barriers.

Proposed changes to the definition of “Quasi-Public”

The original proposed bill defines “quasi-public” as follows:

“Quasi-public” means land available for a use that satisfies a public purpose although under private ownership or control.”

Upon further review, changes are proposed to the definition of "quasi-public" in order to establish clearer eligibility criteria, eliminating ambiguity and ensuring that only appropriate spaces are designated for such uses.

The proposed changes (highlighted in yellow) to the definition are as follows:

“Quasi-public” means land available for a use that satisfies a public purpose although under private ownership or control. To qualify as quasi-public, the land shall either be designated within the Special Treatment Public Facilities (ST-P) District or meet the following criteria: it shall be a minimum of one (1) acre in size, maintain regular public access with limited restrictions, and serve public benefits, including but not limited to civic, recreational, cultural, or social activities.

In considering lands that are appropriate to be quasi-public, a useful reference point for defining quasi-public lands is the Special Treatment Public Facilities District (ST-P), as described in the Comprehensive Zoning Ordinance (CZO) Section 8-11.2, which includes the following:

All public and quasi-public facilities, other than commercial, including schools, churches, cemeteries, hospitals, libraries, police and fire stations, government buildings, auditoriums,

stadiums, and gymnasiums, which are used by the general public or which tend to serve as gathering places for the general public; and those areas which because of their unique locations are specially suited for such public and quasi-public uses.

It is important to note that facilities within these districts are already situated in quasi-public spaces and have already been recognized as gathering areas that serve public needs. These locations are inherently appropriate for markets and other public-serving events.

However, for quasi-public lands that are not currently within the Special Treatment Public Facilities (ST-P) District, it is necessary to establish clear criteria to identify suitable areas. This will help ensure consistency in designating spaces for public events, such as markets, and eliminate any ambiguity regarding appropriate land use.

Criteria for identifying quasi-public lands may include:

1. *Acres Size.* To properly accommodate events and ensure public safety, areas should typically be at least one acre in size.
2. *Public Access.* Quasi-public lands should be open to the public for general use, not just for commercial retail purposes. These spaces should function like parks, providing regular access to the public beyond just market days.
3. *Community-Serving Function.* These areas should serve community needs, offering spaces for gathering and recreation, such as areas for people to play and socialize.

Establishing such criteria would ensure that market activities are held in locations that align with the intended public purposes of quasi-public spaces. This would also prevent the inappropriate use of areas designated for public benefit, safeguarding against unrestricted or profit-driven market operations in areas that are not suited for such uses.

The revised definition includes these criteria and specifies that land within the ST-P District will automatically qualify as quasi-public.

Relating to the definitions of “Farmers Market I” and “Farmers Market II”

The originally proposed bill defines Farmers Market I and Farmers Market II as follows:

“Farmers Market I” means an area within a designated State or County Park facility, or located on quasi-public land that the County of Kaua’i Director of Parks and Recreation and Planning Director determine to be equal to and commensurate with a County of Kaua’i Park Facility, and used for outdoor sales of agricultural products, baked goods, dairy products, and delicatessen items. This market shall not occur more than two (2) times per week.

“Farmers Market II” means an area within a designated State or County Park facility, or located on quasi-public land that the County of Kaua’i Director of Parks and Recreation and Planning Director determine to be equal to and commensurate with a County of Kaua’i Park Facility, and used for

outdoor sales of agricultural products, baked goods, dairy products, and delicatessen items. This market may occur more than two (2) times per week.

In consideration of the additional findings, the proposed changes (highlighted in yellow) to the Farmers Market I and II definition are as follows:

“Farmers Market I” means an area within a designated State or County Park facility, or located on quasi-public land that the County of Kaua’i Director of Parks and Recreation and Planning Director determine to be equal to and commensurate with a County of Kaua’i Park Facility, and used for outdoor sales of agricultural products, aquaculture products, wild caught or harvested seafood products [baked goods], and dairy products [and delicatessen items] that are grown, raised, or caught in the County, as well as value-added products that contain ingredients primarily derived from the Kaua’i, Ni’ihau, and/or other Hawai’i-grown materials. This market shall not occur more than two (2) [times] days per week.

“Farmers Market II” means an area within a designated State or County Park facility, or located on quasi-public land that the County of Kaua’i Director of Parks and Recreation and Planning Director determine to be equal to and commensurate with a County of Kaua’i Park Facility, and used for outdoor sales of agricultural products, aquaculture products, wild caught or harvested seafood products [baked goods], and dairy products [and delicatessen items] that are grown, raised, or caught in the County, as well as value-added products that contain ingredients primarily derived from the Kaua’i, Ni’ihau, and/or other Hawai’i-grown materials. This market may occur more than two (2) [times] days per week.

The following bullet point evaluates the changes made to the Farmers Market I and II definition :

- *Ensuring Kaua’i-Grown Farmers Market Products*

The Kaua’i County General Plan underscores the community's commitment to strengthening local food production, reducing reliance on imported food, and enhancing marketing efforts to improve access to locally grown products. The General Plan includes specific actions to support the Sunshine Markets and other initiatives that promote Kaua’i’s agricultural and food products to residents, businesses, and visitors.

Kaua’i’s Sunshine Markets are structured to prioritize locally produced goods. Farmers and vendors are required to grow at least 50% of the produce and products sold at their booths before supplementing their offerings with items sourced from other Kaua’i farms. Additionally, value-added products must consist of at least 50% raw agricultural ingredients grown on the vendor’s premises or certified as Kaua’i-grown. These regulations are designed to ensure that farmers' markets effectively support local agricultural production and marketing efforts.

To uphold the integrity of these farmers markets as spaces for farmers to sell locally grown produce and for the community to access fresh, local foods, the revised definition for Farmers Market I and Farmers Market II includes clear language specifying that all products sold must be grown, raised, or caught within the County.

- *Addition of Wild Caught or Harvested Seafood*
Seafood, including fish, tako, urchins, and limu, is an important local food source for the residents of Kauaʻi. The current definition of "Farmers Market" includes agricultural products, but does not specifically encompass wild-caught or harvested seafood. To facilitate local access to these products, it may be appropriate to expand the definition to include wild-caught or harvested seafood as an allowable item for sale at farmers markets.
- *Addition of Aquaculture Products*
Given the diverse range of products that may be sold at farmers markets, it may be beneficial to explicitly define specific product categories. Although the existing definition of "agricultural products" broadly includes aquaculture, explicitly defining aquaculture products as an allowable category for sale at farmers markets would help ensure clarity and consistency regarding permissible items.
- *Addition of Value Added Products*
The primary intent of farmers' markets is to provide access to locally grown produce. Therefore, it is crucial to ensure that the products sold at these markets are sourced locally whenever possible. While many baked goods and delicatessen items may not primarily contain Kauaʻi-sourced ingredients, other products may incorporate raw ingredients grown within the County of Kauaʻi or the State of Hawaiʻi, which are then processed or transformed into value-added products. As such, value-added products, whose primary ingredients are sourced from Kauaʻi or other parts of Hawaiʻi, should be explicitly included in the definition of farmers' markets. Meanwhile, baked goods and delicatessen items can be excluded from the definition as they would fall under the broader category of value-added products if they meet the sourcing criteria.

Defining products allowed in Farmers Markets

In order to clearly delineate what constitutes the different products within the context of the new proposed Farmers Markets definition its important to provide clear definitions. To address this, the following **new definitions** are proposed:

1. "Wild caught or harvested seafood product" means any wild-caught or harvested marine life, such as fish, shellfish, mollusks, invertebrates, or limu (seaweed), that is used as a characterizing ingredient for human food consumption and is locally sourced in and around Kauaʻi and Niʻihau. The product must be caught or harvested by an individual who holds a valid commercial marine license, with a designated address located in Kauaʻi or Niʻihau.

Providing a definition for these products ensures that locally sourced seafood is recognized as a permissible product category, supporting local fishers and marine harvesters. Additionally, defining wild-caught or harvested seafood will help distinguish it from aquaculture products, reducing potential regulatory ambiguity.

This definition ensures that wild-caught or harvested seafood products are sourced from individuals holding a valid commercial marine license, with a designated address in Kauaʻi or Niʻihau. This approach prioritizes the sale of seafood from local waters, thereby supporting Kauaʻi's economy and food system. It also aligns with broader efforts to

strengthen Kaua‘i and Ni‘ihau’s fishing industries while safeguarding marine resources for future generations.

2. “Aquaculture products” means those products produced from the growing and harvesting of plant or animal organisms in a natural or artificial aquatic environment.

The definition of "aquaculture products" is based on the existing "aquaculture" definition in the Comprehensive Zoning Ordinance (CZO), which states that aquaculture *“means the growing and harvesting of plant or animal organisms in a natural or artificial aquatic environment.”*

This proposed definition clarifies that aquaculture products include items derived from the cultivation of both plant and animal organisms in freshwater, saltwater, or brackish environments. Providing this definition aims to ensure regulatory consistency and facilitate the inclusion of aquaculture products in the range of permitted market offerings.

3. “Dairy products” means any products derived from the processing of milk from domesticated mammals, including but not limited to cows, goats, and sheep, intended for human consumption. These products may include fluid milk and value-added products, such as cream, butter, cheese, and other dairy-based items, all of which shall comply with applicable Federal and State health and safety regulations.

The proposed bill should include a new definition for "dairy products" because it is identified as a type of product that may be sold at Farmers Markets. Defining ‘dairy products’ will better ensure regulatory clarity. This definition is essential to explicitly specify that dairy products encompass both fluid milk and value-added dairy items. By defining dairy products in this manner, the proposed amendment ensures that farmers and producers have a clear understanding of what can be sold at farmers markets while reinforcing the requirement for all dairy products to meet Federal and State health and safety standards. Additionally, the definition supports local dairy producers by formally recognizing a broader range of dairy-based goods, which can enhance market opportunities and expand consumer access to locally produced dairy items.

4. “Value-added product” means a product that incorporates one or more agricultural products, aquaculture products, wild caught or harvested seafood products, and/or dairy products and has been modified, processed, or enhanced beyond its raw state through specialized manufacturing or treatment to increase its market value and consumer appeal.

This definition is necessary to clearly delineate what constitutes a value-added product within the context of the new Farmers Markets definition. By defining value-added products, the proposed bill enhances regulatory clarity and provides small businesses in local food production with a structured framework to legally sell their processed or enhanced goods in designated farmers market spaces.

It should be noted that the Sunshine Markets Rules, as outlined in Chapter 23, Section 23-3.7 (The Sunshine Market; Site of) of the County Code, define value-added food-based products as follows:

"Value-added food-based products" shall mean products made of fifty percent (50%) raw agricultural commodities/ingredients grown on the vendor's premises or certified as a product grown on Kaua'i or Ni'ihau. The value of labor, intellectual property, packaging, or other factors or components used in the final value-added food-based product shall not be included in the aforementioned fifty percent (50%) requirement.

While this definition provides a strong foundation, it primarily addresses food-based products. Other value-added products may incorporate locally sourced raw agricultural ingredients for non-food purposes, such as medicinal salves, or may include locally sourced seafood and dairy products. To better reflect the diversity of Kaua'i's agricultural and natural resources, a revised definition of value-added products should be developed to encompass a broader range of locally sourced goods.

Therefore, this new definition accommodates a broader range of locally sourced goods, including dairy products and wild-caught or harvested seafood. Compared to the "value-added food-based products" definition in the Sunshine Market Rules, it also eliminates the specific requirement that 50% of the product must be made from raw agricultural commodities grown on the vendor's premises or certified as grown on Kaua'i or Ni'ihau. While it is proposed in the Farmers Markets I & II definition that value-added products primarily contain ingredients sourced from Kaua'i, Ni'ihau, or other parts of Hawai'i, removing the requirement for ingredients to be sourced from the vendor's premises or from Kaua'i specifically provides greater flexibility. This flexibility ensures that such products can be feasibly sold at farmers' markets while still supporting local sourcing.

Relating to the definition of "Agricultural products"

The originally proposed bill defines Agricultural Products as follows:

"Agricultural products" means those products produced from conducting agricultural activities including livestock products, poultry products, or apiary, horticultural, or floricultural products, or the planting, cultivating, and harvesting of crops, or the farming or ranching of any plant or animal species in a controlled salt, brackish, or freshwater environment.

In consideration of the additional findings, the definition is being proposed to change to the following:

"Agricultural products" means those products produced from conducting agricultural activities within the County of Kaua'i, including livestock products, poultry products, or apiary, horticultural, or

floricultural products, or the planting, cultivating, and harvesting of crops, or the farming or ranching of any plant or animal species in a controlled salt, brackish, or freshwater environment.

The definition of “agricultural products” in the originally proposed bill was derived from Section 23-3.7 (The Sunshine Market; Site of) of Chapter 23 of the County Code. However, incorporating language into the Comprehensive Zoning Ordinance (CZO) to specify that agricultural products must be produced within the County of Kaua’i would strengthen this definition. This revision would help ensure that farmers’ market offerings remain locally sourced while also embedding language that, if applied in future land use regulations, would proactively support local agriculture by reinforcing the prioritization of Kaua’i-grown products.

Relating to the definition of “Artisan Market I” and “Artisan Market II”

The originally proposed bill defines Artisans Market I and Artisans Market II as follows:

“Artisans Market I” means an area within a designated State or County Park facility, or located on quasi-public land that the County of Kaua’i Director of Parks and Recreation and Planning Director determine to be equal to and commensurate with a County of Kaua’i Park Facility, and used for outdoor sales of artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items, all of which were handcrafted by the artisan present at the respective stall or sale area within the market. This market shall not occur more than two (2) times per week.

“Artisans Market II” means an area within a designated State or County Park facility, or located on quasi-public land that the County of Kaua’i Director of Parks and Recreation and Planning Director determine to be equal to and commensurate with a County of Kaua’i Park Facility, and used for outdoor sales of artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items, all of which were handcrafted by the artisan present at the respective stall or sale area within the market. This market may occur more than two (2) times per week.

In consideration of the additional findings, the proposed changes (highlighted in yellow) to the Farmers Market I and II definition are as follows:

“Artisans Market I” means an area within a designated State or County Park facility, or located on quasi-public land that the County of Kaua’i Director of Parks and Recreation and Planning Director determine to be equal to and commensurate with a County of Kaua’i Park Facility, and used for outdoor sales of artwork, jewelry, furniture, wooden crafts, photographs, culinary artisanal food, sculpture, pottery, leathercraft, hand-woven articles, and related items, all of which were handcrafted and/or designed by the artisan. This market may also include the resale of curated Hawaiian vintage items. The artisan or a representative of the artisan’s microbusiness shall be present at the respective stall or sale area within the market. This market shall not occur more than two (2) [times] days per week.

“Artisans Market II” means an area within a designated State or County Park facility, or located on quasi-public land that the County of Kaua’i Director of Parks and Recreation and Planning Director determine to be equal to and commensurate with a County of Kaua’i Park Facility, and used for outdoor sales of artwork, jewelry, furniture, wooden crafts, photographs, culinary artisanal food, sculpture, pottery, leathercraft, hand-woven articles, and related items, all of which were handcrafted and/or designed by the artisan. This market may also include the resale of curated Hawaiian vintage items. The artisan or a representative of the artisan’s microbusiness shall be present at the respective stall or sale area within the market. This market may occur more than two (2) [times] days per week.

The following bullet point evaluates the proposed refinements made to the Artisans Market I and II definition :

- *Expanded Artisan Product Categories*
Certain common artisan products typically sold at markets were not previously specified. To ensure clarity, the definition should explicitly include items such as wooden crafts, photographs, and culinary artisanal food. Given potential ambiguity surrounding the term "culinary artisanal food," it is recommended that this term be formally defined.
- *Consideration for Digital Design*
With the increasing prevalence of digital design, not all artistic works are necessarily "handcrafted." Therefore, the definition should emphasize the design aspect of such products, ensuring that digitally created works are appropriately recognized as artisan goods.
- *Inclusion of Vintage Hawaiian Items*
Vintage Hawaiian items, such as mu’umu’u and other culturally significant artifacts, are increasing in popularity at markets. While these items are not physically altered by the seller, they hold artisanal value due to the curation process and their role in preserving and showcasing Hawaiian culture and history. To prevent ambiguity, it is important to establish a clear definition for vintage Hawaiian items, ensuring alignment with the market's intent.
- *Representation of Artisans in Sales*
In many small businesses, the artisan themselves may not always be present at the market; instead, a representative, such as a business employee, may handle sales on their behalf. To reflect this reality, the definition was revised to allow either the artisan or a designated representative of the artisan’s microbusiness to be present at the market stall. To support this provision, it is essential to establish clear definitions for both "artisan" and "microbusiness" to ensure proper enforcement.

By refining these definitions, the Artisan Markets can better accommodate a diverse range of artisan products while maintaining clarity and consistency in enforcement.

New Definitions in Support of Artisan Markets

Several new definition were added to provide regulatory clarity to the terms used in the Artisan Market definitions. The following section evaluates these new definitions:

1. “Artisan” means an individual directly engaged in the curating and reselling of Hawaiian vintage items or in the design, production, or creation of crafted goods, including but not limited to artwork, jewelry, furniture, wooden crafts, photographs, sculpture, pottery, leathercraft, and hand-woven articles.

This definition is being proposed to provide clarity and consistency in the implementation of the proposed bill, which introduces a new definition for Artisan Markets as a listed use in the Use Table of Section 8-2.4 of the Comprehensive Zoning Ordinance (CZO). By explicitly defining artisan, the bill ensures that vendors participating in Artisan Markets are individuals actively involved in the creation of the goods they sell. Additionally, the Artisan Market definition reinforces the requirement that artisans must be present at their market stall or sale area, ensuring the integrity of the market by prioritizing direct-to-consumer sales and authentic craftsmanship. Therefore, it is essential to establish a clear definition of artisan to support the effective implementation of this requirement. All in all, establishing this definition supports local artisans, enhances consumer confidence in the authenticity of handmade products, and strengthens the role of Artisan Markets as economic and cultural assets within the community.

2. “Culinary artisanal food” means food products, including but not limited to baked goods, delicatessen items, and prepared meals, that are skillfully made using high-quality ingredients and prepared with craftsmanship, traditional or specialized techniques, and without reliance on mass production or highly industrialized processes.

As outlined above, the definitions of Artisan Market I and Artisan Market II have been expanded to include additional sales categories, with culinary artisanal food added as an allowable product. This clarification is proposed to ensure consistency in the implementation of the bill.

Unlike value-added products permitted at farmers markets, culinary artisanal food does not need to be made primarily from ingredients sourced within the County of Kaua’i or the State of Hawai’i. This distinction provides greater flexibility for individuals to practice their craft in food-making, particularly for items such as baked goods, which may face challenges in meeting local sourcing requirements.

By allowing such food items within Artisan Markets, the intent is to support artisans in selling their craft. In contrast, Farmers Markets prioritize the sale of locally grown produce and value-added products that incorporate local agricultural ingredients. This distinction ensures that both market types remain aligned with their respective objectives.

3. “Microbusiness” means any lawful, independently owned and operated commercial endeavor engaged in the manufacturing, purchase, sale, lease, or exchange of goods, employing nine (9) or fewer individuals, and with its headquarters located in Hawai‘i.

As previously stated, the proposed revision to the definitions of Artisan Market I and Artisan Market II includes allowing a representative of the artist’s microbusiness to operate the stall or be present within the sale area. This change provides flexibility for artists who may be unable to attend in person while also allowing their businesses to expand their presence across multiple markets. However, to ensure that these markets continue to prioritize small businesses, it is essential to establish a clear definition of these businesses.

The U.S. Small Business Administration (SBA) typically defines a *small business* based on employee count and annual revenue, with some industries allowing up to 500 employees under this classification. However, given the unique small business landscape of Kaua‘i and Hawai‘i—where most small businesses operate at a significantly smaller scale—the SBA’s definition of *microbusiness* is more applicable in this context. While no universally accepted definition exists, the SBA and Census Bureau Business Dynamics Statistics commonly classify *microbusinesses* as those with fewer than 10 employees.

Furthermore, to uphold the intent of these markets in supporting the local economy, the proposed definition of *microbusiness* includes an additional criterion: the business must have its headquarters located in Hawai‘i. This ensures that Artisan Markets primarily feature Hawai‘i-based businesses rather than companies headquartered out of state, reinforcing local economic sustainability.

4. “Vintage Hawaiian items” means an item that is at least 20 years old, was manufactured or produced in Hawai‘i, and exhibits Hawaiian cultural or historical significance. Such items include, but are not limited to, aloha shirts, mu‘umu‘u, and Hawaiian heirloom jewelry that meet the age requirement.

The revised definitions of *Artisan Market I* and *Artisan Market II* permit the sale of vintage Hawaiian items; however, a clear definition of "vintage" is necessary to prevent ambiguity and ensure regulatory clarity. While definitions vary by industry, *vintage* generally refers to goods at least 20 years old that reflect the distinctive characteristics of a past era. In the context of Hawaiian culture, this includes historically significant or period-specific items, such as mu‘umu‘u, aloha shirts, or handcrafted artifacts that contribute to the preservation and appreciation of Hawai‘i’s heritage.

Relating to the Table of Uses

- *Permitting Requirements for Markets and Events on Agricultural Lands*
Currently, Farmers Markets, Artisan Markets, and event concessions require a Use Permit to operate on agriculturally zoned lands. The originally proposed bill removes the existing definition of Farmers Markets as a designated use in these areas but does not establish Farmers Markets, Artisan Markets, or event concessions as permissible uses. As a result, these activities would still require a Use Permit for operation.

This requirement may stem from H.R.S. §205-6, which mandates a Special Permit for non-agricultural or non-rural uses within the Agricultural District. Since selling goods could be interpreted as a retail activity rather than an agricultural use, a Special Permit may be necessary. Specifically, H.R.S. §205-6 states:

“Any person who desires to use the person’s land within an agricultural or rural district other than for an agricultural or rural use, as the case may be, may petition the planning commission of the county within which the person’s land is located for permission to use the person’s land in the manner desired.”

However, it could be argued that farmers selling their own produce aligns with agricultural or rural use by supporting local food production and sustainability. Additionally, certain events, such as food festivals or rodeos that celebrate agricultural practices, may be appropriate for agriculturally zoned lands. These events would require approval from the County of Kaua’i Director of Parks and Recreation to assess their suitability for such areas.

To address this, a proposed change to the Table of Uses would designate *Farmers Market I* and event concessions as permissible uses within the Agricultural District. Meanwhile, *Artisan Markets I and II* and *Farmers Market II* would still require a Use Permit, ensuring compliance with the Special Permit process and limiting retail activities on agricultural lands.

- The originally proposed bill permits Artisan Market I, Farmers Market I, and event concessions to operate within the Open District, including within the State Land Use Agricultural District (SLUD AG). However, given that the SLUD AG is intended for agricultural uses, the presence of artisan markets in both the Open District and SLUD AG may be inappropriate. To address this, the Table of Uses has been updated to include a note specifying that Artisan Market I within the Open District may only be permitted if designated within the State Land Use Urban District.

IV. RECOMMENDATIONS:

Attached to this document is the updated proposed Bill No. 2942, which includes the following revisions:

1. Excluding quasi-public lands as an appropriate area for commercial concessions in SECTION 1.
2. Expanding the definition of “Agricultural products” to specify that products must be produced within the County of Kaua’i.
3. Introducing a new definition for “Aquaculture products” as those derived from the growing and harvesting of plant or animal organisms in a natural or artificial aquatic environment.

4. Defining “Artisan” as an individual engaged in curating and reselling Hawaiian vintage items or in designing, producing, or creating crafted goods, such as artwork, jewelry, furniture, wooden crafts, photographs, sculpture, pottery, leathercraft, and hand-woven articles.
5. Revising the definitions of Artisan Market I and Artisan Market II to: 1) include wooden crafts, photographs, culinary artisanal food, and curated Hawaiian vintage items as products for sale; 2) clarify that sales can involve handcrafted and/or designed products by the artisan; 3) allow both the artisan and a representative of the artisan’s microbusiness to be present at the stall or sale area; 4) replace “two times” with “days” for clarity.
6. Adding a definition for “Culinary artisanal food” as food products made with high-quality ingredients, crafted using traditional or specialized techniques without mass production methods, including but not limited to baked goods, delicatessen items, and prepared meals.
7. Defining “Dairy products” as products derived from the processing of milk from domesticated mammals, such as cows, goats, and sheep, for human consumption, including fluid milk and value-added products like cream, butter, cheese, and other dairy items, in compliance with Federal and State health regulations.
8. Revising the definition of “Event Concessions” to allow for the sale of event tickets and to permit event concessions to operate within a State Department of Education facility.
9. Revising the definitions of Farmers Market I and Farmers Market II to: 1) include aquaculture products, wild-caught or harvested seafood, and value-added products; 2) remove baked goods and delicatessen items from the list of allowable products; 3) require that products must be grown, raised, or caught in the County, with value-added products primarily derived from the County or Hawai‘i; 4) replace “two times” with “days” for clarity.
10. Introducing a definition for “Microbusiness” as a lawful, independently owned commercial enterprise with nine (9) or fewer employees and its headquarters located in Hawai‘i.
11. Defining “Wild caught or harvested seafood product” as marine life used for human consumption, locally sourced from Kaua‘i and Ni‘ihau, caught or harvested by individuals holding a valid commercial marine license.
12. Adding a definition for “Value-added product” as a product that incorporates agricultural products, aquaculture products, wild-caught or harvested seafood, and/or dairy products, modified, processed, or enhanced to increase market value and appeal.

13. Introducing a definition for “Vintage Hawaiian items” as items at least 20 years old, manufactured or produced in Hawai‘i, and reflecting Hawaiian cultural or historical significance, such as aloha shirts, mu‘umu‘u, and Hawaiian heirloom jewelry.
14. Allowing Farmers Markets I and event concessions as a Permitted Use in the Agricultural District, while requiring a Use Permit for Artisan Market I and II and Farmers Markets II within the Agricultural District.
15. Stipulating that Artisan Market I located within the Open District may only be permitted if designated within the State Land Use Urban District.

By *Alisha Summers*
Alisha Summers (Mar 5, 2025 09:11 HST)
ALISHA SUMMERS
Planner

Approved & Recommended to Commission:

By *Ka'aina Hull*
KA'ĀINA S. HULL
Director of Planning

Date: March 5, 2025

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 8,
KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO
COMMERCIAL USE OF PARKS FACILITIES**

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. Findings and Purpose. The Council finds that allowing farmers and artisans markets is appropriate within State and County Park areas and quasi-public land. The Council also finds that it is appropriate to allow commercial concessions associated with park events such as athletic games or meets, fairs, and concerts within State and County Park areas[and quasi-public land]. Therefore, the purpose of this Ordinance is to effectuate these changes and corresponding technical, alphabetization, and cross-reference amendments.

SECTION 2. Chapter 8, Section 8-1.5 (Definitions), Kaua'i County Code 1987, as amended, is hereby amended by adding a new definitions for "Agricultural products," "Artisans Market I," "Artisans Market II," "Event concessions," "Farmers Market I," "Farmers Market II," and "Quasi-public," to be appropriately inserted and to read as follows, and by deleting the existing definition of "Farmers market" as follows:

"Agricultural products" means those products produced from conducting agricultural activities within the County of Kaua'i, including livestock products, poultry products, or apiary, horticultural, or floricultural products, or the planting, cultivating, and harvesting of crops, or the farming or ranching of any plant or animal species in a controlled salt, brackish, or freshwater environment.

"Aquaculture products" means those products produced from the growing and harvesting of plant or animal organisms in a natural or artificial aquatic environment.

"Artisan" means an individual directly engaged in the curating and reselling of Hawaiian vintage items or in the design, production, or creation of crafted goods, including but not limited to artwork, jewelry, furniture, wooden crafts, photographs, sculpture, pottery, leathercraft, and hand-woven articles.

"Artisans Market I" means an area within a designated State or County Park facility, or located on quasi-public land that the County of Kaua'i Director of Parks and Recreation and Planning Director determine to be equal to and commensurate with a County of Kaua'i Park Facility, and used for outdoor sales of artwork, jewelry, furniture, wooden crafts, photographs, culinary

artisanal food, sculpture, pottery, leathercraft, hand-woven articles, and related items, all of which were handcrafted and/or designed by the artisan. This market may also include the resale of curated Hawaiian vintage items. The artisan or a representative of the artisan's microbusiness shall be present at the respective stall or sale area within the market. This market shall not occur more than two (2) [times] days per week.

"Artisans Market II" means an area within a designated State or County Park facility, or located on quasi-public land that the County of Kaua'i Director of Parks and Recreation and Planning Director determine to be equal to and commensurate with a County of Kaua'i Park Facility, and used for outdoor sales of artwork, jewelry, furniture, wooden crafts, photographs, culinary artisanal food, sculpture, pottery, leathercraft, hand-woven articles, and related items, all of which were handcrafted and/or designed by the artisan. This market may also include the resale of curated Hawaiian vintage items. The artisan or a representative of the artisan's microbusiness shall be present at the respective stall or sale area within the market. This market may occur more than two (2) [times] days per week.

"Culinary artisanal food" means food products, including but not limited to baked goods, delicatessen items, and prepared meals, that are skillfully made using high-quality ingredients and prepared with craftsmanship, traditional or specialized techniques, and without reliance on mass production or highly industrialized processes.

"Dairy products" means any products derived from the processing of milk from domesticated mammals, including but not limited to cows, goats, and sheep, intended for human consumption. These products may include fluid milk and value-added products, such as cream, butter, cheese, and other dairy-based items, all of which shall comply with applicable Federal and State health and safety regulations.

"Event concessions" means the commercial sales of food and beverages, ticket sales for the event, as well as event-associated promotional material within a designated State or County Park facility or a State Department of Education facility for events approved by the County of Kaua'i Director of Parks and Recreation, including but not limited to athletic games or meets, fairs, or concerts.

["Farmers market" means the offering of fresh agricultural products for sale by multiple farmers or farms directly to the consumer at an open-air or enclosed area.]

"Farmers Market I" means an area within a designated State or County Park facility, or located on quasi-public land that the County of Kaua'i Director of

Parks and Recreation and Planning Director determine to be equal to and commensurate with a County of Kaua'i Park Facility, and used for outdoor sales of agricultural products, aquaculture products, wild caught or harvested seafood products [baked goods], and dairy products[, and delicatessen items] that are grown, raised, or caught in the County, as well as value-added products that contain ingredients primarily derived from the Kaua'i, Ni'ihau, and/or other Hawai'i-grown materials. This market shall not occur more than two (2) [times] days per week.

"Farmers Market II" means an area within a designated State or County Park facility, or located on quasi-public land that the County of Kaua'i Director of Parks and Recreation and Planning Director determine to be equal to and commensurate with a County of Kaua'i Park Facility, and used for outdoor sales of agricultural products, aquaculture products, wild caught or harvested seafood products [baked goods], and dairy products[, and delicatessen items] that are grown, raised, or caught in the County, as well as value-added products that contain ingredients primarily derived from the Kaua'i, Ni'ihau, and/or other Hawai'i-grown materials. This market may occur more than two (2) [times] days per week.

"Quasi-public" means land available for a use that satisfies a public purpose although under private ownership or control. To qualify as quasi-public, the land shall either be designated within the Special Treatment Public Facilities (ST-P) District or meet the following criteria: it shall be a minimum of one (1) acre in size, maintain regular public access with limited restrictions, and serve public benefits, including but not limited to civic, recreational, cultural, or social activities.["]

"Microbusiness" means any lawful, independently owned and operated commercial endeavor engaged in the manufacturing, purchase, sale, lease, or exchange of goods, employing nine (9) or fewer individuals, and with its headquarters located in Hawai'i.

"Wild caught or harvested seafood product" means any wild-caught or harvested marine life, such as fish, shellfish, mollusks, invertebrates, or limu (seaweed), that is used as a characterizing ingredient for human food consumption and is locally sourced in and around Kaua'i and Ni'ihau. The product must be caught or harvested by an individual who holds a valid commercial marine license, with a designated address located in Kaua'i or Ni'ihau.

"Value-added product" means a product that incorporates one or more agricultural products, aquaculture products, wild caught or harvested seafood products, and/or dairy products and has been modified, processed, or enhanced

beyond its raw state through specialized manufacturing or treatment to increase its market value and consumer appeal.

“Vintage Hawaiian items” means an item that is at least 20 years old, was manufactured or produced in Hawai‘i, and exhibits Hawaiian cultural or historical significance. Such items include, but are not limited to, aloha shirts, mu‘umu‘u, and Hawaiian heirloom jewelry that meet the age requirement.

SECTION 3. Chapter 8, Section 8-2.4 (Table of Uses), Kaua‘i County Code 1987, as amended, is hereby amended to read as follows:

“

Sec.	USE	ZONING DISTRICT											
		Residential			Commercial		Industrial						
		R-1 R-6	to R-10 R-20	to RR	CN	CG	IL	IG	AG	O	UNV		
8-2.4(a)(1)	Single-family detached dwellings	P	P										
8-2.4(a)(2)	Accessory structures and uses, including one guest house	P	P										
8-2.4(b)	Multiple-family and single-family attached dwellings	P	P										
8-2.4(c)	Public and private parks and home businesses are permitted in all districts	P	P										
8-2.4(d)	Adult family boarding and family care homes that comply with all State Department of Social Services and Housing and State Department of Health rules, regulations and requirements provided, however, that the Planning Director may require a use permit for such applications that may create adverse impacts to the health, safety, morals, convenience, and welfare of the neighborhood or community that the proposed use is located	P	P										
8-2.4(e)	Transient vacation rentals, provided they are located within the designated Visitor Destination Areas established pursuant to Article 17 of this Chapter. These uses are prohibited in non-VDA areas	P	P										
8-2.4(f)	<u>Artisans Markets I, Farmers Markets I, event concessions</u>	<u>P</u>	<u>P</u>										
8-2.4(g)(1)	<u>Adult family group living home</u>	<u>U</u>	<u>U</u>										
8-2.4(g)(2)	<u>Artisans Markets II and Farmers Markets II</u>	<u>U</u>	<u>U</u>										
[8-2.4(f)(1)] 8-2.4(g)(3)	Botanical and zoological gardens	U	U										
[8-2.4(f)(2)] 8-2.4(g)(4)	Cemeteries, mortuaries and crematoriums	U	U										
[8-2.4(f)(3)] 8-2.4(g)(5)	Churches, temples, and monasteries	U	U										

Table 8-2.4 Table of Uses

Sec.	USE	ZONING DISTRICT											
		Residential			Commercial Industrial								
		R-1 R-6	to R-10 R-20	to RR	CN	CG	IL	IG	AG	O	UNV		
<u>[8-2.4(f)(4)]</u> <u>8-2.4(g)(6)</u>	Clubs, lodges, and community centers	U	U										
<u>[8-2.4(f)(5)]</u> <u>8-2.4(g)(7)</u>	Diversified and specialized agriculture and nurseries	U	U										
<u>[8-2.4(f)(6)]</u> <u>8-2.4(g)(8)</u>	Dormitories, guest and boarding houses; but not hotels and motels	U	U										
<u>[8-2.4(f)(7)]</u> <u>8-2.4(g)(9)</u>	Golf courses	U	U										
<u>[8-2.4(f)(8)]</u> <u>8-2.4(g)(10)</u>	Medical and nursing facilities	U	U										
<u>[8-2.4(f)(9)]</u> <u>8-2.4(g)(11)</u>	Museums, libraries and public services and facilities	U	U										
<u>[8-2.4(f)(10)]</u> <u>8-2.4(g)(12)</u>	Private and public utilities and facilities, other than maintenance and storage of equipment, materials, and vehicles	U	U										
<u>[8-2.4(f)(11)]</u> <u>8-2.4(g)(13)</u>	Project developments in accordance with Article 10 of this Chapter	U	U										
<u>[8-2.4(f)(12)]</u> <u>8-2.4(g)(14)</u>	Retail shops and stores	U	U										
<u>8-2.4(g)(15)</u>	<u>Residential care homes</u>	<u>U</u>	<u>U</u>										
<u>[8-2.4(f)(13)]</u> <u>8-2.4(g)(16)</u>	School and day care centers	U	U										
<u>[8-2.4(f)(14)]</u> <u>8-2.4(g)(17)</u>	Transportation terminals and docks	U	U										
<u>[8-2.4(f)(15)]</u>	[Residential care homes]	[U]	[U]										
<u>[8-2.4(f)(16)]</u>	[Adult family group living home]	[U]	[U]										
<u>[8-2.4(f)(17)]</u> <u>8-2.4(g)(18)</u>	Any other use or structure which the Planning Director finds to be similar in nature to those listed in this Section and appropriate to the District	U	U										
<u>[8-2.4(g)(1)]</u> <u>8-2.4(h)(1)</u>	Accessory uses and structures												P
<u>[8-2.4(g)(2)]</u> <u>8-2.4(h)(2)</u>	Apartment hotels												P
<u>8-2.4(h)(3)</u>	<u>Artisans Markets I & II, Farmers Markets I & II, and event concessions</u>												P
<u>[8-2.4(g)(3)]</u> <u>8-2.4(h)(4)</u>	Automobile service and storage												P
<u>[8-2.4(g)(4)]</u> <u>8-2.4(h)(5)</u>	Barber shop and beauty shop												P
<u>[8-2.4(g)(5)]</u> <u>8-2.4(h)(6)</u>	Commercial recreation												P
<u>[8-2.4(g)(6)]</u> <u>8-2.4(h)(7)</u>	Developed campgrounds												P
<u>[8-2.4(g)(7)]</u> <u>8-2.4(h)(8)</u>	Gift shops												P
<u>[8-2.4(g)(8)]</u> <u>8-2.4(h)(9)</u>	Golf courses												P

Table 8-2.4 Table of Uses

Sec.	USE	ZONING DISTRICT										
		Residential			Commercial Industrial							
		R-1 R-6	to R-10 R-20	to RR	CN	CG	IL	IG	AG	O	UNV	
[8-2.4(g)(9)] 8-2.4(h)(10)	Home business			P								
[8-2.4(g)(10)] 8-2.4(h)(11)	Hotels			P								
[8-2.4(g)(11)] 8-2.4(h)(12)	Laundromat			P								
[8-2.4(g)(12)] 8-2.4(h)(13)	Libraries			P								
[8-2.4(g)(13)] 8-2.4(h)(14)	Motels			P								
[8-2.4(g)(14)] 8-2.4(h)(15)	Museums			P								
[8-2.4(g)(15)] 8-2.4(h)(16)	Police and fire stations			P								
[8-2.4(g)(16)] 8-2.4(h)(17)	Public parks and monuments			P								
[8-2.4(g)(17)] 8-2.4(h)(18)	Restaurants and food service			P								
[8-2.4(g)(18)] 8-2.4(h)(19)	Retail cleaning outlets			P								
[8-2.4(g)(19)] 8-2.4(h)(20)	Retail food and drug shops			P								
[8-2.4(g)(20)] 8-2.4(h)(21)	Shoe repair shops			P								
[8-2.4(g)(21)] 8-2.4(h)(22)	Single-family detached dwellings			P								
[8-2.4(g)(22)] 8-2.4(h)(23)	Transient vacation rentals, provided they are located within the designated Visitor Destination Areas established pursuant to Article 17 of this Chapter. These uses are prohibited in non-VDA areas			P								
[8-2.4(h)(1)] 8-2.4(i)(1)	Agriculture			U								
[8-2.4(h)(2)] 8-2.4(i)(2)	Automobile sales and repair			U								
[8-2.4(h)(3)] 8-2.4(i)(3)	Bars, night clubs and cabaret, not a part of a hotel			U								
[8-2.4(h)(4)] 8-2.4(i)(4)	Churches, temples and monasteries			U								
[8-2.4(h)(5)] 8-2.4(i)(5)	Day camps			U								
[8-2.4(h)(6)] 8-2.4(i)(6)	Employee or construction worker temporary housing			U								
[8-2.4(h)(7)] 8-2.4(i)(7)	Marinas, transportation terminals and docks			U								
[8-2.4(h)(8)] 8-2.4(i)(8)	Professional offices			U								
[8-2.4(h)(9)] 8-2.4(i)(9)	Project development in accordance with Article 10 of this Chapter			U								

Table 8-2.4 Table of Uses

Sec.	USE	ZONING DISTRICT											
		Residential			Commercial Industrial								
		R-1 R-6	to R-10 R-20	to RR	CN	CG	IL	IG	AG	O	UNV		
[8-2.4(h)(10)] 8-2.4(i)(10)	Public utilities and facilities			U									
[8-2.4(h)(11)] 8-2.4(i)(11)	Retail manufacturing			U									
[8-2.4(h)(12)] 8-2.4(i)(12)	Shopping centers			U									
[8-2.4(h)(13)] 8-2.4(i)(13)	Theaters and auditoriums			U									
[8-2.4(h)(14)] 8-2.4(i)(14)	Any other use or structure which the Planning Director finds to be similar in nature to those listed in this Section and appropriate to the District			U									
[8-2.4(i)(1)] 8-2.4(j)(1)	Accessory uses and structures				P								
8-2.4(j)(2)	<u>Artisans Markets I & II, Farmers Markets I & II, and event concessions</u>				P								
[8-2.4(i)(2)] 8-2.4(j)(3)	Automobile services				P								
[8-2.4(i)(3)] 8-2.4(j)(4)	Churches, temples, and monasteries				P								
[8-2.4(i)(4)] 8-2.4(j)(5)	Clubs, lodges, and community centers				P								
[8-2.4(i)(5)] 8-2.4(j)(6)	Household services				P								
[8-2.4(i)(6)] 8-2.4(j)(7)	Multiple-family dwellings and single-family attached dwellings				P								
[8-2.4(i)(7)] 8-2.4(j)(8)	Museums, libraries, and public services				P								
[8-2.4(i)(8)] 8-2.4(j)(9)	Personal services, such as barber shops, laundromats, and shoe repair shops				P								
[8-2.4(i)(9)] 8-2.4(j)(10)	Professional offices				P								
[8-2.4(i)(10)] 8-2.4(j)(11)	Public parks and monuments				P								
[8-2.4(i)(11)] 8-2.4(j)(12)	Retail shops and stores				P								
[8-2.4(i)(12)] 8-2.4(j)(13)	Restaurants and food services				P								
[8-2.4(i)(13)] 8-2.4(j)(14)	Single-family detached dwellings on lots or parcels of no less than 6,000 square feet				P								
[8-2.4(i)(14)] 8-2.4(j)(15)	Transient vacation rentals, provided they are located within the designated Visitor Destination Areas established pursuant to Article 17 of this Chapter. These uses are prohibited in non-VDA areas				P								
[8-2.4(j)(1)] 8-2.4(k)(1)	Accessory uses and structures					P							

Table 8-2.4 Table of Uses

Sec.	USE	ZONING DISTRICT												
		Residential			Commercial Industrial									
		R-1 R-6	to R-10 R-20	to RR	CN	CG	IL	IG	AG	O	UNV			
<u>8-2.4(k)(2)</u>	<u>Artisans Markets I & II, Farmers Markets I & II, and event concessions</u>					P								
<u>[8-2.4(j)(2)]</u> <u>8-2.4(k)(3)</u>	Automobile sales, repair, and storage					P								
<u>[8-2.4(j)(3)]</u> <u>8-2.4(k)(4)</u>	Automobile services					P								
<u>[8-2.4(j)(4)]</u> <u>8-2.4(k)(5)</u>	Churches, temples, and monasteries					P								
<u>[8-2.4(j)(5)]</u> <u>8-2.4(k)(6)</u>	Clubs, lodges, and community centers					P								
<u>[8-2.4(j)(6)]</u> <u>8-2.4(k)(7)</u>	Commercial indoor amusement and parks					P								
<u>[8-2.4(j)(7)]</u> <u>8-2.4(k)(8)</u>	Department stores					P								
<u>[8-2.4(j)(8)]</u> <u>8-2.4(k)(9)</u>	Hotels and motels					P								
<u>[8-2.4(j)(9)]</u> <u>8-2.4(k)(10)</u>	Household services					P								
<u>[8-2.4(j)(10)]</u> <u>8-2.4(k)(11)</u>	Light manufacturing, such as handicrafts and garment fabrication					P								
<u>[8-2.4(j)(11)]</u> <u>8-2.4(k)(12)</u>	Minor food processing, such as cracked seeds, jellies, candies, and ice cream					P								
<u>[8-2.4(j)(12)]</u> <u>8-2.4(k)(13)</u>	Museums, libraries, and public services					P								
<u>[8-2.4(j)(13)]</u> <u>8-2.4(k)(14)</u>	Offices and professional buildings					P								
<u>[8-2.4(j)(14)]</u> <u>8-2.4(k)(15)</u>	Parking garages					P								
<u>[8-2.4(j)(15)]</u> <u>8-2.4(k)(16)</u>	Personal services					P								
<u>[8-2.4(j)(16)]</u> <u>8-2.4(k)(17)</u>	Public offices and buildings					P								
<u>[8-2.4(j)(17)]</u> <u>8-2.4(k)(18)</u>	Public parks and monuments					P								
<u>[8-2.4(j)(18)]</u> <u>8-2.4(k)(19)</u>	Research and development					P								
<u>[8-2.4(j)(19)]</u> <u>8-2.4(k)(20)</u>	Residential dwellings, detached, attached, or multi-family dwellings					P								
<u>[8-2.4(j)(20)]</u> <u>8-2.4(k)(21)</u>	Restaurants and food services					P								
<u>[8-2.4(j)(21)]</u> <u>8-2.4(k)(22)</u>	Retail sales					P								
<u>[8-2.4(j)(22)]</u> <u>8-2.4(k)(23)</u>	Supermarkets and shopping centers					P								
<u>[8-2.4(j)(23)]</u> <u>8-2.4(k)(24)</u>	Transient vacation rentals, provided they are located within the designated Visitor Destination Areas established pursuant to Article 17 of this Chapter. These uses are prohibited in non-VDA areas					P								

