

ANNUAL REPORT  
DEPARTMENT OF PLANNING

For Fiscal Year July 1, 2014- June 30, 2015

Michael A. Dahilig, Director of Planning

Kaaina Hull, Deputy Director of Planning

I. MISSION STATEMENT

To provide, through an open and public process, 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, and to implement this vision.

II. DEPARTMENT GOALS

- 1) To preserve and protect our unique resources through sensible development of our economy and built environment.
- 2) To preserve our diverse historic and cultural resources.
- 3) To provide regulatory and enforcement efforts to achieve the long range vision.
- 4) To provide open communication with the people of Kaua'i and all levels of government.
- 5) To remember that we serve the people of Kaua'i.

A. DUTIES AND FUNCTIONS

Article XIV of the County Charter provides that:

- 1) The Commission shall:
  - a. Advise the Mayor, Council, and Planning Director in matters concerning the planning program for the County.
  - b. Review the general plan and development plans as well as zoning and subdivision ordinances and amendments thereto developed and recommended by the Planning Director and transmit such plans and ordinances, with its recommendations thereon, through the Mayor, to the Council for its consideration and action.

- c. Hear and determine petitions for varying the application of the zoning ordinance.
- d. Prepare a capital improvement program with the advice of the Mayor.
- e. Adopt regulations having the force and effect of law pertaining to the responsibilities of the Department.

The following are the members and officers of the Planning Commission during this period:

<u>Commissioners</u>	<u>Term of Appointment</u>
Sean Mahoney	04/08/14-12/31/16
Herman Texeira	01/01/11-03/25/14
Wayne Katayama	01/01/14-12/31/16
Hartwell Blake	01/01/12-12/31/14
Jan Kimura	01/01/12-12/31/14
John Isobe	02/26/13-12/31/15
Amy Mendonca	02/26/13-12/31/15
Angela Anderson	01/01/14-12/31/16

2) The Planning Director shall:

- a. Prepare a general plan and development plans for the County.
- b. Administer the zoning and subdivision ordinances and regulations adopted thereunder.
- c. Prepare zoning and subdivision ordinances, zoning maps and regulations and any amendments or modifications thereto for the Council.
- d. Consolidate the lists of proposed capital improvements contemplated by the several departments in order of their priority for the County.
- e. Advise the Mayor, Council, and Planning Commission on matters concerning the planning programs of the County.
- f. Perform other related duties such as the administration and enforcement of the State Land Use Commission Rules and Regulations, the Shoreline Setback Rules and Regulations, Special Management Area Rules and Regulations, and "plan approvals" of building permit applications.

### III. PROGRAM DESCRIPTION - (Administration and Planning)

This program is responsible for operations of the department and administers and staffs the Kaua‘i Planning Commission, the Kaua‘i Historic Preservation Review Commission, the Public Access, Open Space, and Natural Resources Preservation Fund Commission and other special citizen’s advisory committees as may be formed. The Planning Director oversees administrative reviews and applications for zoning/building permits, sign permit reviews, subdivision recommendations, enforcement of land use ordinances, statutes and rules, landscape plans, County and State clearing-house reviews, CDUA and EA/EIS reviews, Special Management Area minor permits, provides recommendations on various permit and related issues to the Planning Commission, Mayor and Council and serves as a party to State Land Use boundary petitions pertaining to Kaua‘i. Other responsibilities include general and community planning, protection of cultural resources, data collection, consolidation of the capital improvement program of the County, mapping, special projects and providing the public with information and assistance on matters within the department's jurisdiction. The Planning Department also collects revenues from various permit processing fees and park dedication/environmental impact assessments. The Planning Commission reviews and acts on applications for use, variance, Class IV, project development, subdivisions, special management area major and shoreline setback variance permits and State land use special permits. The Commission also recommends actions for changes in zoning, general plan designations, district boundary amendments and hears and determines appeals from the decision of the Planning Director regarding zoning and subdivision matters. Rule making, review and recommendations on land use ordinances and amendments, issuance of declaratory rulings are additional duties of the Commission.

#### A. PROGRAM OBJECTIVES

- 1) To provide expertise and staff to administer and enforce the County's comprehensive zoning ordinance, subdivision ordinance, special management area and shoreline setback rules and regulations and related State and Federal mandates; to ensure that projects reviewed are in conformance with County policies as expressed in the Kaua‘i General Plan and appropriate Community Development Plans; to provide for prompt processing of all permit applications and continuous improvement of the permitting process and related policies.
- 2) To assist the public in understanding the regulatory codes, ordinances and programs relating to land use and to respond to requests for information in a courteous and timely manner.
- 3) To facilitate planning efforts with the Planning Commission, Administration and Council and to assist in the dissemination of information relating to all planning issues by coordinating with all other departments, agencies, boards

and commissions that may need accurate and appropriate planning information for the administration of their respective programs.

