



COUNTY OF KAUA'I

Department of Planning

2012 Budget Presentation

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Mission

The County of Kaua'i Department of Planning aims to provide, through the regulation of land use in an open manner, a long range vision for physical, social and cultural growth, enhancement and preservation of our unique past and present rural island lifestyle and values for future generations.

Goals & Objectives

- Preserve and protect our unique resources through sensible growth of our economy and development of our built environment.
- Promote innovative approaches within the discipline of land use planning for implementation.
- Preserve our diverse historic and cultural resources.
- Provide regulatory and enforcement efforts to achieve the long range vision.
- Provide open communication with the people of Kaua'i and all levels of government.
- Continually strive toward efficiency and excellence in customer service.

FY2011 Successes and Achievements

The following are Key accomplishments, Project Implementation, and Statistics for the Planning Department during the Fiscal Year 2010.

1. THE LĪHU'E TOWN CORE URBAN DESIGN PLAN:

The purpose of the plan was to guide renewal of the Līhu'e Town Core area through urban design themes involving building, streetscapes, as well as circulation for vehicular, bicycle, and pedestrian traffic. The plan details mixed-use design and zoning recommendations for the following neighborhoods:

- **Rice Street**
- **Kūhi'ō Highway**
- **Akahi/Elua/Umī Streets**
- **Līhu'e Civic Center and Community Facilities**
- **Līhu'e Mill Site**

The Līhu'e Town Core Urban Design Plan was adopted by the County Council on March 3, 2010. The Plan received an award from the Hawai'i Chapter of the American Planning Association in July 2010.

2. DIGITIZATION OF COUNTY ZONING MAPS:

This project involved digitizing the hard copy County zoning maps for parcels on the Island of Kaua'i. The final shapefile/database and documents were delivered to the Planning Department at the ending of 2009. The Planning Department continued to review the layer and data for accuracy, as well as updating and improving the data layer and information.

3. COMPUTERIZATION/DATA MANAGEMENT:

Over the past two years Planning Department has focused an "in house" computerization and data management plan. These projects include:

- a. Development of MS Access Database program to computerize its permit logs and information as an interim measure, until funding is available to acquire a computer software system that meets the needs of the Planning Department.
- b. Integration of the permit database with the GIS System to assist both the Long Range and Regulatory division of the Planning Department for research purposes. The GIS mapping project will assist the long range division in conducting better build out and land use analysis.

4. ORDINANCE NO. 896:

The Planning Department introduced the Bill for Ordinance (Ord. No. 896) in an effort to implement one of the recommendation of the 2000 Kaua'i General Plan with regards to addressing the "density bonus" on properties within Open District (situated within the State Land Use Agricultural District). Specifically, the Bill imposed a density cap and limitation on subdivision on lands with mixed zoning of County Agriculture and Open Districts. The Bill (Ord. NO. 896) was adopted by the County on May 21, 2010.

5. COASTAL EROSION PROJECT:

The purpose of the Coastal Erosion project is to provide necessary scientific data to support new and revised setback rules regulating construction and setback boundaries adjacent to Kaua'i's shoreline. The final deliverables were received by the Department in December, 2009. During the Fiscal Year 2010, the Planning Department focused on implementation of the Coastal Erosion Study and drafted a Bill to adopt the erosion rates and maps. The Department continues to review and work on implementation this planning initiative.

6. DEPARTMENT STATISTICS:

a. SUBDIVISION

A total of 12 subdivision applications were received and processed during the fiscal year. These applications involved a total of 44 lots, of which 31 lots are within the Urban District; 0 lots within the Rural District; 9 lots within the Agricultural District and 4 lots within the Conservation District.

Actions taken during the fiscal year are as follows:

Tentative approvals	17
Final approvals	16
Disapproved	0
Withdrawals/Cancellations	1
Outstanding	0
Extensions	33
Modifications	2
Prior Tentative Revised	0

b. ZONING PERMIT, USE PERMIT, VARIANCE PERMIT, SMA PERMIT APPLICATIONS

Under procedures established in the Comprehensive Zoning Ordinance and SMA Rules and Regulations, all construction or development within the County require the issuance of a zoning, use, SMA, or a variance permit. This involves detailed review of all building permit applications; use, variance and Class IV Zoning Permits require careful review and analysis of recommendations by other governmental agencies; conducting of public hearings and final decision by the Planning Commission.