Table 8-2.4 Table of Uses

Sec.	USE	ZONING DISTRICT										
		Residential			Commercial			Industrial				
		R-1 R-6	to R-10 R-20	to RR	CN	CG	IL	IG	AG	O	UNV	
[8-2.4(j)(24)] 8-2.4(k)(25)	Transportation terminals and docks					P						
[8-2.4(j)(25)] 8-2.4(k)(26)	Warehouses					P						
[8-2.4(j)(26)] 8-2.4(k)(27)	Wholesale outlets					P						
[8-2.4(k)(1)] 8-2.4(l)(1)	Animal hospitals				U							
[8-2.4(k)(2)] 8-2.4(l)(2)	Automobile sales, repair, and storage				U							
[8-2.4(k)(3)] 8-2.4(l)(3)	Botanical and zoological gardens				U							
[8-2.4(k)(4)] 8-2.4(l)(4)	Communications facilities				U							
[8-2.4(k)(5)] 8-2.4(l)(5)	Construction materials storage				U							
[8-2.4(k)(6)] 8-2.4(l)(6)	Diversified agriculture				U							
[8-2.4(k)(7)] 8-2.4(l)(7)	Food processing and packaging				U							
[8-2.4(k)(8)] 8-2.4(l)(8)	Light manufacturing				U							
[8-2.4(k)(9)] 8-2.4(l)(9)	Private and public utilities and facilities				U							
[8-2.4(k)(10)] 8-2.4(l)(10)	Project development in accordance with Article 10 of this Chapter				U							
[8-2.4(k)(11)] 8-2.4(l)(11)	Research and development				U							
[8-2.4(k)(12)] 8-2.4(l)(12)	Schools and day care centers				U							
[8-2.4(k)(13)] 8-2.4(l)(13)	Warehouses				U							
[8-2.4(k)(14)] 8-2.4(l)(14)	Any other use or structure which the Planning Director finds to be similar in nature to those listed in this Section and appropriate to the District				U							
[8-2.4(l)(1)] 8-2.4(m)(1)	Animal hospitals					U						
[8-2.4(l)(2)] 8-2.4(m)(2)	Bars					U						
[8-2.4(l)(3)] 8-2.4(m)(3)	Botanical and zoological gardens					U						
[8-2.4(l)(4)] 8-2.4(m)(4)	Commercial outdoor amusement					U						
[8-2.4(l)(5)] 8-2.4(m)(5)	Communications facilities					U						
[8-2.4(l)(6)] 8-2.4(m)(6)	Construction materials storage					U						
[8-2.4(l)(7)] 8-2.4(m)(7)	Diversified agriculture					U						

Table 8-2.4 Table of Uses

Sec.	USE	ZONING DISTRICT											
		Residential			Commercial Industrial								
		R-1 R-6	R-10 R-20	to RR	CN	CG	IL	IG	AG	O	UNV		
[8-2.4(l)(8)] <u>8-2.4(m)(8)</u>	Food processing and packaging					U							
[8-2.4(l)(9)] <u>8-2.4(m)(9)</u>	Nightclubs and cabarets					U							
[8-2.4(l)(10)] <u>8-2.4(m)(10)</u>	Private and public utilities and facilities					U							
[8-2.4(l)(11)] <u>8-2.4(m)(11)</u>	Project development in accordance with Article 10 of this Chapter					U							
[8-2.4(l)(12)] <u>8-2.4(m)(12)</u>	Schools and day care centers					U							
[8-2.4(l)(13)] <u>8-2.4(m)(13)</u>	Any other use or structure which the Planning Director finds to be similar in nature to those listed in this Section and appropriate to the District					U							
[8-2.4(m)(1)] <u>8-2.4(n)(1)</u>	Accessory uses and structures									P			
[8-2.4(m)(2)] <u>8-2.4(n)(2)</u>	Animal hospitals									P			
<u>8-2.4(n)(3)</u>	<u>Artisans Markets I & II, Farmers Markets I & II, and event concessions</u>									P			
[8-2.4(m)(3)] <u>8-2.4(n)(4)</u>	Automobile services, sales, repair, and storage									P			
[8-2.4(m)(4)] <u>8-2.4(n)(5)</u>	Cemeteries, mortuaries and crematoriums									P			
[8-2.4(m)(5)] <u>8-2.4(n)(6)</u>	Communication facilities									P			
[8-2.4(m)(6)] <u>8-2.4(n)(7)</u>	Construction material storage									P			
[8-2.4(m)(7)] <u>8-2.4(n)(8)</u>	Food processing and packaging									P			
[8-2.4(m)(8)] <u>8-2.4(n)(9)</u>	Light manufacturing									P			
[8-2.4(m)(9)] <u>8-2.4(n)(10)</u>	Manufacturing in retail sales									P			
[8-2.4(m)(10)] <u>8-2.4(n)(11)</u>	Private and public utilities and facilities									P			
[8-2.4(m)(11)] <u>8-2.4(n)(12)</u>	Public parks and monuments									P			
[8-2.4(m)(12)] <u>8-2.4(n)(13)</u>	Research and development									P			
[8-2.4(m)(13)] <u>8-2.4(n)(14)</u>	Restaurants, bars, and food services									P			
[8-2.4(m)(14)] <u>8-2.4(n)(15)</u>	Retail sales									P			
[8-2.4(m)(15)] <u>8-2.4(n)(16)</u>	Warehouses									P			
[8-2.4(n)(1)] <u>8-2.4(o)(1)</u>	Accessory uses and structures										P		
[8-2.4(n)(2)]	Animal hospitals										P		

Table 8-2.4 Table of Uses

Sec.	USE	ZONING DISTRICT									
		Residential			Commercial Industrial						
		R-1 R-6	to R-10 R-20	to RR	CN	CG	IL	IG	AG	O	UNV
<u>8-2.4(o)(2)</u>											
<u>8-2.4(o)(3)</u>	<u>Artisans Markets I & II, Farmers Markets I & II, and event concessions</u>										P
<u>8-2.4(n)(3)</u> <u>8-2.4(o)(4)</u>	Automobile services, sales, repair, and storage										P
<u>8-2.4(n)(4)</u> <u>8-2.4(o)(5)</u>	Cemeteries, mortuaries, and crematoriums										P
<u>8-2.4(n)(5)</u> <u>8-2.4(o)(6)</u>	Communication facilities										P
<u>8-2.4(n)(6)</u> <u>8-2.4(o)(7)</u>	Construction material manufacturing										P
<u>8-2.4(n)(7)</u> <u>8-2.4(o)(8)</u>	Construction material storage										P
<u>8-2.4(n)(8)</u> <u>8-2.4(o)(9)</u>	Excavation and extraction										P
<u>8-2.4(n)(9)</u> <u>8-2.4(o)(10)</u>	Factories										P
<u>8-2.4(n)(10)</u> <u>8-2.4(o)(11)</u>	Food processing and packaging										P
<u>8-2.4(n)(11)</u> <u>8-2.4(o)(12)</u>	Light manufacturing										P
<u>8-2.4(n)(12)</u> <u>8-2.4(o)(13)</u>	Manufacturing in retail sales										P
<u>8-2.4(n)(13)</u> <u>8-2.4(o)(14)</u>	Mineral processing										P
<u>8-2.4(n)(14)</u> <u>8-2.4(o)(15)</u>	Private and public utilities and facilities										P
<u>8-2.4(n)(15)</u> <u>8-2.4(o)(16)</u>	Public parks and monuments										P
<u>8-2.4(n)(16)</u> <u>8-2.4(o)(17)</u>	Restaurants, bars, and food services										P
<u>8-2.4(n)(17)</u> <u>8-2.4(o)(18)</u>	Research and development										P
<u>8-2.4(n)(18)</u> <u>8-2.4(o)(19)</u>	Retail sales										P
<u>8-2.4(n)(19)</u> <u>8-2.4(o)(20)</u>	Transportation terminals and docks										P
<u>8-2.4(n)(20)</u> <u>8-2.4(o)(21)</u>	Warehouses										P
<u>8-2.4(o)(1)</u> <u>8-2.4(p)(1)</u>	Botanic and zoologic gardens										U
<u>8-2.4(o)(2)</u> <u>8-2.4(p)(2)</u>	Commercial recreation and parks										U
<u>8-2.4(o)(3)</u> <u>8-2.4(p)(3)</u>	Construction materials manufacturing										U
<u>8-2.4(o)(4)</u> <u>8-2.4(p)(4)</u>	Diversified agriculture										U
<u>8-2.4(o)(5)</u> <u>8-2.4(p)(5)</u>	Factories										U

Table 8-2.4 Table of Uses

Sec.	USE	ZONING DISTRICT										
		Residential			Commercial			Industrial				
		R-1 R-6	to R-10 R-20	to RR	CN	CG	IL	IG	AG	O	UNV	
[8-2.4(o)(6)] 8-2.4(p)(6)	Junk yards and dumps						U					
[8-2.4(o)(7)] 8-2.4(p)(7)	Livestock and poultry yards						U					
[8-2.4(o)(8)] 8-2.4(p)(8)	Museums, libraries, and public services						U					
[8-2.4(o)(9)] 8-2.4(p)(9)	Office and professional buildings						U					
[8-2.4(o)(10)] 8-2.4(p)(10)	Project development in accordance with Article 10 of this Chapter						U					
[8-2.4(o)(11)] 8-2.4(p)(11)	Single-family dwellings						U					
[8-2.4(o)(12)] 8-2.4(p)(12)	Any other use or structure which the Planning Director finds to be similar in nature to those listed in this Section and appropriate to the District						U					
[8-2.4(p)(1)] 8-2.4(q)(1)	Commercial recreation and parks								U			
[8-2.4(p)(2)] 8-2.4(q)(2)	Diversified agriculture								U			
[8-2.4(p)(3)] 8-2.4(q)(3)	Inflammable or noxious chemical processing or storage								U			
[8-2.4(p)(4)] 8-2.4(q)(4)	Junk yards and dumps								U			
[8-2.4(p)(5)] 8-2.4(q)(5)	Livestock and poultry yards and piggeries								U			
[8-2.4(p)(6)] 8-2.4(q)(6)	Museums, libraries, and public services								U			
[8-2.4(p)(7)] 8-2.4(q)(7)	Office and professional buildings								U			
[8-2.4(p)(8)] 8-2.4(q)(8)	Project development in accordance with Article 10 of this Chapter								U			
[8-2.4(p)(9)] 8-2.4(q)(9)	Stockyards								U			
[8-2.4(p)(10)] 8-2.4(q)(10)	Any other use or structure which the Planning Director finds to be similar in nature to those listed in this Section and appropriate to the District								U			
[8-2.4(q)(1)] 8-2.4(r)(1)	Accessory structures and uses										P	
[8-2.4(q)(2)] 8-2.4(r)(2)	Agriculture, Diversified and Specialized; and Nurseries										P	
[8-2.4(q)(3)] 8-2.4(r)(3)	Agriculture retail stand										P2	
[8-2.4(q)(4)] 8-2.4(r)(4)	Aquaculture										P	
[8-2.4(q)(5)] 8-2.4(r)(5)	Diversified agriculture										P	

Table 8-2.4 Table of Uses

Sec.	USE	ZONING DISTRICT										
		Residential			Commercial Industrial							
		R-1 R-6	to R-10 R-20	to RR	CN	CG	IL	IG	AG	O	UNV	
[8-2.4(q)(6)] 8-2.4(r)(6)	Farm Dwelling									P		
8-2.4(r)(7)	Farmers Markets I, event concessions									P		
[8-2.4(q)(7)] [8-2.4(r)(7)] 8-2.4(r)(8)	Food processing and packaging of agriculture products									P2		
[8-2.4(q)(8)] [8-2.4(r)(8)] 8-2.4(r)(9)	Forestry									P		
[8-2.4(q)(9)] [8-2.4(r)(9)] 8-2.4(r)(10)	Historic sites									P		
[8-2.4(q)(10)] [8-2.4(r)(10)] 8-2.4(r)(11)	Intensive agriculture									P		
[8-2.4(q)(11)] [8-2.4(r)(11)] 8-2.4(r)(12)	Livestock and grazing									P		
[8-2.4(q)(12)] [8-2.4(r)(12)] 8-2.4(r)(13)	Orchards									P		
[8-2.4(q)(13)] [8-2.4(r)(13)] 8-2.4(r)(14)	Outdoor recreation									P		
[8-2.4(q)(14)] [8-2.4(r)(14)] 8-2.4(r)(15)	Pet keeping and raising, except as provided in Sec. 8-2.4(r)(12)									P		
[8-2.4(q)(15)] [8-2.4(r)(15)] 8-2.4(r)(16)	Piggery, except as provided in Sec. [8-2.4(r)(13)] 8-2.4(s)(12)									P		
[8-2.4(q)(16)] [8-2.4(r)(16)] 8-2.4(r)(17)	Poultry Raising, except as provided in Sec. [8-2.4(r)(14)] 8-2.4(s)(13)									P		
[8-2.4(q)(17)] [8-2.4(r)(17)] 8-2.4(r)(18)	Public parks and monuments									P		
[8-2.4(q)(18)] [8-2.4(r)(18)] 8-2.4(r)(19)	Resource management									P		
[8-2.4(q)(19)] [8-2.4(r)(19)] 8-2.4(r)(20)	Single-family attached and detached dwellings									P		
[8-2.4(q)(20)] [8-2.4(r)(20)] 8-2.4(r)(21)	Solar energy facilities placed within land with soil classified by the State of Hawai'i Land Study Bureau's detailed land classification as overall (master) productivity rating B, C, D, or E; those facilities placed within land with soil classified as overall productivity rating class B and C shall not occupy more than 10% of the acreage of the parcel, or 20 acres of land, whichever is less									P		

Table 8-2.4 Table of Uses

Sec.	USE	ZONING DISTRICT												
		Residential			Commercial			Industrial						
		R-1 R-6	to R-10 R-20	to RR	CN	CG	IL	IG	AG	O	UNV			
[8-2.4(q)(21)] [8-2.4(r)(21)] 8-2.4(r)(22)	Undeveloped campgrounds											P		
[8-2.4(q)(22)] [8-2.4(r)(22)] 8-2.4(r)(23)	Warehousing, storage, and packing of plant products											P		
[8-2.4(q)(23)] [8-2.4(r)(23)] 8-2.4(r)(24)	Wildlife management											P		
[8-2.4(r)(1)] 8-2.4(s)(1)	Animal hospitals											U		
8-2.4(s)(2)	Artisans Markets I & II and Farmers Markets II											U		
[8-2.4(r)(2)] [8-2.4(s)(2)] 8-2.4(s)(3)	Botanical and Zoological gardens											U		
[8-2.4(r)(3)] [8-2.4(s)(3)] 8-2.4(s)(4)	Cemeteries											U		
[8-2.4(r)(4)] [8-2.4(s)(4)] 8-2.4(s)(5)	Churches, temples, and monasteries											U		
[8-2.4(r)(5)] [8-2.4(s)(5)] 8-2.4(s)(6)	Commercial Recreation											U		
[8-2.4(r)(6)] [8-2.4(s)(6)] 8-2.4(s)(7)	Construction and worker temporary housing											U		
[8-2.4(r)(7)] [8-2.4(s)(7)] 8-2.4(s)(8)	Educational Campgrounds											U		
[8-2.4(r)(8)] [8-2.4(s)(8)] 8-2.4(s)(9)	Farm worker housing											U		
[8-2.4(r)(9)]	[Farmers Markets]												[U]	
[8-2.4(r)(10)] [8-2.4(s)(9)] 8-2.4(s)(10)	Golf courses											U		
[8-2.4(r)(11)] [8-2.4(s)(10)] 8-2.4(s)(11)	Mineral extraction and quarries											U		
[8-2.4(r)(12)] [8-2.4(s)(11)] 8-2.4(s)(12)	Pet keeping and raising proposed within 500 feet of any Residential District											U		
[8-2.4(r)(13)] [8-2.4(s)(12)] 8-2.4(s)(13)	Piggery, when to be located within 3,000 feet of any Use District											U		
[8-2.4(r)(14)] [8-2.4(s)(13)] 8-2.4(s)(14)	Poultry Raising, when to be located within 3,000 feet of any Use District											U		
[8-2.4(r)(15)] [8-2.4(s)(14)] 8-2.4(s)(15)	Private and public utilities facilities											U		
[8-2.4(r)(16)]	Restaurants and food services											U2		

Table 8-2.4 Table of Uses

Sec.	USE	ZONING DISTRICT										
		Residential			Commercial			Industrial				
		R-1 R-6	to R-10 R-20	to RR	CN	CG	IL	IG	AG	O	UNV	
[8-2.4(s)(15)] 8-2.4(s)(16)												
[8-2.4(r)(17)] [8-2.4(s)(16)] 8-2.4(s)(17)	Retail Sales											U
[8-2.4(r)(18)] [8-2.4(s)(17)] 8-2.4(s)(18)	Schools and day care centers											U
[8-2.4(r)(19)] [8-2.4(s)(18)] 8-2.4(s)(19)	Transportation terminals											U
[8-2.4(r)(20)] [8-2.4(s)(19)] 8-2.4(s)(20)	Any other use or structure which the Planning Director finds to be similar in nature to those listed in this Section and appropriate to the District											
[8-2.4(s)(1)] 8-2.4(t)(1)	Accessory uses and structures											P
8-2.4(t)(2)	<u>Artisans Markets I, Farmers Markets I, and event concessions</u>											<u>P4</u>
[8-2.4(s)(2)] 8-2.4(t)(3)	Day-use areas											P
[8-2.4(s)(3)] 8-2.4(t)(4)	Diversified agriculture											P
[8-2.4(s)(4)] 8-2.4(t)(5)	Livestock and grazing, except as provided in Sec. 8-2.4(t)(6)											P
[8-2.4(s)(5)] 8-2.4(t)(6)	Outdoor recreation											P
[8-2.4(s)(6)] 8-2.4(t)(7)	Parks and monuments											P
[8-2.4(s)(7)] 8-2.4(t)(8)	Private recreation areas											P
[8-2.4(s)(8)] 8-2.4(t)(9)	Resource management											P
[8-2.4(s)(9)] 8-2.4(t)(10)	Single-family detached dwellings											P
[8-2.4(s)(10)] 8-2.4(t)(11)	Undeveloped campgrounds											P
8-2.4(u)(1)	<u>Artisans Markets II and Farmers Markets II</u>											<u>U</u>
[8-2.4(t)(1)] 8-2.4(u)(2)	Communications facilities											U
[8-2.4(t)(2)] 8-2.4(u)(3)	Day care centers											U
[8-2.4(t)(3)] 8-2.4(u)(4)	Educational Campgrounds											U3
[8-2.4(t)(4)] 8-2.4(u)(5)	Home businesses											U
[8-2.4(t)(5)] 8-2.4(u)(6)	Intensive agriculture											U
[8-2.4(t)(6)] 8-2.4(u)(7)	Livestock and grazing within the Urban District as established by the											U

Table 8-2.4 Table of Uses

Sec.	USE	ZONING DISTRICT											
		Residential			Commercial				Industrial				
		R-1 R-6	to R-10 R-20	to RR	CN	CG	IL	IG	AG	O	UNV		
	State Land Use Commission												
[8-2.4(t)(7)] 8-2.4(u)(8)	Outdoor recreation concessions											U	
[8-2.4(t)(8)] 8-2.4(u)(9)	Police and fire facilities											U	
[8-2.4(t)(9)] 8-2.4(u)(10)	Quarries											U	
[8-2.4(t)(10)] 8-2.4(u)(11)	Recreation vehicle parks											U	
[8-2.4(t)(11)] 8-2.4(u)(12)	Religious facilities											U	
[8-2.4(t)(12)] 8-2.4(u)(13)	Utility installations											U	
[8-2.4(t)(13)] 8-2.4(u)(14)	Any other use or structure which the Planning Director finds to be similar in nature to those listed in this Section and appropriate to the District											U	
[8-2.4(u)(1)] 8-2.4(v)(1)	Homestay												
[8-2.4(u)(2)] 8-2.4(v)(2)	Homestay located in the Visitor Destination Area (VDA), pursuant to Article 18 of this Chapter	P	P	P	P	P							
8-2.4(w)(1)	Accessory structures and uses												P
8-2.4(w)(2)	Artisans Markets I & II, Farmers Markets I & II, and event concessions												P
8-2.4(w)(3)	Botanical and zoological gardens												P
8-2.4(w)(4)	Diversified and specialized agriculture, orchards, nurseries, and related structures												P
8-2.4(w)(5)	Dormitories, residence halls, faculty multifamily rental housing, guest and boarding houses												P
[8-2.4(v)(1)]	[Offices, classrooms, lecture halls, laboratories, and education buildings]												[P]
[8-2.4(v)(2)] 8-2.4(w)(6)	Food service, cafeteria, and dining commons												P
8-2.4(w)(7)	Gymnasiums, indoor recreational centers, and sports facilities under 3,000 attendees												P
[8-2.4(v)(3)]	[School and day care centers]												[P]
[8-2.4(v)(4)] 8-2.4(w)(8)	Museums and libraries												P
8-2.4(w)(9)	Offices, classrooms, lecture halls, laboratories, and education buildings												P
[8-2.4(v)(5)] 8-2.4(w)(10)	Restaurants and snack shops												P
[8-2.4(v)(6)] 8-2.4(w)(11)	Retail sales												P
8-2.4(w)(12)	School and day care centers												P
8-2.4(w)(13)	Solar energy facilities												P

Table 8-2.4 Table of Uses

Sec.	USE	ZONING DISTRICT												
		Residential			Commercial Industrial									
		R-1 to R-6	R-10 to R-20	RR	CN	CG	IL	IG	AG	O	UNV			
[8-2.4(v)(7)] <u>8-2.4(w)(14)</u>	Transportation terminals													P
[8-2.4(v)(8)]	[Solar energy facilities]													[P]
[8-2.4(v)(9)]	[Botanical and zoological gardens]													[P]
[8-2.4(v)(10)]	[Diversified and specialized agriculture, orchards, nurseries, and related structures]													[P]
[8-2.4(v)(11)]	[Accessory structures and uses]													[P]
[8-2.4(v)(12)]	[Dormitories, residence halls, faculty multifamily rental housing, guest and boarding houses]													[P]
[8-2.4(v)(13)]	[Gymnasiums, indoor recreational centers, and sports facilities under 3,000 attendees]													[P]
<u>8-2.4(x)(1)</u>	<u>Bars</u>													<u>U</u>
[8-2.4(w)(1)] <u>8-2.4(x)(2)</u>	Gymnasiums, indoor recreational centers, and sports facilities with 3,000 attendees or greater													U
<u>8-2.4(x)(3)</u>	<u>Medical and nursing facilities</u>													<u>U</u>
[8-2.4(w)(2)] <u>8-2.4(x)(4)</u>	Multiple-family dwellings and single-family dwellings													U
[8-2.4(w)(3)]	[Medical and nursing facilities]													[U]
[8-2.4(w)(4)] <u>8-2.4(x)(5)</u>	Police and fire stations													U
[8-2.4(w)(5)]	[Bars]													[U]
[8-2.4(w)(6)] <u>8-2.4(x)(6)</u>	Private and public utilities and facilities, other than maintenance and storage of equipment, materials, and vehicles													U
[8-2.4(w)(7)] <u>8-2.4(x)(7)</u>	Any other use or structure which the Planning Director finds to be similar in nature to those listed in this Section and appropriate to the District													U

Notes:

1. Requirements for Additional Dwelling Units (ADU) are contained in Article 15.
2. Only produce raised or grown on the property and/or associated farm or value-added goods derived primarily from produce or livestock raised on the subject property and/or associated farm.
3. Only applies to those lands that are within the State Land Use Agricultural District.
4. If the Artisans Market I is located within the Open District, it may only be a permitted use if designated within the State Land Use Urban District.

KEY: U= Use Permit Required

P= Permitted Use or Structure (Zoning Permit may be required)

”

SECTION 4. Chapter 8, Section 8-29.5 (Permits Required), Kaua‘i County Code 1987, as amended, is hereby amended by amending Subsection 8-29.5(a) to read as follows:

“(a) Class I Permit. A Class I Permit shall be obtained for construction or development that consists of a use and accompanying

structure(s) listed as generally permitted under [Section 8-2.4(v),] Section 8-2.4(w), and that:

(1) The parcel is not located in a Constraint District or Special Treatment District; and/or

(2) The construction or development does not require a Use Permit or a Variance Permit.”

SECTION 5. Chapter 8, Section 8-6.3 (Development Standards for Commercial Development), Kaua'i County Code 1987, as amended, is hereby amended by amending Subsection 8-6.3(e) to read as follows:

“(e) Driveways and Parking Areas. Driveways and parking areas shall be as follows:

(1) The minimum driveway width in Commercial Districts shall be 20 feet if there is two-way traffic and 14 feet if there is one-way traffic.

(2) Parking areas shall conform to standards of design and construction established by the County Engineer, provided that:

(A) No parking lot pavement edge may be located closer than five feet from the right-of-way line of a public street;

(B) No part of parked vehicles shall protrude into that setback;

(C) All parking lots shall be screened from public thoroughfares by a fence, wall or plant screen not less than four feet high, provided that the screening height shall be lowered to the standards as required under the County Traffic Code or to the standards of the Department of Public Works, at street corners, driveway intersections, and other locations. The setback area between the parking area paving and the public right-of-way shall be planted and shall not be paved.

(3) Off-Street Parking. The following requirements shall apply to commercial development in the Commercial District and any other district in which such uses are permitted or allowed:

(A) General retail sales and services where sales or business transactions normally involve the presence of consumers but do not establish capacity by seating: one parking space for each 300 square feet of gross floor space plus one space for every three employees, but not less than four spaces shall be required. This category includes, but is not limited to, grocery stores, drug stores, clothing stores, gift and sundry stores, banks, personal and household services.

(B) Retail sales and services where the capacity is established by seating: one parking space for each 200 square feet of gross floor space plus one space for every three employees, but not less than four spaces shall be required. This category includes, but is not limited to, restaurants, bars, cabarets, barber and beauty shops.

(C) Offices and office buildings: one parking space for every 200 square feet of net office space and waiting rooms or other spaces used by the public for the transaction of business or services, but not less than two parking spaces shall be required. This category includes, but is not limited to, general business offices, medical and dental offices.

(D) Churches, sport arenas, auditoriums, theaters, assembly halls and the like: one parking space for each eight seats in principal assembly room.

(E) Artisans Markets I & II and Farmers Markets I & II: one (1) parking space for every 1,000 square feet of market area. These designated off-street artisans and farmers market parking spaces can be provided by unmarked grass or gravel areas with the equivalent size to accommodate the respective required parking spaces.

(F) The Planning Director shall determine the distribution of requirements for any particular use or combination of uses and may increase parking requirements when particular uses or locations occur in areas where unusual traffic congestion or conditions exist or are projected.

[(F)] (G) In cases where the provision of off-street parking to meet these requirements is not feasibly consistent with the parcel size or location, the applicant may be allowed to meet these requirements at any other location within 200 feet of the parcel where the use is proposed, provided that the requisite number of parking spaces at the location are under the control of the applicant and are devoted exclusively to parking uses in connection with the commercial development for which the application is made; and provided further, that a recorded easement or other interest is created in the land at the other location that assures permanent use of the other location for parking purposes.”

SECTION 6. The requirements of Chapter 20, Article 5 (Revocable Permits), and Chapter 23, Article 3 (Peddlers and Concessionaires), Kaua'i County Code 1987, as amended, apply to the new uses established by this Ordinance.

SECTION 7. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 8. Ordinance material to be repealed is bracketed. New Ordinance material is underscored. When revising, compiling, or printing this Ordinance for inclusion in the Kaua'i County Code 1987, as amended, the brackets, bracketed material, and underscoring shall not be included.

SECTION 9. This Ordinance shall take effect upon its approval.

Introduced by:

ARRYL KANESHIRO

FERN HOLLAND

DATE OF INTRODUCTION:

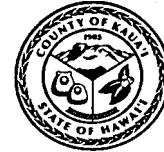
Līhu'e, Kaua'i, Hawai'i

[V:\BILLS\2024-2026 TERM\Commercial Use of State and County Parks and Quasi Public Facilities
JA_dmc.doc]

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



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

DIRECTOR'S REPORT

TO: Planning Commission

RE: **2025 Annual Report**
COCONUT PLANTATION RESORT
Special Management Area Use Permit SMA(U)-2006-5
Class IV Zoning Permit Z-IV-2006-10
Project Development Use Permit PDU-2006-7
Tax Map Keys: (4) 4-3-007:027
Waipōuli, Kaua'i

APPLICANT: Coconut Plantation Beach Investors, LLC.
(formerly Coconut Plantation Holdings, LLC.)

BACKGROUND

The subject permits were approved by the Planning Commission on January 23, 2007 to allow a development involving the construction of an apartment hotel complex with 192 multi-family units, 6 hotel rooms, and associated amenities & parking, a cultural preserve area, and multi-use beach access paths.

Condition No. 8 of the permits requires the Applicant to submit an annual report to the Planning Commission to report the progress of the project until it's completed and it reads:

"8. Applicant/Owner shall provide annual reports to the Planning Commission beginning from one year from the date of this approval. The reports shall provide project status and progress towards project completion and compliance with conditions of approval. Annual reports shall be provided until completion of the project, and compliance with all conditions of approval."


APPLICANT'S REQUEST

In accordance with Condition No. 8, the Applicant is providing its annual status report for 2025 (refer to Attachment).

RECOMMENDATION

It is recommended that the Commission accepts the Applicant's Annual Status Report dated January 14, 2025. Additionally, the Applicant is advised that all applicable conditions of approval, including the provision of annual status report as required by Condition No. 8, shall remain in effect. The next Annual Status Report be submitted no later than JANUARY 23, 2026.

G.1.a.1.
March 11, 2025

By  _____
Dale A. Cua
Planner

Approved and recommended to Commission:


By  _____
Ka'aina S. Hull
Director of Planning
Date: 3/3/2025

EXHIBIT “A”

(2025 Status Report)

For reference

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

January 14, 2025

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

Re: ANNUAL STATUS REPORT FOR COCONUT PLANTATION BEACH INVESTORS, LLC

Special Management Area Use Permit SMA(U)-2006-5
Project Development User Permit PDU-2006-7
Class IV Zoning Permit Z-IV-2006-10

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

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

Dear Sir:

The attached report updates the status of the above project, which was originally approved by the Planning Commission on January 23, 2007.

The previous status report was submitted on or about January 11, 2024, and accepted by the Planning Commission effective on November 12, 2024. Condition #8 of the original approval states:

Applicant/owner shall provide annual status reports to the Planning Commission beginning from one year from the date of this approval. The reports shall provide project status and progress towards project completion and compliance with conditions of approval. Annual reports shall be provided until completion of the project, and compliance with all conditions of approval.

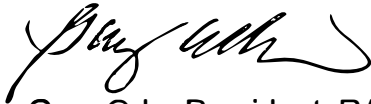
Pursuant to the November 14, 2024 acceptance letter from the Planning Commission, this 2025 Annual Status Report is to be submitted no later than January 23, 2025.

Mr. Ka'āina S. Hull, Director
Kauai County Planning Department
Page 2
January 14, 2025

Since the previous status report, there was a pending sale in escrow that was cancelled and Coconut Plantation Beach Investors, LLC has continued to market the property for sale to an appropriate resort development entity with Colliers International.

Therefore, on behalf of Coconut Plantation Beach Investors, LLC, an updated status report is hereby provided for your review and acceptance.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Oda", with a stylized flourish at the end.

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

**SPECIAL MANAGEMENT AREA USE PERMIT SMA(U)-2006-5
PROJECT DEVELOPMENT USE PERMIT PDU-2006-7
CLASS IV ZONING PERMIT Z-V-2006-10
TMK: 4-3-07:27, Waipouli, Kauai, Hawaii**

**2025 STATUS REPORT
COCONUT PLANTATION BEACH INVESTORS, LLC
(Former Owner Coconut Plantation Holdings, LLC)**

January 14, 2025

PROJECT BACKGROUND

A. APPLICANT:

Original Applicant: Coconut Plantation Holdings, LLC (“**Holdings**”)
Current Owner/Applicant: Coconut Plantation Beach Investors, LLC
 (“**Investors**”)

B. DESCRIPTION:

Proposed Development of an apartment hotel resort complex with 192 multi-family units, 6 hotel rooms, associated amenities, and 386 parking spaces, a cultural preserve area, and vertical and lateral multi-use beach access paths.

C. APPROVAL DATE:

January 23, 2007: The Planning Commission approved all three permits subject to 18 conditions, including conditions imposed on Holdings regarding traffic improvements, wastewater treatment, and potable water, including conditions apart from those agreed to by Holdings.

D. APPEAL/CONCLUSION OF LITIGATION:

February 22, 2007: Holdings filed a Notice of Appeal to the Fifth Circuit Court of the Findings of Fact, Conclusions of Law, and Decision and Order of the County of Kauai Planning Commission entered on January 24, 2007, and its Statement of the Case, identifying the County of Kauai, the Planning Commission et al. as defendants.

July 29, 2009: An oral motion for dismissal was made and orally granted by the Court.

February 1, 2010: A Final Judgment was entered by the Court which resolved all claims between 1000 Friends, Ms. Nani Rogers and the County, as well as other defendants, including Holdings.

June 2, 2010: The appeal by 1000 Friends and Ms. Rogers was resolved via a stipulation for dismissal with prejudice and order as filed with the Intermediate Court of Appeals on Oahu.

E. LITIGATION REGARDING WORKFORCE HOUSING CONDITION NO. 18

In 2022, Investors intended to sell the Property, and the proposed purchaser requested a letter from the Housing Agency Director confirming that KCC Chapter 7A/Ordinance 860 did not apply to the Project, and that the 3 workforce housing units from Condition No. 18 were the only workforce housing units that needed to be constructed. On May 11, 2022, Investors submitted a letter to the Housing Agency Director requesting confirmation that the employee housing requirement stated in Condition No. 18 of the Project Permits continues to be applicable to the Project.

On July 29, 2022, the Housing Agency Director responded that the Project was subject to KCC Chapter 7A. Investors subsequently submitted a letter appealing/requesting reconsideration of this response on August 26, 2022. Investors supplemented the original letter twice, on September 9, 2022 and on September 23, 2022.

Among other things, Investors argued that KCC Chapter 7A is not retroactive under these circumstances, because KCC Chapter 7A does not clearly state that it is retroactive and does not obviously intend to be retroactive. On January 12, 2023, the Housing Agency Director issued his response in the form of a Declaratory Ruling.

On November 10, 2023, Investors appealed to the Circuit Court of the Fifth Circuit in an agency appeal designated as *Coconut Plantation Beach Investors, LLC v. Adam Roversi, in his capacity as Director of the Kauai County Housing Agency; Kauai County Housing Agency*, CIVIL NO. 5CCV-23-000010 (Agency Appeal), and on October 5, 2023, Findings of Fact, Conclusions of Law, and Decision and Order (“Order”) and Judgment were entered in favor of Investors. The Order provides that no workforce housing assessment may be made under KCC Chapter 7A for the Project unless the Project Permits become invalid and that no additional workforce housing assessment may be made “except that an additional workforce housing assessment may be applicable to a project, after initial assessment, when increased residential or resort density is subsequently granted by the County.”

On November 1, 2023, the County appealed the Judgment and Order to the Intermediate Court of Appeals. That appeal is still pending

F. PROGRESS TO DATE:

Since the previous status report submittal, there was a pending sale in escrow that was cancelled and Investors has continued to market the property for sale to an

appropriate development entity with Colliers International. No changes to the project or the Property have been made.

STATUS OF CONDITIONS OF APPROVAL

1. Amended and Approved: (See attached letter dated January 28, 2009, from Ian Costa)

Based on the Traffic Operation Study Technical Report prepared by Wilson Okamoto ("Traffic Report") and submitted by the Applicant as a part of its Applications, Applicant shall be required to make a monetary contribution to the projects recommended by the Traffic Report on pages 34-35, when such projects are determined to be warranted by the State of Hawai'i Department of Transportation - Highways Division ("DOT-H"). If at the time that DOT-H determines that such projects are warranted, DOT-H also determines that minor modifications to the projects recommended on pages 34-35 of the Traffic Report are needed due to changes in the background traffic conditions, the Applicant shall be required to make a monetary contribution to such modified projects provided that they have an essential nexus and are roughly proportional in nature and extent to the impact of the proposed development. Furthermore, the monetary contribution may not constitute an illegal exaction or unconstitutional taking under the United States or Hawaii Constitutions.

Should DOT-H determine that any of the aforementioned projects trigger the requirements of HRS Chapter 343, such requirements shall be fulfilled prior to the construction of the projects recommended on pages 34-35 of the Traffic Report. The Planning Commission reserves the right to review and comment on any document prepared pursuant to HRS Chapter 343, and as part of the procedures outlined in HRS 343-5, add additional comments relative to new information disclosed as a part of I-IRS Chapter 343 requirements.

Nothing in this condition shall be deemed to require the Applicant to engage in any design, engineering, or construction related to traffic mitigation efforts. Further, the Applicant is not required to make any contribution to any improvements related to Pouli Road or the widening of Kuhio Highway.

INVESTORS, ITS ASSIGNS, HEIRS, SUCCESSORS, ETC., INTENDS TO COMPLY WITH THE AMENDED CONDITION.

2. **Amended and Approved: (See attached letter dated January 28, 2009, from Ian Costa)**

The Kaua'i Department of Public Works, Wastewater Management Division, shall approve County sewer service in compliance with all applicable Federal, State of Hawai'i and County of Kaua'i laws, ordinances, rules and regulations and upon the Applicant's completion of the following:

- *Applicant must apply for wastewater service from the County;*
- *Applicant must pay all applicable wastewater fees, including the Sewer Connection Charge, presently assessed at \$.12 per square foot of sewerable area and the Wastewater Treatment Capacity Assessment, presently assessed at \$3,900.00 per unit. Fees shall be calculated as per the County Sewer Ordinance assessment at the time of payment.*

INVESTORS, ITS ASSIGNS, HEIRS, SUCCESSORS, ETC., INTENDS TO COMPLY WITH THE AMENDED CONDITION.

3. Prior to building permit application, the Applicant shall:

- a. submit for review and approval, the location and number of parking stalls that will be dedicated for employees, visitors and guests of the project, and 12 parking stalls for cultural preserve visitors and general public seeking access for shoreline and marine based activities. A parking management plan shall reflect the methods to be used to prevent employee or guest parking within the general public parking area, signage to be installed, maintenance, sign replacement policy, etc.

INVESTORS, ITS ASSIGNS, HEIRS, SUCCESSORS, ETC., INTENDS TO COMPLY WITH THIS CONDITION.

- b. resolve with the Planning Department, details on acknowledging the technical requirements relating to the Project Development Use Permit and CZO development standards, including building exterior and site lighting, building design and color schemes, architectural details, circulation, revised elevations, building heights and setbacks, and integration of ADA accessibility requirements.

INVESTORS, ITS ASSIGNS, HEIRS, SUCCESSORS, ETC., INTENDS TO COMPLY WITH THIS CONDITION.

- c. submit the necessary and acceptable documentation, to the satisfaction of the Planning Director, that the Applicant will participate with the major infrastructure improvements as discussed in this report

and within the control of the Applicant, as represented to the Planning Commission will be constructed at the same time of construction of the project.

"Acceptable documentation" shall include

1. Performance Bond or insurance (for full value of improvements), or
2. Community Finance District bond (CFD approved by County).

A complete list of all improvements to be constructed, timeline for completion prior to occupancy and use, and financing mechanism for 100% of the improvement costs shall also be included.

INVESTORS, ITS ASSIGNS, HEIRS, SUCCESSORS, ETC., INTENDS TO COMPLY WITH THIS CONDITION SUBJECT TO MODIFICATIONS MADE BY THE COURT RELATIVE TO CONDITION NOS. 1, 2 AND 13.

- d. Copy of the grading and drainage master plan approved by the Department of Public Works. Filling of the property with material obtained from off-premises shall not be permitted, except as may be necessary to comply with the site drainage and grading requirements as resolved with the Department of Public Works and Planning Department. This prohibition of exported fill material shall not apply to top soil used for landscaping purposes in accordance with the approved landscaped plans. Mass pad filling to increase the heights of the proposed structures shall not be permitted except as resolved with the Department of Public Works and Planning Department. Site runoff, if any, shall be according to the standards and requirement of the Department of Public Works.

INVESTORS, ITS ASSIGNS, HEIRS, SUCCESSORS, ETC., INTENDS TO COMPLY WITH THIS CONDITION.

- e. An emergency evacuation plan for the resort project shall be prepared and submitted to the Civil Defense Agency for their review and comment. The recommendations of this agency shall be incorporated into the design of this project, to the extent possible.

INVESTORS, ITS ASSIGNS, HEIRS, SUCCESSORS, ETC., INTENDS TO COMPLY WITH THIS CONDITION.

- f. Documentation from the State Historic Preservation Division that the applicant has complied with, or will comply with, their recommendations:

1. Data recovery work shall be completed prior to construction activities by following approved data recovery plan. A report documenting the archaeological data recovery work shall be submitted to the State Historic Preservation Division for review and approval. The report shall include: 1) Detailed drawings of burials and deposits to scale; 2) sketches and photographs of all artifacts; 3) analyses of all perishable and datable remains; 4) stratigraphic profiles drawn to scale; and 5) locations of historic sites on an overall map of the project area.
2. An archaeological monitor shall be on site to monitor any ground disturbance during construction. An approved archaeological monitoring plan shall be submitted to SHPD. This monitoring work shall be by a qualified archaeologist. A report documenting the archaeological work shall be submitted to the State Historic Preservation Division for review and approval. The report shall include: 1) Detailed drawings of burials and deposits to scale; 2) sketches and photographs of all artifacts; 3) analyses of all perishable and datable remains; 4) stratigraphic profiles drawn to scale; 5) locations of all historic sites on an overall map of the project area; 6) initial significance evaluations for each historic site found; and 7) documentation on the nature and age of the historic sites. If significant historic sites are found then proposed mitigation or preservation plans can be submitted for review and approval.
3. A preservation plan shall be submitted to the State Historic Preservation Division for the burial preserve.

INVESTORS, ITS ASSIGNS, HEIRS, SUCCESSORS, ETC., INTENDS TO COMPLY WITH THIS CONDITION. An archaeological Inventory Survey and Data Recovery Plan prepared by Cultural Surveys Hawaii, Inc., was accepted by the Dept. of Land and Natural Resources state Historic Preservation Office in 1991. Data Recovery for two burials was performed in 2005.

- g. location and configuration of the Open District (0) and Resort District (RR-20) as depicted on Zoning Map ZM WP 500, and lot coverage calculations for each zoning district.

INVESTORS, ITS ASSIGNS, HEIRS, SUCCESSORS, ETC., INTENDS TO COMPLY WITH THIS CONDITION.

- h. phasing for the development of the site.

INVESTORS, ITS ASSIGNS, HEIRS, SUCCESSORS, ETC., INTENDS TO COMPLY WITH THIS CONDITION.

- i. stake out, on the site, for Department review and approval: the shoreline as approved by the State, the location and configuration of the lateral multi-use beach walk, the location of the 100 ft Open District (0), the location and configuration of the cultural site and vertical beach multi-use pathways, and the seaward edge of the ocean front buildings.

INVESTORS, ITS ASSIGNS, HEIRS, SUCCESSORS, ETC., INTENDS TO COMPLY WITH THIS CONDITION.

- j. incorporate, wherever possible, principles of "Green Building" in the design of the project, to the extent feasible.

INVESTORS, ITS ASSIGNS, HEIRS, SUCCESSORS, ETC., INTENDS TO COMPLY WITH THIS CONDITION.

- k. obtain design review and approval of the project by the Planning Commission, to include architectural, grading and fill, drainage, landscaping, green building strategies, possible buildings being scaled back and pedestrian connectivity.

INVESTORS, ITS ASSIGNS, HEIRS, SUCCESSORS, ETC., INTENDS TO COMPLY WITH THIS CONDITION.

- 4. At time of building permit application, the Applicant shall submit to the Planning Department, a site development plan or a combination of site development plans that specifies and identifies the following:
 - a. current and valid shoreline survey certified by the State of Hawaii
 - b. off-street parking calculations for the resort at time of final design. As approved, applicant will provide 399 parking spaces, of which 151 may be grass floored, or 38%. The number of parking spaces may change in the event of any reduction in the unit count.

INVESTORS, ITS ASSIGNS, HEIRS, SUCCESSORS, ETC., INTENDS TO COMPLY WITH THIS CONDITION.

- c. location of the north and south vertical beach multi-use access paths, lateral shoreline multi-use access walkway matching the existing paths on the abutting properties, and 12 parking stalls for shoreline access and cultural preserve. These paths should meet the standards for multi-use pathways and be a minimum width of 10 ft. concrete pavement.

INVESTORS, ITS ASSIGNS, HEIRS, SUCCESSORS, ETC., INTENDS TO COMPLY WITH THIS CONDITION.

- d. Location of cultural preserve established by metes and bounds survey, and by GPS, within Open District (0), and the reserve area should relocation of cultural items become necessary. Should natural coastal beach erosion or storm activity erode the beach to within 50 ft. of the seaward edge of the cultural preserve as established by GPS, all items within the cultural preserve shall be relocated mauka onto the subject site into the previously established reserve site. Any relocation shall be as approved by the Kauai Island Burial Council and State Historic Preservation Division.

INVESTORS, ITS ASSIGNS, HEIRS, SUCCESSORS, ETC., INTENDS TO COMPLY WITH THIS CONDITION. A cultural Preserve Area is indicated on the site plan of the application (Fig. 8).

- e. Landscape master plan for the proposed development and cultural site, with emphasis on indigenous Hawaii flora. The master plan shall identify the removal and retention of any existing landscaping and trees on the property. The landscape plan shall be composed of native species, or species common to the area, to help screen the proposed structures, and integrate the site with its surroundings. Landscaping within the cultural site shall be as approved by the SHPD.

INVESTORS, ITS ASSIGNS, HEIRS, SUCCESSORS, ETC., INTENDS TO COMPLY WITH THIS CONDITION.

- 5. In accordance with Section 8-5.5 of the Kauai County Code, 1987, the Applicant shall provide a grant of easement for 12 public beach parking and cultural site stalls, 2 vertical public beach multi-use access paths, cultural site and reserve cultural site, and lateral coastal multi-use beach walk.

INVESTORS, ITS ASSIGNS, HEIRS, SUCCESSORS, ETC., INTEND TO COMPLY WITH THIS CONDITION. A vertical beach access path is proposed on the application on the south end of the site. Revisions to the site plan will be necessary to accommodate a second shoreline access path on the north side of the property and must be further reviewed with the Planning Department.

6. In accordance with Section II-A of the Kauai County Code, 1987, the applicant shall submit an Environmental Assessment fee of \$1,000 per new Dwelling Unit on the property. In accordance with Section 9-2.8 of the Kauai County Code, 1987, the requirement of the Park Dedication in-Lieu Fee is applicable to the proposed residential dwelling units for the project. Both of these fees are due at time of building permit application.

INVESTORS, ITS ASSIGNS, HEIRS, SUCCESSORS, ETC., INTENDS TO COMPLY WITH THIS CONDITION.

7. In order to minimize adverse impacts on Federally Listed Threatened Species, such as Newell's Shearwater and other seabirds, external lighting to be used within this project shall only be of the following types: shielded lights, cut-off luminaries, or indirect lighting. Spotlights aimed upwards or spotlighting of structures, and architectural or landscaping features shall not be permitted.

INVESTORS, ITS ASSIGNS, HEIRS, SUCCESSORS, ETC., INTENDS TO COMPLY WITH THIS CONDITION.

