

NOTICE OF PUBLICATION AND NOTICE OF PUBLIC HEARING

OFFICE OF  
THE COUNTY CLERK  
COUNTY OF KAUAI

Notice is hereby given that the Council of the County of Kaua'i will hold a public hearing on Wednesday, October 4, 2017, at 8:30 a.m., or soon thereafter, at the Kaua'i War Memorial Convention Hall, 4191 Hardy Street, Lihu'e, on the following:

Bill No. 2666

A BILL FOR AN ORDINANCE TO AMEND CHAPTER 7, ARTICLE 1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE UPDATE OF THE GENERAL PLAN FOR THE COUNTY OF KAUAI (ZA-2017-3)

This Bill proposes to revise the General Plan for the County of Kaua'i, in accordance with County zoning authority delegated pursuant to Section 46-4, Hawai'i Revised Statutes and the Charter of the County of Kaua'i. This revision is based upon the General Plan Update process conducted by the Department of Planning between the years 2013 through 2017. Further technical amendments reflecting the adoption of regional "Community" and "Town" plans subsequent to the last General Plan update are also included to provide nomenclature consistency.

Additional information and materials can be accessed at [www.kauai.gov/council/generalplanupdate](http://www.kauai.gov/council/generalplanupdate) and [www.plankauai.com](http://www.plankauai.com).

All interested persons who wish to present their comments may do so at the public hearing. Written testimony prior to the hearing would be appreciated. Written testimony can be submitted to the Office of the County Clerk, Council Services Division by mail, facsimile, or via E-mail to [counciltestimony@kauai.gov](mailto:counciltestimony@kauai.gov). Copies of the Bill are available at the Office of the County Clerk, Council Services Division.

(The Council Committee or Council may amend this Bill at its subsequent meetings. Meeting notices are posted at least six (6) days in advance at the County Clerk's Office and the public may also testify at any of these meetings.)

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that the foregoing Bill No. 2666 was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on September 6, 2017, by the following vote:

AYES:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL - 7,
NOES:	None	TOTAL - 0,
EXCUSED & NOT VOTING:	None	TOTAL - 0,
RECUSED & NOT VOTING:	None	TOTAL - 0.
Lihu'e, Hawai'i		/s/ Jade K. Fountain-Tanigawa
September 7, 2017		County Clerk, County of Kaua'i

NOTE: SPECIAL ACCOMMODATIONS AND SIGN LANGUAGE INTERPRETER AND INTERPRETERS FOR NON-ENGLISH SPEAKING PERSONS ARE AVAILABLE UPON REQUEST FIVE (5) DAYS PRIOR TO THE MEETING DATE, TO THE COUNTY CLERK, 4396 RICE STREET, SUITE 209, LIHU'E, KAUAI, HAWAII, 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.

(One publication - The Garden Island - September 14, 2017)

**A BILL FOR AN ORDINANCE TO AMEND CHAPTER 7, ARTICLE 1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE UPDATE OF THE GENERAL PLAN FOR THE COUNTY OF KAUAI**

(ZA-2017-3)

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

**SECTION 1. Findings and Purpose.** The purpose of this ordinance is to revise the General Plan for the County of Kaua'i, in accordance with County zoning authority delegated pursuant to Section 46-4, Hawai'i Revised Statutes and the Charter of the County of Kaua'i. This revision is based upon the General Plan Update process conducted by the Department of Planning between the years 2013 through 2017.

Further technical amendments reflecting the adoption of regional "Community" and "Town" plans subsequent to the last General Plan update are also included to provide nomenclature consistency throughout the Chapter.

**SECTION 2.** Chapter 7, Article 1, Kaua'i County Code 1987, as amended, is hereby amended as follows:

**"Article 1. General Provisions**

**Sec. 7-1.1 Title.**

This Chapter shall be known and may be cited as "The General Plan for the County of Kaua'i."

**Sec. 7-1.2 Purpose.**

(a) Pursuant to the provisions of the Charter for the County of Kaua'i, the General Plan sets forth in graphics and text, policies to govern the future physical development of the County. The General Plan is intended to improve the physical environment of the County and the health, safety, and general welfare of Kaua'i's people.

(b) The General Plan states the County's vision for Kaua'i and establishes strategies for achieving that vision. The strategies are expressed in terms of policies and implementing actions. They may be augmented and changed as new strategies are developed.

(c) The General Plan is a direction-setting, policy document. It is not intended to be regulatory. It is intended to be a guide for future amendments to land regulations and to be considered in reviewing specific zoning amendment and development applications.

(d) The vision, the maps and text policies, and the implementing actions are intended to guide County actions and decisions. In addition, the maps and text policies are intended to guide the County in specific types of actions: making revisions to land use and land development regulations, deciding on zoning changes, preparing and adopting development plans and public facility plans, and preparing and adopting capital improvement plans.