Following is a tabulation of applications processed, fees collected, and meetings:

STATE LAND USE COMMISSION MATTERS

Special Permit Applications	4
Boundary Change Petitions:	None

SPECIAL MANAGEMENT AREA USE PERMITS (SMA)

Minor Permits	Processed	18
SMA Permits	Processed	6
Emergency Permits	Processed	0
Shoreline Setback Determinations	Processed	36

ZONING PERMITS

Class I & II Zoning Permits	710
Class III Zoning Permits	2
Class IV Zoning Permit	29
Use Permits	25
Variance Permit	6
Shoreline Setback Variances	2

c. GENERAL PLAN AMENDMENTS AND ZONING AMENDMENTS:

Under the Provision of Chapter 7 and Chapter 8 of the Kaua'i County Code, 1987, as amended, the Planning Department and Planning Commission reviewed three (3) petitions for Zoning Amendments. There were no General Plan amendments.

d. OTHER STATISTICS:

COUNTY CLEARING-HOUSE REVIEW AND CDUA REVIEWS:

The Planning Department conducted sixteen (16) County Clearing-House Reviews and one (1) Conservation District Use Application Review.

PLANNING COMMISSION MEETINGS

Regular Commission Meetings	23
Special Commission Meetings	0
Subdivision Committee Meetings	21
Public Hearings on Zoning Permits, SMA Permits, General Plan & Zoning Amendments, CZO and SMA Rules and Regulations	50
Field Trips/Investigations	0
Non Hearing Action	193
Workshops	2

KAUAI HISTORIC PRESERVATION REVIEW COMMISSION

Meetings	7
Special Meetings	0
Field Trips	0
Planning Commission Permit Project Reviews	7
Other Reviews	30

PUBLIC ACCESS, OPEN SPACE, AND NATURAL RESOURCES PRESERVATION FUND COMMISSION

Commission Meetings	18
Committee Meetings	0
Public Hearings	0
Community Meetings	0

CODE ENFORCEMENT

Comprehensive Zoning Ordinance

Inspections	828
Violations	483
Resolved	249
Pending	234
Prosecuting Atty/County Atty	4

SMA & Shoreline Setback	
Inspections	254
Violations	12
Resolved	5
Pending	7
Prosecuting Atty./County Atty.	3

TRANSIENT VACATION RENTAL REGISTRATION

Applications for registration and Non-Conforming Use	3,179
Approved Non-Conforming Use Certificates	381
Denied/withdrawn/inapplicable Non-Conforming Use Certificates	204
Registrations pending processing	158

Challenges

STAFFING: During the past eighteen months, the Department has experienced a great deal of turnover and transition with the retirements of three senior members of the staff, the transition of another, and change in departmental leadership. The vacuum of institutional history and staff support certainly has presented challenges for the Department, requiring junior, but certainly talented staff to fill operational needs.

Our Department's shoreline and coastal zone management regulation and enforcement program relies heavily on grant monies from the State of Hawai'i. The State has already asked the Department to cut 5% of the grant budget for the upcoming fiscal year. Furthermore, the reliability of the State's funding for the program has eroded given other previous communications from the State to the Department indicating potential loss of funding, and the Legislature's current wrestling with its billion-plus budget deficit over the upcoming biennium.

ANTIQUATED FILING SYSTEM: Paper is choking our office operations. Currently the Department records intake in three different places and files are stored in four different locations around the County. Furthermore, the lack of a unified filing system leaves the Department prone to data loss should the records be accidentally damaged, and reduces the ability to data mine and produce statistics for operational review and public use.

LONG RANGE PLANNING: Public demand for long range planning projects has heightened the workload for our long range planners. Given current public desire to move forward in efforts toward sustainability, agricultural productivity and tampering of urban sprawl, long range division products have an increased importance.

TRANSIENT VACATION RENTALS AND ORDINANCE 904: Public policy demands a high level of review and enforcement with respect to the operation of Transient Vacation Rentals (TVR) on the island, particularly those outside of designated visitor destination areas. The recent passage of Ordinance 904, the second amendment to Ordinance 864 has created a bubble of applications for HRS 205 special permits for TVR activities on agricultural lands.