8. Applicant/owner shall provide annual status reports to the Planning Commission beginning from one year from the date of this approval. The reports shall provide project status and progress towards project completion and compliance with conditions of approval. Annual reports shall be provided until completion of the project, and compliance with all conditions of approval.

INVESTORS, ITS ASSIGNS, HEIRS, SUCCESSORS, ETC., INTENDS TO COMPLY WITH THIS CONDITION, this being the 4th status report submittal.

9. The Planning Commission reserves the authority to impose additional conditions, modify or delete conditions stated herein during Commission review of the annual report should unforeseen or unanticipated conditions be created or result, or revoke the subject permits through proper procedures should the applicant fail to comply with the conditions.

INVESTORS, ITS ASSIGNS, HEIRS, SUCCESSORS, ETC., INTENDS TO COMPLY WITH THIS CONDITION.

10. Applicant shall substantially commence construction of the project development and infrastructure improvements within one (1) year from the date of full approval including all building and site construction permits, and shall complete construction of the project development within 5 years from the date of approval of the subject permits.

INVESTORS, ITS ASSIGNS, HEIRS, SUCCESSORS, ETC., INTENDS TO COMPLY WITH THIS CONDITION.

11. Should the applicant be unable to comply with the development time line in condition #10 above and request an extension of time, applicant is advised that any new laws, ordinances or regulations that have been implemented within this time frame may become applicable to the project.

INVESTORS, ITS ASSIGNS, HEIRS, SUCCESSORS, ETC., INTENDS TO COMPLY WITH THIS CONDITION.

12. In view of the various conditions and recommendations imposed by the various government agencies as referenced to herein, building permit application or preconstruction work for any phase of the project or portion of the property shall not be accepted until the Applicant submits a status report of all permit conditions that are either required to be complied with prior to or at time of building permit application.

INVESTORS, ITS ASSIGNS, HEIRS, SUCCESSORS, ETC., INTENDS TO COMPLY WITH THIS CONDITION.

13. **Amended and Approved: (See attached letter dated January 28, 2009, from Ian Costa)**

Applicant shall resolve and comply with all applicable conditions as recommended by the Water, Fire and Public Works Departments, and with the State Department of Health, Department of Land and Natural Resources - Historic Preservation Division, and Department of Transportation Highways Division, except to the extent that such conditions are contrary to the terms of these amended permits. Any improvements related to Pouli Road or the Wailua Wastewater Treatment Plant shall not be included as mandated by the Fifth Circuit Court order filed 9/18/08, unless as otherwise addressed hereinabove.

INVESTORS, ITS ASSIGNS, HEIRS, SUCCESSORS, ETC., INTENDS TO COMPLY WITH THIS AMENDED CONDITION AS IT RELATES TO THE OTHER AMENDED CONDITIONS NOS. 1 and 2.

14. Should any previously identified or inadvertent cultural or archaeological sites be encountered during the development of the property, construction activities shall cease and the developer's contractor shall immediately contact the State Department of Land and Natural Resources, Historic Preservation Division in accordance with the applicable regulations.

INVESTORS, ITS ASSIGNS, HEIRS, SUCCESSORS, ETC., INTENDS TO COMPLY WITH THIS CONDITION.

15. Due to the high archaeological sensitivity associated with the subject property, the Applicant shall notify the Planning Department of any preliminary or preconstruction site work that may be performed subsequent to the approval of the subject permits included but not limited to the following:
- a. grading, trenching, and grubbing; and
 - b. clearing and excavating of unwanted landscaping that will involve any disturbance or breaching of the subsurface.

INVESTORS, ITS ASSIGNS, HEIRS, SUCCESSORS, ETC., INTENDS TO COMPLY WITH THIS CONDITION.

16. All conditions of these permits and CC&R's shall be recorded at the Bureau of Conveyances. A copy of the recorded document(s) shall be provided to the Department prior to Building permit application.

INVESTORS, ITS ASSIGNS, HEIRS, SUCCESSORS, ETC., INTENDS TO COMPLY WITH THIS CONDITION.

17. No potable water shall be used for landscaping irrigation, except during construction and start up period.

INVESTORS, ITS ASSIGNS, HEIRS, SUCCESSORS, ETC., INTENDS TO COMPLY WITH THIS CONDITION.

18. As represented, applicant shall provide employee housing for no less than 3 employees.

INVESTORS, ITS ASSIGNS, HEIRS, SUCCESSORS, ETC., INTENDS TO COMPLY WITH THIS CONDITION. Location of employee housing

requires further review with the Planning Department and Housing Agency, including optional methods of complying with this condition. Pursuant to the Order and Judgment in Coconut Plantation Beach Investors, LLC v. Adam Roversi, in his capacity as Director of the Kauai County Housing Agency; Kauai County Housing Agency, CIVIL NO. 5CCV-23-000010 (Agency Appeal), no workforce housing assessment may be made under KCC Chapter 7A for the Project unless the Project Permits become invalid and that no additional workforce housing assessment may be made “except that an additional workforce housing assessment may be applicable to a project, after initial assessment, when increased residential or resort density is subsequently granted by the County.”



COUNTY OF KAUA`I GENERAL PLAN PROGRESS REPORT *FY2020 to FY 2025*



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H.1.
March 11, 2025

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General Plan Progress Report

1. Introduction

The General Plan is a high-level policy framework that guides County decision-making concerning land use and development. Its policies address the expansion of infrastructure, facilities, and services, while promoting goals such as sustainability, resource protection, and affordable housing production. The Planning Department's Long Range Planning Division monitors plan implementation efforts and works with local, state, and federal agencies to ensure alignment with General Plan policy. This report offers a progress update on actions taken since the last comprehensive update of the General Plan in 2018. The report is organized by: A) Updated population projections and data related to growth, B) A summary of development activity and its alignment with General Plan actions, and C) An overview of major capital improvement projects and their connection to General Plan policy. This report highlights actions from General Plan Chapter 2, Future Land Use, and General Plan Chapter 3, Actions by Sector.

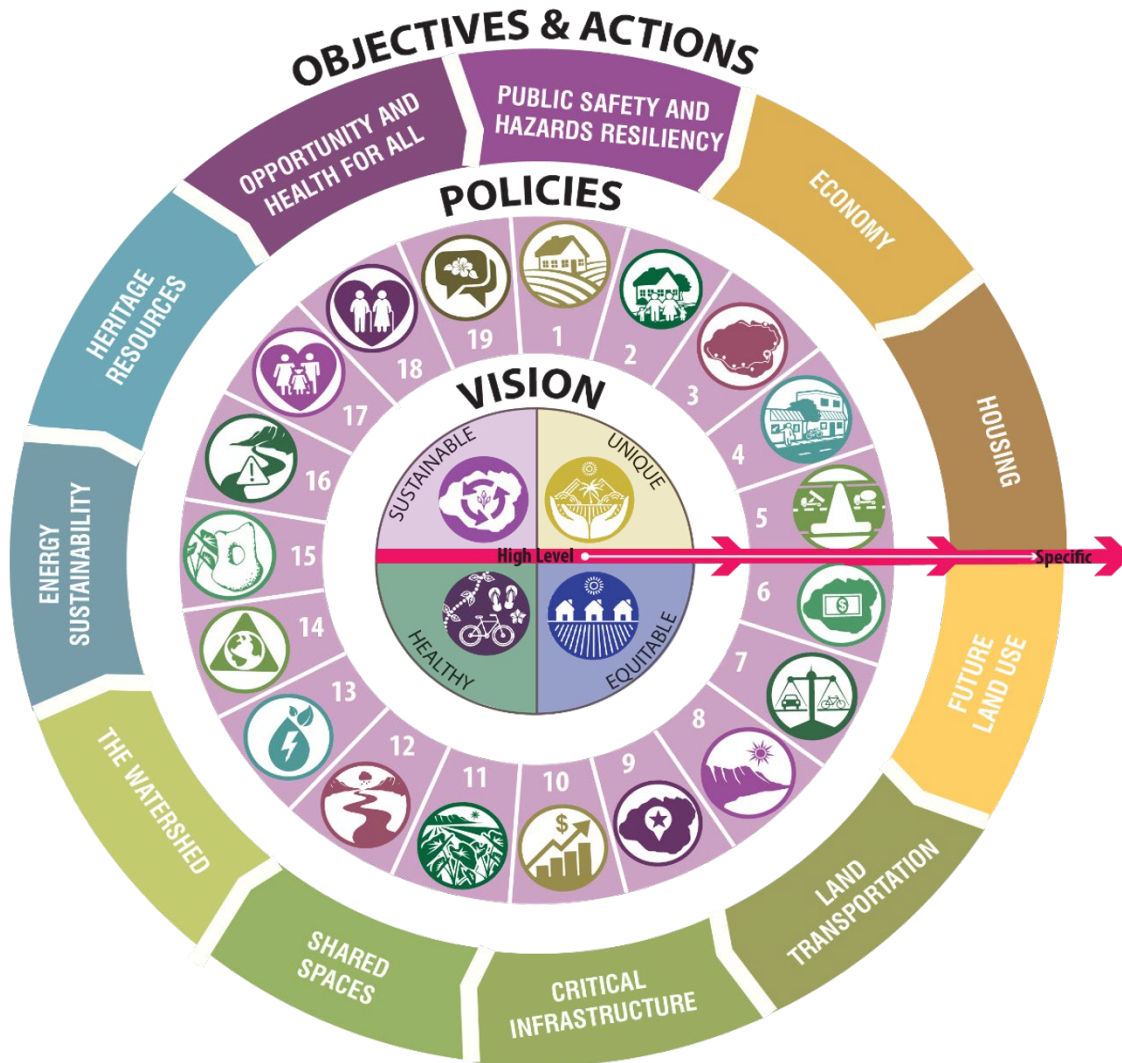
A. General Plan Implementation Framework

The General Plan's vision is for Kaua'i to be a sustainable island; a unique and beautiful place; a healthy and resilient people; and an equitable place with opportunity for all. These high-level vision statements are elaborated through 19 policies that also address the community's most important issues. The General Plan outlines actions that support the overall vision, goals, and policies. Actions are organized by sectors and subsections. The eleven sectors are:

- Community Planning
- The Watershed
- Housing
- Land Transportation
- Critical Infrastructure
- Shared Spaces
- Economy
- Heritage Resources
- Energy Sustainability and Climate Change Mitigation
- Public Safety and Hazards Resiliency
- Opportunity and Health for All

The plan's framework is illustrated in Figure 1, "General Plan Framework." By charter mandate, the General Plan guides future action concerning land use and development regulations, urban renewable programs, and expenditures for capital improvements. Implementation occurs through a broad range of actions. In Chapter 4, "Implementation & Monitoring," the implementation program identifies tools and agencies that serve to implement the GP. Key tools include plans, ordinance change, projects, and programs. In Section 3, "Implementation Status of General Plan actions," each implementation instrument is described before the project implementation status is summarized in a table.

Figure 1. "General Plan Framework"



2. Planning Indicators

Tracking indicators over time can help assess progress made on the County’s journey towards achieving the General Plan’s vision. The report focuses on data tied to growth and development, including conformance to key goals such as travel mode shift. The indicators covered in this report include:

- A. Population Projections
- B. Population and Households
- C. Housing Units and Tenure
- D. Development Activity
 - a. Approved Zoning Permits
 - b. Housing Unit Approvals
 - c. Developable Parcels
- E. Major Development Approvals
 - a. Class III & IV Permits
 - b. Permit type
 - c. Approved Housing Units by District
- F. Transportation Indicators

A. Population Projections

	2020	2025	2030	2035	2040	2045
County Population	73,214	75,859	78,503	80,511	82,518	83,773
Average Annual Growth Rate		0.70%	0.70%	0.50%	0.50%	0.30%

Source: County of Kaua’i Population Forecast (Ward Research)

B. Population and Households

	2019	2020	2021	2022	2023
Population	73,395	73,214	73,829	73,783	73,851
Population under 18	15,718	15,615	15,949	15, 802	15,729
Population 65 or older	13,859	14,425	14,869	15,557	16, 018
Households	22,898	23,331	23,464	24,237	24,621
Households w/ one or more person 65 or older	9,996	9,804	10,790	10,889	11, 759

Source: American Community Survey, 1-year and 5-year estimates

C. Housing Units and Tenure

	2019	2020	2021	2022	2023
Housing Units	31,016	30,198	30,330	30,485	30,631
Occupied Units	22,898	24,712	23, 464	24,237	24, 621

Owner-Occupied	67.4%	62.8%	65.5%	64.4%	70.4%
Renter-Occupied	32.6%	37.2%	34.5%	35.6%	29.6%

Source: Decennial Census and American Community Survey, 1-year and 5-year estimates

D. Development Activity

Approved Zoning Permits (Class I to Class IV)					
	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23	FY 2023-24
Class IV	8	9	11	12	8
Class III	2	1	3	6	0
Class I and II	616	682	677	480	482
Use	8	8	11	9	4
Variance	1	1	1	4	4
Total	635	701	703	511	498

Source: Approved Class I – Class IV Permits, FY 20 – FY 24

Housing Unit Approvals (Class I to Class IV)					
Zoning Permits	2019-20	2020-21	2021-22	2022-23	2023-24
Class III & IV	130	8	5	6	2
Class I and II	13	39	65	78	128
Total	143	47	70	84	130
% Multifamily					

Source: Approved Class I – Class IV Permits, FY 20 – FY 24

Developable Parcels Created					
	2019-20	2020-21	2021-22	2022-23	2023-24
Subdivision Approvals	5	3	3	5	1
*Total parcels created	47	7	55	11	45

Source: Final Subdivision Approvals, FY20- FY24

*Net Developable parcels (does not include easements and roads)

E. Major Development Approvals

Class III and Class IV Zoning Permit Approvals					
	2019-20	2020-21	2021-22	2022-23	2023-24
Class IV	8	9	9	9	2
Class III	2	1	3	5	0
Total	10	10	12	14	2

Source: Approved Class I – Class IV Permits, FY 20 – FY 24

Class III and Class IV Permit Approvals – Type of Development or Use					
Use Type	2019-20	2020-21	2021-22	2022-23	2023-24
Residential	918 (67 units)	4 (4 units)	5 (5 units)	6 (8 units)	2 (2 units)
Mixed-Use	1 (63 units)	1 (6 units)	0	0	0
Commercial	2	1	1	1	0

Agricultural	0	1	0	1	0
Industrial	0	1	1	0	0
Resort	1	0	1	1	0
Wall/Fence/Accessory	0	1	1	1	0
Public/Utilities/Educational	2	3	3	4	0

Source: Approved Class I – Class IV Permits, FY 20 – FY 24

Approved HOUSING UNITS by District		
	Last 5 Years	Percent
West Kaua'i	31	7%
South Kaua'i	133	30%
Līhu'e	160	36%
East Kaua'i	61	14%
North Shore	60	13%
Total	445	

Source: Approved Class I – Class IV Permits, FY 20 – FY 24

F. Transportation Metrics

	2019	2020	2021	2022	2023
Bus Ridership – Fixed Route	682,383	591,506	360,811	477,419	588,960
Bus Ridership – Paratransit	71,696	53,843	18,592	39,216	52,284
Total Vehicle Miles Travelled (VMT)	914.9	876.1	867.2	874.9	918.8
VMT per registered vehicle	10,372	10405	10420	10,424	10,425

Source: Transportation Agency Annual Reports; DBEDT State Databook

3. Implementation Status of General Plan Actions

This section is organized by the County’s various implementation “tools” which include plans and studies; ordinances; and capital projects. Plans and studies include community plans, special area plans, studies, master plans, and other plans. Ordinances include zoning amendments (Chapter 8, Kaua’i County Code), General Plan amendments (Chapter 7, Kaua’i County Code), and other changes to the County Code or the County Charter. Projects and programs include major capital projects that address facilities; infrastructure; new roads and roadway improvements; and new parks and park improvements. The timeframe for all items listed is FY 2020 – FY 2024.

A. Plans and Studies

The General Plan is broad in nature and implementation oftentimes requires more detailed planning and analysis. For example, town plans provide guidance for growth and infrastructure investment on a local scale. Master planning is also conducted for specific facilities, parks, and affordable housing projects. The following table summarizes the plans and studies that have been completed or initiated since 2018. The relevant General Plan implementation action(s) is shown in the right column.

i. Community, Town, and Special Area Plans

Description	General Plan Action
<p>1. <u>West Kaua’i Community Plan</u></p> <p>The West Kaua’i Community Plan (WKCP) guides the long-term development, growth, and maintenance of communities in the West Kaua’i region. It updated the Waimea-Kekaha and Hanapēpē-‘Ele’ele development plans from the 1970s. The WKCP consists of area-wide and town-specific goals, policies, and implementation actions on land use; town character; circulation; public services and facilities; health and safety; and hazard mitigation. The WKCP guides the development and planning of County infrastructure for the region. Elements of the plan include:</p> <ul style="list-style-type: none"> • A focus on strengthening town cores and preserving the historic form and character of the buildings. • Provides infill housing opportunities with buildings that are at scaled for West Kaua’i’s small towns. • Plans for sea level rise using the best available science and identifies neighborhoods vulnerable to SLR in the land use map. • Calls for “safe routes” in all towns to promote multimodal transportation. <p>The project was managed by the Planning Department and was adopted in 2020.</p>	<p>LU.A1-Land Use LU.A2-Land Use LU.B1-Land Use</p>
<p>2. <u>East Kaua’i Community and Circulation Plan</u></p> <p>The East Kaua’i Community and Circulation Plan (EKCCP) is a long-range land use and transportation plan for the East Kaua’i Planning District and will update the Wailua-Kapa’a Development Plan (1974). The EKCCP will supplement the General Plan by providing finer-grained attention to the Future Land Use Map and will develop policies for the region’s towns. Anticipated tasks include:</p>	<p>LU.A1-Land Use LU.A2-Land Use LU.B1-Land Use</p>

<ul style="list-style-type: none"> • Town plans for Wailua, Kapa‘a, Kapahi, and Anahola that address housing, commercial uses, circulation, historic resources, civic space, hazards, and infill development opportunities. • Analyses related to transportation, infrastructure, cultural resources, and hazards. • Updated zoning and/or special planning area standards and regulations. • An innovative and effective public participation program. <p>The project is managed by the Planning Department and was initiated in 2023.</p>	
<p>3. <u>Waimea 400 Conceptual Plan</u></p> <p>The Waimea 400 Conceptual Plan developed a vision for the County-owned property and designates areas for affordable housing, recreation, agriculture, and wetland restoration. The plan anticipates sea level rise and climate change impacts and incorporates adaptation planning principles by delineating five zones. The project further refines the Waimea Town Plan Map in the West Kaua‘i Community Plan. The project was managed by the Planning Department and was completed in 2022.</p>	HO1.A2-Housing

ii. **Other Plans and Studies**

Description	General Plan Action
<p>1. <u>Kaua‘i County Climate Adaptation and Action Plan</u></p> <p>A Climate Adaptation Plan (CAP) was initiated to create a framework to ensure County infrastructure, services, and facilities can adapt to climate change impacts. The CAP builds on the General Plan’s climate adaptation policies and evaluates how climate hazards (such as sea level rise, extreme temperature, flooding, drought, and storms) will impact communities and county operations.</p> <p>In Spring 2022, the Planning Department amended the CAP contract to include a more robust climate action (greenhouse gas mitigation) component. The title of the plan was changed to the Kaua‘i Climate Adaptation and Action Plan (KCAAP). The KCAAP is in its final phase and will wrap up the public process in 2025. Published reports include a Vulnerability and Equity Analysis, Climate Hazard Review Paper, Talk Story Summary, Survey 1 Summary, Youth Climate Change Summit Summary, and the Open House Series 1 Summary. The project is managed by the Planning Department and the County Resiliency Team.</p>	PS3.B1-Adaptation PS3.B2-Adaptation PS3.B3-Adaptation PS3.B4-Adaptation ES2.B1-Ghg ES2.B3-Ghg
<p>2. <u>Kaua‘i Multi-Hazard Mitigation and Resiliency Plan</u></p> <p>The Kaua‘i County Multi-Hazard Mitigation and Resiliency Plan (MHMRP) addresses climate change and other natural hazards reflecting local and statewide concerns, as well as new FEMA requirements to expand discussion of climate change impacts, risk assessments and analysis of potential cascading impacts. A hazard impact analysis fed into the strategy development and action prioritization. The project</p>	PS2.B5-Hazards

<p>was managed by the Kaua'i Emergency Management Agency and was completed in 2021.</p>	
<p>3. <u>Līhu'e Civic Center Mobility Hub Site Plan</u></p> <p>The Līhu'e Civic Center Mobility Plan (LCCMP) analyzed strategies to support transit-oriented development (TOD) at the Līhu'e Civic Center and surrounding State-owned properties, such as the former Police Station and Department of Health sites. The final LCCMP integrates rural TOD principles and provides actionable recommendations for the Civic Center and surrounding areas. The project, managed by the Planning Department, was funded through grants administered by the State Office of Planning and Sustainable Development and was completed in 2024.</p>	<p>LT3.D5-Bus LT3.D6-Bus LT4.B2-Pedestrian ES2.A1-Ghg</p>
<p>4. <u>Līhu'e Civic Center Redevelopment Feasibility Study</u></p> <p>The Līhu'e Civic Center Redevelopment Feasibility Study developed strategies to support transit-oriented development (TOD) and redevelopment projects at the Līhu'e Civic Center. The project also assessed the feasibility of various infill housing concepts. The project was managed by the Planning Department and was funded by grants administered by the State Office of Planning and Sustainable Development (OPSD). The project was completed in 2024.</p>	<p>LT3.D5-Bus LT3.D6-Bus ES2.A10-Ghg</p>
<p>5. <u>Coconut Marketplace Mobility Hub Plan</u></p> <p>The purpose of the Coconut Marketplace Mobility Hub Plan is to explore the feasibility of transforming the existing shopping center into an integrated mobility hub with a broader range of transportation options; such as a direct shuttle from the airport. The study will develop a framework for coordinated planning, implementation, operations, and funding strategies among the property owner, the County, and other stakeholders. The project is managed by the Office of Economic Development and was completed in 2025.</p>	<p>CI4.A1-Airports LT3.C3-Bus LT3.C8-Bus EC1.C3-Tourism</p>
<p>6. <u>West Kaua'i Community Vulnerability Assessment</u></p> <p>The West Kaua'i Community Vulnerability Assessment (WKCVA) developed a community-based vulnerability assessment for climate change and sea level rise in West Kaua'i using the decision support tool: Vulnerability, Consequences, Adaptation, Planning Scenarios or VCAPs. The assessment covered 6 management concerns and profiled 5 towns. This involved mapping of exposed community assets and community workshops. Recommendations in the WKCVA were integrated into the West Kaua'i Community Plan. The project was led by UH Sea Grant and the UH Department of Urban and Regional Planning, in coordination with the Planning Department. The project was completed in 2020.</p>	<p>PS 3.B1-Adaptation PS 3.B2-Adaptation PS 3.B3-Adaptation PS 3.B4-Adaptation</p>

<p>7. <u>Kaua'i Destination Management Action Plan</u></p> <p>The Kaua'i Destination Management Action Plan (DMAP) outlines a strategic approach to rebuilding, redefining, and reshaping the direction of tourism on Kaua'i. It emphasizes protecting the island's natural resources and addressing climate change through education and sustainable transportation initiatives. To reduce tourism's impact, the DMAP recommends promoting and incentivizing alternative transportation options, enhancing informational and educational signage on environmental conservation, climate hazards, cultural and historical sites, and endangered species. This initiative is a collaborative effort between the Hawai'i Tourism Authority (HTA), the Office of Economic Development, and the Kaua'i Visitors Bureau. The project was completed in 2020.</p>	<p>EC1.B1-Tourism EC1.B3-Tourism</p>
<p>8. <u>Building Back Better: Pre-Disaster Recovery Authority and Structure for the County of Kaua'i</u></p> <p>The Build Back Better project will develop a process for improving County recovery functions after a catastrophic natural disaster (such as a hurricane or a tsunami) and explore post-disaster redevelopment scenarios in a selected community. Project recommendations will be integrated into updates to community development plans. The project is managed by UH Sea Grant and KEMA and is funded by the NOAA Sea Grant and NOAA Disaster Preparedness Program. The project is underway.</p>	<p>PS2.B1-Hazards</p>
<p>9. <u>Coastal Access Inventory Update</u></p> <p>The Planning Department launched the Coastal Access Inventory Update project in 2020. The first phase, now complete, consolidated data from the original 1991 inventory with newly created accesses since that time. Site visits were conducted for 62 of the more than 200 coastal access points listed. Information was organized into an Excel database and integrated into a GIS layer, encompassing county- and state-owned accesses, conveyed easements, "desired" accesses, and privately owned sites. In Phase II of the project, the Open Space Commission will conduct community outreach to develop criteria for prioritizing accessways that should be further identified, recorded, demarcated, or improved for public use. The project is ongoing.</p>	<p>SS3.A1-Trails OH4.A2-Access OH4.B1-Access</p>
<p>10. <u>Salt Pond Hydrogeologic Assessment</u></p> <p>The Salt Pond Hydrogeologic Assessment, conducted by UH Sea Grant and funded by the County of Kaua'i Public Access, Open Space & Natural Resources Preservation Fund Commission, evaluated the impacts of sea level rise on the salt pans in Hanapēpē. As an important cultural and historic resource, the salt pans need protection from coastal flooding, wave overtopping, and human-induced erosion. The study recommends restricting vehicle access and restoring the protective sand dunes to mitigate flooding and erosion, and to enhance the area's resilience to sea level rise.</p>	<p>HR2.A7-Cultural</p>

<p>Collaboration with the stewards of the salt pans, Hui Hāna Pa‘akai o Hanapēpē, played a key role in developing the report. The project was completed in 2023.</p>	
<p>11. <u>Integrated Solid Waste Management Plan</u></p> <p>The Kaua‘i County Integrated Solid Waste Management Plan (ISWMP), adopted in 2021, provides a framework for managing the county’s solid waste in a sustainable and environmentally responsible manner. The plan outlines strategies for waste reduction, recycling, composting, and the safe disposal of waste, while also promoting resource conservation and reducing the county’s reliance on landfills.</p>	<p>CI3.B1-Solid Waste</p>
<p>12. <u>Wastewater Facility Plan Updates</u></p> <p>The Department of Public Works is updating the facility master plans for all County wastewater treatment facilities, including those located in Waimea, ‘Ele‘ele, Līhu‘e, and Wailua. The specific plans include:</p> <ul style="list-style-type: none"> • Wailua Wastewater Treatment Facility Long-Range Plan • ‘Ele‘ele Wastewater Treatment Facility Long-Range Plan • Līhu‘e Wastewater Treatment Facility Long-Range Plan • Wailua Wastewater Treatment Facility Long-Range Plan <p>Each facility plan will be a comprehensive long-term strategy that outlines necessary facility improvements through 2050. The plan addresses future growth, capacity needs, and the impacts of cesspool conversions, and includes the development of a hydraulic model for the collection system. A key deliverable of the plan will be a prioritized list of capital improvements to guide future investments and promote sustainable operations. The project is managed by the Wastewater Management Division. All plan updates are underway.</p>	<p>CI2.B1-Wastewater CI2.C2-Wastewater</p>
<p>13. <u>Hanapēpē Shuttle Study</u></p> <p>The Transportation Agency with assistance from the Hawai‘i State Energy Office Clean Energy Wayfinders Program conducted a Hanapēpē Heights Shuttle Study, which included a survey and public outreach, to determine the need and feasibility of a Hanapēpē Heights shuttle. The project is underway.</p>	<p>OH3.A1-Health LT3.B1-Bus LT3.C3-Bus</p>
<p>14. <u>Master Planning for Waimea 400 Workforce Housing Development</u></p> <p>The Waimea 400 Workforce Housing Development is a planned affordable housing project on a 417-acre parcel acquired by Kaua‘i County in 2019. The master planning process, which began in 2020, will develop design and engineering plans for the development of approximately 60 acres for affordable housing, with the rest designated</p>	<p>HO1.A2-Housing HO1.C2-Housing</p>

<p>for community amenities like a sports complex, gardens, agricultural spaces, and walking paths. The project is managed by the Housing Agency is currently underway.</p>	
<p>15. <u>Master Planning and Predevelopment Engineering for Kilauea Affordable Housing Development</u></p> <p>The Kilauea Town Expansion is a planned affordable housing project on approximately 48 acres adjacent to Kilauea's town center. The expansion of Kilauea Town in this area was envisioned in the Kilauea Town Plan (2006). The master plan will provide detailed design and engineering for the area and seeks to provide a mix of affordable fee simple and rental units. The plan also includes community amenities such as parks, playgrounds, and commercial zones to foster economic growth and enhance residents' quality of life. The project is managed by the Housing Agency is currently underway.</p>	<p>HO1.A2-Housing HO1.C2-Housing CI2.C3-Wastewater LT5.C3-Bike</p>
<p>16. <u>Safety Action Plan</u></p> <p>The Transportation Safety Action Plan is funded by a \$200,000 grant from the U.S. Department of Transportation's Safe Streets and Roads for All (SS4A) program and a \$20,000 grant from the Ulupono Initiative. Its goal is to enhance roadway safety across Kaua'i and support the goal of zero roadway deaths. Strategies are expected to include policy updates, educational campaigns, enforcement measures, and engineering improvements to create a safer transportation network for all. The project is managed by the Planning Department and will be initiated in 2025.</p>	<p>LT4.B1-Pedestrian</p>
<p>17. <u>Multi-Use Path and Trails Master Plan</u></p> <p>In FY 23/24, the Planning Department was awarded funding for this project through a State Department of Transportation SPR Grant. The Multi-Use Path and Trails Master Plan aims to create an interconnected network of multi-use paths and trails across the county, enhancing accessibility, especially in underserved areas. It will also generate new trail alignments and establish criteria for future projects. The project is managed by the Planning Department and will be initiated in 2025.</p>	<p>LT5.B1-Bike LT1.B1-Transportation SS3.A2-Trails SS3.A3-Trails OH4.B3-Access</p>
<p>18. <u>Līhu'e Mauka Road Multimodal Corridor Plan</u></p> <p>In FY 23/24, the Planning Department was awarded funding for this project through a State Department of Transportation SPR Grant. The Līhu'e Mauka Road is a priority future roadway identified in the General Plan. A new bypass road will help alleviate congestion in Līhu'e and expand the county's multi-modal transportation network, providing additional options for residents and commuters. The project is managed by the Planning Department and will be initiated in 2025.</p>	<p>LT1.C4-Transportation</p>

B. Ordinances and Code Change

Zoning code and map amendments, adopted through ordinances, are key tools for implementing the General Plan. While the General Plan provides a long-term vision, zoning focuses on specific and immediate land uses. General Plan implementation relies on a zoning ordinance that translates its long-term goals and policies into land use regulations. Below is a summary of regulatory changes adopted since 2018, organized by code changes (zoning, subdivision, and development plan) and zoning map amendments. The relevant General Plan implementation action(s) is shown in the right column.

i. Code Change

Description	General Plan Action
<p>1. <u>Ordinance 1048 (Chapter 6)</u></p> <p>The ordinance allows the County’s Open Space Fund to also pay for improvements to land or accessways. This was approved via a charter amendment in 2018, and the ordinance was adopted in June 2019.</p>	OH4.C2-Access
<p>2. <u>Ordinance 1051 (Chapter 8, ZA-2019-5)</u></p> <p>The ordinance reduces setback requirements for structures in the Residential District for the purpose of facilitating the development of additional units on small parcels. The ordinance was adopted in July 2019.</p>	HO2.A1-Infill HO2.A2-Infill HO2.A3-Infill HO2.A4-Infill HO2.A8-Infill
<p>3. <u>Ordinance 1055 (Chapter 8, ZA-2019-6)</u></p> <p>The ordinance allows a kitchen to be constructed inside a guest house for the purpose of adding housing capacity to existing properties. The ordinance was adopted in August 2019.</p>	HO2.A1-Infill HO2.A2-Infill HO2.A3-Infill HO2.A4-Infill HO2.A7-Infill HO2.A8-Infill
<p>4. <u>Ordinance 1059 (Chapter 8, ZA-2020-2)</u></p> <p>The ordinance is one of six ordinances whose purpose is to encourage Additional Rental Unit (ARU) development. It provides property owners with financial incentives to construct an ARU as an affordable unit. The ordinance waives the zoning permit application fee and alleviates the cost of the Department of Water's Facilities Reserve Charge. The ordinance was adopted in November 2019.</p>	HO2.A1-Infill HO2.A2-Infill HO2.A3-Infill HO2.A4-Infill HO2.A5-Infill HO2.A8-Infill
<p>5. <u>Ordinance 1060 (Chapter 11A, ZA-2019-7)</u></p> <p>The ordinance is the second of six ordinances whose purpose is to encourage Additional Rental Unit (ARU) development. It provides property owners with financial incentives to construct an ARU as an affordable unit and waives the Environmental Impact Assessment Fee and was adopted in November 2019.</p>	HO2.A1-Infill HO2.A2-Infill HO2.A3-Infill HO2.A4-Infill HO2.A5-Infill HO2.A8-Infill

<p>6. <u>Ordinance 1061 (Chapter 6, ZA-2020-2)</u></p> <p>3 of 6 ordinances to encourage Additional Rental Unit (ARU) development. Provides property owners with financial incentives to construct an ARU for affordable housing purposes. The ordinance was adopted in November 2019.</p>	<p>HO2.A1-Infill HO2.A2-Infill HO2.A3-Infill HO2.A4-Infill HO2.A5-Infill HO2.A8-Infill</p>
<p>7. <u>Ordinance 1062 (Chapter 12)</u></p> <p>4 of 6 ordinances to encourage Additional Rental Unit (ARU) development. Provides property owners with financial incentives to construct an ARU for affordable housing purposes. The ordinance exempts affordable ARUs from the Sewer Assessment Fee. The ordinance was adopted in November 2019.</p>	<p>HO2.A1-Infill HO2.A2-Infill HO2.A3-Infill HO2.A4-Infill HO2.A5-Infill HO2.A8-Infill</p>
<p>8. <u>Ordinance 1063 (Chapter 12)</u></p> <p>5 of 6 ordinances to encourage Additional Rental Unit (ARU) development. Provides property owners with financial incentives to construct an ARU for affordable housing purposes. The ordinance exempts affordable ARUs from building permit fees. The ordinance was adopted in November 2019.</p>	<p>HO2.A1-Infill HO2.A2-Infill HO2.A3-Infill HO2.A4-Infill HO2.A5-Infill HO2.A8-Infill</p>
<p>9. <u>Ordinance 1065 (Chapter 10, ZA-2019-8)</u></p> <p>6 of 6 ordinances to encourage Additional Rental Unit (ARU) development. The ordinance amends Chapter 10 to allow ARUs within the special planning area titled "Rice Street Neighborhood Design District" (SPA-D). The ordinance was adopted in December 2019.</p>	<p>HO2.A1-Infill HO2.A2-Infill HO2.A3-Infill HO2.A4-Infill HO2.A8-Infill</p>
<p>10. <u>Ordinance 1066 (Chapter 12)</u></p> <p>Encourages "tiny home" development in all zoning districts by clarifying Building Code rules. The ordinance was adopted in December 2019.</p>	<p>HO2.A1-Infill HO2.A2-Infill HO2.A3-Infill HO2.A4-Infill HO2.A8-Infill</p>
<p>11. <u>Ordinance 1067 (Chapter 8, ZA-2020-3)</u></p> <p>Supports coordinated land use and transit service planning by ensuring Transportation Agency review of major projects. The ordinance was adopted in February 2020.</p>	<p>HO3.A6-Communities LT1.A1-Transportation LT3.D2-Bus</p>
<p>12. <u>Ordinance 1070 (Chapter 8, ZA-2020-4)</u></p> <p>Encourages housing development within existing communities by appropriately sizing access infrastructure requirements and the associated costs for projects between 4 and 20 residential units. The ordinance was adopted in February 2020.</p>	<p>HO2.A4-Infill</p>
<p>13. <u>Ordinance 1072 (Chapter 8, ZA-2020-5)</u></p>	<p>HO2.A1-Infill HO2.A2-Infill HO2.A3-Infill</p>

<p>The purpose of the ordinance is to encourage multifamily unit development on smaller sized parcels. The ordinance was adopted in April 2020.</p>	<p>HO2.A4-Infill HO2.A8-Infill</p>
<p>14. <u>Ordinance 1073 (Chapter 8, ZA-2020-13)</u></p> <p>The ordinance seeks to encourage additional unit development in the multifamily residential districts (R-10 and R-20 districts) by reducing lot coverage requirements. The ordinance was adopted in May 2020.</p>	<p>HO2.A1-Infill HO2.A2-Infill HO2.A3-Infill HO2.A4-Infill HO2.A8-Infill</p>
<p>15. <u>Ordinance 1074 (Chapter 8, ZA-2020-6)</u></p> <p>The ordinance outright allows single-family and multi-family residential development in the Commercial Zoning District. These uses previously required a Use Permit.</p>	<p>HO2.A1-Infill HO2.A2-Infill HO2.A3-Infill HO2.A4-Infill HO2.A8-Infill</p>
<p>16. <u>Ordinance 1081 (Chapter 7A)</u></p> <p>The County's Housing Policy was updated to promote affordable housing development, guided by a new nexus analysis. Key amendments include prioritizing housing creation for households earning 120% of the Area Median Income (AMI) or below, reducing the housing assessment requirement from 30% to 20%, and exempting "Special Infill Multi-Family Workforce Projects" from the assessment. The ordinance was adopted in October 2020.</p>	<p>HO1.A1-Housing HO1.A4-Housing</p>
<p>17. <u>Ordinance 1083 (Chapter 10, ZA-2020-7)</u></p> <p>The ordinance adopts the West Kaua'i Community Plan and Form-Based Code, updating the Hanapēpē-'Ele'ele and Waimea-Kekaha Development Plans from the 1970s. Additionally, it establishes Special Planning Areas in all town cores in the planning district. The ordinance was adopted in December 2020.</p>	<p>LU.A1-Land Use LU.A2-Land Use LU.B1-Land Use SS1.A1 SS1.B2</p>
<p>18. <u>Ordinance 1084 (Chapter 7, ZA-2020-8)</u></p> <p>Updates the General Plan's policies and Future Land Use Map based on the West Kaua'i Community Plan. The Future Land Use Map was amended to remove the "Provisional Agriculture" designation and replace it with "Agriculture." The ordinance was adopted in December 2020.</p>	<p>LU.A1-LAND USE LU.A2-Land Use LU.B1-Land Use</p>
<p>19. <u>Ordinance 1085 (Chapter 8, ZA-2020-9)</u></p> <p>The ordinance adopts development controls in urban areas determined to be most vulnerable to SLR impacts within the West Kaua'i planning district. The ordinance was adopted in December 2020.</p>	<p>PS3.A1-Adaptation PS3.A2-Adaptation PS3.A3-Adaptation</p>

<p>20. <u>Ordinance 1086 (Chapter 8, ZA-2020-10)</u></p> <p>The ordinance establishes a new zoning district called “Plantation Camp” in Kaumakani and Pakala Village to allow rehabilitation of existing non-conforming historic structures and was adopted in December 2020.</p>	<p>HO2.A1-Infill HO2.A2-Infill HO2.A12-Infill</p>
<p>21. <u>Ordinance 1088 (Chapter 8, ZA-2020-14)</u></p> <p>The ordinance strengthens and updates shoreline setback requirements based on an updated coastal erosion study and was adopted in February 2021.</p>	<p>PS3.A4-Adaptation</p>
<p>22. <u>Ordinance 1092 (Chapter 8, ZA-2021-1)</u></p> <p>The ordinance encourages agricultural-related commercial activity by outright allowing retail stands, food processing, and packaging of agricultural products in the Agriculture Zoning District. The ordinance was adopted in April 2021.</p>	<p>EC2.A1-Agriculture</p>
<p>23. <u>Ordinance 1113 (ZA-2022-8)</u></p> <p>Streamlines permitting requirements for Additional Dwelling Units (ADUs) by removing the requirement for a lot-of-record to have direct access onto a County standard road. The ordinance was adopted in July 2022.</p>	<p>HO2.A1-Infill HO2.A2-Infill HO2.A14-Infill</p>
<p>24. <u>Ordinance 1118 (Chapter 8, ZA-2022-6)</u></p> <p>Streamlines permitting requirements for ADUs by removing the requirement on the ARU clearance form for a lot of record to have direct access onto a County standard road. The ordinance was adopted in July 2022.</p>	<p>HO2.A1-Infill HO2.A2-Infill HO2.A14-Infill</p>
<p>25. <u>Ordinance 1134 (Chapter 8, ZA-2022-12)</u></p> <p>The ordinance amends Chapter 8 to remove the Shore Constraint District and replaces it with the Sea Level Rise (SLR) Constraint District. The SLR Constraint District addresses annual high wave run-up and passive flooding impacts from Climate Change. The ordinance was adopted in October 2022.</p>	<p>WA3.A7 PS3.A1--Adaptation PS3.A7--Adaptation</p>
<p>26. <u>Ordinance 1135 (Chapter 8, ZA-2022-10)</u></p> <p>The ordinance allows educational campgrounds in the Agricultural Zoning District and the Open Zoning District under the Use Permit process. The ordinance was adopted in November 2022.</p>	<p>EC2.A1-Agriculture EC2.D7-Agriculture</p>
<p>27. <u>Ordinance 1138 (Chapter 10, ZA-2022-9)</u></p> <p>The ordinance establishes Special Planning Area “O” (SPA-O), “Kaumakani Plantation Camp Walkable Mixed-Use District” in the West Kaua’i Planning District. The purpose</p>	<p>HO2.A1-Infill HO2.A2-Infill HO2.A14-Infill</p>

<p>is to implement historical preservation controls and form-based code regulations in the area. The ordinance was adopted in November 2022.</p>	
<p>28. <u>Ordinance 1142 (Chapter 8, ZA-2023-1)</u></p> <p>The ordinance encourages electric vehicle (EV) infrastructure by establishing requirements for EV charging system installations and “EV-ready” parking spaces in development of a certain size. The ordinance was adopted in November 2022.</p>	<p>ES2.A3-Ghg</p>

ii. Zoning Map Amendments

Description	General Plan Action
<p>1. <u>ORD PM-2019-412 (ZA-2019-2)</u></p> <p>The ordinance amends the zoning district on 38 acres owned by Island School from the Agriculture District to the University District. The parcel is in the Līhu‘e District (TMK No. (4) 3-8-018:005). The ordinance was adopted in 2020</p>	<p>LU.A1-Land Use LU.A2-Land Use LU.B1-Land Use</p>
<p>2. <u>ORD PM-2020-414 (ZA-2020-11)</u></p> <p>The ordinance establishes the Special Treatment-Public Facilities District on 166 acres on the Port Allen Airport owned by the State of Hawai‘i. The parcel is in the West Kaua‘i District (TMK (4) 1-8-008:004. The ordinance was adopted in December 2020.</p>	<p>LU.A1-Land Use LU.A2-Land use LU.B1-Land Use</p>
<p>3. <u>ORD PM-2020-415 (ZA-2020-12)</u></p> <p>The ordinance rezones portions of parcels owned by Gay & Robinson from the Agriculture District to the General Industrial District. The parcels include portions of the former Olokele Mill and are located in the West Kaua‘i District, specifically identified as portions of TMKs (4) 1-7-006:003 and (4) 1-7-006:001. The ordinance was approved in December 2020.</p>	<p>EC3.A3-Businesses</p>
<p>4. <u>ORD PM-2023-420 (ZA-2023-3)</u></p> <p>The ordinance amends the zoning on approximately 150 acres owned by the University of Hawai‘i from the Agricultural District to the University District. The amendment encompasses the campus of the Kaua‘i Community College in the Līhu‘e District (TMK Nos. (4) 3-4-007:001 (Portion), 002, and 003.). The ordinance was approved in July 2023.</p>	<p>LU.A1-Land Use LU.A2-Land Use LU.B1-Land Use</p>

C. Capital Improvement Program

The General Plan guides the County's capital improvement program (CIP) and seeks project alignment with the General Plan's vision, policies, and actions. Sections 14.05 and 19.09 of the County Charter assign the Planning Director and Planning Commission responsibility for preparing a Six-Year CIP in coordination with the Mayor's Office and other departments.

