

CODE OF ORDINANCES
ARTICLE 25
KAUAI HISTORIC PRESERVATION REVIEW COMMISSION

Section 8-25.1. Purpose. This article is adopted for the purpose of:

(a) Protecting, preserving, perpetuating, promoting, enhancing and developing the historic resources of the County of Kaua'i.

(b) Providing for the development and maintenance of a county-wide system to identify and inventory historic resources within the County of Kaua'i.

(c) Encouraging and assisting in the nomination of additional historic resources to the National and State Register.

(d) Promoting the goals and programs contained in the Kaua'i County General Plan, Chapter 7 (Ordinance No. 461), relating to Historic, Archeologic and Cultural Resources and contained in Chapter 6E (Historic Preservation) of the Hawai'i Revised Statutes.

(e) Promoting the heritage and use of historic resources by and for the residents and visitors of the County of Kaua'i for educational and recreational purposes.

(f) Stimulating pride in the historic resources of the County of Kaua'i.

(g) Retaining and enhancing those unique qualities which contribute to the character of a historic district in order to preserve property values, attract visitors and residents, and provide new business and commercial opportunities.

(h) Insuring and promoting the harmonious, orderly and efficient growth, development, use and/or improvement of historic resources.

(i) Assuring that the development of new structures and uses, and the alteration and improvement to old structures and uses, within a historic district are compatible with the existing character and style of the district, and create harmony in style, form, color, proportion, texture and material between buildings of historic design and those of more modern design.

(j) Promoting the formulation of policies and guidelines to allow existing historic resources within a historic district to be maintained, repaired, improved or replaced as they exist so as to retain their historic character while improving public health and safety.

(k) Providing for the promulgation of rules and regulations to implement the purpose of this Article. (Ord. No. 496, December 24, 1986)

Section 8-25.2. Kaua'i Historic Preservation Review Commission.

(a) The purpose of this Article shall be implemented by a commission to be known as the "Kaua'i Historic Preservation Review Commission."

(b) The HPR Commission shall consist of nine (9) members, eight (8) of whom shall be appointed by the Mayor and the Council as provided in Section 23.02 (B) (2) of the County Charter, as

amended. At least five (5) of the HPR Commissioners shall be professionals of special expertise or interest from five of the following disciplines: architecture; architectural history; archaeology; history; planning; or Hawaiian culture. The Mayor shall appoint four (4) members, with at least one being a professional in history, one in Hawaiian culture, and one in Planning. The Council shall appoint four (4) members with at least one being a professional in archaeology and one in architecture/architectural history. These professional representatives must meet the qualifications enumerated in 36 CFR Sec. 61, Appendix A. The disciplines of archaeology, architecture or architectural history, history and Hawaiian culture must have professional representation on the HPR Commission, to the extent that such professionals are available in the County. In the event such expertise is not available within the County of Kaua'i, experts from within the State may be contacted to service the HPR Commission. When one (1) of these six (6) disciplines is not represented in the HPR Commission membership, the HPR Commission shall seek through appropriate means to acquire expertise in such missing area when considering National Register nominations and other actions that will impact properties which are normally evaluated by a professional in such a discipline. In addition, to the extent possible, there shall be one (1) representative HPR Commissioner from each of the five (5) Planning Areas in the County of Kaua'i.

(c) The terms of the HPR Commissioners shall be staggered, with the initial appointments as follows:

(1) One year term: two (2) Mayor-appointed HPR Commissioners and two (2) Council-appointed HPR Commissioners.

(2) Two year term: two (2) Mayor-appointed HPR Commissioners and two (2) Council-appointed HPR Commissioners.

(3) Three year term: the HPR Commissioner appointed by the eight HPR Commissioners previously appointed by the Mayor and the Council.

Thereafter, the term of the office of the HPR Commissioners shall be three (3) years. No HPR Commissioner shall serve more than two (2) successive three-year terms. Should a vacancy arise prior to completion of the term, an appointment to fill such vacancy shall be made by the respective appointing authority only for the unexpired portion of the term.

(d) The Mayor shall designate one (1) of the members of the HPR Commission to serve as the initial Chairman, and one (1) to be the initial Vice-Chairman. Each shall serve for a period of one (1) year and thereafter the HPR Commission shall elect its own officers on a yearly basis. The Planning Director, or his designee, shall be responsible for administering the HPR Commission's historic preservation program, and shall serve as its liaison with the State Historic Preservation Office.

(e) The members shall serve without compensation, but shall be reimbursed for expenses necessarily incurred in the performance of their duties. (Ord. No. 496, December 24, 1986)

Section 8-25.3. Powers and Duties Of The HPR Commission. In order to implement the purposes of this Article, the HPR Commission shall have the power to do any of the following:

- (a) To adopt criteria, standards and procedures for the identification of historic resources, and to prepare a county wide inventory of such.
- (b) To maintain a system for the survey and inventory of historic resources within the County, as provided in Section 7-3.7 of the Kaua'i General Plan.
- (c) To review and recommend to the State Historic Preservation Officer those historic resources which should be for submittal to the Keeper of the National Register.
- (d) To administer the Local Certified Government program of Federal Assistance for historic preservation within the County of Kaua'i.
- (e) To prepare and implement a comprehensive Countywide Historic Preservation Planning Process, consistent and coordinated with the Statewide Comprehensive Historic Preservation Planning Process.
- (f) To advise and assist Federal, State and County government agencies in carrying out their historic preservation responsibilities.
- (g) To provide public information and education relating to the National, State and County historic preservation programs.
- (h) To assist the Planning Commission to develop standards and guidelines applicable to uses of historic resources and uses proposed within historic districts or neighborhoods, and to otherwise advise the Planning Commission in all matters affecting historic resources.
- (i) To obtain, within the limits of funds appropriated, the services of qualified persons and organizations to direct, advise and assist the Commission and to obtain the equipment, supplies and other materials necessary to its effective operation.
- (j) To promulgate rules and regulations pursuant to Hawai'i Revised Statutes chapter 91 in order to carry out its function in accordance with provisions of this Article. (Ord. No. 496, December 24, 1986)

Section 8-25.4 Meetings.

- (a) The HPR Commission shall meet as necessary, and at least once quarterly.
- (b) Within fifteen (15) days of such meetings, the HPR Commission shall forward any comments or recommendations it may have concerning matters referred to it by the Planning Commission to that body for its consideration.
- (c) The HPR Commission shall hold public hearings in accordance with Chapter 91 of the Hawai'i Revised Statutes. (Ord. No. 496, December 24, 1986)

Section 8-25.5 Accounting and Funding.

- (a) The primary source of funding shall be from the Federal Historic Preservation Grant award to be allotted annually each fiscal year.
- (b) The HPR Commission shall adopt a yearly budget, which

shall be administered by the Planning Department.

(c) The HPR Commission, through the Planning Department, shall have the right to receive public and private funds and to hold and spend such funds for the purpose of implementing this Article. Funds received from outside sources shall not replace appropriated governmental sources. Any and all funds received may be used to compensate the Planning Department for any services it may perform for the HPR Commission.

(d) Should the Federal Historic Preservation Grant program be terminated, the HPR Commission and this Article may be repealed by the County Council pursuant to proper procedure, unless substitute State or County funds can be secured to continue the program. (Ord. No. 496, December 24, 1986)