Improvements for FY 2012

As with any transition, the Department has undertaken an evaluation of the challenges presented, and is currently charting a course forward. Beginning with the leadership transition and throughout the next fiscal year, in concert with the broader goals laid out *above*, the Department will focus its operational goals and objectives in four (4) key areas:

- 1) Restore Staffing Levels;**
- 2) Innovate Customer Service, Intake and Enforcement;**

3) Improve Office Working Conditions including Training; and

4) Focused Efforts on Completing Long Range Planning Initiatives.

GOAL 1: Restoring Staff Levels:

Over the past four months, the Department has focused on evaluating its current and prospective operational needs with office's current organizational structure and staffing. During the past fiscal year, the Department has reallocated positions to promote the hiring of junior staff in an attempt to capacity build for the future. Part of this process involved the downgrading of two vacant positions to create a Planner I and Planner II position. This was accomplished by downgrading a previously \$1 Funded Planner V position (Position No. 2009) to a Planner I position and downgrading a fully funded Planner V position (Position 2025- vacated by retirement) to a Planner II position. The funding from the fully funded Position No. 2025 was used to fund both entry level Planner I and Planner positions. This is allowed the Department to rebuild the staffing level for the Department and stay within the existing budget level for salaries.

Currently the Department is hiring for the Planner I and Planner II position, and has completed interviews last week. The Department has also initiated the hiring process to replace the Planner VII-Long Range Division position filling a critical vacancy needed to lead our long range efforts. Starting this past March, we welcomed a new coastal zone management program permit technician to assist with intake and customer service. Furthermore, we have brought in a temporary TVR permit specialist to handle the bubble of HRS 205 special permit applications created by Ordinance 904.

GOAL 1 Objectives for FY2012:

- Complete hiring of Planner I and II entry level positions.
- Complete hiring of Planner VII position.
- Undertake evaluation of Department organizational structure, determine if reorganization is necessary, and if so, execute.

GOAL 2: Innovate Customer Service, Intake and Enforcement:

The Department will continue to build upon efforts made over the past two years to digitally makeover its intake and filing. The Department has been working closely with the Department of Public Works to better integrate our permitting structure and processing. We are currently exploring with them and Brandon Raines with Information Technology potential software and hardware that would better streamline our coordination and operations, as well as an evaluation of the beta-GIS data interface created in house by Myles Hironaka. Our Department has been in touch with the City and County of Honolulu's Department of Planning and Permitting to discuss their integrated permitting scheme, and

how they've utilized technology to improve customer service, including enhanced online services.

The ultimate goal for the Department is to create a unified digital GIS-based interface for permit applications and review and eliminate the current redundancies found in our current intake system.

Furthermore, the Department will be focusing on its new authority under Ordinance 904 to withhold renewal of TVR certificates if a property is not in compliance with other land use laws. The Department is making preparations for the next upcoming round of renewals this upcoming July.

The dedicated TVR inspectors and our other planning inspectors have attended training with the Prosecutor's office on how to draft inspection reports that can be better translated to enforcement actions on the criminal end. The Department is also currently awaiting debate and disposition of the bill it introduced in October through the Planning Commission relating to civil fine authority. The ability to levy fines up to \$1,000 a day could increase efficiency in enforcement, and allow fine revenues to come directly to the County.

GOAL 2 Objectives for FY2012:

- Refine current One Stop Shop concept with Public Works Department.
- Collaborate with Public Works and Information Technology on identifying and purchasing digital filing and intake software – software that will hopefully centralize intake recording.
- Work with inspectors on producing enforcement bench marks (i.e. number of inspections conducted a week, notices, etc.).
- Digitize and centralize complaint intake and cataloging of disposition.
- Establish rigorous TVR inspection program upon renewal dates to ensure operational compliance with CZO.

GOAL 3: Improve Office Working Conditions Including Training:

The Department need for space is identified as critical in a recently completed analysis of space needs across the County. The Administration has been supportive of the Department's physical office needs, and has earmarked additional office space to ease the current spatial crunch.

We expect to move some staff into additional office space in the Piikoi Building within the next few months. The space is a needed but temporary solution, in anticipation of more permanent expansion in the future.

Minor in-house changes have been made in Departmental operations to better improve work flow and communication including centralized inboxes and common area

maintenance.

The Department has also placed a greater emphasis on staff training including sending planners to conferences like the American Planning Association, Smart Growth, Historic Preservation, and Coastal Zone Management. Furthermore, staff attended a Department-wide training on harassment and discrimination conducted by the Office of the County Attorney. In anticipation for the General Plan update, the Department will begin seeking out training opportunities in areas of form-based code management and sustainability.