This report highlights completed and planned capital projects by sector— Housing, Parks, Solid Waste, Transportation, Wastewater, and Other—but excludes Water Department projects as they have a separate planning process. Part II is the Six-Year Capital Improvement Program which details ongoing and planned projects and links each project its the relevant General Plan action.

i. Completed Capital Projects

Housing Project Highlights	
Description and Status	General Plan Action
<p><u>Lima Ola Onsite Phase I Construction – County led</u></p> <p>Lima Ola, Phase I, is the initial stage of a multi-phase affordable housing development on County-owned land in 'Ele'ele. Completed in 2022, Phase I delivered 152 affordable housing units, including 39 single-family homes and 113 multi-family units. The multi-family units comprise three projects: a 28-unit supportive housing project for homeless families, a 45-unit workforce rental project, and a 40-unit senior housing project. The full master plan includes four phases and will provide a total of 550 housing units upon completion.</p>	HO1.C2-Housing
<p><u>Koa'e Makana (County-led)</u></p> <p>The 134-unit Koa'e Makana Workforce Housing Project in Kōloa was developed on an 11.2-acre parcel dedicated to the County by Alexander & Baldwin as part of the zoning amendment for Kukui'ula. The project consists of 24 two-story buildings and is targeted at households earning 60% or less of the Area Median Income (AMI). The project was completed in 2020.</p>	HO1.C2-Housing
<p><u>Kealaula on Pua Loke (County-led)</u></p> <p>The 22-unit Kealaula at Pua Loke project in Līhu'e provides supportive transitional housing. It was built on State-owned land and was completed in 2020.</p>	HO1.C2-Housing HO7.C1-Housing
<p><u>Haupu View Apartments (County-led)</u></p> <p>Haupu View Apartments is a 53-unit affordable housing development located in Līhu'e and is adjacent to Kealaula at Pua Loke. Completed in 2021, the project provides rental homes for households earning 60% or less of the Area Median Income (AMI). Developed on a 1.5-acre site, the project features three four-story buildings. The land, previously a parking lot for Department of Water offices, was owned by the State.</p>	HO1.C2-Housing

<p><u>Waimea Huaka'i (developed with County assistance)</u></p> <p>Waimea Huaka'i, Phase I, is a 35-unit affordable rental housing development in Waimea, Kaua'i, completed in September 2020. It features one-, two-, and three-bedroom apartments for individuals and families earning 30% to 60% of the Area Median Income (AMI). The development includes three two-story buildings. Phase II involves 32 single-family homes developed through Habitat for Humanity.</p>	<p>HO1.C2-Housing</p>
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Parks and Recreation Project Highlights

Description and Status	General Plan Action
<p><u>Kapa'a Skatepark Resurfacing Project</u></p> <p>Major improvements to the Kapa'a Skatepark, located at the Bryan J. Baptiste Sports Complex in Kapa'a, were completed in December 2020. The project was funded by a \$250,000 Coronavirus Aid, Relief, and Economic Security Act grant, and constructed Kaua'i's first concrete skatepark (it was previously an asphalt surface).</p>	<p>OH3.C3-Health SS2.B3-Parks SS2.C4-Parks</p>
<p><u>Black Pot Beach Park Improvements</u></p> <p>Black Pot Beach Park in Hanalei underwent significant improvements to restore and enhance its facilities after severe flooding in 2018. Key upgrades included resurfacing the parking lot with environmentally friendly crushed coral to reduce runoff into Hanalei Bay, renovating restrooms, and adding new pavilions to better serve visitors. The project was completed in 2020.</p>	<p>SS2.A1-Parks SS2.B3-Parks</p>
<p><u>Kalena Park, Phase I Improvements</u></p> <p>Kalena Park in Līhu'e underwent major improvements in 2021 as part of a community-driven effort led by the Kalena Park Action Group of Get Fit Kaua'i. The project focused on enhancing the park's safety, accessibility, and appeal, with active community involvement throughout the planning and implementation stages. These upgrades are part of a broader initiative to revitalize public spaces in Līhu'e and promote health and wellness.</p>	<p>SS2.A1-Parks SS2.B3-Parks OH3.C3-Health</p>
<p><u>Laukona Park, Phase I Improvements</u></p> <p>Through a community-based process, Laukona Park in Hanamā'ulu underwent improvements funded by a Community Development Block Grant. Improvements included ADA-compliant walkways, parking stalls, a playground, a pavilion equipped with benches and tables, a bike rack, and the repair and repainting of the basketball court. The project was completed in 2022.</p>	<p>SS2.A1-Parks SS2.B3-Parks OH3.C3-Health</p>
<p><u>Kamalani Inclusive Playground</u></p> <p>The Kamalani Inclusive Playground, completed in 2022, is County's first fully inclusive playground. Designed to accommodate children of all abilities, the playground</p>	<p>SS2.B3-Parks OH3.C3-Health</p>

<p>features sensory-rich play areas, wheelchair-accessible ramps, and adaptive swings. The project was a collaborative effort involving the County of Kaua'i, Leadership Kaua'i's Class of 2022, and Inspired Play LLC.</p>	
<p><u>Waimea Canyon Park ADA Improvements/Inclusive Playground</u></p> <p>This project developed the County's second fully inclusive playground at Waimea Canyon Park, along with ADA improvements. The project was completed in 2024.</p>	<p>SS2.B3-Parks OH3.C3-Health</p>
<p><u>Kilauea Gym Improvements</u></p> <p>The Kilauea Gymnasium Improvements project, located at the Kilauea Neighborhood Center, will harden the gymnasium building into a rated hurricane shelter and conduct general repair work to the neighborhood center, restrooms, and park dugouts. It is expected to be completed in 2025.</p>	<p>SS2.A1 PS2.A4-Hazards PS2.D9-Hazards</p>
<p><u>Kapa'a Swimming Pool Improvements</u></p> <p>The Kapa'a Swimming Pool Improvements project renovated the facility by upgrading the filtration and drainage systems, as well as adding a new plaster finish and tile markers. The project was completed in 2023.</p>	<p>SS2.B3-Parks OH3.C3-Health</p>
<p><u>Hanapēpē Stadium Improvements (Food/Ticket Booth)</u></p> <p>The Hanapēpē Stadium Improvements project constructed a new multi-use building with a ticket booth, prep kitchen, concession area, and additional restrooms. The project was completed in 2023.</p>	<p>SS2.B3-Parks OH3.C3-Health</p>
<p><u>Repairs & Realignment of Ke Ala Hele Makālae along Kaha Lani Resort</u></p> <p>The Repairs and Realignment of Ke Ala Hele Makālae near Kaha Lani Resort involved restoring and realigning sections of the coastal pathway that are impacted by coastal erosion. The project replaced the damaged section of the pathway fronting Kaha Lani Resort and realigned a new segment further mauka. The project was completed in 2024.</p>	<p>SS3.A1-Trails PS3.B2-Adaptation</p>

<p>Solid Waste Project Highlights</p>	
<p>Description and Status</p>	<p>General Plan Action</p>
<p><u>Island-wide Refuse Transfer Station Improvements</u></p> <p>Renovations are underway or completed for County refuse transfer stations (RTS) which will improve the facilities and address water quality standards and stormwater discharge concerns. The list of facilities to undergo renovation include the Līhu'e, RTS</p>	<p>CI3.B1-Solid Waste</p>

(completed 2024), Kapa‘a RTS (underway), Hanalei RTS (TBD), and Hanapēpē RTS (TBD).	
<p><u>Kekaha Landfill, Cell 2 Lateral Expansion</u></p> <p>The Lateral Expansion of Cell 2 at the Kekaha Municipal Solid Waste Landfill added approximately 8 years of capacity to the Landfill. The project was completed in 2019.</p>	C13.C5-Solid Waste
<p><u>Kekaha Landfill, Cell 2 Vertical Expansion</u></p> <p>The Kekaha Municipal Solid Waste Landfill is undergoing a vertical expansion of Cell II to extend its operational lifespan. Currently, the landfill's maximum permitted elevation is 120 feet above mean sea level, with projections indicating it will reach capacity by June 2027. The proposed expansion aims to increase the maximum elevation to 171.5 feet, thereby extending the landfill's capacity and operational life. In December 2023, the State Board of Land and Natural Resources approved the County of Kaua'i's request for a time extension to complete the expansion project, moving the expected completion date to August 24, 2031.</p>	C13.C5-Solid Waste

Transportation Project Highlights	
Description and Status	General Plan Action
<p><u>Lihu‘e Town Core Mobility and Revitalization Project</u></p> <p>The Līhu‘e Town Core Mobility and Revitalization Project was funded by a \$15.1 million TIGER (Transportation Investment Generating Economic Recovery) grant and a \$2 million county match. The project included extensive upgrades to Rice Street, Ho‘olako Street, and Eiwa Street, such as new sidewalks, bus shelters, traffic signals, rectangular rapid flashing beacons, landscaping, site furnishings, and roadway restriping. These improvements were designed to enhance mobility and revitalize the Līhu‘e town core and implements the vision for a walkable town core in the Līhu‘e Town Core Urban Design Plan. The project was completed in 2021.</p>	LT4.B2-Pedestrian SS1.C1-Towns
<p><u>Safe Routes to School Program (SRTS), 2014 Awards, King Kaumuali‘i School SRTS, Phase 1</u></p> <p>The King Kaumuali‘i Elementary School Safe Routes to School project was funded by a \$416,540 Safe Routes to School grant. It included the installation of RRFB (Rectangular Rapid Flashing Beacon) systems at two existing crosswalks on Hanamaulu Road. Additional improvements include new sidewalks along Hoohana Street (from Laukona Street to Akuili Street), Akuili Street (from Hoohana Street to Hanamaulu Road), and the north side of Hanamaulu Road (from King Kaumualii Elementary to Hanamaulu Place). The project also added a new median on Hanamaulu Road at the school entrance and a striped crosswalk at the school exit. The project was completed in 2022.</p>	LT4.B2-Pedestrian OH2.C1-Education

<p><u>Safe Routes to School Program (SRTS), 2014 Awards, Kōloa School SRTS, Phase 2</u></p> <p>The Kōloa Elementary School Safe Routes to School, Phase 2 project was funded by a \$490,875 Safe Routes to School grant. It replaced the existing sidewalk on Po‘ipū Road fronting Koloa Elementary School, constructed a new sidewalk on the east side of Po‘ipū Road from Waikomo Road to Blakes Lane, and extended the sidewalk on Paanau Road west to Hikina Road. Additionally, the project extended bike lanes on Po‘ipū Road from Koloa Road to Waikomo Road and from Blakes Lane approximately 1,000 feet south. The project was completed in 2022.</p>	<p>LT4.B2-Pedestrian OH2.C1-Education</p>
<p><u>Līhu‘e-Anahola Coastal Bike Path, Phase III</u></p> <p>This phase is part of a larger project to develop a shared use path from Anahola to Līhu‘e, also known as Ke Ala Hele Makalae or “the path that goes along the coast.” Phase III covers a 2.1-mile segment from Lihi Park to Lydgate Park and includes a spur to Kawaihau Road. The segment is complete except for a short privately-owned section in Waipouli that will be constructed through future resort development.</p>	<p>LT1.C4 LT4.B2-Pedestrian SS3.C1-Trails</p>
<p><u>Kawaihau Road (Route 5860), Hauaala Road (Route 5865), Mailihuna Road (Route 5870), Complete Streets & Safety Improvements</u></p> <p>The Kawaihau Road Complete Streets and Safety Improvements project constructed a peanut-shaped roundabout, sidewalks, paved shoulders, and other roadway improvements to enhance safety and traffic flow at a 5-way intersection connecting Kawaihau Road, Hau‘a‘ala Road, and Mailihuna Road. The improvements facilitate safe and efficient travel in an area that includes St. Catherine’s School and Church, Kapa‘a High School, Kapa‘a Elementary School, Mahelona Hospital, and Gore Park. The project was completed in 2024.</p>	<p>LT1.C4-Transportation OH2.C1-Education</p>
<p><u>Puhi Road, Phase II</u></p> <p>The Puhi Road, Phase II project will improve the section of Puhi Road between Kaneka Street and Haleukana Street. Planned upgrades include reconstructing the pavement; widening the roadway to accommodate new bike lanes and parallel parking areas; adding a sidewalk on the west side of Puhi Road between Kaneka and Hanalima Streets; and constructing a shared-use path along the entire east side of the road. The project is ongoing and will be completed in 2025.</p>	<p>LT1.C4-Transportation OH2.C1-Education</p>
<p><u>Hanapēpē Road Resurfacing</u></p> <p>This Hanapēpē Road Resurfacing project will construct ADA-compliant pedestrian paths along Hanapēpē Road and includes resurfacing, signage, crosswalks and parking. Construction is anticipated to start in 2025.</p>	<p>LT1.C4-Transportation OH2.C1-Education</p>
<p><u>RAISE Grant - Po‘ipū Road (Route 520) Safety and Mobility Project</u></p>	<p>LT1.C4-Transportation LT4.B2-Pedestrian</p>

<p>The Po‘ipū Road Safety and Mobility Project will construct bicycle lanes, pedestrian sidewalks, crosswalks, parking, revised intersection traffic control including roundabouts, and drainage improvements. There will be construction of sidewalks in Kōloa Town along Po‘ipū Road, construction of bicycle lanes on Po‘ipū Road, and improved transit serves along Po‘ipū Road. Construction is anticipated to start in 2025.</p>	
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Wastewater Management Project Highlights	
Description and Status	General Plan Action
<p><u>Waimea WWTP Facility and System Upgrades</u></p> <ul style="list-style-type: none"> • Waimea R-1 Storage Tank and Distribution System Upgrade Project (\$6.2 million, completed 2023) 	C12.C7-Wastewater
<p><u>Lihue WWTP Facility and System Upgrades</u></p> <ul style="list-style-type: none"> • Improvements to Existing Hanamaulu and Kapaia Wastewater Pump Stations (\$3.5 million, completed 2022) • Līhu‘e WWTP Process Improvement Project (3.8 million, completed 2022) • Līhu‘e WWTP Process Improvements, Phase 3 (\$10 million, ongoing) • Hanamā‘ulu Sewerline Rehabilitation (\$4.5 million, ongoing) 	C12.C7-Wastewater
<p><u>Wailua WWTP Facility and System Upgrades</u></p> <ul style="list-style-type: none"> • Wailua SPS No. 1 Rehabilitation (\$2.3 million, completed 2023) • Wailua Coco Palms SPS Emergency Generator Building Rehabilitation Project – (\$1.2 million, ongoing) • Wailua WWTP Electrical and Process Improvement construction (\$50 million, ongoing) • Wailua SPS No. 3 Rehabilitation (\$5 million, ongoing) • Leho Drive SPS Rehabilitation (\$0.9 million, ongoing) 	C12.C7-Wastewater

ii. **Capital Improvement Program**

The Six-Year Capital Improvement Program (CIP) outlines ongoing and planned capital projects, focusing on those slated for funding and/or construction within the next six-year period. This also includes "Horizon Projects," which align with General Plan (GP) and Community Plan policy but have not yet been scheduled for funding or construction. The tables below detail each project's alignment with General Plan and Community Plan objectives, ensuring consistency with the county's long-term planning goals.

a. **Six-Year Capital Improvement Program (Short- to mid-range projects)**

The Six-Year Capital Improvement Program (CIP) outlines major County projects that are currently in design, recently initiated, or scheduled for construction within the next six years. The project categories include Housing, Parks, Solid Waste, Transportation, Wastewater, and Other. The "Other" category encompasses capital projects managed by departments such as the Mayor's Office, Police, or Fire. Transportation projects slated for federal-aid funding are identified as marked on the State Transportation Improvement Program or STIP (by Federal Fiscal Year). All projects are subject to change based on future CIP budget approvals.

	Description and Status	General Plan Action
Facilities	<u>Pi'ikoi Building Renovation</u> This project will provide new office space for County departments.	n/a
Facilities	<u>Kaua'i Police Department HVAC</u> This project will upgrade the facility's HVAC system.	n/a
Housing	<u>Lima Ola, Phase II</u> Phase 2 of the four-phase Lima Ola development encompasses approximately 21 acres of the 75-acre parcel and will develop approximately 75 single-family homes, 97 multi-family units, and off-site water system improvements. The project will provide a mix of rental and for-sale housing options, serving households earning up to 140% of the area median income. Completion is anticipated by 2026.	HO1.C10-Housing
Housing	<u>Lima Ola, Phase III</u> Phase 3 of the four-phase Lima Ola development spans approximately 17 acres of a 75-acre parcel, featuring 34 single-family homes, 102 multi-family units, and civil site work. Construction is planned from 2026 to 2029.	HO1.C10-Housing
Housing	<u>Lima Ola, Phase IV</u> Final phase of the development. Timeline to be determined.	HO1.C10-Housing
Housing	<u>Waimea 400</u> Timeline to be determined based on master planning efforts.	HO1.C10-Housing
Housing	<u>Kilauea Town Expansion</u> Timeline to be determined based on master planning efforts.	HO1.C10-Housing
Housing	<u>Puhi Park – Kahua Ho'oulu</u> Timeline to be determined based on master planning efforts.	HO1.C10-Housing
Parks	<u>Nawiliwili Park Skate Park and Pickleball Courts</u> This project will deliver brand-new recreational facilities, including a skatepark and pickleball courts, to Nawiliwili Park. Public meetings were held in 2024, and the project is currently in design.	OH3.C3-Health SS2.B3-Parks SS2.C4-Parks
Parks	<u>Vidinha Stadium Improvements</u> The Vidinha Stadium Improvements Project will resurface the track and field and upgrade facilities.	OH3.C3-Health SS2.B3-Parks SS2.C4-Parks
Parks	<u>Hanapēpē Town Park Skate Park</u> This project replaces the temporary skatepark at Hanapēpē Town Park with a permanent facility and adds public bathrooms to enhance community amenities. Public meetings were held in 2024, and the project is currently in design.	SS2.A1-Parks SS2.B3-Parks
Parks	<u>Hanamaulu Neighborhood Center Improvements</u> The project will upgrade and renovate the Hanamaulu Neighborhood Center.	SS2.A1-Parks SS2.B3-Parks OH3.C3-Health
Parks	<u>Waimea Neighborhood Center Improvements</u> The project will upgrade and renovate the Waimea Neighborhood Center.	SS2.A1-Parks PS2.A4-Hazards PS2.D9-Hazards

Parks	<p><u>Tactical Rifle Rated Ready Shooting Range</u> The Tactical Rifle Rated Ready Shooting Range project aims to provide a safe and controlled environment for firearms training and practice.</p>	SS2.A1-Parks SS2.A2-Parks SS2.B2-Parks SS2.C4-Parks
Parks	<p><u>Pump Track</u> The Pump Track project will provide a paved circuit with features like banked turns, offering a safe space for cyclists of all skill levels to practice their skills.</p>	SS2.A1-Parks SS2.A2-Parks SS2.B2-Parks SS2.C4-Parks
Parks	<p><u>Equestrian-Rodeo Arena</u> The project will construct facilities for equestrian use and rodeo events.</p>	SS2.A1-Parks SS2.A2-Parks SS2.B2-Parks SS2.C4-Parks
Parks	<p><u>Kaua'i War Memorial Convention Hall Improvements</u> The project will renovate the convention hall facility.</p>	SS2.A1-Parks SS2.A2-Parks
Transportation	<p><u>Transportation Agency Baseyard Expansion</u> The project involves the construction of facilities to enhance transit operations. Improvements will support expanded services, accommodate a larger fleet of buses, and enable the operation of electric vehicles (EVs).</p>	LT3.B1-Bus LT3.B7-Bus LT3.B9-Bus
Transportation	<p><u>Haleko Road (Route 5040) Improvements*</u> This project will construct approximately 0.5 miles of sidewalk on one side of Haleko Road, crosswalk improvements, and the addition of roundabouts at the intersections with Rice Street and Pua Loke Street.</p> <p><i>*Included in the STIP FFY 26</i></p>	LT4.B2-Pedestrian
Transportation	<p><u>Kekaha Road and Akialoa Road (Route 551) Improvements*</u> The project will resurface the full lengths of Kekaha Road and 'Akialoa Road (approximately 2.5 miles); implement corridor improvements such as sidewalks and bicycle enhancements on Kekaha Road, 'Akialoa Road, and 'Alae Road; and intersection improvements.</p> <p><i>*Included in the STIP FFY 26</i></p>	LT4.B2-Pedestrian OH2.C1-Education
Transportation	<p><u>Kukui Street and Olohena Road (RTE 581) Improvements*</u> The project includes rehabilitation and resurfacing of the pavement, construction of sidewalks, improved crosswalks, and bicycle lanes, construction of a roundabout at the intersection of Olohena Road, Lehua Street, and Kahau Street.</p> <p><i>*Included in the STIP FFY 25</i></p>	OH2.C1-Education
Transportation	<p><u>Waimea to Kekaha Shared Use Path, Phase I*</u> A shared-use path, approximately one mile in length, will be constructed from the Waimea Ball Park to Kekaha Road. It will connect to the planned Complete Streets network on Kekaha and Akialoa Roads.</p> <p><i>*Included in the STIP FFY 26</i></p>	LT1.C4-Transportation LT4.B2-Pedestrian LT5.C1-Bike

<p>Transportation</p>	<p><u>Kawaihau Road Improvements*</u> This Project will make roadway improvements along Kawaihau Road between Ka'apuni Road and Hau'a'ala Road. Potential roadway improvements consist of sidewalk improvements, curb and gutter improvements, left turn pockets, bike lanes, and other traffic calming improvements such as striping and signage, etc.</p> <p><i>*Included in the STIP FFY 25</i></p>	<p>LT1.B2-Transportation LT4.B2-Pedestrian LT4.B4-Pedestrian LT5.C5-Bike</p>
<p>Transportation</p>	<p><u>Papalina Road Sidewalk</u> Reconstruct or add sidewalks on at least one side of Papalina Road from Kaumuali'i Highway to Waha Road; widen paved shoulders where feasible; add crosswalks where appropriate; drainage improvements where needed.</p>	<p>LT1.B2-Transportation LT4.B2-Pedestrian LT4.B4-Pedestrian LT5.C5-Bike</p>
<p>Transportation</p>	<p><u>Puuwai Road (Route 534) Sidewalk*</u> Add sidewalk on the mauka side of Pu'uwai Road between Kaumuali'i Highway and Kalawai Park; reconstruct drainage infrastructure to accommodate sidewalk; resurface Pu'uwai Road as needed.</p> <p><i>*Included in the STIP FFY 28</i></p>	<p>LT1.B2 LT4.B2-Pedestrian LT4.B4-Pedestrian LT5.C5-Bike</p>
<p>Transportation</p>	<p><u>Koloa Town Sidewalks*</u> The project includes sidewalks and crosswalk improvements on the following streets: East side of Maluhia Road (Route 520) from Waihohonu Stream to Kōloa Road; Kōloa Road (Routes 530, 520, and 526) from Ala Kalanikaumaka to Waikomo Road; West side of Waikomo Road (Route 526) from Koloa Road to Po'ipū Road</p> <p><i>*Included in the STIP FFY 28</i></p>	<p>LT1.B2-Transportation LT4.B2-Pedestrian LT4.B4-Pedestrian LT5.C5-Bike</p>
<p>Transportation</p>	<p><u>Moi Road Sidewalk*</u> This project will resurface and reconstruct pavement as needed, along the full length of Moi Road; construct sidewalk on the east side where there is no sidewalk; add shoulders/bike lanes both sides between Kaumuali'i Highway and Kane Street.</p> <p><i>Included in the STIP FFY 27</i></p>	<p>LT1.B2-Transportation LT4.B2-Pedestrian LT4.B4-Pedestrian LT5.C5-Bike</p>
<p>Transportation</p>	<p><u>King Kaumalii Safe Routes to School, Phase II</u> This project plans to make pedestrian improvements including sidewalks, turn lanes, and crosswalks with rectangular rapid flashing beacons. There will also be adjustments of lot frontages, driveways, surface utilities, and drainage structures as necessary while remaining ADA compliant.</p>	<p>LT1.B2 LT4.B2-Pedestrian LT4.B4-Pedestrian LT5.C5-Bike</p>
<p>Transportation</p>	<p><u>Kalaheo Safe Routes to School</u> The project will provide a safe route to Kalaheo Elementary School by reconstructing an ADA sidewalk on Pu'u Road from Papalina Road to</p>	<p>LT1.B2-Transportation LT4.B2-Pedestrian LT4.B4-Pedestrian LT5.C5-Bike</p>

	Maka Road as well as constructing a new sidewalk along Hokua Road. It also aims to provide well-marked pedestrian crossings at key intersections, retain existing drainage patterns and on-street parking, and improve pedestrian access from remote drop-offs that reduce traffic congestion at the school. <i>Included in STIP FFY 29</i>	
Transportation	New Roadway - Ala Kalanikaumaka Extension (Route 522) <i>Included in the STIP FFY 30</i>	LT1.B2-Transportation
Transportation	New Roadway - Ala Namahana Parkway Extension	LT5.C3-Bike

b. Horizon Projects

These are future major projects whose funding source and/or construction schedule have not been determined.

Project Type	Project Description
Parks	Bryan Baptiste Park Expansion
Parks	Waimea 400 – Sports Complex
Parks	Waimea 400 – Wetlands Restoration
Solid Waste	New Solid Waste Landfill
Transportation	Līhu'e-Anahola Coastal Bike Path, Phase 4
Transportation	Līhu'e-Anahola Coastal Bike Path, Phase 5
Transportation	Līhu'e-Anahola Coastal Bike Path, Phase 6
Transportation	New Road - Līhu'e Mauka Bypass Road
Transportation	New Road - Mahelona Hospital Development Project

Appendix: General Plan Action Key

1. Permitting and Code Change Actions

Action Key	Sector	Section	Action Description
CI4.A1-Airports	Critical Infrastructure	Airports and Harbors	At airports, accommodate shuttles that transport visitors to resort destinations.
CI4.A2-Airports	Critical Infrastructure	Airports and Harbors	Do not expand the Princeville Airport, except for use as a parking hub and gateway for visitors to the North Shore.
CI1.A1-Airports	Critical Infrastructure	Domestic Water	Prioritize increasing domestic water supply, storage, and distribution systems to meet projected needs while encouraging conservation.
CI1.A2-Water	Critical Infrastructure	Domestic Water	Prioritize water infrastructure improvements in infill development areas.
CI1.A3-Water	Critical Infrastructure	Domestic Water	Encourage alternatives for non-potable water usage, such as rainwater catchment and greywater recycling.
CI1.A4-Water	Critical Infrastructure	Domestic Water	Support water savings through land use practices like low impact development (LID), Ahwahnee Water Principles for Resource Efficient Land Use, new green building programs, and onsite and offsite conservation land use practices.
CI1.A5-Water	Critical Infrastructure	Domestic Water	Conduct an audit of the County’s dependency on surface water regarding future development, based on legal availability and water regulations.
CI3.A1-Solid Waste	Critical Infrastructure	Solid Waste Disposal & Recycling	Reduce construction and demolition debris disposal in landfills by requiring recycling, particularly for large contractors and construction projects.
CI2.A1-Wastewater	Critical Infrastructure	Wastewater, Septic Systems, & Cesspools	Require large-scale developers to contribute funds toward improved recycled water production and distribution, or to construct their own wastewater reclamation facility.
CI2.A2-Wastewater	Critical Infrastructure	Wastewater, Septic Systems, & Cesspools	Manage wastewater treatment and disposal in a manner that safeguards human health while accommodating current needs of local residents before any consideration of future growth. These systems are to be efficient and cost-effective and use recycled water from treatment where possible.
CI2.A3-Wastewater	Critical Infrastructure	Wastewater, Septic Systems, & Cesspools	Improve the quality of effluent discharged into injection wells, especially those in the Special Management Areas.
CI2.A4-Wastewater	Critical Infrastructure	Wastewater, Septic Systems, & Cesspools	Support innovative treatment systems that produce effluent at appropriate water quality levels to encourage reuse such as irrigation, industrial uses, and other non-potable use.

EC2.A1-Agriculture	Economy	Agriculture	Ensure agriculture-designated lands are used for agriculture and related activities, including aquaculture, commercial forestry, and animal husbandry.
EC2.A10-Agriculture	Economy	Agriculture	Include community gardens as a permitted use in residential areas.
EC2.A11-Agriculture	Economy	Agriculture	Require that prospective buyers of property adjacent to agricultural land be notified through title report that they could be subject to inconvenience or discomfort resulting from accepted farming activities, pursuant to HRS Chapter 205-4.5.
EC2.A2-Agriculture	Economy	Agriculture	Use urban growth boundaries or other land preservation easements to limit conversion of agriculture-designated lands to non-agricultural uses.
EC2.A3-Agriculture	Economy	Agriculture	Control the subdivision and alteration of agriculturally zoned land to prevent the dissipation of agricultural potential, the loss of rural character, and the conversion of land use to urban land use designations.
EC2.A4-Agriculture	Economy	Agriculture	Provide criteria to allow clustering of allowable density for landowners of Important Agricultural Land (IAL).
EC2.A5-Agriculture	Economy	Agriculture	To the extent that public trust purposes would not be impacted or continue to be impacted, or where serviced agricultural operations constitute a reasonable and beneficial use that furthers the interests of the public, require preservation of viable irrigation systems — both government owned and privately owned — to support the supply of irrigation water to farms, provided that mitigation measures are taken to minimize any impacts to public trust purposes.
EC2.A6-Agriculture	Economy	Agriculture	Support landowner and farmer-initiated designations of important agricultural lands that at least meet criterion number five of Act 183 (SLH 2005), “land with enough water to support viable agricultural production.
EC2.A7-Agriculture	Economy	Agriculture	Use IAL maps and tools when reviewing landowner/farmer-initiated petitions for the designation of IAL or for evaluating priority lands for IAL designation proposed by the State or County.
EC2.A8-Agriculture	Economy	Agriculture	Revise the agricultural property tax regime, including but not limited to the Agricultural Dedication program, to increase incentives to lease land for productive farms.
EC2.A9-Agriculture	Economy	Agriculture	Clarify rules and authority related to permitting of agricultural structures and uses on IAL
EC3.A1-Businesses	Economy	Small Businesses & Promising Economic Sectors	Lessen zoning restrictions for home-based businesses.

EC3.A2-Businesses	Economy	Small Businesses & Promising Economic Sectors	Reduce the costs and regulatory hurdles associated with starting a business.
EC3.A3-Businesses	Economy	Small Businesses & Promising Economic Sectors	Increase inventory of industrial zoned lands.
EC1.A1-Tourism	Economy	Tourism	Revitalize—rather than expand—the existing Visitor Destination Areas in Po’ipū, Līhu’e, Wailua, and Princeville.
EC1.A2-Tourism	Economy	Tourism	Focus visitor uses, services, facilities, and accommodations in the Visitor Destination Area.
EC1.A3-Tourism	Economy	Tourism	Do not expand existing Visitor Destination Area boundaries beyond resort-designated areas.
EC1.A4-Tourism	Economy	Tourism	Allow existing resort entitlements to build out and require any non-entitled resort-designated areas in this General Plan to attain full State and County zoning resort-related approvals by the year 2027, or within ten years of Community Plan approval if an area is conditionally designated.
EC1.A5-Tourism	Economy	Tourism	Require short-duration expiration dates should development not be constructed as permitted.
EC1.A6-Tourism	Economy	Tourism	Where appropriate, negotiate with entitled resort projects to reduce unit count if discretionary permits are sought again.
EC1.A7-Tourism	Economy	Tourism	Create a regulatory system that ensures resort developers pay their own way by paying their fair share of system expansion for all public systems, including but not limited to land transportation improvements, housing, water, sewer, cables, and parks.
ES1.A1-Energy	Energy Sustainability & Climate Change Mitigation	Energy Sustainability	Promote increased energy conservation and renewable energy production.
ES1.A2-Energy	Energy Sustainability & Climate Change Mitigation	Energy Sustainability	Optimize the mix of energy crops that can provide fuel for power production on Kaua’i.
ES1.A3-Energy	Energy Sustainability & Climate Change Mitigation	Energy Sustainability	Streamline and expedite planning and permitting processes involving renewable energy facilities.
ES1.A4-Energy	Energy Sustainability & Climate Change Mitigation	Energy Sustainability	Require new buildings to incorporate economically feasible design and equipment for energy sustainability, including but not limited to solar hot water capacity and proper insulation.

ES1.A5-Energy	Energy Sustainability & Climate Change Mitigation	Energy Sustainability	Conduct an audit of the County's development standards to identify regulations that are obstacles to, or could be altered to better encourage or require, green building practices.
ES2.A1-GHG	Energy Sustainability & Climate Change Mitigation	Reduction of Greenhouse Gas Emissions	Promote higher density residential development near job centers and amenities, while strongly discouraging development that will require residents to commute via automobile to jobs in other areas of the island.
ES2.A2-GHG	Energy Sustainability & Climate Change Mitigation	Reduction of Greenhouse Gas Emissions	Reduce the carbon footprint of both new and existing buildings and infrastructure by maximizing energy efficiency and minimizing the use of fossil fuel resources on the grid.
ES2.A3-GHG	Energy Sustainability & Climate Change Mitigation	Reduction of Greenhouse Gas Emissions	Accelerate the transition to alternative, carbon free fuels in the ground transportation sector with regulations and policies that support electric vehicle adoption and other alternative fuel infrastructure and support electric groundskeeping and farming equipment/machinery.
ES2.A4-GHG	Energy Sustainability & Climate Change Mitigation	Reduction of Greenhouse Gas Emissions	Require large new developments and infrastructure projects to include a project carbon footprint analysis estimating the anticipated change in emissions resultant from the proposed project and documenting the emissions reduction strategies deployed by the project to minimize its emissions.
ES2.A5-GHG	Energy Sustainability & Climate Change Mitigation	Reduction of Greenhouse Gas Emissions	Support continued reductions in emissions from local energy production.
HR1.A1-Historic	Heritage Resources	Historic Buildings, Structures, and Places	Broaden the types of uses allowed in historic structures.
HR1.A2-Historic	Heritage Resources	Historic Buildings, Structures, and Places	Support the reuse and renovation of historic structures through building code amendments.
HR1.A3-Historic	Heritage Resources	Historic Buildings, Structures, and Places	Update and create Special Planning Areas in towns to ensure new development and redevelopment of existing sites or structures is done in a "historically sensitive" manner.
HR3.A1-Landmarks	Heritage Resources	Landmarks & Scenic Resources	Prepare amendments to the CZO, Special Management Area Rules, and the Subdivision Ordinance to provide specific criteria and guidelines for evaluating and protecting scenic views, view planes, and landmarks in the siting of new development.

HR3.A2-Landmarks	Heritage Resources	Landmarks & Scenic Resources	Consider regulatory tools such as zoning overlays or corridors to preserve views from roads or public places to the ocean, and to and from mauka to makai.
HR2.A1-Cultural	Heritage Resources	Wahi Pana, Cultural Sites, & Resources	Preserve, restore, and maintain customary access to important archaeological and cultural sites.
HR2.A10-Cultural	Heritage Resources	Wahi Pana, Cultural Sites, & Resources	Movement of kuleana lands through the subdivision process is inconsistent with their intrinsic cultural and historic value and negatively impacts traditional and customary Native Hawaiian rights and practices, which are protected by the Hawai'i State Constitution. Prior to any decision, any movement requires proper due diligence to ensure any historic value relating to the kuleana's past land use is identified and protected to the fullest extent possible consistent with Article XII, Section 7 of the Hawai'i State Constitution, the Ka Pa'akai test, and HRS Chapter 6E. In addition, proper notice must be afforded to the State Office of Hawaiian Affairs and beneficiaries and heirs of the kuleana at issue before any movement is approved.
HR2.A2-Cultural	Heritage Resources	Wahi Pana, Cultural Sites, & Resources	Create natural, landscaped buffers between archaeological sites and adjacent uses.
HR2.A3-Cultural	Heritage Resources	Wahi Pana, Cultural Sites, & Resources	In the case of development where burials are known to exist, ensure an Archaeological Inventory Study (AIS) is prepared and Kaua'i Island Burial Council recommendations are adhered to before final approvals are given.
HR2.A4-Cultural	Heritage Resources	Wahi Pana, Cultural Sites, & Resources	Require developers to provide archaeological and cultural assessments prior to clearing or development of land in areas of historical significance.
HR2.A5-Cultural	Heritage Resources	Wahi Pana, Cultural Sites, & Resources	Promote, encourage, and require the correct use of traditional place names.
HR2.A6-Cultural	Heritage Resources	Wahi Pana, Cultural Sites, & Resources	Establish archaeological districts where high concentrations of sites exist.
HR2.A7-Cultural	Heritage Resources	Wahi Pana, Cultural Sites, & Resources	Encourage restoration, management, and practitioner access for significant cultural sites on private land, as allowed by law.
HR2.A8-Cultural	Heritage Resources	Wahi Pana, Cultural Sites, & Resources	Encourage the restoration, management, and use of Kaua'i's fishponds and lo'i kalo.
HR2.A9-Cultural	Heritage Resources	Wahi Pana, Cultural Sites, & Resources	Preserve Māhā'ulepū, a wahi pana, where scenic landmarks, natural resources, archaeological sites (including Waiopili Heiau), and burials are found along with subsistence fishing and gathering, agriculture, research and education, and recreation.

HO1.A1-Housing	Housing	Affordable Housing	Update the County's Housing Ordinance into a workable law requiring all developers to contribute a fair share of resources to build affordable housing in a "win-win" manner.
HO1.A2-Housing	Housing	Affordable Housing	Design and locate affordable housing projects in or near job centers to minimize household transportation costs, community and household fossil fuel usage, and traffic congestion.
HO1.A3-Housing	Housing	Affordable Housing	Support economically integrated communities by requiring affordable housing mandates to be met on site.
HO1.A4-Housing	Housing	Affordable Housing	Amend Ordinance 860, Workforce Housing, to incentivize the creation of affordable housing development.
HO1.A5-Housing	Housing	Affordable Housing	Preserve the affordable housing stock by adopting a policy that any units built with taxpayer moneys or required under the Housing Ordinance for the general welfare shall be perpetually affordable to allow the inventory of affordable homes to grow rather than contract (which happens when such units are allowed to be sold on the open market).
HO1.A6-Housing	Housing	Affordable Housing	When possible, encourage the design of affordable, energy-efficient residential projects with civic spaces, shade trees, and pedestrian/bicycle amenities to enhance livability, equity, and safe transit options, especially for children.
HO1.A7-Housing	Housing	Affordable Housing	For county-sponsored housing subsidized with public money, the County shall require the units to be affordable for the life of the building and the land to remain in county ownership in perpetuity.
HO4.A1-Ag Worker	Housing	Agriculture Worker Housing	Support the development of a limited amount of housing on agricultural land for farm workers and their families by: a. Improving the existing process to obtain Farm Worker Housing Permits and remove barriers to participation. b. Providing outreach on the Farm Worker Housing Law to increase participation.
HO6.A1-Elderly	Housing	Elderly Housing & Assisted Living Facilities	Provide additional housing and assisted living facilities for Kaua'i's increasing elderly population by: a. Increasing the supply of housing that is affordable, accessible to services, and promotes aging in place. b. Allow multigenerational housing that accommodates family home care situations. c. Revising development standards to facilitate approval of assisted living units and continuing care communities.
HO6.A2--Elderly	Housing	Elderly Housing & Assisted Living Facilities	Integrate universal design standards into Kaua'i's building code.

HO5.A1-DHHL	Housing	Hawaiian Home Lands	Prior to the issuance of development and subdivision approvals, building permits, and other discretionary approvals for actions that may impact water sources that could also serve or impact the water needs of DHHL, consult with DHHL regarding their projected water needs and other rights to water under the public trust, such as those described or referenced under Hawai'i State Constitution Art. XII § 1; Hawai'i Revised Statutes §§ 168-4, 171-58, and 174C-49; Hawaiian Homes Commission Act §§ 220 and 221; and interpretive case law.
HO8.A1-Resort	Housing	Impact of Resort Uses on Housing Inventory	Reduce the impact and number of transient vacation rentals and similar uses, such as Bed & Breakfasts, in the communities outside the VDA by: a. Continuing aggressive enforcement against illegal TVRs. b. Supporting attrition and amortization of non-confirming TVRs, especially in high hazard areas. c. Monitoring and enforcing laws against new types of transient rentals facilitated by sharing economy websites, such as Airbnb and VRBO. d. Creatively exploring ways to use the tax code for enhanced compliance of nonconforming TVRs.
HO8.A2-Resort	Housing	Impact of Resort Uses on Housing Inventory	Set fines and taxes on illegal and legal vacation rentals respectively that remove homes from the local residential market supply. The penalties should be high enough to deter illegal use.
HO2.A1-Infill	Housing	Infill Housing	Allow for multi-family structures and a variety of accessory dwellings such as 'ohana units and additional rental units within the Neighborhood Center, Neighborhood General, and Residential Community designations.
HO2.A2-Infill	Housing	Infill Housing	Facilitate the development of small-footprint homes or "tiny homes" on small lots.
HO2.A3-Infill	Housing	Infill Housing	Update zoning in and around town centers to facilitate mixed use and infill development, such as units above commercial space.
HO2.A4-Infill	Housing	Infill Housing	Streamline permit approvals for infill development and housing rehabilitation by removing barriers, such as administrative delays.
HO2.A5-Infill	Housing	Infill Housing	Incentivize infill development by reducing or eliminating tipping fees, wastewater and water facility charges, permit review fees, and park and environmental assessment fees.
HO2.A6-Infill	Housing	Infill Housing	Update the building code to reduce construction costs and facilitate cost-saving materials and technology while maintaining health and safety.
HO2.A7-Infill	Housing	Infill Housing	Reevaluate the definition of "kitchen" to provide flexibility for multi-generational housing.

HO2.A8-Infill	Housing	Infill Housing	Increase lot coverage allowances to provide for more ADUs within the residential district.
HO3.A1-Communities	Housing	New Communities	Locate new communities only in areas designated for growth in the Land Use Map.
HO3.A10-Communities	Housing	New Communities	Require non-entitled new communities in this General Plan to attain full State and County district and zoning approvals by 2027. Require short duration expiration dates should development not be constructed as permitted, unless stated otherwise.
HO3.A11-Communities	Housing	New Communities	Prohibit future subdivision and development from restricting construction of ADUs in their deed and covenants.
HO3.A2-Communities	Housing	New Communities	Avoid sprawl development patterns and inefficient infrastructure and service delivery by maximizing density in new communities.
HO3.A3-Communities	Housing	New Communities	Substantially increase the amount of market rate multi-family and “missing middle” housing on Kaua’i by requiring housing type diversity in all new subdivisions.
HO3.A4-Communities	Housing	New Communities	Increase opportunities for moderate- and low-income households to become homeowners by providing a range of housing types.
HO3.A5-Communities	Housing	New Communities	Build housing in proximity to jobs, parks, community resources, and services.
HO3.A6-Communities	Housing	New Communities	Ensure subdivisions are designed to support housing type diversity, maximize density, provide safe pedestrian/bicycle connections, and slow speed on roads.
HO3.A7-Communities	Housing	New Communities	Take a proactive role in supporting County zoning amendments and State Land Use redistricting consistent with the General Plan and updated Community Plans.
HO3.A8-Communities	Housing	New Communities	Allow higher density to increase profitability for developers, resulting in a cheaper housing per unit cost.
HO3.A9-Communities	Housing	New Communities	New communities should incorporate green infrastructure into their design and be water and energy efficient.
HO7.A1-Houseless	Housing	The Houseless Population	Allow managed micro-housing developments or camp sites for the houseless.
HO7.A2-Houseless	Housing	The Houseless Population	Allow development of Single Resident Occupancy unit projects.
LT5.A1-Bike	Land Transportation	Bicycle Program	Incorporate bicycle parking requirements into the Comprehensive Zoning Ordinance.
LT2.A1-Roads	Land Transportation	County Roads	Complete new street design standards to address all users.
LT2.A2-Roads	Land Transportation	County Roads	Amend the zoning and subdivision codes to support multimodal transportation options and safety for all users.

LT2.A3-Roads	Land Transportation	County Roads	Develop a traffic calming toolkit and update the County Traffic Code to allow for traffic calming features.
LT2.A4-Roads	Land Transportation	County Roads	Designate, sign, and enforce truck routes.
LT2.A5-Roads	Land Transportation	County Roads	Update the school zone ordinance and signage.
LT1.A1-Transportation	Land Transportation	General	Coordinate land use planning with transportation to minimize the impact of growth on congestion, improve walkability in town centers, revitalize commercial areas, and enhance mobility in places where people live, work, learn, and play
LT1.A2-Transportation	Land Transportation	General	Require that transportation impact analysis reports and other traffic studies analyze a project's potential to encourage mode shift.
LT3.A1-Bus	Land Transportation	Transit Program	Provide density bonuses for workforce housing near transit.
OH2.A1-Education	Opportunity & Health For All	Access to Quality Education and Training	For large residential projects and in new communities, ensure the development of adequate school facilities, either at existing schools or at new school sites.
OH2.A2-Education	Opportunity & Health For All	Access to Quality Education and Training	Have developers pay their share of all costs needed to provide adequate school facilities for the children anticipated to live in their development.
OH2.A3-Education	Opportunity & Health For All	Access to Quality Education and Training	Support the use, expansion, and development of family childcare homes, preschools, parent/child kindergarten readiness programs, and charter schools.
OH4.A1-Access	Opportunity & Health For All	Access to Recreation and Subsistence Activities	Require a minimum accessway width of 10 feet and locate accessways at convenient intervals.
OH4.A2-Access	Opportunity & Health For All	Access to Recreation and Subsistence Activities	Protect and preserve mauka and makai access for traditional Hawaiian cultural practices.
OH4.A3-Access	Opportunity & Health For All	Access to Recreation and Subsistence Activities	Require identification and mitigation of potential impacts of subsistence activities and resources when reviewing development permits.
OH3.A1-Health	Opportunity & Health For All	Community Health	Provide access to frequent and convenient public transit near major job centers and health care facilities.
OH3.A2-Health	Opportunity & Health For All	Community Health	Ensure community design supports healthy and active lifestyles.
OH3.A3-Health	Opportunity & Health For All	Community Health	Consider zoning options that limit new fast food restaurants close to schools, daycare centers, or parks

OH3.A4-Health	Opportunity & Health For All	Community Health	Support the built environment and land use recommendations provided by the Native Hawaiian Health Task Force and similar community health initiatives.
OH1.A1-Equity	Opportunity & Health For All	Social Equity	Limit the proliferation of predatory lending establishments through licensing and zoning powers.
OH1.A2-Equity	Opportunity & Health For All	Social Equity	Expand and preserve affordability in neighborhood centers around the island through zoning, incentives, and development.
OH1.A3-Equity	Opportunity & Health For All	Social Equity	Provide affordable housing in proximity to community resources and services.
OH1.A4-Equity	Opportunity & Health For All	Social Equity	Mitigate impact to Native Hawaiian traditional and customary practices and the resources they rely on through district boundary amendments and zoning amendments.
PS3.A1-Adaptation	Public Safety & Hazards Resiliency	Global Warming & Climate Change Adaptation	Use the best available climate and hazard science to inform and guide decisions. Determine a range of locally relevant (context specific) sea level rise projections for all stages of planning, project design, and permitting reviews. At the time of this General Plan Update publication, the science suggests a planning target of three feet of sea level rise.
PS3.A2-Adaptation	Public Safety & Hazards Resiliency	Global Warming & Climate Change Adaptation	Regularly review and refine relevant policies, rules, and regulations based on the most currently available climate and hazard science and projections.
PS3.A3-Adaptation	Public Safety & Hazards Resiliency	Global Warming & Climate Change Adaptation	Identify lands/areas that may serve as buffers from coastal hazards and restrict development within them.
PS3.A4-Adaptation	Public Safety & Hazards Resiliency	Global Warming & Climate Change Adaptation	Periodically update the shoreline setback and coastal protection article of the Comprehensive Zoning Ordinance to allow for adjustments in the setback calculations based upon best-available SLR data.
PS3.A5-Adaptation	Public Safety & Hazards Resiliency	Global Warming & Climate Change Adaptation	Update the Floodplain Management Program to incorporate sea level rise planning information, utilizing options detailed in the Kaua'i Climate Change and Coastal Hazards Assessment or other relevant resources.
PS3.A6-Adaptation	Public Safety & Hazards Resiliency	Global Warming & Climate Change Adaptation	Within the Special Management Area (SMA) and Zoning Permit program: a. Require applicants to analyze coastal hazard impacts and include mitigation in permit applications. b. Impose development conditions upon permits that minimize the impacts of exacerbated flooding, storm surge, and erosion due to sea level rise. c. Strengthen rebuilding restrictions for non-conforming structures such that these structures are relocated a safe distance from the shoreline in hazardous areas. d. Evaluate conditions that prohibit shoreline armoring.