### **Sec. 7-1.3 Definitions.**

“Charter” means the Charter of the County of Kaua‘i, as amended.

“CIP” means the Capital Improvement Program of the County of Kaua‘i, which is part of the annual budget ordinance and programs appropriations and funding for capital improvements for six (6) years and beyond.

“Comprehensive Zoning Ordinance” means the Comprehensive Zoning Ordinance of the County of Kaua‘i, Chapter 8, Kaua‘i County Code 1987, as amended.

“Council” means the Council of the County of Kaua‘i.

“Development” means any public improvement project, or any public or private project requiring a permit or approval from the Planning Department or Planning Commission.

“Development plan” means a detailed plan for a specific geographic area of the County of Kaua‘i, as defined by Sec. 14.07 of the Charter and as further defined herein. “Community Plans” or “Town Plans” are also considered Development Plans for the purposes of this chapter and other zoning-related ordinances.

“General Plan” means the General Plan for the County of Kaua‘i, including the vision, policies, implementing actions, and Land Use and Heritage Resources maps.

“Implementing action” means a strategy to implement a policy, which may include recommendations for amending ordinances and rules.

“Owner” means the holders of at least seventy-five percent (75%) of the equitable and legal title of a lot.

“Planning Commission” means the Planning Commission of the County of Kaua‘i.

“Planning Department” means the Planning Department of the County of Kaua‘i.

“Planning Director” means the Director of the Planning Department of the County of Kaua‘i.

“Policy” means a statement in the General Plan policies sections intended to guide the County in achieving the vision.

“Public facility” means a building, road, pipeline, or other capital improvement that is constructed by the County of Kaua‘i in order to provide a service to the public.

“Special Development Plans” means the Special Development Plans, Chapter 10, Kaua‘i County Code 1987, as amended.

“Special Management Area Rules and Regulations” means the Special Management Area Rules and Regulations of the County of Kaua‘i, as amended.

“Subdivision Ordinance” means the Subdivision Ordinance for the County of Kaua‘i, Chapter 9, Kaua‘i County Code 1987, as amended.

“Vision” means a preferred future as described in Chapter 2 of the text of the General Plan.

“Zoning amendment” means a change of the zoning district boundaries in relation to a specific parcel or parcels of land.

#### **Sec. 7-1.4 Applicability.**

(a) All actions and decisions undertaken by the County Council and the County Administration, including all County departments, agencies, boards, and commissions, shall be guided by the vision statement, policies, and the implementing actions of the General Plan.

(b) Ordinances and rules that relate to the following shall be guided by the policies of the General Plan:

- (1) Development plans;
- (2) Public facility plans;

- (3) Land use policies and regulations, including but not limited to zone changes, zoning regulations, subdivision regulations, and SMA rules and regulations;
- (4) Site development and environmental regulations, such as grading and drainage regulations; and
- (5) The six (6) year Capital Improvement Program.

**Sec. 7-1.5 Adoption.**

(a) The plan document on file with the County Clerk entitled [“Kaua’i General Plan,”] “Kaua’i Kākou, Kaua’i County General Plan 2017” including the maps and text policies, vision, and implementing actions dated as of the effective date of the ordinance codified in this Article, is hereby adopted by reference and made a part of this Article.

(b) Upon adoption of the ordinance codified in this Article, prior resolutions and ordinances relating to [the 1984] previous General Plans are superseded; provided that conditions of approval attached to General Plan amendment ordinances adopted prior to the adoption of this General Plan shall remain in effect.

**Sec. 7-1.6 Administration.**

The Planning Department shall administer the provisions of this Article and the General Plan in accordance with the provisions of the County Charter.

**Sec. 7-1.7 Interpretation.**

The Planning Director shall interpret the General Plan and the consistency of a County action or a proposed development with the General Plan, subject to the review of the Planning Commission.

**Sec. 7-1.8 Review of the General Plan.**

The Planning Department shall undertake a comprehensive review of the General Plan within ten (10) years of the date of adoption and shall report its findings and recommended revisions to the Planning Commission and the County Council.”

**SECTION 3. Severability Clause.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the validity of the remainder of this Ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

SECTION 4. New material is underscored and bracketed material is deleted. In printing this Ordinance, the brackets, bracketed material, and underscoring need not be included.

SECTION 5. This Ordinance shall take effect upon its approval.

Introduced by:



MASON K. CHOCK  
(By Request)

DATE OF INTRODUCTION:

**September 6, 2017**

Līhu'e, Kaua'i, Hawai'i

V:\BILLS\2016-2018 TERM\General Plan Update ZA Bill (JA:aa)

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2666, which was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on September 6, 2017, by the following vote:

FOR PASSAGE:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL – 7,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Līhu'e, Hawai'i  
September 7, 2017



Jade K. Fountain-Tanigawa  
County Clerk, County of Kaua'i