GOAL 3 Objectives for FY2012:

- Transition some staff to additional interim office space in Piikoi building and reorganize work stations within office to promote teamwork and efficiency between divisions.
- Digitally scan older files and catalog to reduce storage needs.
- Improve upon staff report deadlines to ensure better planning and review of materials for Commission agendas.
- Seek to ensure each regulatory and long range planner has at least one opportunity to attend a comprehensive training on issues relating to their area of focus and discipline.

GOAL 4: Focused Efforts on Completing Long Range Planning Initiatives:

Departmental staff have been diligently working on long range initiatives including the East Kaua'i Development Plan, CZO Update, IAL Study and the TAU Charter Amendment Ordinance. These projects need to come to a conclusion given the length of the projects and the current need to have these plans implemented.

Wrapping up these initiatives is critical when looking forward toward upcoming plans such as the General Plan, Kōloa-Po'ipū-Kalāheo Development Plan and the Lihu'e Development Plan.

Beyond the long range plans, support for complete streets initiatives will be on going. Also, given the roll out of Census 2010 data, the Department will be producing demographic products for County agency use.

GOAL 4 Objectives for FY2012:

- Roll out CZO update for Commission review by the end of summer 2011.
- Roll out East Kaua'i Development Plan for Commission review by the end of summer 2011.
- Ensure completion of IAL study by consultant in the Fall 2011.
- Continue smart growth working group discussions with Housing, Public Works and

Finance to help draft a smart growth pilot ordinance by the end of 2011.

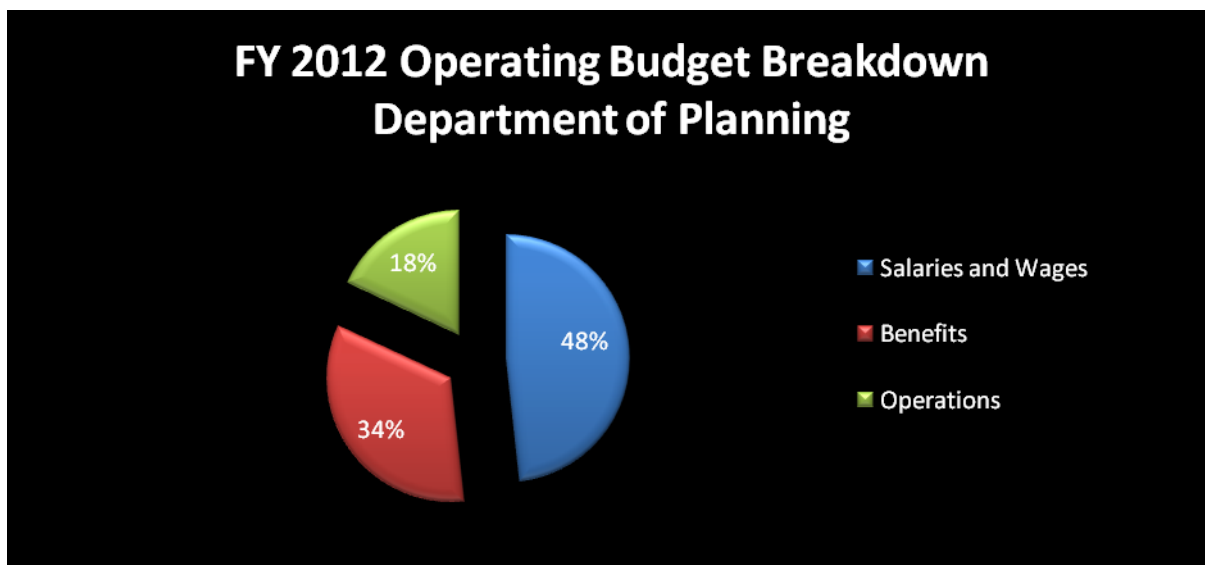
- Complete Shoreline Setback Ordinance redrafts to incorporate UH Coastal Study and recommendations from UH Sea Grant.
- Initiate bill to address permitting helicopter landing sites.
- Launch procurements for General Plan, Kōloa-Po'ipu-Kalāheo Development Plan and Lihu'e Development Plan and User Fee Study shortly after the beginning of the fiscal year.