PS3.A7-Adaptation	Public Safety & Hazards Resiliency	Global Warming & Climate Change Adaptation	Update the subdivision standards to: a. Restrict residential subdivisions in areas prone to current and future coastal hazards, including sea level rise. b. Outside of these natural hazard areas, provide for conservation subdivisions or cluster subdivisions to conserve environmental resources.
PS3.A8-Adaptation	Public Safety & Hazards Resiliency	Global Warming & Climate Change Adaptation	Periodically update the building codes to ensure that the standards for strengthening and elevating construction to withstand hazard forces in hazardous areas utilize the best available science and planning information.
PS3.A9-Adaptation	Public Safety & Hazards Resiliency	Global Warming & Climate Change Adaptation	When considering project alternatives during the environmental review process, evaluate relocation outside of hazardous areas, elevation of structures, and "soft" hazards such as beach nourishment. When considering environmental mitigation, incorporate climate resilience measures.
PS2.A1-Hazards	Public Safety & Hazards Resiliency	Hazards Resiliency	Minimize coastal development in areas of high risk of erosion, flooding, tsunami inundation, and sea level rise.
PS2.A2-Hazards	Public Safety & Hazards Resiliency	Hazards Resiliency	Provide for adequate emergency shelters and communication systems in all planning districts.
PS2.A3-Hazards	Public Safety & Hazards Resiliency	Hazards Resiliency	Periodically review building codes and permitting standards for alignment with disaster risk reduction (DRR) efforts.
PS2.A4-Hazards	Public Safety & Hazards Resiliency	Hazards Resiliency	Designate areas to serve as public shelters when designing and constructing new public buildings.
PS2.A5-Hazards	Public Safety & Hazards Resiliency	Hazards Resiliency	Include conditions in transient vacation rental and homestay permits that require disclosure to visitors and occupants of hazard risks and instructions for evacuation in cases of natural hazards, such as tsunamis, hurricanes, or flooding. Require disclosure of hazards prior to reserving or booking.
PS1.A1-Safety	Public Safety & Hazards Resiliency	Police, Fire, Ocean Safety, & Emergency Services	Maintain effective levels of public safety services to protect the growing population.
PS1.A2 Safety	Public Safety & Hazards Resiliency	Police, Fire, Ocean Safety, & Emergency Services	Upgrade and enhance facilities to address existing vulnerabilities and support necessary growth in emergency response personnel.
SS3.A1-Trails	Shared Spaces	Linear Parks and Trails	Provide safe and convenient access to beaches and inland resources through the park system.
SS3.A2-Trails	Shared Spaces	Linear Parks and Trails	Identify and design new shared use paths to provide safe corridors for pedestrians and cyclists.
SS3.A3-Trails	Shared Spaces	Linear Parks and Trails	Encourage the development of accessways to the path, when development is adjacent to or near a shared use path.

SS3.A4-Trails	Shared Spaces	Linear Parks and Trails	Increase opportunities for public access to mountainous and forested areas in a way that is ecologically sustainable.
SS2.A1-Parks	Shared Spaces	Parks	Provide comprehensive, well-designed, and highly functional parks and recreational facilities that meet public needs, provide attractive places to exercise, accommodate diverse groups and activities, make suitable use of resources, and are compatible with surrounding uses.
SS2.A2-Parks	Shared Spaces	Parks	Provide a range of civic space and functional parks in large residential projects and in new communities.
SS2.A3-Parks	Shared Spaces	Parks	Streamline permitting of public facilities to efficiently coordinate the development and expansion of parks.
SS2.A4-Parks	Shared Spaces	Parks	Allow in-lieu funding expenditure on facility capital improvements through the Park Dedication Ordinance.
SS1.A1-Towns	Shared Spaces	Town Centers	Encourage vibrant shared space and destinations in town centers by: a. Implementing design standards to ensure the aesthetic character of buildings blends in and matches the desired scale and character of the town. b. Allowing historic buildings on small lots to redevelop without the imposition of new setbacks or off-street parking requirements. c. Siting new commercial development contiguous to towns, within walking distance of residential development. d. Supporting the creation of and improvement of venues for art and culture. e. Providing comfortable and safe walking environments, including context-sensitive sidewalks along main roads. f. Enhancing shade resources, including trees on streets and in public parks, and improving criteria for species selection and programs for tree maintenance. g. Providing more on-street parking.
WA3.A1-Coastal	The Watershed	Kahakai - Coastal Areas and Shorelines	Minimize coastal hazard risks through planning and development standards that: a. Ensure the safety of individuals, families, and communities within coastal hazard areas and communicate the dangers to residents and tourists. b. Discourage development or redevelopment (including tourist uses) within hazardous areas, while preserving adequate space for expected future growth in areas located outside these areas. c. If hazard risks are unavoidable, minimize hazard risks to new development over the life of authorized structures. d. Ensure property owners assume the risks associated with new development in hazardous areas. e. Limit development near vulnerable water supplies. f. Manage water supply issues resulting from saltwater intrusion, such as limits on groundwater withdrawal or diversification of water supplies.

WA3.A2-Coastal	The Watershed	Kahakai - Coastal Areas & Shorelines	Avoid or minimize coastal resource impacts through development standards that: a. Protect public beach, rocky coasts, dune, wetland, river, and stream resources in all coastal planning and regulatory decisions. b. Protect the quality of coral reefs through standards that address, prevent, and minimize impacts from development. c. Minimize impacts to view corridors from roads or public places to the ocean and from mauka to makai. d. Preserve and protect Kaua'i's sandy beaches and shorelines from erosion and degradation while ensuring continued public access to them. e. Ensure adequate parking and convenient public access to coastal lands in all zoning and subdivision permits.
WA3.A3-Coastal	The Watershed	Kahakai - Coastal Areas & Shorelines	Promote strategic beach nourishment in public use areas.
WA3.A4-Coastal	The Watershed	Kahakai - Coastal Areas & Shorelines	Seek to preserve natural beach processes and avoid the construction of shoreline protection structures.
WA3.A5-Coastal	The Watershed	Kahakai - Coastal Areas & Shorelines	Do not allow permanent armoring of the shoreline.
WA3.A6-Coastal	The Watershed	Kahakai - Coastal Areas & Shorelines	Include the following guidelines for coastal development in the CZO: a. For resorts and other multi building complexes, transition from low building heights along the shoreline to taller buildings on the interior of the property. b. Provide an open, vegetated visual buffer between the shoreline and buildings. c. Protect community accessways laterally along the coast in the buffer zone mauka of the shoreline. d. Maintain existing stands of trees or plant trees within the buffer zone to provide sun and wind protection and to moderate the appearance of large buildings.
WA3.A7-Coastal	The Watershed	Kahakai - Coastal Areas & Shorelines	Update the Shore District in relation to the SMA regulations.
WA3.A8-Coastal	The Watershed	Kahakai - Coastal Areas & Shorelines	Continually incorporate new information on climate change into shoreline policies and regulations.
WA3.A1-Drainage	The Watershed	Kahawai - Middle Watershed, Drainage, & Freshwater Resources	Avoid impacts to natural hydrologic recharge areas, stream corridors, floodplains, and wetlands through standards that: a. Guide development to avoid disturbance of natural drainage features, preserve wetlands and streams, and provide riparian buffer areas to prevent land disturbance and filter runoff. b. Require best management practices designed to control stormwater and polluted runoff. c. Ensure drainage systems are properly sized, built, and maintained. d. Incorporate trees, rain gardens, swales, green roofs, and other features that mimic natural systems.

WA3.A10-Drainage	The Watershed	Kahawai - Middle Watershed, Drainage, & Freshwater Resources	Support mauka to makai streamflow, which is essential to the survival of native stream life.
WA3.A11-Drainage	The Watershed	Kahawai - Middle Watershed, Drainage, & Freshwater Resources	Support mediated agreements, such as that in Waimea, to restore streamflows to meet public trust purposes for Wailua River, Hule'ia River, and others, while avoiding costly litigation.
WA3.A2-Drainage	The Watershed	Kahawai - Middle Watershed, Drainage, & Freshwater Resources	Reduce erosion and retain sediment onsite during and after construction.
WA3.A3-Drainage	The Watershed	Kahawai - Middle Watershed, Drainage, & Freshwater Resources	Ensure that Good Agricultural Practices and other runoff reduction measures are addressed when reviewing agricultural grading permit exemptions.
WA3.A4-Drainage	The Watershed	Kahawai - Middle Watershed, Drainage, & Freshwater Resources	Review and update drainage regulations and the drainage constraint district to incorporate and encourage green infrastructure concepts.
WA3.A5-Drainage	The Watershed	Kahawai - Middle Watershed, Drainage, & Freshwater Resources	If large detention basins are required to control drainage, design them for multiple uses and treat them as an important tool.
WA3.A6-Drainage	The Watershed	Kahawai - Middle Watershed, Drainage, & Freshwater Resources	Utilize existing Water Management Plans as examples of best management practices.

WA3.A7-Drainage	The Watershed	Kahawai - Middle Watershed, Drainage, & Freshwater Resources	Expressly and consistently condition development and subdivision approvals, building permits, and other discretionary approvals for actions that may impact surface water resources, on at least one of the following: a. The prior implementation of updated instream flow standards and a monitoring plan for any surface water sources that are needed for any permitted project or development, when there is a reasonable possibility that public trust purposes are or may be harmed. b. Ground- or surface- water management area designation for any aquifer area where new or expanded water sources will need to be developed, when there is a reasonable possibility of harm to public trust purposes in either ground or surface waters. c. The explicit application and execution of the “framework” of analysis set forth by the Hawai‘i Supreme Court in the Kaua‘i Springs case, prior to the issuance of any permit or other discretionary approval by the County Planning Department, Planning Commission, or County Council.
WA3.A8-Drainage	The Watershed	Kahawai - Middle Watershed, Drainage, & Freshwater Resources	Provide for the crossing of water courses by spanning rather than by culverts when possible, so that natural streambeds will not be altered.
WA3.A9-Drainage	The Watershed	Kahawai - Middle Watershed, Drainage, & Freshwater Resources	Support the protection, restoration, and enhancement of surface and subsurface water resources, stream habitats, and watershed areas to support groundwater aquifer recharge; aquatic and environmental processes; riparian, scenic, recreational, and Native Hawaiian cultural resources; and constitutionally-protected Native Hawaiian traditional and customary practices.
WA4.A1-Species	The Watershed	Threatened and Endangered Species	Avoid development or land use intensification on critical habitats and in areas that are essential to the health, safety, and life of vulnerable native species.
WA4.A2-Species	The Watershed	Threatened and Endangered Species	Require the use of noninvasive plant species for landscaping of newly developed areas, public lands, and roadways.
WA4.A3-Species	The Watershed	Threatened and Endangered Species	Require future development to address potential impacts on threatened or endangered flora and fauna: a. Evaluate potential loss of habitat. b. Identify all endangered and threatened species present. c. List minimization efforts. d. If mitigation is needed, join an established Habitat Conservation Plan or develop one.
WA4.A4-Species	The Watershed	Threatened and Endangered Species	Encourage new development to implement voluntary actions to encourage a net gain in protection efforts of our threatened and endangered species.
WA4.A5-Species	The Watershed	Threatened and Endangered Species	Minimize risks to threatened and endangered species in construction and development activity.

WA1.A1-Upper Watershed	The Watershed	Wao Nahele - The Upper Watershed	Review State DLNR Forest Reserve Plans when development is adjacent to Forest Reserves.
WA1.A2-Upper Watershed	The Watershed	Wao Nahele - The Upper Watershed	Require best management practices for resource management.

2. Plans and Studies

Action Key	Sector	Section	Action Description
CI1.C1-Water	Critical Infrastructure	Domestic Water	Implement and update the County Water Plan to guide system expansion, improvement, rehabilitation, and rate structures to support growth consistent with the General Plan and Community Plans.
CI1.C2 Water	Critical Infrastructure	Domestic Water	Reduce potable water usage through recycled water and alternative individual water systems such as rainwater catchment and greywater recycling and incorporate these into the County Water Plan Update.
CI1.C3 Water	Critical Infrastructure	Domestic Water	Update sustainable yield of aquifers, incorporating most recent United States Geological Survey (USGS) low-flow studies and surface water data into the County Department of Water budget, with appropriate reservations for public trust purposes including environmental protection, traditional and customary Native Hawaiian rights, appurtenant rights, domestic water uses, and the needs of the Department of Hawaiian Home Lands.
CI1.C4 Water	Critical Infrastructure	Domestic Water	Reconcile water service areas with County planning districts to integrate facilities with Community Plans.
CI3.B1-Solid Waste	Critical Infrastructure	Solid Waste Disposal & Recycling	Update and implement the Solid Waste Integrated Management Plan to set policies for solid waste programs, facility planning, capital improvements, operations, user fees, and financing facilities and operations.
CI3.B2-Solid Waste	Critical Infrastructure	Solid Waste Disposal & Recycling	Plan and prepare for emergency debris management and disposal due to future major storms and tsunamis.
CI2.B1-Wastewater	Critical Infrastructure	Wastewater, Septic Systems, & Cesspools	Develop and update wastewater facility plans to guide decisions regarding the allocation of treatment capacity, the expansion of wastewater systems, and system improvement priorities.
CI2.B2-Wastewater	Critical Infrastructure	Wastewater, Septic Systems, & Cesspools	Coordinate public and private planning, development, operation, and management of wastewater treatment and disposal systems.

EC2.B1-Agriculture	Economy	Agriculture	Consider the relationship and proximity of other land uses to agricultural land in planning efforts. Define “rural” and include its relationship to agriculture.
EC2.B2-Agriculture	Economy	Agriculture	Update and implement the Agricultural Water Use and Development Plan.
EC2.B3-Agriculture	Economy	Agriculture	Improve upon or develop a system for local and export marketing of food and primary resources.
EC2.B4-Agriculture	Economy	Agriculture	Create an agriculture database of key information and indicators that would enable the monitoring of agricultural progress and growth.
EC2.B5-Agriculture	Economy	Agriculture	Increase access to healthy food in underserved neighborhoods and build more equitable food systems, from cultivation to disposal.
EC2.B6-Agriculture	Economy	Agriculture	Update and implement the Kaua’i Agriculture Strategic Plan.
EC3.B1-Businesses	Economy	Small Businesses & Promising Economic Sectors	Implement and update the Comprehensive Economic Development Strategy (CEDS).
EC3.B2-Businesses	Economy	Small Businesses & Promising Economic Sectors	Develop business improvement districts and Main Street programs to fund revitalization efforts.
EC1.B1-Tourism	Economy	Tourism	Implement and update the Kaua’i Tourism Strategic Plan.
EC1.B2-Tourism	Economy	Tourism	Explore the development of the carrying capacity for various sites around the island and a monitoring system that tracks visitor impacts within the context of “limits of acceptable change” or another metric.
EC1.B3-Tourism	Economy	Tourism	Create a comprehensive incentive and disincentive plan to address visitor numbers and impacts in specific areas.
ES1.B1-Energy	Energy Sustainability & Climate Change Mitigation	Energy Sustainability	Work with the University of Hawai’i to conduct an islandwide study of energy crop production and determine how much energy production comes from locally grown crops.
ES2.B1-GHG	Energy Sustainability & Climate Change Mitigation	Reduction of Greenhouse Gas Emissions	Develop a climate plan that focuses on key sectors and their interrelationships with respect to emissions reductions, to be updated every five years. Include intermediate year emissions reductions for all major sectors.
ES2.B2-GHG	Energy Sustainability & Climate Change Mitigation	Reduction of Greenhouse Gas Emissions	Accelerate “zero waste” strategies, including policies and actions that encourage island residents to move towards lower levels of consumption, and to reuse materials to the maximum extent possible.
ES2.B3-GHG	Energy Sustainability & Climate Change Mitigation	Reduction of Greenhouse Gas Emissions	Conduct a greenhouse gas emissions inventory for the County.

LUA.1-Land Use	Future Land Use	Land Use Designations	Implement a zoning program to comprehensively redistrict and rezone lands consistent with the Future Land Use Map and updated Community Plan and map designations.
LUA.2-Land Use	Future Land Use	Land Use Designations	Build upon place types in future Community Plans and update zoning and development standards to be place-based.
LUA.3-Land Use	Future Land Use	Land Use Designations	Support State Land Use Boundary Amendment Petitions for new Urban District consistent with the Future Land Use Map.
LUA.4-Land Use	Future Land Use	Land Use Designations	Given that the Future Land Use Map is conceptual, the size of future amendments to the State Land Use District should consider the General Plan's population allocations, housing projects, and the objectives for New Communities.
LUB.1-Land Use	Future Land Use	Land Use Designations	Use the community planning process to update and refine the Future Land Use Maps as needed.
HR1.B1-Historic	Heritage Resources	Historic Buildings, Structures, & Places	Update and maintain the inventory and management plan for historic resources.
HR3.B1-Landmarks	Heritage Resources	Landmarks and Scenic Resources	Identify key landmarks, exceptional trees, and scenic resources through Community Plans.
HR3.B2-Landmarks	Heritage Resources	Landmarks and Scenic Resources	Develop an inventory of scenic resources/views, view planes, visual resources, and key landmarks through collaboration of the Kaua'i Historic Preservation Review Commission and the Open Space Commission.
HR3.B3-Landmarks	Heritage Resources	Landmarks and Scenic Resources	Support creation and implementation of corridor plans for historic and scenic roadways.
HR2.B1-Cultural	Heritage Resources	Wahi Pana, Cultural Sites, & Resources	Inventory and acknowledge the importance of archaeological sites and wahi pana during community planning processes.
HR2.B2-Cultural	Heritage Resources	Wahi Pana, Cultural Sites, & Resources	Create an inventory of kuleana lands and describe their vulnerability to sale and development.
HR2.B3-Cultural	Heritage Resources	Wahi Pana, Cultural Sites, & Resources	Create a county-level tax break for ancestral family lands that do not qualify for kuleana tax breaks for situations such as hanai (adoption), families without birth and death certificates, and other circumstances.
HO1.B1-Housing	Housing	Affordable Housing	Find ways to insulate affordable housing units from the market, whether rentals or for ownership, to preserve the affordability of units.
HO1.B2-Housing	Housing	Affordable Housing	Review existing affordable housing requirements in plans and zoning amendments to assess impediments to affordable housing creation.
HO1.B3-Housing	Housing	Affordable Housing	Assess the County's affordable housing needs and priorities through the five-year Consolidated Plan and one-year Action Plans.

HO1.B4-Housing	Housing	Affordable Housing	Establish a ratio for the housing needs for workforce, elderly, and disabled households, and amend existing laws and plans as needed.
HO5.B1-Housing	Housing	Hawaiian Home Lands	Integrate the recommendations of DHHL plans into community planning.
HO2.B1-Housing	Housing	Infill Housing	Prevent displacement of vulnerable renters through rent stabilization policies and tax incentives for long-term rentals.
HO7.B1-Housing	Housing	The Houseless Population	Support the implementation and update of the Kaua'i Houseless Solutions Summit Plan.
LT5.B1-Bike	Land Transportation	Bicycle Program	Establish an islandwide bikeways plan with priorities for implementation through the community planning process.
LT1.B1-Transportation	Land Transportation	General	In all Community Plans, incorporate planning of roadway, transit, bike and pedestrian facilities, and transportation needs to support economic revitalization.
LT1.B2-Transportation	Land Transportation	General	Include analysis of the planned transportation system's ability to accommodate proposed growth, manage congestion, and achieve the County's mode shift targets in all Community Plans.
LT1.B3-Transportation	Land Transportation	General	In all Community Plans, develop a regional traffic circulation plan that includes all modes of transportation.
LT4.B1-Parking	Land Transportation	Parking Management	Implement parking audits in areas where parking resources are perceived to be limited and where additional parking resources or parking management may be needed such as Kapa'a Town, Hanalei, and Po'ipū.
LT4.B2-Parking	Land Transportation	Parking Management	In partnership with the State, develop and implement a parking management plan for the Lihu'e Civic Center.
LT4.B1-Pedestrian	Land Transportation	Pedestrian Program	Identify high-priority pedestrian safety projects based on crash data.
LT3.B1-Bus	Land Transportation	Transit Program	Implement the Short-Range Transit Plan.
LT3.B2-Bus	Land Transportation	Transit Program	Complete a Mid-Range (4-7 year) Transit Plan for longer-term transit planning.
LT3.B3-Bus	Land Transportation	Transit Program	Address the feasibility and practicality of accommodating luggage, surfboards, and other large objects on County and private buses.
OH4.B1-Access	Opportunity & Health for All	Access To Recreation & Subsistence Activities	Maintain, inventory, and provide information on legal public accessways to beaches and inland recreation areas. Conduct research on easement documents that have been executed or signed but not recorded.
OH4.B2-Access	Opportunity & Health for All	Access To Recreation & Subsistence Activities	Create regional networks of public trails. Partner with private landowners for missing connections via managed access.
OH4.B3-Access	Opportunity & Health for All	Access To Recreation & Subsistence Activities	Explore solutions for protecting access to recreational opportunities, including fishing, hunting, surfing, hiking, and other activities in community planning.
OH3.B1-Health	Opportunity & Health for All	Community Health	Include community health concerns in community planning.

OH3.B2-Health	Opportunity & Health for All	Community Health	Implement and update the Kaua'i Community Drug Response Plan.
OH3.B3-Health	Opportunity & Health for All	Community Health	Implement and update the Kaua'i Plan on Aging.
OH3.B4-Health	Opportunity & Health for All	Community Health	Implement and update the Kaua'i Community Health Improvement Initiative
OH1.B1-Equity	Opportunity & Health for All	Social Equity	Complete a study to establish ratios for different categories of housing for workforce (less than 140 percent of median income), elderly, and disabled.
PS3.B1-Adaptation	Public Safety & Hazards Resiliency	Global Warming & Climate Change Adaptation	Conduct detailed hazard, risk, and vulnerability assessments for critical infrastructure and lowlying coastal communities when updated sea level rise, erosion rates, and wave inundation information is available.
PS3.B2-Adaptation	Public Safety & Hazards Resiliency	Global Warming & Climate Change Adaptation	Identify priority planning areas where resources and planning efforts need to be focused and identify how and where to use adaptation strategies such as accommodation, retreat, and protection.
PS3.B3-Adaptation	Public Safety & Hazards Resiliency	Global Warming & Climate Change Adaptation	Encourage strategic retreat and relocation to safer areas based on the results of the assessments above.
PS3.B4-Adaptation	Public Safety & Hazards Resiliency	Global Warming & Climate Change Adaptation	Use results of hazard, risk, and vulnerability assessments to inform adaptation strategies to be incorporated into Community Plans or other planning processes.
PS3.B5-Adaptation	Public Safety & Hazards Resiliency	Global Warming & Climate Change Adaptation	Acknowledge, support, and/or take part in university, government, and private efforts to develop planning information and guidance to address how accelerated sea level rise will affect erosion rates and wave inundation.
PS3.B6-Adaptation	Public Safety & Hazards Resiliency	Global Warming & Climate Change Adaptation	Support implementation of the Hawai'i Climate Adaptation Initiative (Act 83) and development of the Sea Level Rise and Vulnerability Adaptation Report for Hawai'i and the Statewide Climate Adaptation Plan.
PS2.B1-Hazards	Public Safety & Hazards Resiliency	Hazards Resiliency	Encourage community-based disaster resilience plans and incorporate components into future Community Plan updates. Plans should include an assessment of risks and vulnerabilities in the local economy to hazards.
PS2.B2-Hazards	Public Safety & Hazards Resiliency	Hazards Resiliency	Develop an inventory of Critical Infrastructure and Key Resources, according to the standards of the National Incident Management System (NIMS), which can be used for mitigation and disaster recovery efforts.
PS2.B3-Hazards	Public Safety & Hazards Resiliency	Hazards Resiliency	Work with the State Office of Conservation and Coastal Lands (OCCL) to update the Coastal Erosion Mitigation Plan for Kaua'i.

PS2.B4-Hazards	Public Safety & Hazards Resiliency	Hazards Resiliency	Identify and index communities that have existing disaster resilience plans. Provide support to current and ongoing community hazard risk reduction, mitigation, and planning efforts.
PS2.B5-Hazards	Public Safety & Hazards Resiliency	Hazards Resiliency	Periodically review and update the Multi-Hazard Mitigation and Resilience Plan.
SS2.B1-Parks	Shared Spaces	Parks	Plan for safe routes to parks, especially in areas with high concentration of youth.
SS2.B2-Parks	Shared Spaces	Parks	Utilize vacant or underused County-owned land for community purposes.
SS2.B3-Parks	Shared Spaces	Parks	Update and implement the Kaua'i Parks & Recreation Master Plan (2013).
SS1.B1-Towns	Shared Spaces	Town Centers	Acknowledge the important role of town squares and other civic space in town centers and seek to improve usability of such venues.
SS1.B2-Towns	Shared Spaces	Town Centers	Establish or update urban design standards through Community Plans.
SS1.B3-Towns	Shared Spaces	Town Centers	Identify public art opportunities and funding in community and facility planning.
WA3.B1-Coastal	The Watershed	Kahakai - Coastal Areas & Shorelines	Restore lost and unrecorded beach accesses by identifying, recording, and demarcating accessways for public use.
WA3.B2-Coastal	The Watershed	Kahakai - Coastal Areas & Shorelines	Develop detailed hazard, risk, and vulnerability assessments in low-lying coastal areas based on future data and forecasts regarding climate change. Use this assessment to identify where resources and planning efforts should be focused and to develop adaptation strategies and inform stakeholders including tourists of these dangers.
WA3.B3-Coastal	The Watershed	Kahakai - Coastal Areas & Shorelines	Recognize scientific uncertainty by using scenario planning and adaptive management techniques that adjust policies and rules based on monitoring efforts.
WA3.B4-Coastal	The Watershed	Kahakai - Coastal Areas & Shorelines	Analyze options and criteria for relocation of development outside of hazardous areas along the coast and incorporate findings into a long-term relocation plan.
WA3.B5-Coastal	The Watershed	Kahakai - Coastal Areas & Shorelines	Support studies to assess impacts to coastal and cultural resources at Salt Pond Beach and Pū'olo Point in collaboration with community members, including but not limited to the salt making practitioners.
WA3.B1-Drainage	The Watershed	Kahawai - Middle Watershed, Drainage, & Freshwater Resources	In Community Plans, include protection actions for streams and inland water bodies to prevent degradation of water quality and address nonpoint source pollution.

WA3.B2-Drainage	The Watershed	Kahawai - Middle Watershed, Drainage, & Freshwater Resources	Establish a drainage system database to better understand the drainage network on Kaua'i and to assist with water quantity and quality impacts.
WA3.B3-Drainage	The Watershed	Kahawai - Middle Watershed, Drainage, & Freshwater Resources	Periodically review the County's flood control measures and plans using updated information and forecasts on climate change.
WA3.B4-Drainage	The Watershed	Kahawai - Middle Watershed, Drainage, & Freshwater Resources	Develop drainage master plans for flood-prone areas such as Hanalei, Nāwiliwili, Kapa'a, Wailua, Po'ipū, and Kekaha.
WA1.B1-Upper Watershed	The Watershed	Wao Nahele - The Upper Watershed	Utilize the Forest Reserve and Natural Area Reserve Plans in Community Planning processes and share information regarding forest management activities with the public.
WA1.B2-Upper Watershed	The Watershed	Wao Nahele - The Upper Watershed	Through appropriate county departments, support KWA members in the development of future watershed management plans and appropriate studies as needed for the health of the upper native forests.

3. Projects

Action Key	Sector	Section	Action Description
CI3.C1-Solid Waste	Critical Infrastructure	Solid Waste Disposal & Recycling	Site and construct a new landfill.
CI3.C2-Solid Waste	Critical Infrastructure	Solid Waste Disposal & Recycling	Establish an automated weekly, curbside collection system for residentially generated green waste and recyclables.
CI3.C3-Solid Waste	Critical Infrastructure	Solid Waste Disposal & Recycling	Reduce solid waste volume through source reduction through new technology and programs that reuse building materials, minimize packing materials, and other measures. Focus attention on large volume purchasers and developers.
CI3.C4-Solid Waste	Critical Infrastructure	Solid Waste Disposal & Recycling	Divert at least 70 percent of solid waste through increased source reduction, recycling, biodiversion, and landfill diversion methods.
CI3.C5-Solid Waste	Critical Infrastructure	Solid Waste Disposal & Recycling	Maximize effective life of existing and future landfill capacity.

CI3.C6-Solid Waste	Critical Infrastructure	Solid Waste Disposal & Recycling	Increase the convenience of recycling centers for users.
CI3.C7-Solid Waste	Critical Infrastructure	Solid Waste Disposal & Recycling	Provide commercial volume-based collection with enhanced recycling programs, including incentives for businesses to adopt zero-waste collection programs.
CI2.C1-Wastewater	Critical Infrastructure	Wastewater, Septic Systems, & Cesspools	Locate and relocate wastewater facilities in appropriate geographic areas, based on traditional, cultural, and biological natural filtration systems for the optimization and expansion of wastewater systems and system improvement, considering alternative reclamation technology or tertiary treatment.
CI2.C2-Wastewater	Critical Infrastructure	Wastewater, Septic Systems, & Cesspools	Provide adequate trunk sewer and collection main capacities to serve existing and future urban development.
CI2.C3-Wastewater	Critical Infrastructure	Wastewater, Septic Systems, & Cesspools	Plan for and implement regional wastewater treatment solutions for South Kaua'i and Kilauea.
CI2.C4-Wastewater	Critical Infrastructure	Wastewater, Septic Systems, & Cesspools	Monitor the disposition and potential effect of cesspool seepage and injection wells on the groundwater and nearshore water quality
CI2.C5-Wastewater	Critical Infrastructure	Wastewater, Septic Systems, & Cesspools	Support water reuse projects and increase the use of recycled water.
CI2.C6-Wastewater	Critical Infrastructure	Wastewater, Septic Systems, & Cesspools	Explore opportunities to utilize the Clean Water State Revolving Fund Program for financing water quality infrastructure projects, including energy savings at plants, capacity increases including new pump stations, and drainage improvements.
CI2.C7-Wastewater	Critical Infrastructure	Wastewater, Septic Systems, & Cesspools	Improve wastewater infrastructure through grant and loan programs, such as the USDA Rural Development Program
EC2.C1-Agriculture	Economy	Agriculture	Provide economic development programs to promote and support agriculture.
EC2.C10-Agriculture	Economy	Agriculture	Establish a County-wide composting program.
EC2.C2-Agriculture	Economy	Agriculture	Reestablish an Agricultural Specialist position with the Office of Economic Development.
EC2.C3-Agriculture	Economy	Agriculture	Support the Sunshine Markets and other means of marketing Kaua'i agricultural and food products to residents, businesses, and visitors.
EC2.C4-Agriculture	Economy	Agriculture	Establish a minimum goal for designation of IAL. Improve the IAL program to effectively preserve high-quality agricultural land. Develop related County-level incentives, specifically to encourage food production to increase self-reliance.

EC2.C5-Agriculture	Economy	Agriculture	Increase incentives to lease land to small farmers through revisions to the agricultural property tax regime.
EC2.C6-Agriculture	Economy	Agriculture	Improve water infrastructure for irrigation in priority areas, such as IAL.
EC2.C7-Agriculture	Economy	Agriculture	Develop community food hubs, commercial kitchens, and other initiatives that provide places for community members to grow and prepare their own food.
EC2.C8-Agriculture	Economy	Agriculture	Allow the use of SNAP benefits at farmers markets.
EC2.C9-Agriculture	Economy	Agriculture	Reduce water rates for landowners of agricultural lands in active production.
EC3.C1-Businesses	Economy	Small Businesses & Promising Economic Sectors	Invest in shared facilities and resources that can be utilized by multiple opportunity clusters, such as creative industries and technical services.
EC3.C2-Businesses	Economy	Small Businesses & Promising Economic Sectors	Provide infrastructure that increases the competitiveness of businesses on Kaua'i and allows them to thrive in all parts of the island.
EC3.C3-Businesses	Economy	Small Businesses & Promising Economic Sectors	Utilize County facilities and funds to support shared workspaces, makerspaces, and equipment for small businesses to utilize
EC3.C4-Businesses	Economy	Small Businesses & Promising Economic Sectors	Support programs and infrastructure that enables employees to telecommute or work in satellite locations.
EC3.C5-Businesses	Economy	Small Businesses & Promising Economic Sectors	Attract technology and energy businesses that complement Kaua'i's economic and sustainability goals.
EC3.C6-Businesses	Economy	Small Businesses & Promising Economic Sectors	Build capacity for economic development in the target industry clusters identified by CEDS.
EC1.C1-Tourism	Economy	Tourism	Improve route and destination signage to alleviate congestion associated with difficulties in finding desired locations.
EC1.C2-Tourism	Economy	Tourism	Improve waste disposal, collection, and management at popular destinations and provide more recycling options.
EC1.C3-Tourism	Economy	Tourism	Support projects to encourage visitor transportation mode shift from single occupancy vehicles to other modes.

ES1.C1-Energy	Energy Sustainability & Climate Change Mitigation	Energy Sustainability	Install more solar energy systems on County facilities.
ES1.C2-Energy	Energy Sustainability & Climate Change Mitigation	Energy Sustainability	Pursue green energy conservation, including but not limited to: groundskeeping and farming equipment/machinery, and ground transportation, by: a. Installing more, and regularly maintaining and repairing, electric vehicle charging stations. b. Introducing residential and commercial incentives to transition to electric groundskeeping and farming equipment/ machinery. c. County transition from fuel-powered to electric vehicles, machinery, and equipment, where feasible.
ES1.C3-Energy	Energy Sustainability & Climate Change Mitigation	Energy Sustainability	Conduct regular reviews of County operations to identify ways to conserve energy, particularly during nighttime hours.
ES2.C1-GHG	Energy Sustainability & Climate Change Mitigation	Reduction Of Greenhouse Gas Emissions	Establish capture and containment of methane at all landfills and County waste facilities.
ES2.C2-GHG	Energy Sustainability & Climate Change Mitigation	Reduction Of Greenhouse Gas Emissions	Adopt a county-wide zero-waste strategy, including but not limited to: recycling pick-up at households and public locations and events, and building and maintaining a materials recovery facility with staff assigned to locate markets for recycled material.
ES2.C3-GHG	Energy Sustainability & Climate Change Mitigation	Reduction Of Greenhouse Gas Emissions	Support the expansion of electric vehicle charging station infrastructure at County facilities.
HR1.C1-Historic	Heritage Resources	Historic Buildings, Structures, And Places	Maintain the character of historic structures and bridges by implementing best management practices that adhere to the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation when rehabilitating and/ or renovating historically significant buildings and structures.
HR1.C2-Historic	Heritage Resources	Historic Buildings, Structures, And Places	Educate and encourage property owners to nominate structures and sites to the State and National Register of Historic Places
HR1.C3-Historic	Heritage Resources	Historic Buildings, Structures, And Places	Provide a real property tax exemption for historic properties, including commercial properties.
HR1.C4-Historic	Heritage Resources	Historic Buildings, Structures, And Places	Explore utilizing the Open Space Fund for historic preservation purposes.

HR3.C1-Landmarks	Heritage Resources	Landmarks And Scenic Resources	Support Kaua'i Nui Kuapapa and other efforts to spread awareness of Kaua'i's original place names.
HR3.C2-Landmarks	Heritage Resources	Landmarks And Scenic Resources	Support implementation of the corridor management plan for the Holo Holo Kōloa Scenic Byway.
HR2.C1-Cultural	Heritage Resources	Wahi Pana, Cultural Sites, And Resources	Promote the diversity of stories and sites on Kaua'i, including those related to Native Hawaiian history and mythology, migrant worker history, and modern history
HR2.C2-Cultural	Heritage Resources	Wahi Pana, Cultural Sites, And Resources	Establish historical trails, markers, and events that draw attention to the history of Kaua'i.
HR2.C3-Cultural	Heritage Resources	Wahi Pana, Cultural Sites, And Resources	Through stewardship agreements, ensure proper management and interpretation of significant cultural resources and sites.
HR2.C4-Cultural	Heritage Resources	Wahi Pana, Cultural Sites, And Resources	Achieve permanent preservation of highly significant cultural landscapes where multiple heritage and ecological values are located.
HO1.C1-Housing	Housing	Affordable Housing	Complete the Lima Ola affordable housing project.
HO1.C10-Housing	Housing	Affordable Housing	Review best practices from elsewhere and test in pilot programs the methods that significantly reduce the cost of building a home, including infrastructure and system costs. The Mayor and the County Council should work with community to use Hawai'i Revised Statutes Section 46-15 to "designate areas of land for experimental and demonstration projects, the purposes of which are to research and develop ideas that would reduce the cost of housing in the State."
HO1.C2-Housing	Housing	Affordable Housing	Seek and acquire land in or near town centers with access to transit, domestic water, and sewers for future affordable housing development.
HO1.C3-Housing	Housing	Affordable Housing	Create dedicated sources of funding and continue to use the Housing Revolving Fund to finance affordable housing projects.
HO1.C4-Housing	Housing	Affordable Housing	Develop and rehabilitate affordable housing low-interest loan programs and awards, such as the Rental Housing Revolving Fund through the Hawai'i Housing Financing and Development Corporation.
HO1.C5-Housing	Housing	Affordable Housing	Support the housing needs of low income households through the Federal Housing Assistance Payments Program (Section 8).
HO1.C6-Housing	Housing	Affordable Housing	Support a flexible planning process and robust monitoring system to allow timely changes in strategy and resource allocation for the housing program.

HO1.C7-Housing	Housing	Affordable Housing	Develop a quasi-public housing development or redevelopment agency to support affordable housing projects, particularly infill housing development projects within town centers.
HO1.C8-Housing	Housing	Affordable Housing	Pursue and establish a source of capital for the development and maintenance of affordable housing. Possible sources include: earmarking a percentage of real property taxes for affordable housing development; a conveyance tax surcharge on high-priced real estate transactions and earmarked for affordable housing development; an expanded Low Income Housing Tax Credit (LIHTC) that increases availability of the tax credit; and setting eligibility higher than the current 60 percent of median income.
HO1.C9-Housing	Housing	Affordable Housing	Continue and expand the County's efforts to provide and require homeownership classes, including financial literacy, for families potentially eligible for county affordable housing projects.
HO6.C1-Elderly	Housing	Elderly Housing and Assisted Living Facilities	Regularly convene a Kaua'i Houseless Solutions Summit to develop collaborative short-term homeless solutions involving Kaua'i's faith-based community with support from health and human service organizations and County and State agencies.
HO5.C1-DHHL	Housing	Hawaiian Home Lands	Partner with DHHL on infrastructure projects that will support development of both County and DHHL priority growth areas.
HO5.C2-DHHL	Housing	Hawaiian Home Lands	Partner with DHHL to relocate the Wailua Wastewater Treatment Plant out of the tsunami zone and to support future residential development on DHHL land.
HO2.C1-Infill	Housing	Infill Housing	Improve infrastructure and facility improvements in town centers to support a mixed-use environment and increased density.
HO2.C2-Infill	Housing	Infill Housing	Hold educational sessions for landowners in Special Planning Areas to inform them of new development standards and potential infill development opportunities.
HO7.C1-Houseless	Housing	The Houseless Population	In addressing homelessness, adopt and implement the Housing First approach to reduce and ultimately eliminate homelessness.
LT5.C1-Bike	Land Transportation	Bicycle Program	Complete planning, engineering, and construction for the West Side Path from Waimea to Kekaha and from Hanapēpē to Salt Pond.
LT5.C2-Bike	Land Transportation	Bicycle Program	Complete the Ke Ala Hele Makalae path from Anahola to Līhu'e.
LT5.C3-Bike	Land Transportation	Bicycle Program	Complete planning and first phase construction of a North Shore Path in areas supported by the community
LT5.C4-Bike	Land Transportation	Bicycle Program	Complete at least one segment of a shared use path identified in the South Kaua'i Community Plan and the Līhu'e Community Plan.
LT5.C5-Bike	Land Transportation	Bicycle Program	Complete priority bikeway projects as identified in Community Plans.

LT2.C1-Roads	Land Transportation	County Roads	Complete priority resurfacing, reconstruction, retrofit, and repair of existing roads and bridges based on available funding.
LT2.C2-Roads	Land Transportation	County Roads	Retrofit existing roads to incorporate facilities for all users where feasible and appropriate, and as indicated in Community Plans or other network plans, as a part of resurfacing and reconstruction projects.
LT2.C3-Roads	Land Transportation	County Roads	Implement maintenance of roadside vegetation and roadway surfaces to increase safety.
LT1.C1-Transportation	Land Transportation	General	Establish transportation priorities using a performance-based evaluation process, which considers the following criteria: a. Safety; b. System preservation; c. Economic development/community access; d. Support of growth areas as designated in the General Plan and Community Plans; e. Congestion management; and f. Environmental and cultural impacts.
LT1.C2-Transportation	Land Transportation	General	Support completion of the priority projects in the Kapa'a Transportation Solutions Report to include the following: a. Add one lane on the Kūhiō Highway from the southern end of the Kapa'a Bypass Road to Kuamo'o Road. b. Widen the northern segment of the Kapa'a Bypass Road to two-lane and two-way from the northern end of the Bypass to the roundabout at Olohena Road. c. Operational improvements, such as signalization and left turn restrictions on Kūhiō Highway. d. Extension of right turn lane on Haleililo Road at Kūhiō Highway. e. Congestion management on Kūhiō Highway, from Kuamo'o Road to Kapule Highway.
LT1.C3-Transportation	Land Transportation	General	Incorporate and integrate transit strategies in the Kapa'a Transportation Solutions framework.
LT1.C4-Transportation	Land Transportation	General	Following a priority evaluation process, complete priority circulation and multimodal capacity projects identified in the General Plan Transportation Maps.
LT1.C5-Transportation	Land Transportation	General	Consider implementing Transportation Demand Management strategies with County of Kaua'i employees who work in Līhu'e as a pilot program that can be replicated by other employers. Strategies may include the following: a. Staggered work hours; b. Bulk rate bus passes; and c. Incentives to encourage commuting by other than single-occupancy vehicles.
LT3.C1-Bus	Land Transportation	Transit Program	Increase mainline service frequency to every 30 minutes, with 15-minute frequency at peak times on peak routes.
LT3.C2-Bus	Land Transportation	Transit Program	Identify and implement service modernization features, including GPS location of buses and integration with transit apps; electronic fare recovery; on-board wi-fi; and other amenities to streamline service and attract riders.
LT3.C3-Bus	Land Transportation	Transit Program	Focus initial phases of service expansion in areas of highest ridership potential.
LT3.C4-Bus	Land Transportation	Transit Program	Improve bus route and schedule information.
LT3.C5-Bus	Land Transportation	Transit Program	Complete bus shelters and amenities at 50 priority bus stops.

LT3.C6-Bus	Land Transportation	Transit Program	Identify priorities for ADA-compliant pedestrian access to bus stops. Develop a construction schedule and funding plan for priority projects.
LT3.C7-Bus	Land Transportation	Transit Program	Provide adequate and efficient bus storage and maintenance facilities.
LT3.C8-Bus	Land Transportation	Transit Program	Identify locations for park and rides, especially in coordination with a North Shore shuttle.
LT3.C9-Bus	Land Transportation	Transit Program	Convert bus fleet to sustainable fuels.
OH2.C1-Education	Opportunity & Health for All	Access To Quality Education & Training	Prioritize pedestrian, bicycle, and road safety improvements around and adjacent to schools.
OH2.C2-Education	Opportunity & Health for All	Access To Quality Education & Training	Prioritize the development and improvement of play areas or tot lots for small children in areas with high concentrations of family care homes, such as Lihu'e and Kapa'a.
OH4.C1-Education	Opportunity & Health for All	Access To Quality Education & Training	Acquire priority projects identified by the Open Space Commission.
OH4.C2-Education	Opportunity & Health for All	Access To Quality Education & Training	Pursue easements, acquisitions, and landowner agreements to expand trails, access, open space, protection of coastal lands, and wilderness areas.
OH4.C3-Education	Opportunity & Health for All	Access To Quality Education & Training	Establish a task force including landowners, land trust experts and attorneys, the Open Space Commission, and others, to study and recommend legal and land use measures to address and ameliorate liability on lands dedicated to managed public uses.
OH3.C1-Health	Opportunity & Health for All	Community Health	Prioritize sidewalk and bus stop improvements for accessibility near major health care facilities and group homes.
OH3.C2-Health	Opportunity & Health for All	Community Health	Improve the connectivity of essential services, including emergency response.
OH3.C3-Health	Opportunity & Health for All	Community Health	Ensure that low-income neighborhoods have high-quality parks, playgrounds, and green spaces.
OH3.C4-Health	Opportunity & Health for All	Community Health	Leverage Federal resources such as community development block grants and neighborhood focused programs to create opportunity-rich neighborhoods.
OH3.C5-Health	Opportunity & Health for All	Community Health	Adopt policies for smoke-free cars with keiki, beaches, parks, and condos.
OH1.C1-Equity	Opportunity & Health for All	Social Equity	Develop funding sources to expand, improve, and maintain high-quality transportation, water, parks, broadband, and other infrastructure in underserved neighborhoods.
OH1.C10-Equity	Opportunity & Health for All	Social Equity	Leverage the County's procurement and contracting to assist minority and female entrepreneurs and triple-bottom-line businesses such as social enterprises, cooperatives, and B Corps.

OH1.C2-Equity	Opportunity & Health for All	Social Equity	Leverage infrastructure investments to bring jobs and housing opportunities to underserved communities.
OH1.C3-Equity	Opportunity & Health for All	Social Equity	Increase access and affordability of public transit for youth and other transit-dependent populations.
OH1.C4-Equity	Opportunity & Health for All	Social Equity	Ensure all residents have an opportunity to have a voice in County initiatives by making special efforts to reach low-income people, youth, non-English speaking immigrants, people with criminal records, and other traditionally underserved groups.
OH1.C5-Equity	Opportunity & Health for All	Social Equity	Establish health and opportunity criteria for prioritizing County programs and policies.
OH1.C6-Equity	Opportunity & Health for All	Social Equity	Establish community standards for wages and benefits, ensure fair scheduling, and support worker organizing.
OH1.C7-Equity	Opportunity & Health For All	Social Equity	Ensure fair hiring, equal pay, and equitable promotion opportunities within the County workforce.
OH1.C8-Equity	Opportunity & Health for All	Social Equity	Reduce barriers to employment and services, such as credit checks and criminal history questions on applications for jobs and housing, in both the private and public sector.
OH1.C9-Equity	Opportunity & Health for All	Social Equity	Target economic development efforts to encourage high-opportunity industries that have potential for growth and to create jobs for people with less than a four-year degree.
PS3.C1-Adaptation	Public Safety & Hazards Resiliency	Global Warming and Climate Change Adaptation	In accordance with Hawai'i State Planning Act Priority Guidelines, consider multiple scenarios of SLR and associated flooding, wave inundation, and erosion impacts when developing and approving capital improvement projects.
PS2.C1-Hazards	Public Safety & Hazards Resiliency	Hazards Resiliency	Ensure that the County's GIS database, including all maps, data, and hazard information, is consistently available to all agencies. Facilitate data sharing through participation in the Hawai'i Geographic Information Coordination Council.
PS2.C2-Hazards	Public Safety & Hazards Resiliency	Hazards Resiliency	Update, maintain, and enhance the use of the County's GIS and database to improve decision making and ensure consistency in planning, permitting, and construction regulations to reduce disaster risk.
PS1.C1-Safety	Public Safety & Hazards Resiliency	Police, Fire, Ocean Safety, & Emergency Services	Upgrade bridges in key areas to ensure emergency vehicles can service all residents and visitors.
PS1.C2-Safety	Public Safety & Hazards Resiliency	Police, Fire, Ocean Safety, & Emergency Services	Construct new fire stations to accommodate anticipated growth in the firefighting force.
PS1.C3-Safety	Public Safety & Hazards Resiliency	Police, Fire, Ocean Safety, & Emergency Services	Strive to attain a police force, firefighting force, and water safety officer force whose coverage meets or exceeds national standards.

PS1.C.4-Safety	Public Safety & Hazards Resiliency	Police, Fire, Ocean Safety, & Emergency Services	Support continuous training for all emergency response officers.
PS1.C5-Safety	Public Safety & Hazards Resiliency	Police, Fire, Ocean Safety, & Emergency Services	Encrypt County radio communications systems.
SS3.C1-Trails	Shared Spaces	Linear Parks and Trails	Complete Ka Ala Hele Makalae from Anahola to Līhu'e.
SS3.C2-Trails	Shared Spaces	Linear Parks and Trails	Construct the Waimea-Kekaha Shared Use Path.
SS3.C3-Trails	Shared Spaces	Linear Parks and Trails	Construct the North Shore Shared Use Path.
SS3.C4-Trails	Shared Spaces	Linear Parks and Trails	Construct a South Kaua'i Shared Use Path.
SS2.C1-Parks	Shared Spaces	Parks	Support priority projects in the Kaua'i Parks & Recreation Master Plan.
SS2.C10-Parks	Shared Spaces	Parks	Develop and install uniform signage, including interpretive signage that promotes a sense of place and educates the public at County beach parks regarding sensitive coastal and marine ecosystems and wildlife.
SS2.C11-Parks	Shared Spaces	Parks	Provide canopy trees and shading at regional parks, such as over unshaded bleachers, to guard against heatstroke and other heat hazards, especially during football, baseball, and soccer seasons.
SS2.C2-Parks	Shared Spaces	Parks	Prioritize park improvements and provide safe routes to parks, especially in low-income neighborhoods with high concentrations of youth.
SS2.C3-Parks	Shared Spaces	Parks	Implement a playground development and rehabilitation program to provide high quality play environments, especially in underserved communities.
SS2.C4-Parks	Shared Spaces	Parks	Enhance parks by making them more conducive to physical activity through shared use paths, play equipment for more than one age group, skate parks, disc golf, tennis facilities, and other improvements.
SS2.C5-Parks	Shared Spaces	Parks	Promote social interaction through facility improvements, such as pavilions, shade trees, and seating.
SS2.C6-Parks	Shared Spaces	Parks	Expand indoor recreation spaces at selected parks.
SS2.C7-Parks	Shared Spaces	Parks	Ensure safety and cleanliness at Kaua'i's beach parks. Use Crime Prevention Through Environmental Design (CPTED) when planning improvements.
SS2.C8-Parks	Shared Spaces	Parks	Address illegal camping in parks
SS2.C9-Parks	Shared Spaces	Parks	Provide accessibility features at popular facilities such as beach parks.
SS1.C1-Towns	Shared Spaces	Town Centers	Implement economic revitalization projects in town centers, such as the Līhu'e Town Core TIGER grant project.

SS1.C2-Towns	Shared Spaces	Town Centers	Construct centralized parking lots in towns that experience parking management issues.
SS1.C3-Towns	Shared Spaces	Town Centers	Improve criteria for species selection and maintenance of street trees and landscaping.
SS1.C4-Towns	Shared Spaces	Town Centers	Identify opportunities for public art installation in projects, such as roundabouts, parks, and streetscape improvements.
WA3.C1-Coastal	The Watershed	Kahakai - Coastal Areas & Shorelines	Adequately fund and utilize the Public Access, Open Space, and Natural Resources Fund to actively acquire shoreline lands and accessways for public use and consider development of an "Offer To Dedicate" (OTD) Coastal Easement or Land Banking Program.
WA3.C2-Coastal	The Watershed	Kahakai - Coastal Areas & Shorelines	Acknowledge, support, and participate in government, university, and private efforts to better understand and predict climate change impacts on coastal areas.
WA3.C1-Drainage	The Watershed	Kahawai - Middle Watershed, Drainage, And Freshwater Resources	Utilize green infrastructure concepts and best management practices in County projects.
WA3.C2-Drainage	The Watershed	Kahawai - Middle Watershed, Drainage, And Freshwater Resources	Mark stormwater drains as "going to the ocean."
WA3.C3-Drainage	The Watershed	Kahawai - Middle Watershed, Drainage, And Freshwater Resources	Complete the update of the Kaua'i County Water Use and Development Plan.
WA4.C1-Species	The Watershed	Threatened And Endangered Species	Increase wildlife and habitat protection knowledge and expertise within the County government.
WA4.C2-Species	The Watershed	Threatened and Endangered Species	Develop a protocol that will help minimize the current feral cat population, to lessen the impact of direct endangered species fatalities, as well as the spread of diseases, such as toxoplasmosis.
WA4.C3-Species	The Watershed	Threatened and Endangered Species	Adopt a comprehensive animal control ordinance to reduce or eliminate populations of feral, abandoned, and stray cats.

WA4.C4-Species	The Watershed	Threatened and Endangered Species	Develop a list of native plant species suitable for landscaping.
WA1.C1-Upper Watershed	The Watershed	Wao Nahele - The Upper Watershed	Support projects that conserve and protect our remaining endemic forests and landscapes in the upper watershed.
WA1.C2-Upper Watershed	The Watershed	Wao Nahele - The Upper Watershed	Develop collaborative projects that support goals shared by the Forest Reserve Management Plans, County's Open Space Commission, Nā Ala Hele Commission, the Kaua'i Watershed Alliance, and others.
WA1.C3-Upper Watershed	The Watershed	Wao Nahele - The Upper Watershed	Establish a watershed task force or watershed liaison within the County whose mission is to facilitate better communication and coordination between agencies and organizations that work in the watershed (County, State, and nongovernmental organizations), mauka to makai.
WA1.C4-Upper Watershed	The Watershed	Wao Nahele - The Upper Watershed	Utilize best practice watershed management plans, such as the Hanalei Watershed Management Plan, as examples for other communities to employ.

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Attorney for Applicant
DONNA M. APISA LIVING TRUST

BEFORE THE PLANNING COMMISSION

OF THE

COUNTY OF KAUAI

In The Matter Of The Application)	USE PERMIT U-2024-_____
)	CLASS IV ZONING PERMIT
Of)	Z-IV-2024-_____
)	
DONNA M. APISA, Trustee of the Donna M. Apisa Living Trust dated October 27, 1989, for a Use Permit and Class IV Zoning Permit for real property situated at Kilauea, Kauai, Hawaii, identified by Kauai Tax Map Key No. (4) 5-2-014:005 containing an area of 12,034 square feet.)	APPLICATION; EXHIBITS "A" – "L"
)	
)	
)	

APPLICATION

Comes now DONNA M. APISA, Trustee of the Donna M. Apisa Living Trust dated October 27, 1989, Applicant in the above-captioned proceedings, by and through its undersigned attorney, and hereby submits the following Application:

K.1. ~~G.2.b.~~
March 11, 2025 Jan. 14, 2025

I. OWNER

DONNA M. APISA, Trustee of Donna M. Apisa Living Trust dated October 27, 1989 (hereinafter "Trust") is the owner of the real property described herein as the Subject Property. A copy of the Warranty Deed to the Subject Property is attached hereto as Exhibit "A". Jonathan J. Chun, Esq. of Belles Graham LLP has been authorized to file this Application on the Applicant's behalf (See Authorization attached hereto as Exhibit "B").

II. DESCRIPTION OF PROPERTY AND LAND USE DESIGNATIONS

The land which is the subject of the proposed permit is known as Lot 10-B of the Old Mill Residential Subdivision II and is identified by Kauai Tax Map Key No. (4) 5-2-014:005 ("Subject Property"). The Subject Property is located at 4321 Aalona Street, Kilauea, Hawaii, Island and County of Kauai, State of Hawaii, and contains approximately 12,034 square feet. Access to the Subject Property is through Aalona Street, which is a County owned street. The location of the Subject Property is more fully shown and described on the tax map attached hereto as Exhibit "C".

III. COUNTY AND STATE LAND USE DISTRICT ZONING AND GENERAL PLAN DESIGNATION AREAS OF THE PROPERTY AND APPLICABLE DENSITIES

The Subject Property's classifications are as follows:

- Urban by the State Land Use Commission;
- Neighborhood General by the Kauai General Plan; and
- Residential (R-6) by Chapter 8 of the Kauai County Code (hereinafter "KCC").

The County's General Plan Land Use Designation Map and the County of Kauai Zoning Map (ZM-KI-600), Kilauea, are attached hereto as Exhibits "D" and "E". The Subject Property is not within the Special Management Area ("SMA").

IV. FLOOD ZONES AND REQUIRED ELEVATIONS

The Subject Property is within Flood zone X which has been determined to be within an area of 0.2% annual chance of flood. The flood zones on the Subject Property are shown on the flood insurance rate map for Kauai County, Hawaii (Flood Insurance Rate Map 150002 - 0060E). A portion of FIRM Map 150002-0060E showing the Subject Property is attached hereto as Exhibit "F". Construction is permitted within such areas, subject to meeting all applicable standards established in Chapter 15, Article 1 of the Kauai County Code (the "Flood Ordinance"). The natural drainage in the area is generally in a southwesterly direction.

The management of surface water and drainage control measures for the existing commercial buildings will meet County of Kauai standards, and appropriate Best Management Practices will be implemented.

V. LOCATION, SIZE AND DIMENSIONS OF EXISTING AND PROPOSED STRUCTURES AND USES

The Subject Property is 12,034 square feet in size and contains two structures. The first structure is an 816 square foot building that service as an automobile repair shop called "Scott's Auto". The first structure will be referred to as the "Service Station". The second structure is a 760 square foot building that was originally designated as a single-family residence in the building permit, but has consistently been used as part of a service station and the current automobile repair shop. It is currently being used as a storage building and has never been used as a residence. This Application requests a Use Permit to use the second structure (hereinafter referred to as "Laundry Building") as a private laundry for properties owned or managed by Oceanfront Realty.

A. **SERVICE STATION.** The County's real property tax records indicate that the Service Station building was initially constructed in 1947. The real property records indicate that it was used for "service station with bays". A copy of the County of Kauai Real Property Tax Assessment card for the Subject Property is attached hereto as Exhibit "G". In 1972, the County of Kauai adopted the Kauai Comprehensive Zoning Ordinance ("CZO") and its enabling zoning maps. The area in which the Subject Property is located was included within the Residential (R-6) zone. See Exhibit "E". CZO Section 8-13.2, however, provided that a "nonconforming use of land, buildings, or other structures may continue to the extent that the use existed on September 1, 1972 or any amendment hereto, as provided in this Section, provided that the Planning Commission may, after hearing, order the termination of a nonconforming use that creates substantial danger to public health or safety."

In 1998, the Subject Property was purchased by Scott Bauder who operated an auto repair shop from the Service Station building. In 2014, the Subject Property was purchased by the Applicant. The Service Station is currently rented to Scott Bauder who continues to operate his automobile repair shop on the Subject Property. The Service Station has only two full-time employees. Pursuant to CZO Section 8-13.2, the use of the Service Station building for automobile repairs is a valid nonconforming use that is authorized to be continued unless the Commission, after a hearing, determines it to be a substantial danger to public health or safety. The Applicant does not propose any change of use for the Service Station building other than the authorized nonconforming use.

B. **LAUNDRY BUILDING.** The County's real property tax records indicate that the Laundry Building was initially constructed in 1990 and used for "service station with bays." The Subject Property for tax purposes has been classified as "Industrial." See Exhibit "G".

The Laundry Building was designated in the building permit as a single-family dwelling but has consistently been used as part of a service station and the current automobile repair shop. The Laundry Building is currently being used as storage. The Laundry Building has never been used as a residence. The Applicant is proposing to the Planning Commission that it be allowed to utilize the Laundry Building as a private laundry for properties owned or managed by Oceanfront Realty. No retail services, public use or shared use of the private laundry with other business are anticipated. The washing of laundry can be considered an accessory use to other uses allowed with a use permit, such as, clubs, lodges, dormitories, boarding houses, medical and nursing facilities, schools and day care centers, residential care homes and adult family group living homes. See CZO Section 8-2.4(f). As an accessory use, laundry can be considered as a "use or structure similar in nature to" those listed in the uses requiring a permit in the Residential District (CZO Section 8-2.4(f)(17)),

C. **SITE PLAN.** A site plan showing the Laundry Building and the parking stalls on the Subject Property is attached hereto as Exhibit "H". Proposed floor plans and elevations showing the proposed laundry within the Laundry Building is attached hereto as Exhibit "I".

VI. BUILDING HEIGHT, SETBACK DISTANCES TO PROPERTY LINES, BETWEEN BUILDINGS, RIGHTS OF WAY AND PARKING LOTS

The height of the Laundry Building on the Subject Property is in compliance with the twenty feet (20') plate height limitation as set forth in the CZO Section 8-4.5(b) for the Residential

District and the twenty-five feet (25') height limitation in the Section 10-2.4(e) of the North Shore Development Plan. The height of the Laundry Building is shown on Exhibit "I".

The Laundry Building complies with the setback requirements in CZO Section 8-6.3 which does not require a rear or side yard setback. These standards are utilized for uses in the residential permits pursuant to CZO Section 8-4.9. The Laundry Building is also in compliance with the residential setback requirements if those requirements are utilized. The residential side yard and rear setback requirement is five (5). The side yard setback for the Laundry Building is 10' and the rear setback is 11'. The distance between the Laundry Building and the Service Station is approximately 30' which is greater than the minimum required residential setback between buildings of 10' pursuant to CZO Section 8-4.3(C).

The Laundry Building is also in compliance with the commercial front yard setback of 15' pursuant to CZO Section 8-6.3(b)(1)(A) and CZO Section 8-4.9.

VII. OFFSTREET PARKING LAYOUTS, CALCULATIONS AND LAND COVERAGE FOR EXISTING AND PROPOSED USES

A total of four (4) parking spaces are currently being provided for on the Subject Property. CZO Section 8-6.3(e)(3)(C) requires one parking space for every 200 square feet of net office space or other spaces used by the public, but not less than two parking spaces shall be required. See also CZO Section 8-4.9. The Laundry Building has 600 square feet of gross floor space. The laundry is not going to be open to the public and there will be only one employee working in the Laundry Building at any one time. Conservatively, three parking spaces will be required under CZO Section 8-6.(e)(3)(C), but four (4) parking stalls will be provided. Additional parking is also available on the Subject Property, if required.

The current land coverage for the Subject Property is 18.71% which is under the maximum allowed land coverage of 60% in the residential district.

VIII. TOPOGRAPHIC INFORMATION, WITH EXISTING FEATURES, CONDITIONS AND DRAINAGE PATTERNS

The Subject Property is fairly flat. Drainage from the Subject Property generally flows south towards Aalona Road.

IX. TOPOGRAPHIC INFORMATION AND GRUBBING AND GRADING ACTIVITY

The existing grade of the Subject Property is fairly level. To date there have been no problems with runoff or other drainage-related issues based on the current topography of the Subject Property. The Applicant does not intend to do any additional grubbing or grading.

X. LOCATION OF ENVIRONMENTALLY SENSITIVE AREAS, HABITAT AND BOTANICAL FEATURES

The Subject Property is approximately one (1) mile south of the ocean. The Subject Property is surrounded by residential and commercial uses. There are no rare, threatened or endangered species of birds or animals that frequent the Subject Property because of the nature of the surrounding residential and commercial uses in the area. Common birds seen on the Subject Property include mynahs, doves, sparrows and chickens, all of which are introduced species. The U. S. Fish and Wildlife Service have not designated any areas near the Subject Property as being within a critical habitat.

XI. EXISTING AND PROPOSED LANDSCAPING

All of the vegetation on the Subject Property consists of trees and shrubs. Existing mature vegetation includes a hibiscus hedge which is roughly 8-12 feet in height and a large mature

avocado tree located towards the rear of the Subject Property behind the Laundry Building. Additional landscaping and/or fencing will be added to shield the parking area from Aalona Road.

XII. EXISTING AND PROPOSED ROADWAYS AND ACCESSES TO THE PROJECT

The Subject Property has direct access to Aalona Street, which is a County owned roadway. Aalona Street connects to Oka Street which is another County owned roadway that connects to Kilauea Road. Kilauea Road meets Kuhio Highway to the South.

XIII. CERTIFIED SHORELINE, SHORELINE SETBACK LINES, STREAM AND OTHER SETBACK LINES

The Subject Property is approximately one (1) mile away from the shoreline and is not within the shoreline setback area.

XIV. PROPOSED USE OF LAUNDRY BUILDING

The Applicant intends to use the Laundry Building located at the rear of the Subject Property as a laundry for the properties owned or managed by Oceanfront Realty. The Subject Building is currently being used for storage. The proposed laundry will be used to wash and dry linens gathered from the properties owned or managed by Oceanfront Realty. Clean linens will also be stored in the Subject Building, partially continuing the previous use as storage.

The laundry will be used solely for the purpose of the properties owned or managed by Oceanfront Realty, with no anticipated retail service or third-party use. The laundry use will support the visitor economy of the North Shore. The proposed operator will require no more than one (1) full-time equivalent employee. The anticipated operator currently lives within a half block of the Subject Property and can walk to work. Delivery of laundry supplies is anticipated to be minimal. Linens and laundry supplies will be brought to the site by the operator or the employees.

The proposed hours of operation for the laundry will be Monday through Saturday from 7:00 a.m. to 3:00 p.m. The laundry will be limited in scope to the type of use proposed. Since the building already exists, minimal construction or renovations will be required. The floor plans and elevations for the Laundry Building are attached hereto as Exhibit "I". Most of the renovations will affect the interior of the existing Laundry Building. Pictures of the existing Service Station Building and Laundry Building are attached hereto as Exhibit "J".

XV. LOCATION OF SUBJECT PROPERTY AND DESCRIPTION OF SURROUNDING LANDS

The Subject Property is located in an improved residential subdivision located in Kilauea. The Subject Property is at the northern end of Aalona Street. To the west directly across Aalona Street is a self-storage facility located at 4306 Aalona Street and an improved residential parcel located at 4320 Aalona Street. The self-storage facility is classified as "Industrial" by the County's Real Property Tax Division and is identified as TMK No. (4) 5-2-014:027. The improved residential parcel has been classified as "Residential" and is identified as TMK No. (4) 5-2-014:003. To the north of the Subject Property is a lumber warehouse and retail space located at 4311 Aalona Street. This parcel is classified as "Industrial" by the County's Real Property Tax Division and is identified as TMK No. (4) 5-2-014:046. To the south of the Subject Property is an improved residential parcel identified as TMK No. (4) 5-2-014:035. Parcel 35 is classified as "Homestead" by the County's Real Property Tax Division. To the east of the Subject Property are two improved residential properties identified as TMK No. (4) 5-2-014:036 and (4) 5-2-014:037. Parcel 36 is classified as "Residential", and Parcel 37 is classified as

"Homestead" by the County's Real Property Tax Division. Pictures of the area surrounding the Subject Property are attached hereto as Exhibit "K".

XVI. PERMITS REQUESTED AND REQUIRED

The following permits are required to use the existing Laundry Building as a private laundry service on the Subject Property as described in Section XIV above:

A. A Use permit pursuant to CZO Section 8-2.4(f)(17). The standards for the issuance of use permits are contained in CZO Chapter 8, Article 3.

B. A Class IV Zoning Permit is a procedural requirement for obtaining a Use Permit (See CZO Sec. 8-6.4(a)(4)).

XVII. POLICIES AND OBJECTIVES OF THE GENERAL PLAN, NORTH SHORE DEVELOPMENT PLAN, KILAUEA TOWN PLAN AND THE RESIDENTIAL (R-6) ZONING DISTRICT

A. Kauai General Plan. The property is designated "Neighborhood General" in the Kauai General Plan. Section 2.2 of the General Plan sets forth the intent of the Neighborhood General designation:

5. Neighborhood General. The Neighborhood General Designation applies to the walkshed surrounding Neighborhood Centers. This designation is intended for medium intensity mixed-use environments that support the town core with housing, services, parks, civic/institutional, home occupation, and commercial uses. Buildings in this designation are mostly detached, with some attached, 1-2 stories in height that can accommodate a range of multi-family housing types. Actions for the Neighborhood Center designation are found in the following Chapter 3 sectors: Housing, Shared Spaces, and Land Transportation. Changes from the Previous General Plan Land Use Map. Neighborhood General is a new designation. It was designated over the existing Urban Center and Residential Community designation where it was included

within a quarter mile radius of Neighborhood Center. This included the Agriculture designation in some areas.

The proposal by the Applicant is consistent with the intent of the Neighborhood General designation outlined in the Kauai General Plan. The proposed use of the Laundry Building for private laundry services would serve and support the Kilauea town core. The proposed private laundry service will be consistent with the Neighborhood General designation since it will support employment and other commercial uses within the Kilauea town core area, as well as encourage a mixed-use environment with Kilauea town. The proposed use is within walking or bicycle distance of the residential areas in Kilauea and is consistent with "walkability" principles of the Kauai General Plan. The anticipated operator lives in the Kilauea area and will be able to walk to work.

B. Compliance with Kaua'i General Plan Policy Considerations. The current and proposed use of the Laundry Building are consistent with the following policies to guide growth as forth in the Kauai General Plan.

1. POLICY #1: MANAGE GROWTH TO PRESERVE RURAL CHARACTER.

The proposed uses are within the Neighborhood General planning district where growth is projected for Kilauea town.

2. POLICY #2. PROVIDE AFFORDABLE HOUSING WHILE FACILITATING A DIVERSITY OF PRIVATELY DEVELOPED HOUSING FOR LOCAL FAMILIES.

The proposal does not directly relate to affordable housing since it is for commercial uses.

3. POLICY #3. RECOGNIZE THE IDENTITY OF KAUAI INDIVIDUAL TOWNS AND DISTRICTS.

This area of Kilauea is clustered with an existing mix of residential properties and commercial uses. The proposed use will not require exterior alterations of the Laundry Building which is currently consistent with the physical attributes and rural character of Kilauea Town. The town core for Kilauea is located within walking distance of the Laundry Building and the proposed commercial use will help maintain employment and business within the general Kilauea commercial town core, through the procurement of needed supplies, repairs of machinery, pick-up and delivery of laundry and other related services needed by the Laundry Building.

4. POLICY #4. DESIGN HEALTHY AND COMPLETE NEIGHBORHOODS.

The proposed uses are located near the town core of Kilauea. It is located within easy walking or bicycling distance of Neighborhood Center for the Kilauea area.

5. POLICY #5. MAKE STRATEGIC INFRASTRUCTURE INVESTMENTS.

The Applicant's proposed use does not make any strategic infrastructure investments for the neighborhood, and the Applicant is not relying on any government provided infrastructure. Nonetheless, the proposed operations do not trigger any need to develop strategic infrastructure investments.

6. POLICY #6. REDUCE THE COST OF LIVING.

The proposed uses will assist in allowing people to work, live and play within the Kilauea area. Providing commercial use close to and within walking and bicycling distance of

residential neighborhoods could help reduce the transportation expenses for those employees who might be living in the Kilauea area and employed to work at the proposed private laundry.

7. POLICY #7. BUILD A BALANCED TRANSPORTATION SYSTEM.

See Discussion in Section 7.11. In addition, the location of the Subject Property is within walking and bicycling distances to schools, commercial areas, shops, the neighborhood center, post office and other services. The location of these uses may encourage more walking and bicycle usage within the Kilauea town area.

8. POLICY #8. PROTECT KAUAI'S SCENIC BEAUTY.

The proposed use is set back from Kuhio Highway and Kilauea Road and will not impede any existing views to the mountains. It is not near any scenic byways, open space acquisition priorities, recognized preserve areas or wetlands. The proposed uses are within the boundaries of the existing Neighborhood General designation, which is an area the County General Plan intends for medium intensity mixed use.

9. POLICY #9. UPHOLD KAUAI AS A UNIQUE VISITOR DESTINATION.

The proposed use will not impact Kauai's status as a unique visitor destination.

10. POLICY #10. HELP BUSINESS THRIVE.

The proposed use will support and foster Kilauea's small businesses. The Subject Property is within close proximity of Kilauea's main commercial area.

11. POLICY #11. HELP AGRICULTURAL LANDS BE PRODUCTIVE.

The proposed use does not impact any agricultural lands.

12. POLICY #12. PROTECT OUR WATERSHED.

The proposed use will have no negative impacts on any watershed areas.

13. POLICY #13. COMPLETE KAUAI'S SHIFT TO CLEAN ENERGY.

The proposed use will have no impact on Kauai's shift to clean energy.

14. POLICY #14. PREPARE FOR CLIMATE CHANGE.

The Subject Property is not located on or near the coast and will not be directly impacted by the anticipated rise in the sea level.

15. POLICY #15. RESPECT HAWAIIAN RIGHTS AND WAHI PAHI.

See Discussion in Section I of Article XX above regarding Applicant's efforts to ensure that the proposed uses will not disturb or interfere with any native Hawaiian cultural practices or burials.

16. POLICY #16. PROTECT ACCESS TO KAUAI'S TREASURED PLACES.

The proposed use will have no impact on the public's access to streams, the shoreline, trails, recreational areas, or places associated with Hawaiian religious, cultural, or traditional practices.

17. POLICY #17. NURTURE OUR KEIKI.

The proposed use will assist in meeting the needs of small businesses within the Kilauea and North Shore area. Supporting these small businesses opportunities will help North Shore families live, work and play in the same area. This will help families by reducing traveling and commuting times.

18. POLICY #18. HONOR OUR KUPUNA.

The proposed uses will not negatively impact the honor due our Kupuna.

19. POLICY #19. COMMUNICATE WITH ALOHA.

The Applicant's efforts in contacting the neighbors and the Kilauea Neighborhood Association communicates is aloha. The scheduling of this Application before the Planning Commission will further allow the public to participate in the planning and decision-making process for the proposed use.

C. North Shore Development Plan. The proposal by the Applicant is in compliance with the special regulations imposed on all zoning districts within the North Shore Development Plan. The height of the Laundry Building does not exceed the 25' height limitation and the building is a recognized nonconforming structure.

D. Kilauea Town Plan. Section 6.4 of the Kilauea Town Plan notes that there are many commercial uses within the residential zoned districts which have been allowed through "special permits". The Kilauea Town Plan recommends these uses be eventually phased out and commercial uses be directed towards newly created commercial and industrial zoned sites. Unfortunately, as noted by the Planning Department in a report it wrote for a 2010 permit "said sites have not yet been rezoned as such . . . [u]ntil such rezoning takes place, the accompanying phasing out of commercial uses in the Residential Zoning Districts may not be appropriate."

E. Residential District. As set forth in CZO Section 8-4.1, the purposes of the residential zone are as follows:

The Residential District regulates the number of people living in a given area by specifying the maximum number of dwelling units that may be developed on any given parcel of land. In order not to differentiate between economic groups or life-styles, a reasonable flexibility in the type of dwelling units and their placement on the land has been provided.

(a) To establish standards governing the development, construction and use of housing and dwelling facilities.

(b) To provide opportunity to groups of persons to obtain adequate housing within each area of the County suitable for residential use in relation to other land uses and consistent with the preservation of natural scenic, and historic resources.

(c) To establish the level of minimum services necessary to assure the adequacy of housing.

(d) To encourage a variety of housing types, sizes and densities necessary to meet the needs of all economic groups and to avoid environmental monotony detrimental to the quality of life.

(e) To maintain the character and integrity of communities within residential districts and support residents in continuing to live and raise their families in these neighborhoods.

While the proposed use is not residential in character, the design and character of the existing building is residential in style and blends in with the residential character of the neighborhood. The proposed private laundry use may be allowed by the Planning Commission with a use permit. There has been a history of commercial uses on the Subject Property and there are numerous commercial uses within the neighborhood, most of which are within walking distance to the Subject Property. The Laundry Building was originally constructed in 1990 and it has been used for commercial purposes since its construction.

XVIII. DETAILED LAND USE HISTORY OF THE PARCEL, INCLUDING FORMER AND EXISTING STATE AND COUNTY LAND USE DESIGNATIONS, VIOLATIONS AND CONDITIONS OF PRIOR PERMITS

A. Land Use Designations. The State Land Use Commission ("SLUC"), Kauai General Plan, County of Kauai Zoning and other relevant land use designations for the Subject Property are as follows:

1. SLUC. The Subject Property is entirely within the SLUC Urban District. It has been located in the SLUC Urban District since the establishment of such Districts.

2. Kauai General Plan. The Subject Property is entirely in the Kauai General Plan Neighborhood General Designation. Under the previous General Plan, the Subject Property was within the Residential Community designation.

3. Zoning. The Subject Property is within the Residential (R-6) District.

B. Uses. The Laundry Building was originally used in conjunction with the Service Station that was built in 1947, as well as the current automobile repair shop. Currently the Laundry Building is being used for storage. The Laundry Building has never been used as a residence.

C. Violations. Applicant has not found any notices of violations that have been issued against the Subject Property.

D. Summary of Prior Permit Conditions. There are two building permits on record concerning the Subject Property issued by the Department of Public Works. The Department of Public Work's permit website does not show any corresponding zoning permit for the approved building permits. The Applicant has not been able to locate any notice of violations that were

issued for the Subject Property. The Service Station is an existing nonconforming use that began prior to the CZO.

XIX. ANALYSIS OF SECONDARY IMPACTS OF PROPOSED USE

A. Property Values. The fair market value of real property, for assessment purposes, is based on the use of the land and physical improvements, and upon comparable sales. The proposed uses requested by the Applicant will have an impact on the value of the land and improvements located on the Subject Property. Property values for the surrounding properties should not be impacted since the Subject Property was purchased with the existing commercial uses as opposed to a residential use.

B. Population. The Applicant's requested private laundry use will not trigger migration to the Kilauea area by other business owners or employees.

C. Housing. No additional housing needs are reasonably expected to result from the requested private laundry use of the Subject Property.

D. Community Services and Facility Needs. The requested private laundry use will not generate a need to provide additional community services or create a need for any community facilities. The Fire Station for the vicinity is located in Princeville approximately 4.5 miles from the Subject Property. Police service is provided through a police substation also located in Princeville next to the Fire Station. The close proximity of these fire and police services to the Subject Property will minimize response time should an emergency occur. The proposed private laundry use on the Subject Property will not significantly increase the need for existing fire and police services. The closest school is Kilauea Elementary School, located in Kilauea. The

proposed private laundry use will not lead to an increase in enrollment at Kilauea Elementary School.

E. Secondary Jobs. The Applicant plans on hiring an operator to manage the private laundry or to rent the facility to an operator to run the private laundry service.

F. Employment. The requested use will not generate any new employment in the area since it is intended to accommodate existing businesses.

G. Botanical Resources and Wildlife. The proposed private laundry use will have no significant impact on any existing wildlife or vegetation in the area. There are no known botanical resources within the area of the Subject Property which either need to be protected or which would be endangered by the development.

H. Historical Resources. The Applicant is not aware of any archaeological, cultural or historical resources on the surface of the Subject Property in which the development will take place which will be affected by the private laundry service. According to the County's North Shore Heritage Resource Map, the closest historic resource is the historic stone building approximately 550 feet to the east of the Subject Property. A copy of the North Shore Heritage Resource Map is attached hereto as Exhibit "L". Should any surface or subsurface cultural features be encountered during the development, the Applicant will seek archaeological consultation and will preserve and/or salvage any significant remains or artifacts. The proposed development will not involve a minimum amount of soil disturbance.

The Subject Property is fully developed in that it is zoned and the Service Station Building and the Laundry Building have been used consistently for commercial purposes since they were

constructed. The Applicant is not aware of any cultural practices or resources that are impacted by the current buildings or its uses, but has reached out to Billy Kaohelalulii, Kamealoha Hanohano Smith and Yoshi L'Hote who are aha moku representatives for the island of Kauai for their mana'o. The Applicant will inform the Planning Department if it receives any responses from these representatives.

The courts have recognized that it is inconsistent to permit the practice of traditional and customary native Hawaiian rights property that has been developed. State v. Hanapi, 89 Haw. 177, 187 (1998).

I. Air Quality/Noise. The proposed change in use will have little or no impact on the air quality and ambient noise levels in the area. Air quality and ambient noise levels may be affected at a very minimal level during the construction phase of the development. All vehicles or equipment used by the Applicant during construction will be properly muffled, housed and maintained to reduce any noise impacts or emission impacts. The Environmental Protection Agency (EPA) and State of Hawaii air quality standards will not be exceeded.

J. Utilities. The Subject Property currently receives water service from the Department of Water of the County of Kauai, electric service from Kauai Island Utility Cooperative, and phone service from Hawaiian Telcom. These services will continue with the private laundry use. Existing power and water facilities are presently more than adequate to provide the demand for such services that will be generated by the proposed private laundry use.

K. Sewage Disposal. The Subject Property is currently being served by an individual wastewater treatment system (septic). This complies with CZO Section 8-7.3(g). The septic

system was designed with the assumption the Laundry Building was going to be used as a private laundry.

L. Solid Waste Disposal. The Applicant will be utilizing a private waste disposal service.

M. Traffic Circulation. The major roads that service the Subject Property are Oka Street, Aalona Street and Kilauea Road. All of the roads are County owned. The proposed uses do not involve any walk-in customers. The proposed use does not require a lot of traffic to and from the Subject Property. There will be a delivery of soiled linen and laundry to the Laundry Building and a pick up of cleaned laundry from the Laundry Building to Oceanfront Realty's operations office. These deliveries do not utilize large delivery, nor are they on the premises very long. Most of the supplies will be brought in by the operator. The operator will be allowed one vehicle which it can use to pick up any supplies that it might need for the operation. The operator will be encouraged to hire people who live in the Kilauea area. Since the proposed private laundry service does not involve walk in customers, there will be no anticipated traffic into the area from customers. The only traffic that is anticipated is from the operator itself and its employees. Since the operator and its employees may be living in the Kilauea area, traffic into and out of Kilauea should not significantly increase.

XX. USE PERMIT CRITERIA

A. CZO Section 8-3.2(e) provides that:

[A] Use Permit may be granted only if the Planning Commission finds that the establishment, maintenance, or operation of the construction, development, activity or use in the particular case is a compatible use and is not detrimental to health, safety, peace,

morals, comfort and general welfare of persons residing or working in the neighborhood of the proposed use, or detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the community, and will not cause any substantial harmful environmental consequences on the land of the applicant or on other lands or water, and will not be inconsistent with the intent of this Chapter and the General Plan.

B. Compatibility with Surrounding Uses. Surrounding uses are a combination of residential and commercial uses. To the west directly across Aalona Street is a self-storage facility located at 4306 Aalona Street and an improved residential parcel located at 4320 Aalona Street. The self-storage facility is classified as "Industrial" by the County's Real Property Tax Division and is identified as TMK No. (4) 5-2-014:027. The improved residential parcel has been classified as "Residential" and is identified as TMK No. (4) 5-2-014:003. To the north of the Subject Property is a lumber warehouse and retail space located at 4311 Aalona Street. This parcel is classified as "Industrial" by the County's Real Property Tax Division and is identified as TMK No. (4) 5-2-014:046. To the south of the Subject Property is an improved residential parcel identified as TMK No. (4) 5-2-014:035. Parcel 35 is classified as "Homestead" by the County's Real Property Tax Division. To the east of the Subject Property are two improved residential properties identified as TMK Nos. (4) 5-2-014:036 and (4) 5-2-014:037. Parcel 36 is classified as "Residential" and Parcel 37 is classified as "Homestead" by the County's Real Property Tax Division. The proposed private laundry will be compatible with the surrounding residential and commercial uses.

C. Not Detrimental to the Neighborhood or Community. The requested private laundry will have less traffic, less noise, minimal impact on wastewater and solid waste disposal

and will have little impact on the existing neighborhood and community given the existing commercial and industrial uses within the neighborhood. The proposed private laundry operator will have only one (1) full-time equivalent employee on premises at any given time. The proposed operator currently lives within a half block of the Subject Property and can walk to work. Deliveries would be minimal as compared to the other industrial and commercial uses in the area. The hours of operation are only between 7:00 a.m. and 3:00 p.m., Monday through Saturday.

D. No Environmental Harm. The proposed private laundry service will have no harmful environmental consequences on the Subject Property or on other lands or waters surrounding the Subject Property. The laundry operation will only use 1 commercial washer and 1 commercial dryer along with 1 household size washer and 1 household size dryer, for a total of 4 machines. All the machines will be new, energy efficient models and eco-friendly. No hazardous chemicals will be used, other than laundry soap and bleach. The wastewater will be disposed of in a DOH approved septic system.


E. Consistent with General Plan. The proposed private laundry is compatible with the General Plan Neighborhood General Classification, which is intended to include medium intensity uses that "support the town core with housing, services, parks, civic/institutional, home occupation, and commercial uses". See General Plan, Section 2.2.

XXI. CONCLUSION

The Applicant respectfully requests that the Planning Commission of the County of Kauai approve the Application for a Use Permit and Class IV Zoning Permit to use the Laundry Building on the Subject Property for a private laundry service.

DATED: Lihue, Kauai, Hawaii, OCT - 4 2024.

BELLES GRAHAM LLP



JONATHAN J. CHUN
Attorney for Applicant
DONNA M. APISA LIVING TRUST

EXHIBIT LIST

(DONNA M. APISA LIVING TRUST EXHIBITS "A" – "L")

EXHIBIT	DESCRIPTION
A	Deed
B	Authorization From Owner
C	Tax Map
D	Kauai General Plan Map
E	Zoning Map
F	FIRM Panel 150002-0060E
G	Site Plan
H	Floor Plan and Elevation of Commercial Kitchen in Old Mill Building
I	Floor Plans and Elevations for Warehouse
J	Pictures of Area
K	Pictures of Surrounding Properties
L	Heritage Resource Map

EXHIBIT "A"

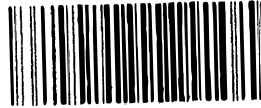
31D



STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED

July 12, 2016 3:29 PM

Doc No(s) A-60370771



1 3/3 ICL
B-32836022

/s/ NICKI ANN THOMPSON
REGISTRAR

Conveyance Tax: \$0.00

LAND COURT SYSTEM

REGULAR SYSTEM

AFTER RECORDATION RETURN BY:

X MAIL

PICK-UP to:

CYNTHIA HANNAH-WHITE, ESQ.
KAUAI ESTATE LAW, LLLC
2970 Kele Street, Suite 205
Lihue, HI 96766

Pages to record: 5

TITLE OF DOCUMENT: **WARRANTY DEED**

PARTIES TO THE DOCUMENT:

Grantor: DONNA M. APISA, unmarried

Grantee: DONNA M. APISA, Trustee of the Donna M. Apisa Living Trust dated October 27, 1989, as amended or restated

PROPERTY DESCRIPTION: LOT 10-B of "OLD
MILL RESIDENTIAL SUBDIVISION II", Kilauea,
Island and County of Kauai, State of Hawaii

Document No: A-52970642

TMK#: (4) 5-2-014-005

EXHIBIT "A"

WARRANTY DEED

THIS DEED, made this 8th day of July, 2016, by DONNA M. APISA, unmarried, herein referred to as the "Grantor," and DONNA M. APISA, Trustee of the Donna M. Apisa Living Trust dated October 27, 1989, as amended or restated, having all powers under said trust agreement, including the full power to sell, convey, exchange, mortgage, lease, assign or otherwise deal with and dispose of all property of the trust, real and personal, whose address is P. O. Box 223190, Princeville, Hawaii 96722, herein referred to as the "Grantee."

WITNESSETH:

For TEN DOLLARS (\$10.00) and other good and valuable consideration paid to the Grantor by the Grantee, receipt of which is hereby acknowledged, the Grantor does hereby grant, bargain, sell and convey unto the Grantee, *in Trust*, the property, situated on the Island and County of Kauai, State of Hawaii, and more particularly described in Exhibit "A" attached hereto and by this reference made a part hereof, subject to the encumbrances noted therein.

And the reversions, remainders, rents, issues and profits thereof and all of the estate, right, title and interest of the Grantor, both at law and in equity, therein and thereto;

TO HAVE AND TO HOLD the same, together with all buildings, improvements, rights, easements, privileges and appurtenances thereon and thereto belonging or appertaining or held and enjoyed in connection therewith, unto the Grantee, its successors and assigns in trust, in fee simple forever, subject to any encumbrances hereinabove or hereinafter mentioned.

Grantor does hereby covenant and agree with Grantee that the Grantor is lawfully seized in fee simple of the premises hereby conveyed; that the same are free and clear of and from all encumbrances, except as aforesaid and except for the lien of real property taxes not yet by law required to be paid; that Grantor is the sole and absolute owner of said personal property, if any, and that said personal property is free and clear of all encumbrances except as aforesaid; that the Grantor has good right to sell and convey said premises and said personal property, if any, as aforesaid, and that Grantor will WARRANT AND DEFEND the same unto Grantee against the lawful claims and demands of all persons, except as aforesaid, forever.

The term "Grantor" and "Grantee," or any pronoun used in place thereof, shall mean and include the masculine, feminine or neuter, the singular or plural number, individuals, trustees, partnerships or corporations, and each of their respective successors, heirs, personal representatives, successors in trust and assigns. All covenants and obligations undertaken by two or more persons shall be joint and several unless a contrary intention is clearly expressed elsewhere herein.

IN WITNESS WHEREOF, the undersigned executed these presents the day and year first above written.

GRANTOR:

GRANTEE:

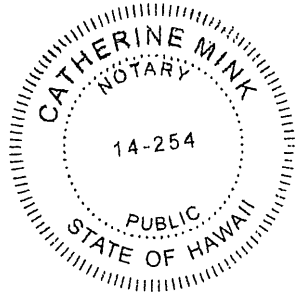
Donna M. Apisa
DONNA M. APISA

Donna M. Apisa, Trustee
DONNA M. APISA, Trustee of the Donna M. Apisa Living Trust dated October 27, 1989, as amended or restated

STATE OF HAWAII)
) ss.
COUNTY OF KAUAI)

On July 8, 2016, before me personally appeared ***DONNA M. APISA, individually and as Trustee of the Donna M. Apisa Living Trust dated October 27, 1989, as amended or restated,*** who was personally known or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within Warranty Deed dated July 8, 2016, consisting of six (6) pages, who, being by me duly sworn or affirmed, acknowledged to me that she executed the same as her free act and deed, and in the capacity shown, being duly authorized to act in such capacity.

Witness my hand and official seal.



Catherine Mink
Catherine Mink, Notary Public
Fifth Judicial District, State of Hawaii
My commission expires: July 27, 2018
Commission No. 14-254

EXHIBIT "A"

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Grant Number 2896 to Charles Titcomb) situate, lying and being at Kilauea, Island and County of Kauai, State of Hawaii, being LOT 10-B, being a portion of the consolidation of Lot 8, 9, 10 and 8-H-5-A, of "OLD MILL RESIDENTIAL SUBDIVISION II", and thus bounded and described:

Beginning at the northeast corner of this parcel of land and on the northwest corner of Lot 10-A, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KILAUEA" being 5062.69 feet south and 4228.83 feet west and running by azimuths measured clockwise from true South:

1. 34° 19' 102.90 feet along Lots 10-A and 9-A;
2. 125° 11' 16" 116.39 feet along Lot 8-A;
3. 212° 30' 101.18 feet along Aalona Road;
4. 304° 19' 119.58 feet along Lot 8-H-4, to the point of beginning and containing an area of 12,034 square feet, more or less.

Being the same premises conveyed to DONNA M. APISA, single, by WARRANTY DEED dated June 30, 2014, and recorded in the Bureau of Conveyances of the State of Hawaii on July 3, 2014 as Document No. A-52970642.

SUBJECT, HOWEVER, to the following:

1. Mineral and water rights of any nature in favor of the State of Hawaii.
2. The effect, if any, of that certain letter Agreement dated July 10, 1972, as set forth in DEED dated December 2, 1972, recorded in Liber 8782 at Page 1.
3. The terms and provisions contained in the following:

DECLARATION OF RESTRICTIVE COVENANTS AND CONDITIONS dated March 10, 1977, recorded in Liber 12107 at Page 463.

The foregoing includes, but is not limited to, matters relating to "The uses and/or structures presently existing on the said Lot are non-conforming uses and/or structures existing pursuant to Section 11 of the Comprehensive Zoning Ordinance of the County of Kauai. As such, the presently existing uses and/or structure may not be expanded, added to, or continued except in accordance with Section 11 of the Comprehensive Zoning Ordinance of the County of Kauai."

4. The terms and provisions contained in the DECLARATION OF RESTRICTIVE COVENANT AND CONDITION dated July 23, 1979, recorded in Liber 13894 at Page 509.
5. RIGHT-OF-ENTRY to HAWAIIAN TELEPHONE COMPANY, now known as HAWAIIAN TELCOM, INC. and CITIZENS UTILITIES COMPANY, whose interest is now held by KAUAI ISLAND UTILITY COOPERATIVE dated August 23, 1979, recorded in Liber 14066 at Page 113, granting a right-of-entry and temporary easement for construction and maintenance of power and communication.
6. The terms and provisions contained in the DECLARATION OF RESTRICTIVE COVENANT RE RESUBDIVISION dated February 1, 1980, recorded in Liber 14476 at Page 639.
7. RIGHT-OF-ENTRY to CITIZENS UTILITIES COMPANY, whose interest is now held by KAUAI ISLAND UTILITY COOPERATIVE, and HAWAIIAN TELEPHONE COMPANY, now known as HAWAIIAN TELCOM, INC. dated June 18, 1981, recorded in Liber 15806 at Page 382, granting a right-of-way and easement for utility purposes.
8. Said property is a site of former Kilauea Sugar Mill Gas Station. There are (underground) Diesel and gas tanks on this property although not in use, per Mike Dyer of Kilauea Real Estate Co., letter dated August 4, 1994.
9. Any unrecorded leases and matters arising from or affecting the same.