Other Upcoming Initiatives

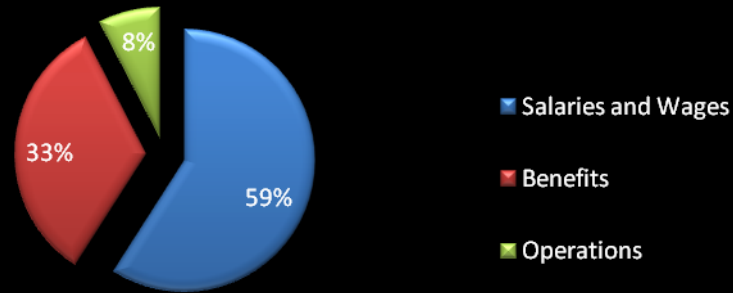
Beyond the current course of improvements discussed above, the Department is also focused on the following:

- The Department, in partnership with the American Planning Association-Hawai'i Chapter, is helping host this year's Hawai'i Congress of Planning Officials conference tentatively set for September 21-23 at the Grand Hyatt in Po'ipū.
- Working in partnership with University of Hawai'i Sea Grant, the Department is helping assist with a CZM workshop on Kaua'i sometime in May
- Moving forward with complete streets initiatives throughout the County in partnership with Bev Brody and the Get Fit Kaua'i coalition.
- Implementing more robust compilation and review of CIP initiatives throughout the County with the various departments and the Planning Commission.

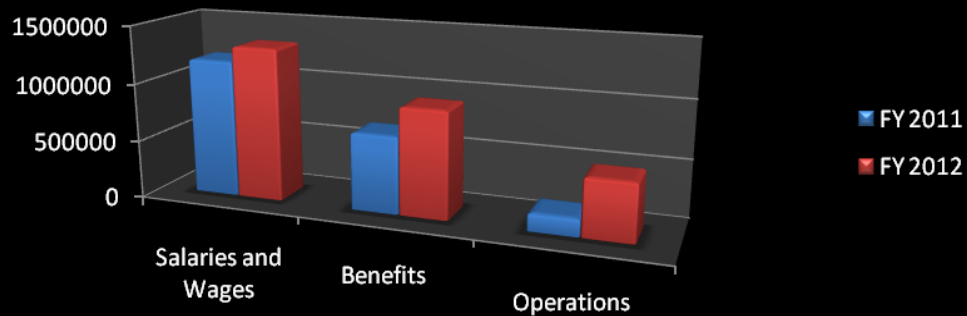
Comparative Graphs



FY 2011 Operating Budget Breakdown Department of Planning (Previous Year)



FY 2012 and 2011 Comparison Department of Planning



Operating Budget Department of Planning		FY 2011	FY 2012	% + or -
Salaries and Wages		1,186,161	1,321,730	11.4%
Benefits		668,913	921,688	37.8%
Operations		152,761	494,968	224.0%
	TOTAL	2,007,835	2,738,386	36.4%

Operating Budget Discussion

At first glance the 36.4% operating budget increase, especially the 224% increase in Operations, likely elicits questions about fiscal responsibility. Besides salaries and benefits, almost all the increase stems from a one-time cost related to Ordinance 904's implementation, specifically the hiring of hearings officers for the Planning Commission.

The need for hearings officers stems from the potential for contested case hearings. Currently, Ordinance 904 allows those on State Land Use Agricultural designated lands operating a TVR before March 7, 2008 the opportunity to apply for a HRS 205 Special Permit. During the implementation of Ordinances 864 and 876, attempts were made by public interest organizations to intervene in the approval of Non-Conforming Use Certificates. The interventions numbered over 100 applications, and the dispute was ultimately brought to court but settled by the Office of the County Attorney.

The \$350,000 figure is calculated on an anticipated contested case hearing interventions in approximately ten applications after attempts have been made to settle with intervenors and anticipated recommendations for denial. The \$35,000 cost per case is based on a contract for a TVR contested case hearing held during the last fiscal year under authority of Ordinance 876. The Department is concerned with overburdening the Planning Commission if they handled contested case hearings personally. This concern arises both in relation to the complexity of law involved, and the amount of time required to meet – contested case hearings typically cover the span of many days and would strain our volunteer commission.

Beyond the large request, and the discussion of the dollar funded Planner V (Planner I & II) restoration in funding, the Department is asking for modest increases in its special research and travel budgets to train staff in anticipation of the upcoming General Plan amendment, specifically with relation to form-based codes. We are also asking for increased computer equipment costs to accommodate a transition to digital file management and the potential purchase of a high-speed scanner. Modest increases are also requested in the Planning Commission's budget for commission-related training.