END OF EXHIBIT "A"

{The foregoing legal description was prepared from information provided by the Grantor and Grantee, and was not prepared with the benefit of a concurrent title search.}

EXHIBIT "B"

AUTHORIZATION

DONNA M. APISA LIVING TRUST, whose address is 4360 Wailapa Road, Kilauea, Hawaii 96754 ("Applicant") hereby authorizes JONATHAN J. CHUN, Esq., of Belles Graham LLP to file Applications on behalf of the Applicant, with the Planning Department and the Planning Commission of the County of Kauai, and all other governmental agencies, to do all the things necessary to obtain zoning permits, use permits, variance permits, building permits, grading permits, subdivision approvals, SMA use permits, and other land use permits required for a private laundry service on the Subject Property located at Kilauea, Kauai, Hawaii, more specifically identified as Kauai Tax Map Key No. (4) 5-2-014:005.

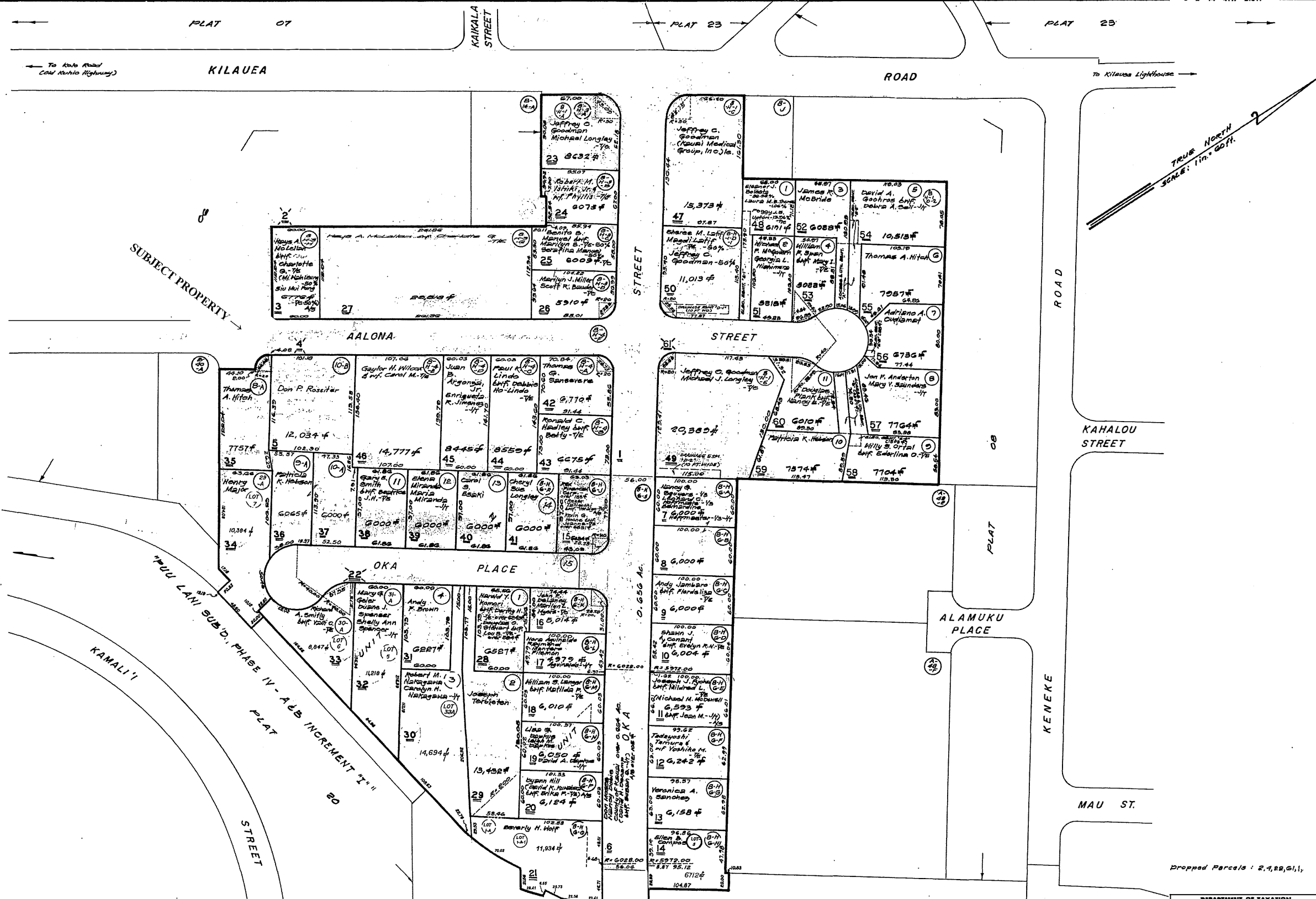
DATED: 10/3/2024 | 12:57 PM HAST

DONNA M. APISA LIVING TRUST

By  _____
Donna M. Apisa
Its Trustee

EXHIBIT "C"

NOV 2 1977
NOV 23 1977
SEP 2 1981
SEP 2 1981
OCT 3 1983
DEC 4 1984
DEC 13 1984
JAN 4 1985



SOURCE: T.M.G.
BY: C.A.T.M.
DATE: November 2, 1977
DWG. NO. 5-532

"OLD MILL SUBDIVISION," KILAUEA, HANAIEI, KAUAI, HAWAII, (Formerly par. 5-2-12)

PLAT 15
NOTE: All parcels owned by
Res Financial Corp.
Unless noted otherwise.
NOTE: Parcels 23 thru 41 under A & B
(Roger Taniguchi & M. Varalyn-72) A & B
unless otherwise noted.

Owners, lessees, & vendees name
recorded on this tax map print may
not be current. Please refer to computer
and history sheets for current owners.
**FOR PROPERTY ASSESSMENT PURPOSES
SUBJECT TO CHANGE**

DEPARTMENT OF TAXATION PROPERTY TECHNICAL OFFICE TAX MAPS BRANCH STATE OF HAWAII		
TAX MAP		
FOURTH TAXATION DISTRICT		
ZONE	SEC.	PLAT
5	2	14
SCALE: 1 IN. = 60 FT.		

EXHIBIT "C"

EXHIBIT "D"

Figure 5-7 North Shore Land Use Map

-  Planning District Boundary
-  Major Roads
-  Roads
-  Streams
-  Reservoirs
-  Natural
-  Agriculture
-  Agriculture (IAL)
-  Parks and Recreation
-  Golf Course
-  Homestead
-  Residential Community
-  Neighborhood Center
-  Neighborhood General
-  Resort
-  Transportation

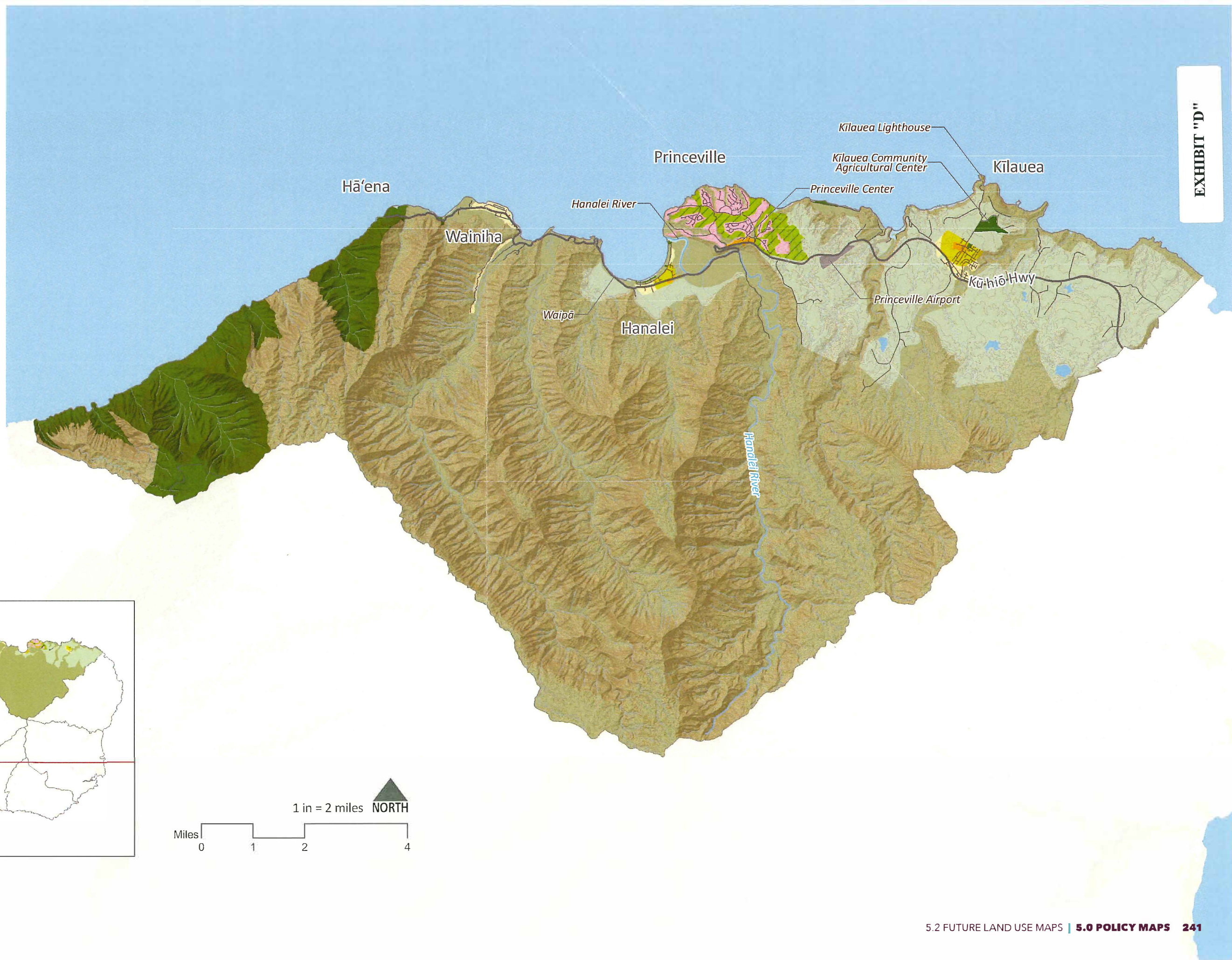


EXHIBIT "D"

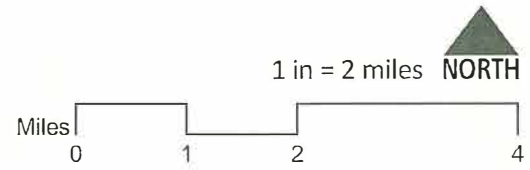
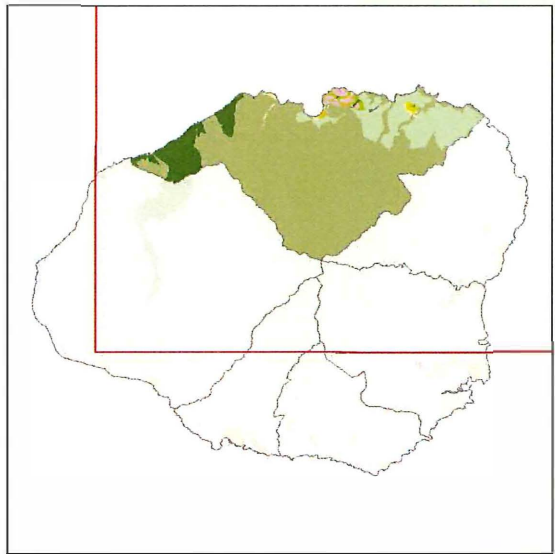


EXHIBIT "E"

- ① Amended from Agriculture District (A) to Residential District (R-4) by COUNCIL 3-8-77 Ord. No. 324
- ② Amended from Residential District (R-4) to Neighborhood Commercial District (C-N) by COUNCIL 12-2-80 Ord. No. PM-67-80
- ③ Amended from Agriculture District (A) to Residential District (R-6) & Open (O) by COUNCIL 3-17-81 Ord. No. PM-75-81
- ④ Amendments resulting from the Adoption of the NORTH SHORE SPECIAL PLANNING AREA DEVELOPMENT PLAN by COUNCIL 6-10-85 Ord. No. 476
- ⑤ Amended from Agriculture District (A) to Limited Industrial District (I-L) by COUNCIL 3-26-85 Ord. No. PM-139-85
- ⑥ Amended from Agriculture District (A) to Residential District (R-6) by COUNCIL 5-17-88 Ord. No. PM-173-88
- ⑦ Amended from Open to Neighborhood Commercial 2A-93-4
- ⑧ Amended from Residential District (R-6) to Agriculture District 2A-92-4
- ⑨ Amended from R-70 to I-L, PM-229-91, 2A-90-43
- ⑩ Amended from A to R-4 PM-343-96, 2A-98-1, 5-C-98



SCALE IN FEET
0 200 400 600 800 1000

ZM-KI 600

KILAUEA

PLANNING DEPARTMENT
COUNTY OF KAUAI
LILUOUE, KAUAI, HAWAII
OCTOBER 1983
LATEST REVISION JLS-71

LEGEND

ZONING DISTRICTS

- RESIDENTIAL DISTRICT**
- R-1 (10 UNITS/ACRE) R-1 R-2 (10 UNITS/ACRE) R-3 (10 UNITS/ACRE) R-4 (10 UNITS/ACRE)
 - R-5 (10 UNITS/ACRE) R-6 (10 UNITS/ACRE) R-7 (10 UNITS/ACRE) R-8 (10 UNITS/ACRE)
 - R-9 (10 UNITS/ACRE) R-10 (10 UNITS/ACRE) R-11 (10 UNITS/ACRE) R-12 (10 UNITS/ACRE)
- RESORT DISTRICT**
- RR-10 (10 UNITS/ACRE) RR-11 (10 UNITS/ACRE) RR-12 (10 UNITS/ACRE) RR-13 (10 UNITS/ACRE)
- COMMERCIAL DISTRICT**
- GENERAL C-1 C-2
 - NEIGHBORHOOD C-3 C-4
- INDUSTRIAL DISTRICT**
- GENERAL I-1 I-2
 - LIMITED I-3 I-4
- AGRICULTURE DISTRICT**
- A
- OPEN DISTRICT**
- O
- SPECIAL TREATMENT DISTRICT**
- PUBLIC ST-1 ST-2
 - CENTRAL: HISTORIC ST-3
 - COASTAL: ECOLOGICAL ST-4
- SPECIAL PLANNING AREA PROJECT DISTRICT**
- ST-5
- STATE LAND USE DISTRICTS**
- URBAN DISTRICT U AGRICULTURE DISTRICT A
 - RURAL DISTRICT R CONSERVATION DISTRICT C

ADOPTED BY COUNTY OF KAUAI

Adopted 3-23-76, by PLANNING COMMISSION
Robert H. Kawanishi
Chairman, Planning Commission

Approved 3-31-76, by EXECUTIVE BRANCH
Clayton J. Kawanishi
Mayor

Adopted 3-23-76, by COUNTY COUNCIL (Dist. No. 164)
Robert H. Kawanishi
Chairman, Council

Enacted as Ordinance No. 164 (Effective Date 9-1-72)

ADOPTED BY COUNTY OF KAUAI

North Shores Development Plan
(Update No. 1)

Adopted 10-12-83, by PLANNING COMMISSION
John H. Kawanishi
Chairman, Planning Commission

Approved 5-27-85, by EXECUTIVE BRANCH
John H. Kawanishi
Mayor

Adopted 5-10-85, by COUNTY COUNCIL
Robert H. Kawanishi
Chairman, Council

EXHIBIT "F"

National Flood Hazard Layer FIRMette



159°24'47"W 22°12'50"N

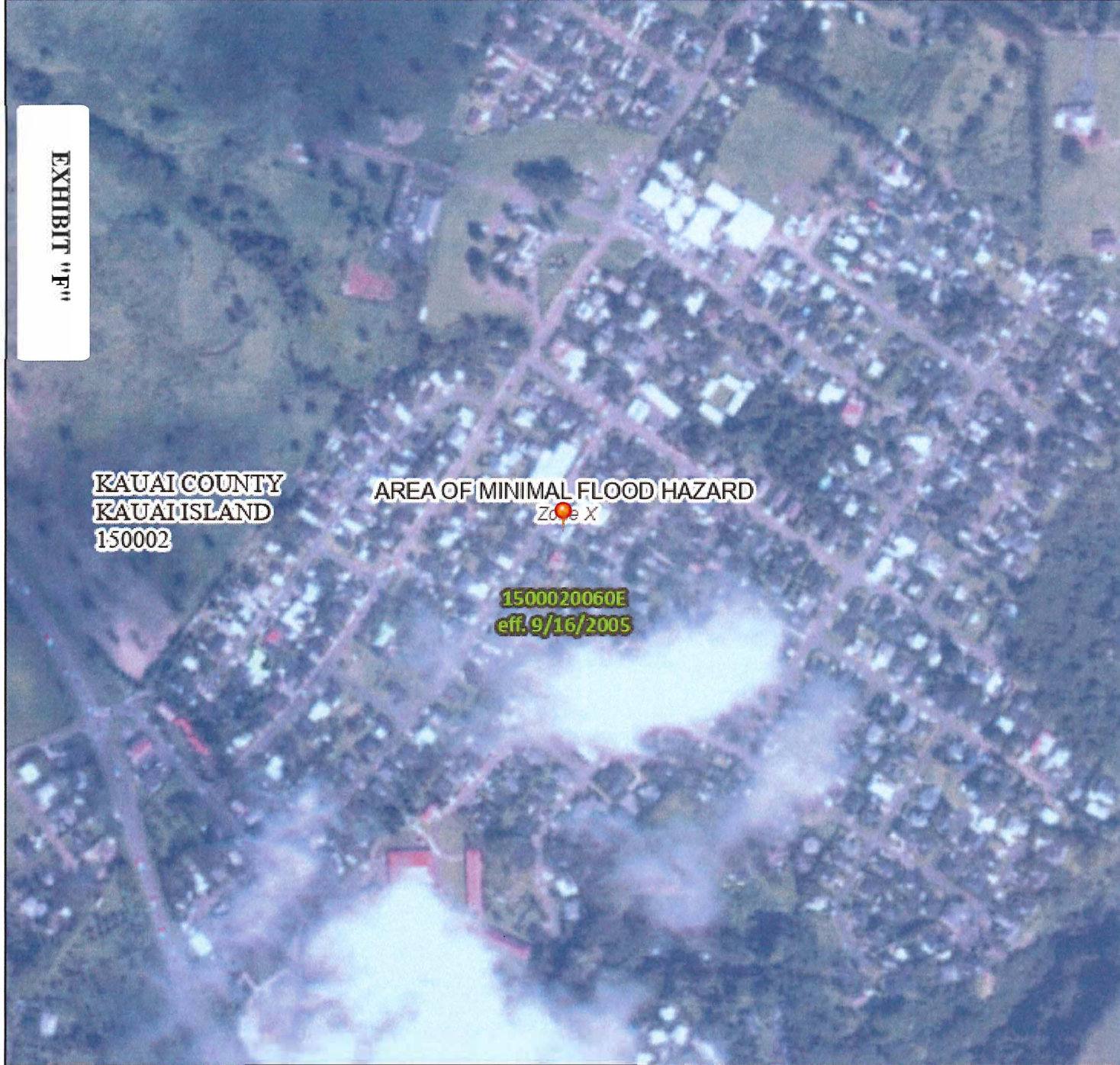


EXHIBIT "F"

**KAUAI COUNTY
KAUAI ISLAND
150002**

**AREA OF MINIMAL FLOOD HAZARD
Zone X**

**1500020060E
eff. 9/16/2005**

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile (Zone Y)
		Future Conditions 1% Annual Chance Flood Hazard (Zone X)
		Area with Reduced Flood Risk due to Levee. See Notes. (Zone X)
		Area with Flood Risk due to Levee (Zone D)
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard (Zone X)
		Effective LOMRs
		Area of Undetermined Flood Hazard (Zone X)
GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
	Profile Baseline	
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 5/17/2024 at 2:57 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



159°24'9"W 22°12'17"N

EXHIBIT "G"

Parcel Information

Parcel Number (TAX MAP KEY) 520140050000
 Location Address 4321 AALONA ST
 4321 A AALONA ST
 KILAUEA HI 96754

Project Name
 Tax Classification INDUSTRIAL
 (Note: This is for tax purposes only. Not to be used for zoning.)

Neighborhood Code 5211-4
 Legal Information LOT 10-B OLD MILL RESIDENTIAL SUBD II 12034SF DES
 Zoning IG
 Non Taxable Status
 Land Area (acres) 0.2763
 Land Area (approximate sq ft) 12,034
 Living Units 0

[View Map](#)

Owner Information

Owner Names APISA,DONNA M LIVING TRUST Fee Owner
 Mailing Address APISA,DONNA M LIVING TRUST
 C/O APISA,DONNA M TTEE
 PO BOX 223190
 PRINCEVILLE HI 96722

Assessment Information

Show Historical Assessments

Year	Property Class	Total Market Value	Total Property Assessed Value	Total Property Exemption	Total Net Taxable Value
2024	INDUSTRIAL	\$602,000	\$602,000	\$0	\$602,000

[How to calculate real property taxes](#)

Assessment Notices

- [2024 \(PDF\)](#)
- [2023 \(PDF\)](#)
- [2022 \(PDF\)](#)
- [2021 \(PDF\)](#)
- [2020-4 \(PDF\)](#)
- [2019-4 \(PDF\)](#)

Online Assessment Notices will include one PDF per parcel for each class. For multi-owner copies please contact rpassessment@kauai.gov.

Commercial Improvement Information

Building Number 1	Effective Year Built 1972								
Building Type	Building Square Footage 0								
Structure 252-SVC STA M-2	Percent Complete 0%								
Year Built 1947									
Card	Section	Floor #	Area	Perimeter	Usage	Occupancy	Wall Height	Exterior Wall	Construction
1	01	01	816	116	SERVICE STATION W/BAYS		12	MASONRY	WOOD FRAME

Building Number 2	Effective Year Built 1990								
Building Type	Building Square Footage 0								
Structure 252-SVC STA M-2	Percent Complete 0%								
Year Built 1990									
Card	Section	Floor #	Area	Perimeter	Usage	Occupancy	Wall Height	Exterior Wall	Construction
2	01	01	760	116	SERVICE STATION W/BAYS		9	MASONRY	WOOD FRAME

Permit Information

Date	Permit Number	Reason	Permit Amount
10/10/1990	32661	DWELLING	\$84,000

Conveyance Information

Sale Date	Price	Instrument #	Instrument Type	Date Recorded	Document Number	Cert #	Book/Page	Conveyance Tax	Document Type
07/08/2016	\$0	16-A-60370771	FEE CONVEYANCE	07/12/2016				10	Warranty Deed
06/30/2014	\$600,000	14-A-52970642	FEE CONVEYANCE	07/03/2014				1500	Warranty Deed
01/26/1998	\$220,000	9800012432	FEE CONVEYANCE	01/30/1998				220	

Historical Payment Information

EXHIBIT "G"

Year	Tax	Payments and Credits	Penalty	Interest	Other
2023	\$4,691.52	(\$4,691.52)	\$0.00	\$0.00	\$0.00
2022	\$4,591.08	(\$4,591.08)	(\$0.10)	(\$0.07)	\$0.00
2021	\$4,514.94	(\$4,514.94)	(\$223.26)	(\$57.29)	\$0.00
2020	\$4,523.85	(\$4,523.85)	(\$226.19)	(\$74.64)	\$0.00
2019	\$4,372.38	(\$4,372.38)	(\$218.62)	\$0.00	\$0.00
2018	\$4,388.58	(\$4,388.58)	\$0.00	\$0.00	\$0.00
2017	\$4,024.08	(\$4,024.08)	\$0.00	\$0.00	\$0.00
2016	\$4,013.55	(\$4,013.55)	\$0.00	\$0.00	\$0.00
2015	\$3,321.00	(\$3,321.00)	(\$166.05)	(\$36.53)	\$0.00
2014	\$2,785.59	(\$2,785.59)	\$0.00	\$0.00	\$0.00
2013	\$2,751.20	(\$2,751.20)	(\$275.12)	(\$242.10)	\$0.00
2012	\$2,430.41	(\$2,430.41)	(\$243.04)	(\$534.66)	\$0.00
2011	\$3,065.32	(\$3,065.32)	(\$306.54)	(\$1,079.04)	\$0.00
2010	\$3,521.41	(\$3,521.41)	(\$352.14)	(\$1,548.30)	\$0.00
2009	\$3,521.41	(\$3,521.41)	(\$352.14)	(\$1,224.12)	\$0.00
2008	\$3,521.41	(\$3,521.41)	(\$352.14)	(\$572.10)	\$0.00
2007	\$3,521.41	(\$3,521.41)	(\$352.14)	(\$116.21)	\$0.00
2006	\$2,933.92	(\$2,933.92)	(\$293.40)	(\$67.75)	\$0.00
2005	\$2,933.92	(\$2,933.92)	(\$293.40)	(\$322.74)	\$0.00
2004	\$1,576.09	(\$1,576.09)	(\$157.61)	(\$319.67)	\$0.00
2003	\$1,372.75	(\$1,372.75)	(\$137.28)	(\$110.63)	\$0.00
2002	\$2,603.50	(\$2,603.50)	(\$194.33)	(\$297.03)	\$0.00
2001	\$1,305.50	(\$1,305.50)	\$0.00	\$0.00	\$0.00

Map



No data available for the following modules: CPR/Condo/Apt Unit Information, Appeal Information, Improvement Information, Sketches, Other Building and Yard Improvements, Current Tax Bill Information.

The Kauai County Tax Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

[User Privacy Policy](#) | [GDPR Privacy Notice](#)
 Last Data Upload: 5/16/2024, 11:35:25 PM

Contact Us



EXHIBIT "H"

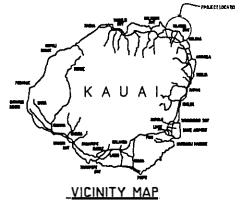
GENERAL NOTES

- IT IS INTENDED THAT THESE CONSTRUCTION DRAWINGS/PLANS BE PREPARED WITH THE HIGHEST LEVEL OF ACCURACY AND COMPLETION AND TO THE LEVEL OF DETAIL NECESSARY TO OBTAIN A BUILDING PERMIT. THE GENERAL CONTRACTOR, HIS SUBCONTRACTORS AND THE OWNER BUILDER SHALL STUDY THESE DRAWINGS AND VERIFY ACCURACY AND COMPLETENESS OF ALL STRUCTURAL ELEMENTS, DOOR AND WINDOW TYPES, STEEL, WOOD OPENINGS, AND ALL MATERIAL SPECIFICATIONS. HIS WORK SHALL BE COMPLETED USING THE JOB SITE COPY SUPPLIED BY THE COUNTY AND THE ISSUANCE OF THE BUILDING PERMIT AND PRIOR TO PURCHASE OF MATERIALS OR START OF CONSTRUCTION. FAILURE TO NOTIFY THE ARCHITECT OR ENGINEER OF DISCREPANCIES OR OMISSIONS IN THE PLANS PRIOR TO MATERIAL PURCHASE OR START OF CONSTRUCTION CONSTITUTES AN ACCEPTANCE OF LIABILITY BY THE CONTRACTOR AND/OR OWNER BUILDER OF THE PLANS AND SPECIFICATIONS AS DRAWN. THE PLAN MATERIALS ARE AVAILABLE FOR ASSIGNMENT IN SPECIFIC WORKER SPECIFIC MATERIALS SUCH AS WINDOWS, DOORS, METAL FIXTURES, SOLICITS, FLOORING, PAINTS, PLUMBING FIXTURES ETC. AT THEIR NORMAL HOURLY BILLING RATE. IF CLIENTS WISH THIS EXTRA SERVICE.
- THE GENERAL CONTRACTOR, HIS SUBCONTRACTORS AND/OR OWNER BUILDER ARE RESPONSIBLE FOR VERIFICATION OF ALL DIMENSIONS, MATERIAL CALL OUTS AND CONDITIONS AT SITE PRIOR TO PURCHASE OF MATERIALS OR STARTING CONSTRUCTION.
- ALL OMISSIONS OR CONFLICTS BETWEEN THE VARIOUS ELEMENTS OF THE WORKING DRAWINGS AND/OR SPECIFICATIONS SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT OR ENGINEER FOR RESOLUTION BEFORE PROCEEDING WITH MATERIALS OR ANY WORK INVOLVED.
- ALL DETAILS, SECTIONS AND NOTES SHOWN ARE TYPICAL AND SHALL APPLY TO SIMILAR SITUATIONS UNLESS OTHERWISE NOTED.
- ON OBSERVATION VISITS TO THE SITE BY ARCHITECT OR ENGINEER OR THEIR FIELD REPRESENTATIVES SHALL NOT BE CONSIDERED AS AN INSPECTION OR APPROVAL OF CONSTRUCTION.
- THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ARCHITECT OR ENGINEER OF ANY CONDITIONS WHICH MIGHT ENDANGER STRUCTURAL STABILITY OR CAUSE VISIBLE DISTRESS IN THE STRUCTURE.
- ALL WORK SHALL CONFORM TO THE BEST PRACTICES PREVAILING IN THE VARIOUS TRADES COMPOSING THE WORK.
- THE CONTRACTOR SHALL ENSURE PROPER PLACEMENT OF ALL OPENINGS, SLEEVES, CURBS, CONDUITS, BOLTS, INSERTS, ETC. PRIOR TO THE PLACEMENT OF CONCRETE.
- THE CONTRACTOR SHALL PROVIDE ADEQUATE BRACING AND SHORING FOR ALL STRUCTURAL MEMBERS DURING ALL PHASES OF CONSTRUCTION.
- ALL CONDITIONS OF POTENTIAL INSTABILITY OF EMBANKMENTS, CUTOR FILL SLOPES SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT OR ENGINEER.
- VERIFY FRAMING (WHERE APPLICABLE) WITH A.C., PLUMBING AND ELECTRICAL CONTRACTORS TO ENSURE PROPER INSTALLATION OF DUCTING PLUMBING AND WIRING.
- DO NOT SCALE THE DRAWINGS.
- ALL WALL DIMENSIONS ARE FACE OF STUD TO FACE OF STUD UNLESS OTHERWISE NOTED.
- GRADES SHOWN ARE APPROPRIATE. CONTRACTOR SHALL VERIFY ALL EXISTING ELEVATIONS PRIOR TO START OF WORK.
- CONTRACTOR SHALL BE RESPONSIBLE TO PERFORM COORDINATION WITH STATE & LOCAL AUTHORITIES AND UTILITIES.
- THE CONTRACTOR SHALL PROVIDE TEMPORARY SANITARY TOILET FACILITIES THROUGHOUT THE CONSTRUCTION PERIOD. TOILETS SHALL BE OF AN APPROVED TYPE AND SHALL BE SERVICED REGULARLY TO PREVENT CONTAMINATION OF THE AREA.
- POOL AND SPA DESIGN BY OTHERS (UNLESS OTHERWISE NOTED).
- LANDSCAPING AND IRRIGATION DESIGN AND DETAILS BY OTHERS (UNLESS OTHERWISE NOTED).

- RETAINING WALL DESIGN AND DETAILS BY OTHERS (UNLESS OTHERWISE NOTED).**
- ALL POST & RAIL TYPE FOOTINGS SHALL BE PLACED ON NATURAL COMPACTED EARTH AND NOT PLACE ON FILL MATERIAL.
 - HANNAH WIND PROVISIONS FOR NEW CONSTRUCTION (APPENDIX W OF CHAPTER 12 BUILDING CODE).
- GENERAL NOTES:**
- LIK LOADS:**
- ROOF (PITCHES 4:12 AND GREATER) ----- 16 PSF
 - ROOF (PITCHES LESS THAN 4:12) ----- 20 PSF
 - FLOORS ----- 40 PSF
 - STAIRWAYS ----- 100 PSF
 - CORRIDOR ----- 100 PSF
 - WALL ----- 40 LB-SQ YD PSF ZONE 2
- EARTHQUAKE ZONE ----- 1 K = 1.33**
- ALLOWABLE SOIL BEARING ----- 2000 PSF (RESISTANCE)**
- HEADS SCHEDULE (UNLESS OTHERWISE SPECIFIED)**
- SPAN HEADER MAX. SIZE**
- UP TO 2' - 6" ----- 4 X 6
 - 2' - 7" TO 6' - 0" ----- 4 X 8
 - 6' - 1" TO 8' - 0" ----- 4 X 10
 - GREATER THAN 8' - 0" ----- SEE DRAWINGS

APPLICABLE CODES:

- 2018 INTERNATIONAL RESIDENTIAL CODE
- 2018 INTERNATIONAL BUILDING CODE
- 2018 NATIONAL ELECTRICAL CODE
- 2018 UNIFORM PLUMBING CODE
- 2012 NFPA 1 WITH AMENDMENTS
- 2018 ECC (ENERGY CODE)



DRAWING INDEX

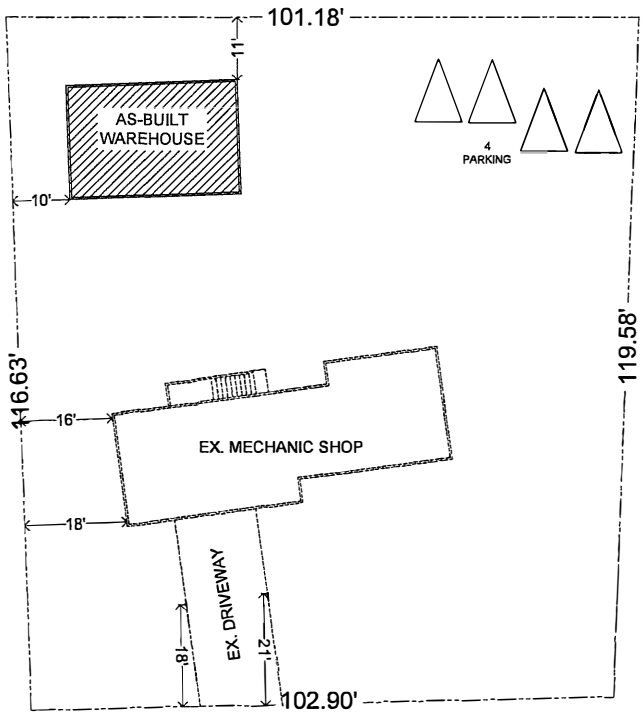
SHEET #	DESCRIPTION
SP-1	NOTES & SITE PLAN.
AD1	FLOOR PLAN & EXTERIOR ELEVATIONS.
SD1	FOUNDATION PLAN, ROOF FRAMING PLAN, INTERIOR ELEVATION, SECTION.
ED1	LIGHTING PLAN, POWER PLAN, ONE LINE DIAGRAM & NOTES.
PD1	PLUMBING FLOOR PLAN, WATER SUPPLY & SEWER DIAGRAMS.

LOT COVERAGE	
KILAUEA, KAUAI, HI.	
TMK: (4) 5-2-014:005	
EX. AS-BUILT WAREHOUSE:	600.00 SQ-FT
EX. MECHANIC SHOP:	1164.00 SQ-FT
EX. DRIVEWAY:	488.30 SQ-FT
TOTAL:	2252.00 SQ-FT
LOT AREA:	12034.00 SQ-FT
% COVERAGE:	18.71 %



THIS PROJECT HAS BEEN PREPARED BY CELIA L. JOHNSON, ARCHITECT, REGISTERED ARCHITECT, LICENSE NO. 10001, STATE OF HAWAII. "APISA AS-BUILT WAREHOUSE" EPT 4/10/2024

- MECHANICAL REQUIREMENTS**
- ALL WORK SHALL CONFORM TO THE REQUIREMENTS OF THE UNIFORM BUILDING CODE WITH THE COUNTY AMENDMENTS 2018 RC/BC.
 - WATER HEATERS ON WOOD FRAMED FLOORS TO REST ON GALVANIZED STEEL PAN WITH FLOOR DRAIN. GAS FIRED UNITS TO BE RAISED 18 INCHES OFF FLOOR AND VENTED.
 - GUARDRAILS SHALL BE PROVIDED AT ALL UNENCLOSED FLOORS WHICH ARE MORE THAN 30 INCHES ABOVE GRADE OR FLOOR LEVEL. GUARDRAILS SHALL NOT BE LESS THAN 36 INCHES IN HEIGHT. GUARDRAILS AND HANDRAILS SHALL HAVE INTERMEDIATE RAILS SUCH THAT AN OBJECT 4 INCHES IN DIAMETER CANNOT PASS THROUGH. SEE 312.
 - FOR EMERGENCY AND ESCAPE ROUTE, EVERY SLEEPING ROOM SHALL HAVE AT LEAST ONE WINDOW WITH A MINIMUM CLEAR NET OPENING OF 5.7 SF. WITH A MINIMUM CLEAR DIMENSION OF 20 INCHES, AND A MARRAM SILL HEIGHT 44 INCHES ABOVE FINISHED FLOOR.
 - OPERABLE WINDOWS ABOVE THE FIRST FLOOR WHICH HAVE A SILL HEIGHT LESS THAN 36 INCHES ABOVE FINISH FLOOR SHALL BE PROVIDED WITH A GUARDRAIL OR OTHER BARRIER TO PREVENT A PERSON FROM FALLING THROUGH THE OPENING.
 - PROVIDE SMOKE DETECTORS IN ALL SLEEPING ROOMS AND SLEEPING ROOM ADJACENT AREAS. THEIR PRIMARY POWER SHALL BE FROM SLEEPING ROOMS AND THEY SHALL HAVE BATTERY BACKUP. UNITS ARE TO BE LOCATED WITHIN 12 IN. OF CEILING OR HIGHEST PORT OF ROOF.
 - THE CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLYING WITH CHAPTER 25 APPROX OF THE U.B.C. 2018 EDITION FOR ALL FRAMING, EXECUTION AND FOR VERIFICATION OF ALL LOCAL DESIGN LOADS.
 - PROVIDE ATTIC VENTILATION AS REQUIRED BY LOCAL BUILDING CODE.
 - CLEAR WIDTH OF ALL WATER CLOSETS SHALL BE 30 INCHES MINIMUM.
 - MECHANICAL VENTILATION: AN APPROVED SYSTEM OF MECHANICAL VENTILATION OR AIR CONDITIONING MAY BE USED IN LACK OF OPERABLE WINDOWS. SUCH SYSTEM SHALL PROVIDE NOT LESS THAN FOUR AIR CHANGES PER HOUR, EXCEPT THAT IN AN INDIVIDUAL BATHROOM OR TOILET/COMPARTMENT SUCH SYSTEM SHALL EXHAUST AT LEAST TWO (2.0) CUBIC FEET PER MINUTE PER SQUARE FOOT OF FLOOR SPACE.
 - WATERPROOFING AND DRAINING OF WALLS BEHIND PLUMBING AND RETAINING WALLS SHALL BE PER SECTION 1707(C)7 OF THE UNIFORM BUILDING CODE.
 - LAUNDRY ELECTRICAL RECEPTACLE TO HAVE GFI PROTECTION AND DEDICATED CIRCUITS.
 - ALL EXTERIOR WALLS & MAIN CROSS-STUD PARTITIONS SHALL BE BRACED PER SECT. 259 OF U.B.C.



01 SITE PLAN
A01 1/4"=1'-0"



EXHIBIT "H"

"APISA AS-BUILT WAREHOUSE"

TMK: (4) 5-2-014:005
KILAUEA, KAUAI, HI.

DATE AS NOTE 04/10/2024

SP-1

EXHIBIT "I"



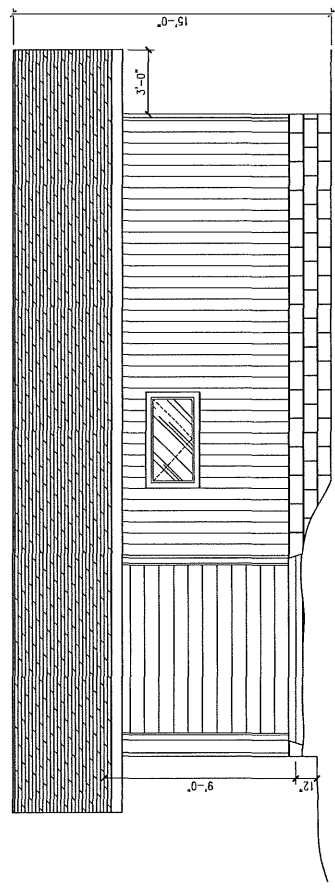
DATE WHEN THIS PROJECT WAS BY THE ENGINEER
 REGISTERED PROFESSIONAL ENGINEER
"APISA AS-BUILT WAREHOUSE"
 E.P. 4/20/26

TMK: (4) 5-2-014:005
 KILAUEA, KAUAI, HI.

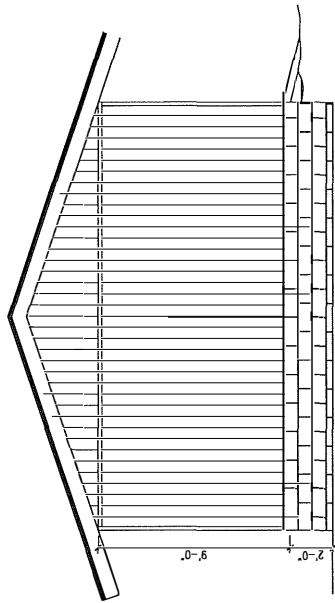
"APISA AS-BUILT WAREHOUSE"

Sheet
 Date: 04/16/2024
 ASB NOTE

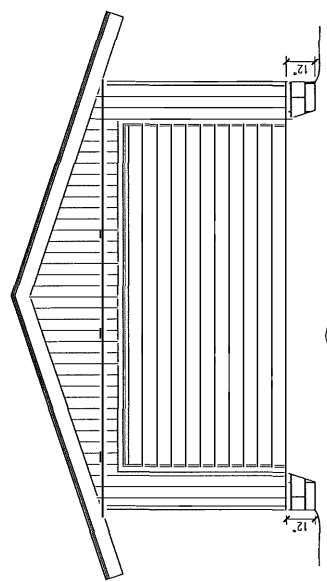
A01



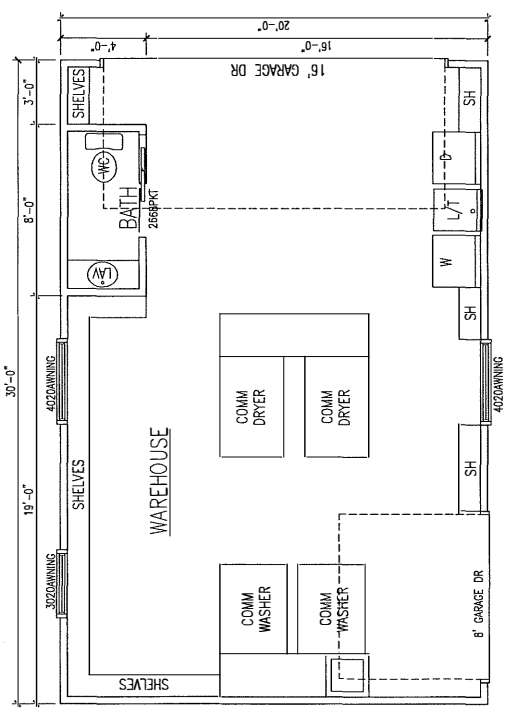
02 FRONT ELEVATION
 ASB 2/8/24-25



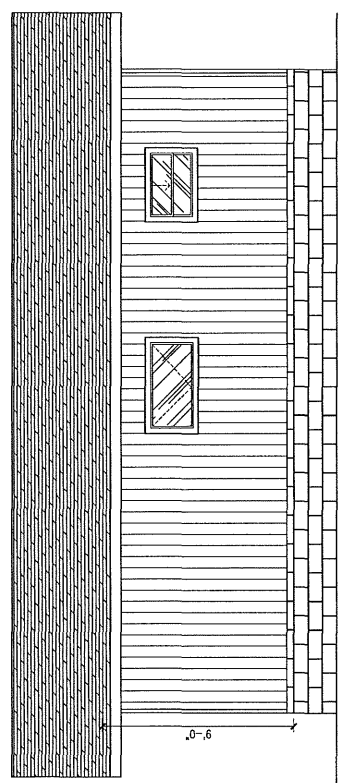
01 LEFT ELEVATION
 ASB 2/8/24-25



01 RIGHT ELEVATION
 ASB 2/8/24-25

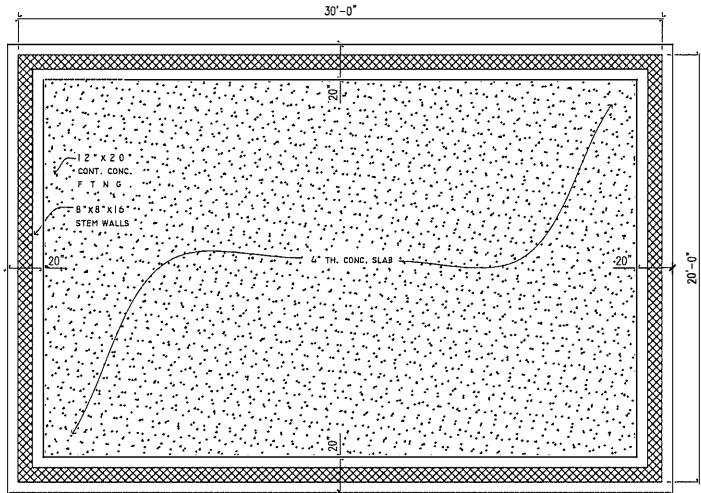


01 FLOOR PLAN
 ASB 2/8/24-25

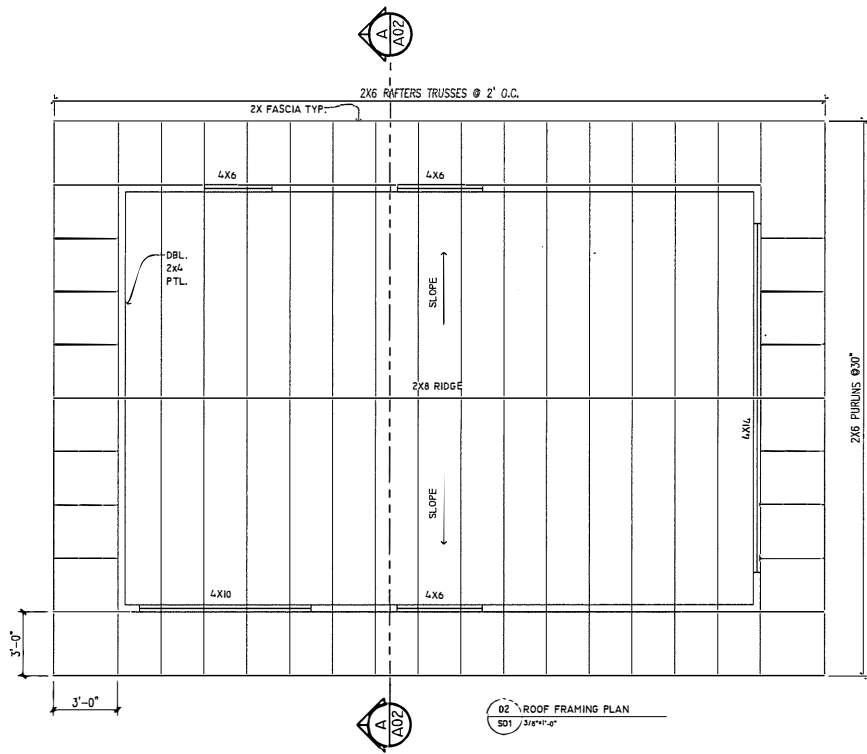


01 REAR ELEVATION
 ASB 2/8/24-25

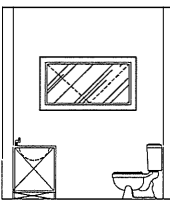
EXHIBIT "I"



01 FOUNDATION PLAN
S01 3/8"=1'-0"

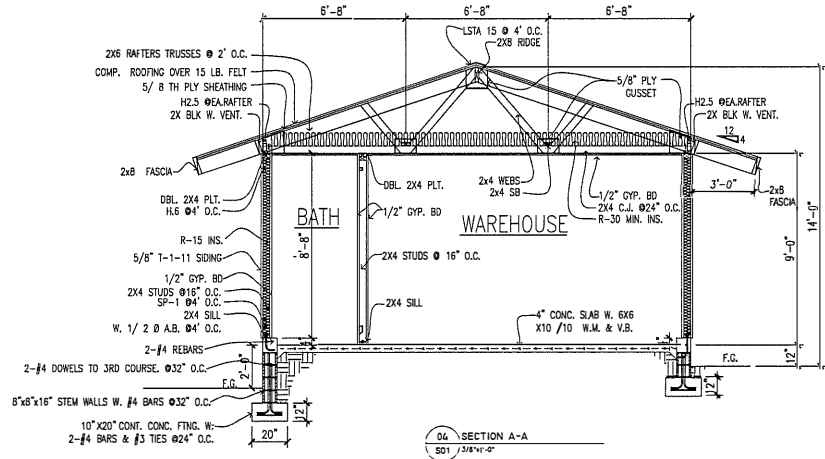


02 ROOF FRAMING PLAN
S01 3/8"=1'-0"



BATH S LOOKING TOWARDS WINDOW

03 INTERIOR ELEVATIONS
S01 3/8"=1'-0"



04 SECTION A-A
S01 3/8"=1'-0"



THIS SEALS VALID PROFESSIONAL ARCHITECT'S DESIGN AND CONSTRUCTION OF THIS PROJECT IS LIMITED TO THE PROJECT DESCRIBED HEREIN. ANY OTHER USE OF THIS SEAL IS UNLAWFUL.

"APISA AS-BUILT WAREHOUSE"

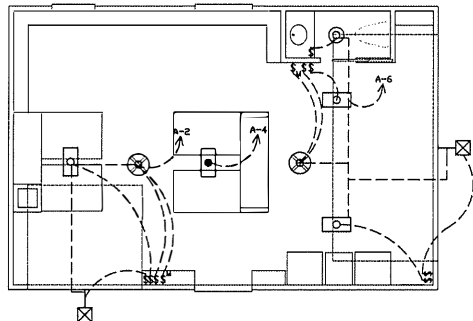
EST. 4/19/2024

"APISA AS-BUILT WAREHOUSE"

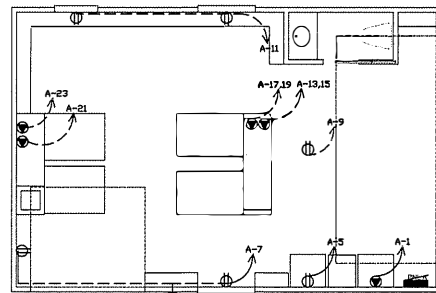
TMK: (4) 5-2-014:005
KILAUEA, KAUAI, HI.

Date: 04/10/2024
AS NOTE
Sheet

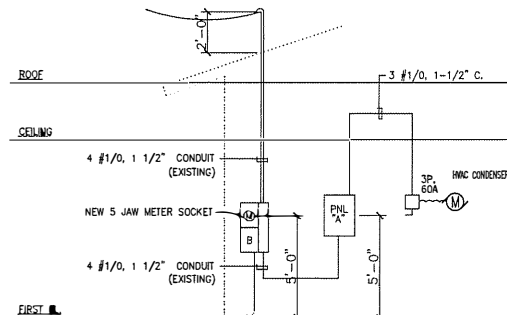
S01



LIGHTING PLAN



POWER PLAN



ONE LINE DIAGRAM
NOT TO SCALE

NOTES:

1. PRIOR TO INSTALLATION OF DISCONNECT SWITCHES, COORDINATE REQUIREMENT WITH ACTUAL NAME PLATE RATING OF EQUIPMENT.

BRANCH CIRCUIT PANEL A					
PANEL NO. PNL B		DOUBLE WIDTH	LOCATION: GROUND FLOOR		
SERVICE 120/208 VOLT		3 PHASE	4 WIRE		
CIRCUIT NO.	FOR	BREAKER TRIP	POLE	VOLT	KVA
1	DRYER	20	1	120	2.4
2	LAUNDRY LIGHTS	20	1	120	0.6
4	EMERGENCY LIGHTS	20	1	120	0.1
5	WASHER	20	1	120	1.00
7	LAUNDRY OUTLETS	20	1	120	0.20
8	GARAGE DOOR OPENER	20	1	120	0.50
11	SOCKET OUTLETS	20	1	208	0.20
13	DRYER 1	20	1	208	4.00
17	DRYER 2	20	1	208	4.00
21	WASHER 2	30	1	208	3.20
22	WASHER 1	30	1	208	3.20
23	SPAC				
TOTAL KVA LEFT SIDE					18.80

BRANCH CIRCUIT PANEL A					
CIRCUIT NO.	FOR	BREAKER TRIP	POLE	VOLT	KVA
2	LAUNDRY LIGHTS	20	1	120	0.6
4	EMERGENCY LIGHTS	20	1	120	0.1
5	GARAGE DOOR LIGHTS	20	1	120	0.8
6	SPAC				
10	SPAC				
12					
14					
16					
18					
20					
TOTAL KVA RIGHT SIDE					1.50

ELECTRICAL LEGEND

NEW	DESCRIPTION
⊠	FLUORESCENT FIXTURE, 2'x4'
⊙	CEILING MOUNTED FIXTURE AS INDICATED
⊠	FLUORESCENT FIXTURE, 2'x4' w/ EMERGENCY BATTERY UNIT
⊙	CEILING MOUNTED FAN/LIGHT
○	DOWNLIGHT, RECESS MOUNTED
⊙	WALL MOUNTED AREA LIGHT
⊙	EXIT SIGN, UNIVERSAL MOUNTED, SINGLE FACED
⊙	OCCUPANCY SENSOR
⊙	ELECTRICAL EQUIPMENT, AS INDICATED
⊙	"DISCONNECT" SWITCH "READY DUTY", "HP" TYPE, WALL MOUNT AS NOTED
⊙	ELECTRICAL PANELBOARD
⊙	MANUAL MOTOR STARTER, HP RATED
⊙	DIGITAL SWITCH, 48" AFF
⊙	SWITCH, 3 WAY, 20A, 48" AFF, OR AS NOTED
⊙	SWITCH, SINGLE POLE, 20A, 48" AFF, OR AS NOTED
⊙	RECEPTACLE, DUPLEX, NEMA 5-20R, 18" AFF, OR AS NOTED
⊙	RECEPTACLE, DUPLEX, NEMA 5-20R, 6" AFF, WEATHER PROOF
⊙	RECEPTACLE, DUPLEX, NEMA 5-20R, 18" AFF, OR AS NOTED
⊙	RECEPTACLE, DUPLEX, NEMA 5-20R, 8" ABOVE COUNTER TOP
⊙	SPECIALTY RECEPTACLE, 250V, MOUNT AS INDICATED, COORDINATE AMP & NEMA CONSTRUCTION PER SUPPLY MANUFACTURER'S RECOMMENDATIONS
⊙	SPECIALTY RECEPTACLE, 120V MOUNT AS INDICATED, COORDINATE AMP & NEMA CONSTRUCTION PER SUPPLY MANUFACTURER'S RECOMMENDATIONS
⊙	ELECTRIC EQUIPMENT CONNECTION
⊙	MOTOR CONNECTION
⊙	FLEXIBLE CONDUIT
---	ELECTRICAL CONDUIT, CONCEALED
---	ELECTRICAL CONDUIT, UNDERGROUND
---	HOMERUN INDICATOR, PANEL "A", CIRCUIT #1 INDICATED
---	DUCT DESIGNATION
---	DUCT SECTION "A" SEE DUCT SECTION DETAILS ON SYSTEM
---	CONDUIT SIZE (INCHES)
---	"P" PRIMARY ELECTRICAL
---	"S" SECONDARY ELECTRICAL
---	"SP" SPARE
---	NUMBER OF DUCTS



THIS WORK WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND I AM A DULY LICENSED PROFESSIONAL ENGINEER IN THE STATE OF HAWAII.
 "APISA AS-BUILT WAREHOUSE"
 EFP 4/10/24

"APISA AS-BUILT WAREHOUSE"

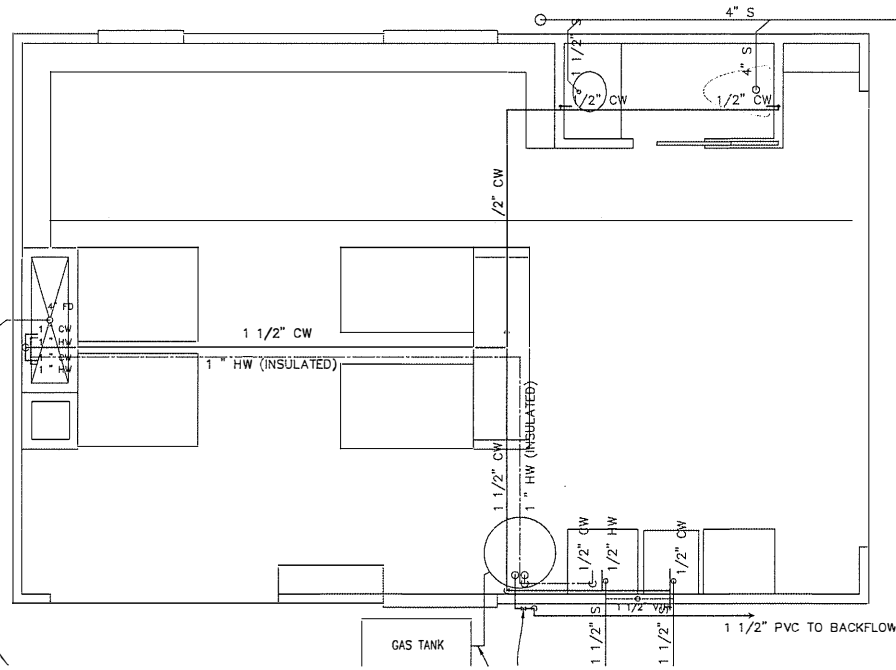
TMK: (4) 5-2-014:005
KILAUEA, KAUAI, HI.

Date: AS NOTE Date: 04/10/2024

Sheet: **E01**

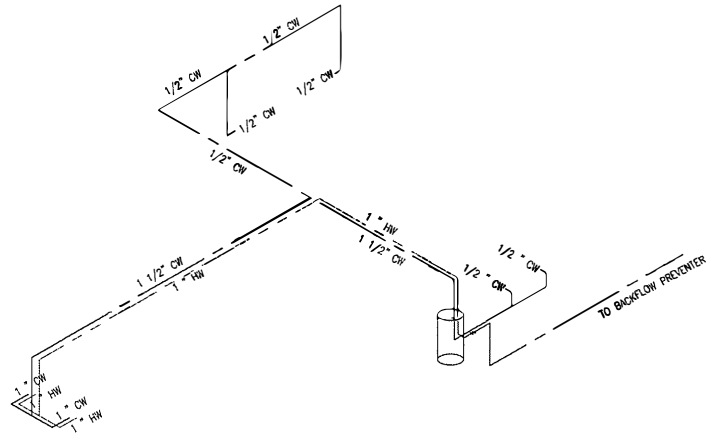
ELECTRICAL PLAN

SCALE: 1/4" = 1'-0"

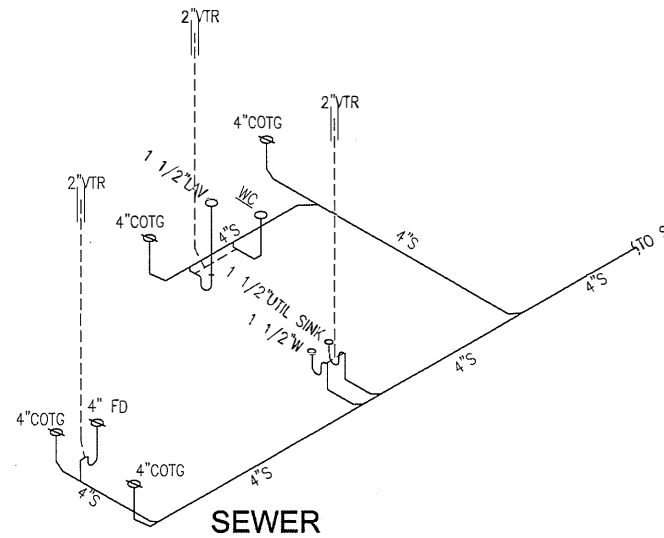


PLUMBING FLOOR PLAN

SCALE: 1/2" = 1'-0"



WATER SUPPLY



SEWER



THIS DOCUMENT PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF HAWAII.
RAFAŁ D. CHOLEWICKI
 EIT # 4130126

"APIASA AS-BUILT WAREHOUSE"

TMK: (4) 5-2-014-005
 KILAUEA, KAUAI, HI.

AS NOTE 04/10/2024

P01

NOT TO SCALE

EXHIBIT "J"



Let's go

3:55

bt
our map.

EXHIBIT "J"

4321 Aalona St.

Write a description for your map.

Legend



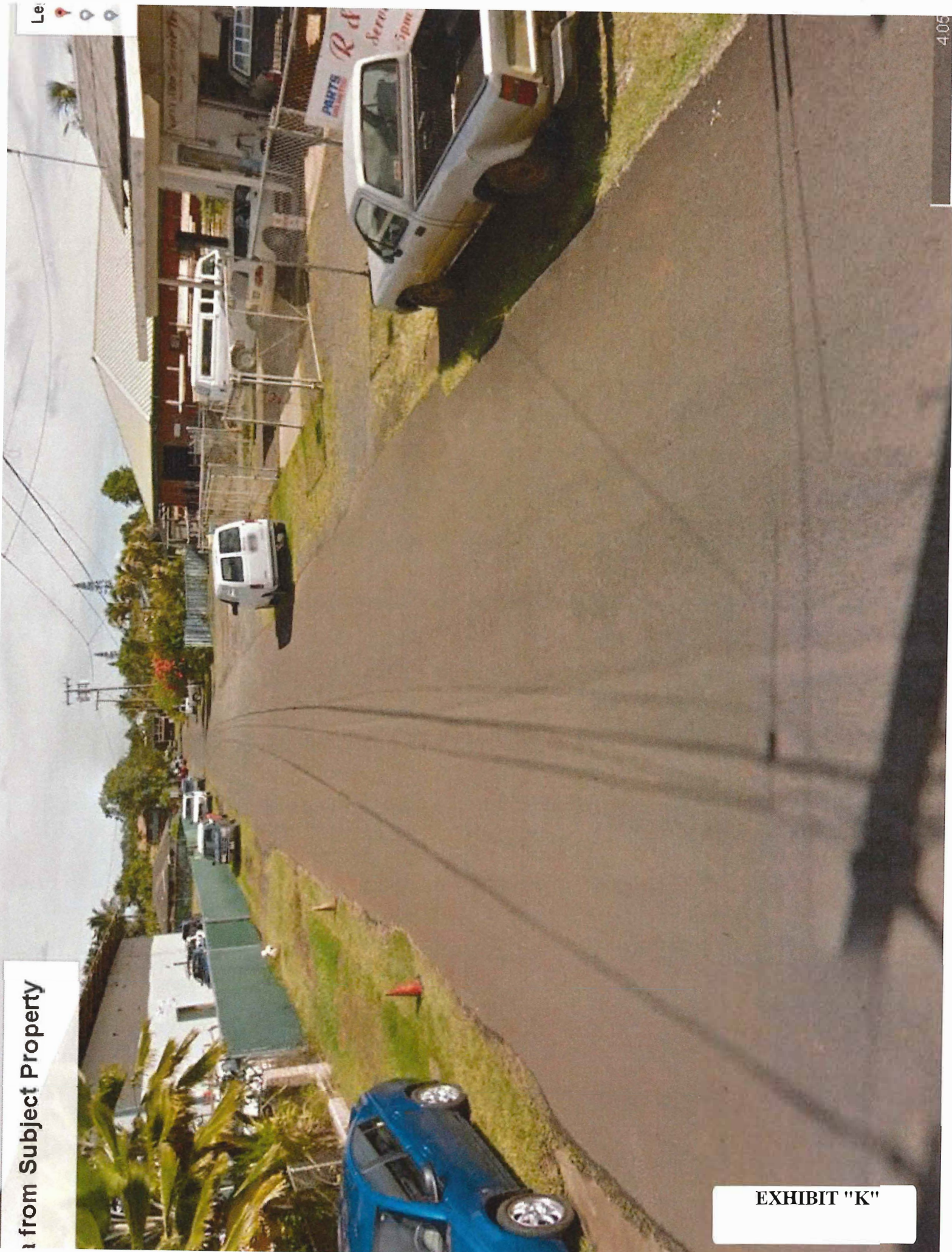
-  4321 Aalona St
-  Scott's Auto Services





EXHIBIT "K"

View from Subject Property



Let

EXHIBIT "K"

rehouse
our map.



Le:   

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g South from Subject Property

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EXHIBIT "L"

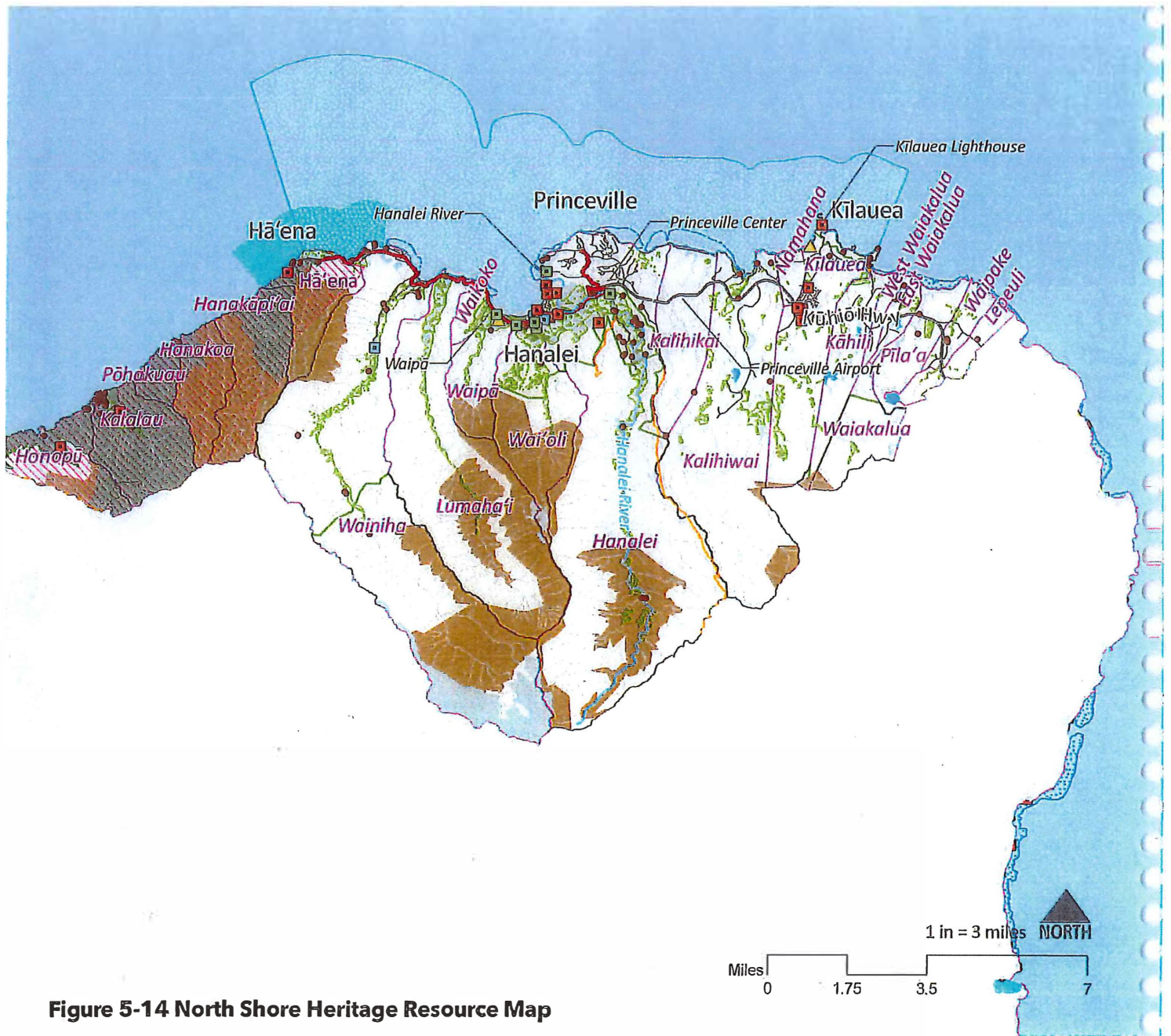


Figure 5-14 North Shore Heritage Resource Map

- | | | |
|---|--|--|
| <ul style="list-style-type: none"> Registered Historic Sites ☐ State ☐ National ☐ State & National • Cultural Features ▲ Priority Public Access Points ◆ Fish Ponds ----- Streams & Waterbodies — Major Roads — Roads | <ul style="list-style-type: none"> — Historic Belt Road — Trails □ Planning District Boundary □ Ahupua'a Boundaries □ Wetlands □ Coral Reefs □ Regulated Fishing Areas □ State & County Parks □ Preserves | <ul style="list-style-type: none"> □ Reservoirs □ Traditional Cultivation Areas □ Sand Dunes □ Open Space Acquisition Priorities □ Critical Habitat Threatened & Endangered Species □ High Density □ Very High Density |
|---|--|--|

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR
 JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



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

DIRECTOR'S REPORT

I. SUMMARY

Action Required by Planning Commission: Consideration of Class IV Zoning Permit and Use Permit, to allow conversion of an existing warehouse building into a private laundromat operation.

Permit Application Nos. Class IV Zoning Permit Z-IV-2025-4
 Use Permit U-2025-2

Name of Applicant(s) DONNA M. APISA TRUST

II. PERMIT INFORMATION

PERMITS REQUIRED	
<input checked="" type="checkbox"/> Use Permit	Pursuant to Article 2, Chapter 10 Section 10.-2.4 of the KCC, 1987 as amended, a Use Permit is required to allow the operation of a laundry facility within a residential neighborhood.
<input type="checkbox"/> Project Development Use Permit	
<input type="checkbox"/> Variance Permit	
<input type="checkbox"/> Special Permit	
<input checked="" type="checkbox"/> Zoning Permit Class <input checked="" type="checkbox"/> IV <input type="checkbox"/> III	Pursuant to Section 8-3.1 of the KCC, 1987, as amended, a Class IV Zoning Permit is a procedural requirement in applying for a Use Permit.
<input type="checkbox"/> Special Management Area Permit <input type="checkbox"/> Use <input type="checkbox"/> Minor	
AMENDMENTS	
<input type="checkbox"/> Zoning Amendment	
<input type="checkbox"/> General Plan Amendment	
<input type="checkbox"/> State Land Use District Amendment	

K.1.
 March 11, 2025

G.2.b.1.
~~JAN 14 2025~~

Date of Receipt of Completed Application: November 15, 2025
Date of Director's Report: December 24, 2024
Date of Public Hearing: JANUARY 14, 2025
Deadline Date for PC to Take Action (60TH Day): FEBRUARY 22, 2025

III. PROJECT DATA

PROJECT INFORMATION	
Parcel Location:	The project site is situated east of Kilauea Road, approximately 400 feet south of the Aalona Street/Oka Street intersection, further identified as 4321 Aalona Street.
Tax Map Key(s):	(4) 5-2-014:005 Area: 12,034 SF.
ZONING & DEVELOPMENT STANDARDS	
Zoning:	Residential (R-6)
State Land Use District:	Urban
General Plan Designation:	Neighborhood General
Height Limit:	25 feet OR Based Flood Elevation (B.F.E.) plus 15 feet
Max. Land Coverage:	60% Maximum
Front Setback:	10'-0"
Rear Setback:	5' or ½ the wall plate height whichever is greater
Side Setback:	5' or ½ the wall plate height whichever is greater
Community Plan Area:	North Shore Development Plan (NSDP)
Community Plan Land Use Designation:	N/A
Deviations or Variances Requested:	

IV. LEGAL REQUIREMENTS

<p>Section 8-3.1(f), KCC:</p>	<p>This report is being transmitted to the Applicant and Planning Commission in order to satisfy the requirements of Section 8-3.1(f), relating to the provision of the Planning Director's report and recommendation on the subject proposal within sixty (60) days of the filing of a completed application. The application was received on November 15, 2024, and the Applicant, through its authorized agent, was notified accordingly of the Planning Department's intent to commence permit processing.</p>
<p>Public Hearing Date: JANUARY 14, 2025</p>	

V. PROJECT DESCRIPTION AND USE

As represented, the subject property contains two (2) existing buildings; one was originally constructed in 1947 and utilized as a service station whereas the other structure was 1990 and utilized as an accessory to the service station.

1. SERVICE STATION

The Application mentions that the service station dates back to 1947, and it provided gas & automobile services to the community. It is unclear when the sale of gasoline ceased but the auto service continues to the present day. Since the service station use pre-date the adoption of the Comprehensive Zoning Ordinance (CZO) in September 1972, it is considered a “non-conforming” use or commonly referred to as a grandfathered use.

The Applicant rents the building to an operator who conducts their business as an auto repair shop. The proposed development does not affect this facility, and the current operation will continue.

2. WAREHOUSE BUILDING

- a. **History/Use** – The County’s Tax Assessment records indicate the building was constructed in 1990 and encompasses approximately 600 square feet (SF). The existing structure measures 30 feet by 20 feet (30’-0” x 20’-0”) and is a single-story wood-framed structure with asphalt shingle roofing. Historically, the building served as an accessory to the service station, as evidenced in Exhibit ‘G’ of the Application. Currently, the building is utilized as storage.
- b. **Proposal** – The Applicant is seeking to convert the existing warehouse into a private laundry facility to exclusively provide laundry services for properties owned or managed by Oceanfront Realty. As noted in the Application, there will be no retail services, public or shared use of the private laundry facility with other businesses. As shown in Exhibit ‘I’ of the Application, there will be 2 commercial washers, 2 commercial dryers, and a standard washing machine & dryer with laundry tray. Within the building, there will be a restroom with no shower.

The Applicant anticipates no more than two (2) employees working at the facility. Nonetheless, there will be a total of four (4) off-street parking spaces located at the back rear portion of the property that will remain unpaved. The facility will be available for use 7 days a week, and it is unclear when the facility will be in use.

VI. APPLICANT’S REASONS/JUSTIFICATION

Please refer to Application.

VII. ADDITIONAL FINDINGS

1. The subject property is within Kīlauea Town located on the makai side of Kūhiō Highway and approximately 1,000 south of the 'Āhuimanu Shopping Center.
2. The State Land Use District (SLUD) designation for the project site "Urban," which allows for urban growth in a specified area.
3. The property is situated within the North Shore Planning area and will be subject to the objectives and goals of the North Shore Development Plan (NSDP), which includes the following:
 - Goal A: To preserve the unique natural beauty of the North Shore Planning area.
 - Goal B: To preserve the special rural charm of the North Shore Planning area.
 - Goal C: To provide for the safety and welfare of the people, of their property of the North Shore Planning Area.
 - Goal D: To provide for economic development of the North Shore planning area.
 - Goal E: To preserve the wildlife and flora and the North Shore, recognizing man's dependence upon this preservation for his own health and welfare.
 - Goal F: To ensure the preservation of historic-archaeological sites in the North Shore Planning Area.
 - Goal G: To create a development for evolutionary growth that depends upon a planning process whereby conflicts can be resolved through the establishment of priorities and community participation.
 - Goal H: To provide for recreational opportunities that are compatible with the unique qualities and natural features of the North.
4. The subject property is located within Zone "X" of the Federal Emergency Management Agency Area (FEMA). Flood Insurance Rate Map (FIRM)/FEMA has identified Zone "X" areas as outside of the 0.2% annual chance of flooding. In addition, this area is outside of the Tsunami Evacuation Zone.
5. The topography is relatively flat, and no grading or grubbing of the project area is proposed.
6. Surroundings – The project site is situated within an area in Kilauea Town that features a mixture of industrial and residential uses. Properties to the north of the property and across Aalona Street contain industrial/commercial activities that range from warehousing to lumber retail sales. Properties to the south are primarily single-family residences.

7. CZO DEVELOPMENT STANDARDS

The proposed development is subjected to standards prescribed in Sections 8-4.3 and 8-6.3(e).

a. **Setback Requirements:** Front property line setbacks are 10'-0" with a side and rear property line setback of five feet (5'-0") or half the distance of the plate height whichever is greater. The project involves conversion of an existing building, and it currently complies with the setback requirements.

b. **Parking Requirements:**

1) Laundry Building: As previously noted, the building has 600 SF of gross floor area. While the facility will not be utilized by the public, the Applicant will be providing four (4) off-street parking spaces that will remain unpaved. There is adequate parking space to accommodate employees of the facility and if there is a need for additional parking, there is space on the parcel to make accommodation.

c. **Setback between buildings:** The distance between buildings shall be ten (10) feet minimum. The existing building complies with the requirement.

d. **Lot/Land Coverage:** The subject property has been utilized for "industrial" purposes since the 1940's. Existing lot coverage to date is 2,252 SF (refer to Exhibit 'H' of the Application) which calculates to approximately nineteen percent (19%) lot coverage. The project does not involve any additions to the existing warehouse building or additional paved areas. Pursuant to Section 8-4.3 of the CZO, the lot coverage within the Residential zoning district allows sixty percent (60%) of the lot area. The project complies with the requirement.

8. BUILDING HEIGHT

Pursuant to Sec.10-2.4(e), the North Shore Development Plan (NSDP) allows structures to be no higher than twenty-five (25) feet, except as provided under Ordinance No. 416 (Flood Hazard Areas) Section 15-1.5(c)(4)(A) which allows a structure to be no higher than 25 feet from ground level or base flood elevation plus fifteen (15) feet, whichever is greater at the site. No new structures are being proposed with this application and the existing structure complies with this requirement.

9. USE PERMIT

a. Pursuant to Article 3 of the Comprehensive Zoning Ordinance (CZO), Chapter 8 of the Kauai county Code (1987), the purpose of the Use Permit Procedure is to assure the proper integration into the community of uses which may be suitable only in specific locations of a district, or only under certain conditions, or only if the uses are designed, arranged or conducted in a particular manner, and to prohibit the uses if proper integration cannot be assured. Section 8-3.2 of the CZO specifies a Use Permit may be granted only if the Planning Commission finds that the use meets the following criteria:

1) The use must be a compatible use;

- 2) The use must not be detrimental to persons or property in the area;
- 3) The use must not cause substantial environmental consequences; and
- 4) The use must not be inconsistent with the intent of the Comprehensive Zoning Ordinance (CZO) and General Plan.

VIII. AGENCY COMMENTS

Comments from applicable government agencies are being sought and are expected at the time of the public hearing scheduled for JANUARY 14, 2025 through separate transmittal.

IX. PRELIMINARY EVALUATION

In evaluating the Applicant's request to allow the conversion of a warehouse building into a private laundry facility, the following are being considered.

1. General Plan

The proposed development satisfies the following policies of the General Plan, as taken from Section 1.3 and 1.4:

A. 1.3, entitled "VISIONS AND GOALS"

- 1) **Goal #1 "Sustainable Island"** – This project utilizes an existing warehouse building and conversion into a private laundry operation. As proposed, it should have minimal impact to the surrounding areas and retains the open undeveloped space on the parcel. The proposed use assists in the economic and environmental aspects of the General Plan.
- 2) **Goal #2 "Unique and Beautiful Place"** – As represented in the application the project will not change any natural landscapes or have negative visual impacts in the surrounding area.
- 3) **Goal #4 "An Equitable Place, with Opportunity for All"** – The proposed facility would provide full-time positions and an opportunity for residents within the Kīlauea area.

B. Section 1.4, entitled "POLICIES TO GUIDE GROWTH"

- 1) **Policy #1 "Manage Growth to Preserve Rural Character"** – The proposed use would be consistent with the "Neighborhood General" designation where growth is expected within Kīlauea Town. It utilizes an existing structure in an established urban area.
- 2) **Policy #3 "Recognize the Identity of Kaua'i Individual Towns and Districts"** – The subject property surrounding area has mixed use of residential and commercial uses. The subject property is also walking/ biking distance to the Kīlauea Town Core.

- 3) **Policy #4 “Design Healthy and Complete Neighborhoods”** – The proposed project does not involve any new structure or addition. The subject property is situated within walking and biking distance to the Kilauea Town Core.
- 4) **Policy #6 “Reduce the Costs of Living”** – The proposed project would provide an opportunity for people to work, live, and play within the Kilauea community area. The project area is located close to the existing Kilauea’s Town Core offering economic growth to surrounding commercial and business activities. Also, the subject property is in an area that is easily accessible by walking and biking, reducing transportation needs such as car use.
- 5) **Policy#10 “Help Business Thrive”** – The project is involved with the operation of a small business that oversee various properties. In addition, it is within close proximity of the Kilauea Town Core featuring a variety of commercial activities.
- 6) **Policy#16 “Protect Access to Kaua’i’s Treasured Places”** – The proposed project would have no negative impacts to any public access to streams, shoreline, trails, recreation areas, and places associated with Traditional Native Hawaiian Cultural Practices.

2. North Shore Development Plan Standards

The proposed development is in compliance with the Northshore Development Plan (NSDP). The existing building, constructed in 1990, complies with the NSDP development standards. The proposed use would provide commercial economic opportunities as well as be compatible with the natural surroundings of the area.

3. Native Hawaiian Traditional and Cultural Rights

The Applicant is unaware of any archaeological, cultural, or historical resources on the surface of the subject property. The nearest historical resource is a historic stone building approximately 550 feet north of the subject property. The applicant has reached out and identified three (3) community members with historical and cultural knowledge about the area within the application. Currently, there are no known impacts to any Native Hawai’i Traditional and Cultural Practices on the subject property. The applicant shall inform the Planning Department if they receive any knowledge of or discover any cultural/ historical resources.

4. Use Permit

- a. Pursuant to Article 3 of the Comprehensive Zoning Ordinance (CZO), Chapter 8 of the Kauai county Code (1987), the purpose of the Use Permit Procedure is to assure the proper integration into the community of uses which may be suitable only in specific locations of a district, or only under certain conditions, or only if the uses are designed, arranged or conducted in a particular manner, and to prohibit the uses if proper integration cannot be assured. Section 8-3.2 of the CZO specifies a Use Permit may be granted only if the Planning Commission finds that the use meets the following criteria:

- 1) The use must be a compatible use;
- 2) The use must not be detrimental to persons or property in the area;
- 3) The use must not cause substantial environmental consequences; and
- 4) The use must not be inconsistent with the intent of the Comprehensive Zoning Ordinance (CZO) and General Plan.

b. Based on the foregoing, the following is taken into consideration:

- 1) **Compatible Use** – The proposed development is designed to be integrated with the surrounding industrial and residential uses in this area of Kīlauea Town. As previously noted in the Director’s Report, the project site is directly adjacent to industrial uses and residences on all three sides of the project site. As such, the proposed use is compatible with the surrounding uses and is not expected to significantly impact activities in the area.
- 2) **Consistent with the General Plan (GP)** – As noted, the project site is within an area that is designated as “Neighborhood General.” As taken from the GP, this designation was *“intended for medium intensity mixed-use environments that support the town core with housing, services, parks, civic/institutional, home occupation, and commercial uses.”* As proposed, the project would be consistent with uses within this designation.

X. PRELIMINARY CONCLUSION

Through proper mitigation measures, the proposed development would not have any detrimental impact to the environment or the surrounding area and is in compliance with the criteria outlined for the granting of a Use Permit and Class IV Zoning Permit.

The Applicant should institute the “Best Management Practices” to ensure that the operation of this facility does not generate impacts that may affect the health, safety, and welfare of those in the surrounding area of the proposal.

It is unclear with this project whether the Applicant has made provisions for night illumination. If applicable, plans should be designed to minimize adverse impacts on the Federally Listed Threatened Species, Newell’s Shearwater and other seabirds. Night lighting should be shielded from above and directed downwards and shall be approved by the U.S. Department of the Interior Fish and Wildlife Service. If external lighting is to be used in connection with the proposed project, all external lighting should be only of the following type: downward facing shielded lights. Spotlights aimed upward or spotlighting of structures would be prohibited.

In addition, the Applicant should implement to the extent possible sustainable building techniques and operational methods for the project.

XI. PRELIMINARY RECOMMENDATION

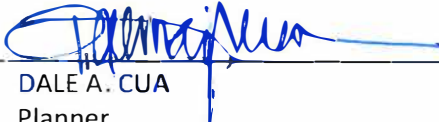
Based on the foregoing evaluation and conclusion, it is hereby recommended that Class IV Zoning Permit Z-IV-2025-4 and Use Permit U-2025-2 be **APPROVED**, subject to the following conditions:

1. The proposed use and improvements shall be constructed and operated as represented. Any changes to said development shall be reviewed by the Planning Director to determine whether Planning Commission review and approval is warranted.
2. 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 at (808) 692-8015 and the Planning Department at (808) 241-4050 to determine mitigation measures.
3. In order to minimize adverse impacts on the Federally Listed Threatened Species, Newell's Shearwater and other seabirds, if external lighting is to be used in connection with the proposed project, all external lighting shall be only of the following types: downward-facing, shielded lights. Spotlights aimed upward or spotlighting of structures shall be prohibited.
4. The Applicant shall develop and utilize Best Management Practices (B.M.P's) during all phases of development in order to minimize erosion, dust, and sedimentation impacts of the project to abutting properties.
5. An Environmental Impact Assessment fee equal to \$100 per minimum number of stalls required shall be due at time of building permit application.
6. The Applicant is advised that prior to construction and/ or use, additional government agency conditions may be imposed. It shall be the Applicant's responsibility to resolve those conditions with the respective agency(ies).
7. The Applicant shall resolve and comply with the applicable standards and requirements set forth by the State Health Department, State Historic Preservation Division-DLNR, and the County Departments of Public Works, Fire, Transportation, and Water.
8. The Planning Director reserves the right to increase parking requirements when particular uses cause unusual traffic congestion. Parking spaces shall be used for parking of its employees.
9. Prior to commencement of the proposed development, written confirmation of compliance with the requirements from all reviewing agencies shall be provided to the Planning Department. Failure to comply may result in forfeiture of the Use Permit.
10. The Planning Commission reserves the right to revise, add, or delete conditions of approval in order to address or mitigate unforeseen impacts the project may, create, or to revoke the

permits through the proper procedures should conditions of approval not be complied with or be violated.

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 JANUARY 14, 2025, whereby the entire record should be considered prior to decision-making. The entire record should include but not be limited to:

- a. Pending government agency comments;
- b. Testimony from the general public and interested others; and
- c. The Applicant's response to staff's report and recommendation as provided herein.

By 
DALE A. CUA
Planner

Approved & Recommended to Commission:

By 
KA'AINA S. HULL
Director of Planning

Date: 12/23/2024

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



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

SUPPLEMENT TO PLANNING DIRECTOR'S REPORT

DATE: February 24, 2025

PERMIT NUMBER(S): Class IV Zoning Permit Z-IV-2025-4
Use Permit U-2025-2

APPLICANT: DONNA M. APISA TRUST

I. SUMMARY/BACKGROUND & ADDITIONAL FINDINGS

The public hearing for the proposed project was held on January 14, 2025, by the Planning Commission. In deliberating the project, there were concerns raised by some members of the public concerning potential noise impacts generated by the laundry facility, more specifically, the operation of the commercial washer & dryers.

Part of the discussion involved recognizing an acceptable sound level that would not impact surrounding property owners. In researching this matter, the department generally refers to the regulations implemented by the State Department of Health (DOH). The following information is taken from DOH Hawaii Administrative Rules (HAR), Title 11. HAR Section 11-46 specifically relates to Community Noise Control. In understanding the material noted below, the following should be noted:

§11-46-3 & §11-46-4

§11-46-3 Classification of zoning districts.
This section shall describe the zoning districts as specified in Table 1, maximum permissible sound levels in dBA, found in section 11-46-4, and as provided in section 11-46-4:

- (1) Class A zoning districts include all areas equivalent to lands zoned residential, conservation, preservation, public space, open space, or similar type.
- (2) Class B zoning districts include all areas equivalent to lands zoned for multi-family dwellings, apartment, business, commercial, hotel, resort, or similar type.
- (3) Class C zoning districts include all areas equivalent to lands zoned agriculture, country, industrial, or similar type.
{EFF SEP 23 1996 } (Auth: HRS §§342F-3, 342F-31) (Imp: HRS §§342F-3, 342F-31)

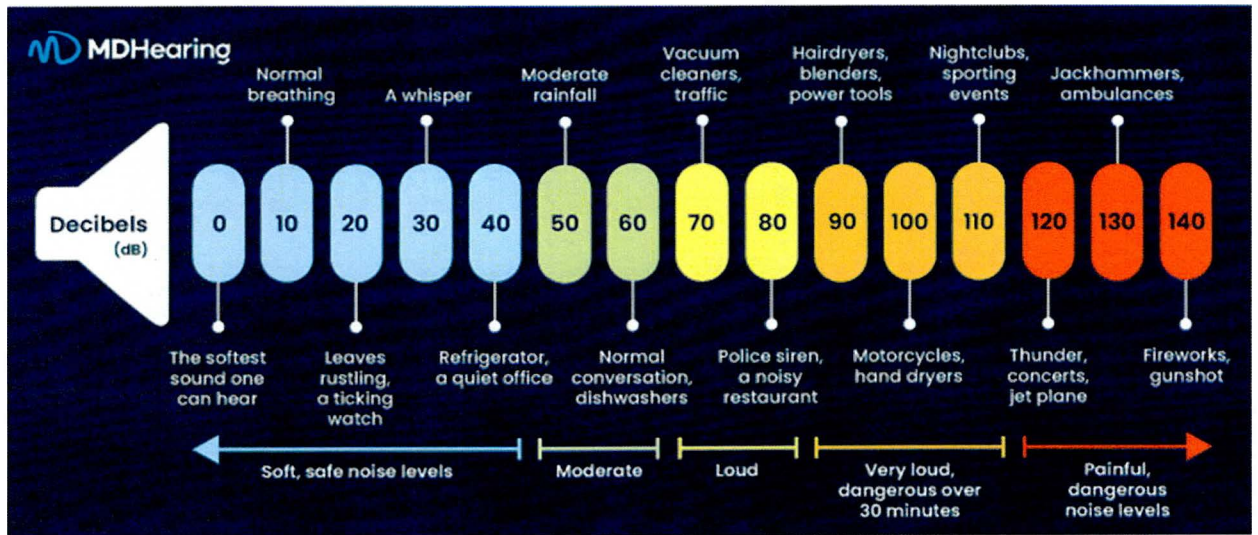
511-46-4 Maximum permissible sound levels in dBA.
 (a) The maximum permissible sound levels specified in Table 1, as provided in this subsection and in section 11-46-3, shall apply to the following excessive noise sources: stationary noise sources; and equipment related to agricultural, construction, and industrial activities.

Table 1. Maximum permissible sounds levels in dBA.

Zoning Districts	Daytime	Nighttime
	(7 a.m. to 10 p.m.)	(10 p.m. to 7 a.m.)
Class A	55	45
Class B	60	50
Class C	70	70

In further understanding comparable sound levels, the following information is provided for reference purposes:

What Is a Decibel Chart?



The decibel chart noted above shows the intensity levels of common environmental sounds, which range from 0 dB to 140 dB (the threshold of pain). Some points of reference on the decibel chart include the following:

- 0 dB – The softest sound a person can hear with normal hearing
- 10 dB – Normal breathing
- 20 dB – Leaves rustling, a ticking watch
- 30 dB – A whisper
- 40 dB – Refrigerator hum, a quiet office
- 50 dB – Moderate rainfall

- 60 dB – Normal conversation, dishwashers
- 70 dB – Vacuum cleaners, traffic
- 80 dB – Police car siren, a noisy restaurant
- 90 dB – Hairdryers, blenders, power tools
- 100 dB – Motorcycles, hand dryers
- 110 dB – Nightclubs, sporting events
- 120 dB – Thunder, concerts, a jet plane taking off
- 130 dB – Jackhammers, ambulances
- 140 dB – Fireworks, gunshot

As noted in the Director’s Report, the project site is situated within an area in Kilauea Town that features a mixture of industrial and residential uses. Properties to the north of the property and across Aalona Street contain industrial/commercial activities that range from warehousing to lumber retail sales. Properties to the south are primarily single-family residences. Based on the permissible sound levels as noted in Table 1. above, an acceptable operation sound level would be anywhere between 55 to 60 dBA.

When comparing sound levels of different noises and their potential for causing hearing damage, A-weighted decibels (dBA) are often used instead of dB. The main difference is that the dBA measurement takes into account the sensitivity of the human ear to different frequencies of sound. It places more value on frequencies in the middle of human hearing and less value on low and very high frequencies.

II. EVALUATION & RECOMMENDATION (Cont’d)

In considering the sound level information, an additional condition is being introduced to address the mitigation of potential noise impacts generated by the project. The requirement (Condition No. 11) shall read as follows:

11. The operation of this facility shall be in compliance with the maximum permissible sound level requirements contained in Section §11-46-4 of the Hawai’i Administrative Rules (HAR). The Planning Director reserves the right to impose stricter sound mitigating requirements if the operation adversely impacts the adjacent residential properties by exceeding the acceptable sound threshold.

By 
DALE A. CVA
Planner