CIP Related Budget Requests

The Administration is prioritizing the completion of four long range planning initiatives in this budget request:

- 1) General Plan
- 2) Kōloa-Po'ipū-Kalāheo Development Plan
- 3) Līhu'e Development Plan
- 4) User Fee Study

When compared to the authorization in the last fiscal year, the budgets for the General Plan, Kōloa-Po'ipū-Kalāheo Development Plan and Līhu'e Development Plan have

been increased to accommodate for changes in scope. The movement of these three plans does create a challenge for our long range division, but is necessary given the need to have the General Plan lead into the development plans, and the two regional communities' desires to move forward on the planning process that has been delayed for many years.

The passage of the charter amendment relating to transient accommodation units in 2008 leads to a discussion of growth projections for the upcoming plan. The previous appropriation of \$600,000 was not sufficient to accommodate the addition of growth projections. Also, in order to position the County properly to take advantage of innovations in land use regulation, the increase takes into account developing the General Plan in a manner ready to accommodate Form-based code implementation.

The Kōloa-Po'ipū-Kalāheo Development Plan was previously encumbered under an older CIP budget. A community advisory committee was already formed. However, the current budget could not accommodate the development of a regional circulation plan. A previous plan was developed by Jim Charlier as part of a partnership of the Kōloa Community. The Charlier plan does not encompass Omao, Lawai and Kalāheo, and in order to properly integrate his work, circulation analysis must also be conducted for these areas. Because of the change in scope, the project must be reauthorized and new procurement must be conducted. The Līhu'e Development Plan's increase solely comes from the Department's need to obtain additional planning support for project management.

Other Planning Programs/Grants

For the Council's information, we have attached the Proposed Coastal Zone Management Program Budget to the State of Hawai'i for FY 2011-2012 showing a five (5) percent reduction from the FY 2010 to 2011. Also attached is the Public Access/Open Space Program Administrative Budget which represents a status quo budget.

*****PRELIMINARY*****
CZM BUDGET PROPOSAL
FISCAL YEAR 2011-2012
County of Kauai

<u>PERSONNEL:</u>	<u>SALARY</u>	<u>FRINGE</u>	<u>TOTAL</u>
CZM Planner	\$60,024	\$30,012	\$90,036
CZM Enforcement Officer	\$51,936	\$25,968	\$77,904
CZM Permit Clerk	\$33,756	\$16,878	\$50,634
CZM Account Clerk	\$28,836	\$14,418	\$43,254
Overtime			\$500
Premium Pay			\$150
			\$262,478
 <u>TRAVEL:</u>			
Inter-island		\$1,000	
Out-of-state		\$1,000	
			\$2,000
 <u>SUPPLIES:</u>			
Copying Charges		\$1,440	
Office Supplies & Equipment		\$1,200	
Collective Bargaining		\$80	
			\$2,720
 <u>EQUIPMENT:</u>			
Equipment Maintenance & Replacement		\$500	
			\$500
 <u>OTHER:</u>			
Telephone Charges		\$1,655	
Ads		\$2,900	
Audit		\$550	
Miscellaneous		\$500	
			\$5,605
 <u>SPECIAL PROJECT:</u>			
		\$0.00	\$0.00
			 <u><u>\$273,303</u></u>

Preliminary 2011-2012 Budget for
Public Access / Open Space Program

Total Administrative Budget: \$19,085

<u>Training Expense - \$4720</u>	<u>240-0801-512.</u>
56-07 Air Fare	\$1200
56-09 Rental Car & Pkg	\$300
56-10 Other (Registration)	\$3100
56-08 Per Diem	\$120

<u>Office Supplies - \$4000</u>	<u>240-0801-512.</u>
61-01 Supplies	\$1500
-Pamphlets	
-Maps	
-Comm. Mtgs.	
57-00 Printing	\$1500
55-00 Advertising	\$1000

<u>Equipment - \$3000</u>	<u>240-0801-512.</u>
62-02 Software and Licenses	\$2000
89-01 Office Equipment	\$1000
(repairs & replacements)	

<u>Commission Expenses - \$7365</u>	<u>240-0801-512.</u>
05-09 Mileage	\$4353
67-00 Other Commodities	\$1512
(Meals)	
30-00 Other Services	\$1500