- 4) To promote efficiency in operations and activities and exercise sound personnel management practices and policies to maintain a high level of moral and work output from department employees.

## B. PROGRAM HIGHLIGHTS

### **General Plan Update Technical Studies**

Five General Plan Technical Studies are being developed to support the update of the 2000 General Plan. These technical studies include:

- Socio-economic analysis and forecast;
- Land use buildout and analysis;
- Infrastructure analysis;
- Climate Change and Coastal Hazards; and
- Kaua'i Community Health Improvement Initiative Report (Public Health).

The Socio-economic Analysis and Forecast Report, Climate Change and Coastal Hazards Report, and the Kaua'i Community Health Improvement Initiative Report are complete.

The Technical Advisory Committee for the General Plan Technical Studies have met on a regular basis, and have assisted the Department with the review of the studies.

In addition to the above contracted technical studies, the Planning Department worked with the University of Hawai'i Sea Grant College to develop the Kaua'i General Plan Update Technical Study, Kaua'i Climate Change and Coastal Hazard Assessment. The report provides policy recommendations and climate change/coastal hazard inundation maps to be incorporated into the General Plan update process. The final report can be found at <http://seagrantsoest.hawaii.edu/publications>.

### **General Plan Update**

The General Plan Update project commenced in November 2014 with the issuance of the Notice to Proceed to the consultants. The General Plan update has entered the second phase of the project, with the first round of community outreach work completed this past June. Further, the community advisory committee to the Mayor has begun discussing policy items regarding whether the current general plan needs changes to certain sections.

## **Planning Projects**

The long range projects that are currently underway are as follows:

### 1) Līhu‘e Community Plan Update

The purpose of the plan update is to guide the development of the Līhu‘e district to ensure that future growth is consistent with the General plan and integrates recommendations for policy and design detailed in the Līhu‘e Town Core Design Plan, Līhu‘e-Hanamā‘ulu Urban Design Plan, Līhu‘e Civic Center Master Plan, the Sustainable Design Assessment Team (SDAT) Report, as well as other applicable public facilities and transportation plans for the area. SSFM International has been retained to work with the Planning Department to conduct the plan update process.

The plan update process commenced in December of 2012. A sixteen-member Community Working Group (CWG) was selected by the Mayor to provide guidance on the plan update process and development of the draft plan. Fourteen CWG meetings were held between July 2013 and August 2014. In addition to working group meetings, four community-wide meetings took place as well as a field trip/walking audit to Hanamā‘ulu, Nāwiliwili, and Puhi/Kaua‘i Community College.

A public draft of the plan can be found at <http://lihuecp.com/>. The draft plan includes population forecasts, land use maps and policy recommendations for the Līhu‘e district to the year 2035. A community open house and agency briefing are both scheduled for September 3, 2014. Comments to the draft are due on or by September 12, 2014. Planning Commission and Council workshops are to be held on September 30, 2014. Planning Commission hearing on the final draft was held on October 28, 2014 and approved the Plan on November 12, 2014. The Lihue Community Plan Update was adopted by the County by the signature of the Mayor on June 22, 2014.

### 2) South Kaua‘i Community Plan Update

The purpose of the project is to implement the Kaua‘i General Plan’s goals and vision for the South Kaua‘i (Kōloa-Po‘ipū-Kalāheo) planning district. The project will provide guidance for future population growth and economic development in the district, while ensuring growth occurs in a manner that is compatible with the protection and enhancement of community assets and is coordinated with the development of public infrastructure and facilities.

The draft South Kaua'i Community Plan is complete and is being prepared for public review. To implement the plan, the South Kaua'i Form Based Code was developed with the CAC. This will serve as a zoning overlay that will apply building form, thoroughfare and civic space standards to Kōloa and Kalāheo town core areas.

The South Shore Community Plan was approved by the Planning Commission on November 12, 2014 and submitted to the County Council for its review.

### 3) Important Agricultural Lands (IAL) Study

The purpose of this project was to identify “important agricultural lands” pursuant to Act 183 of the Hawai‘i State Legislature as well as to examine the diversity of agricultural use/activities in the County through discussion with various stakeholders, partner agencies, and members of the public.

The University of Hawai‘i’s Department of Urban and Regional Planning (DURP) was retained to conduct this project. The project and contract commenced in June 2009. The contract with DURP ended in July 2013. Subsequent to the contract end, the Planning Department detailed recommendations for phasing IAL designations and for developing a County-level program for incentivizing the growing of food and primary resources. The final study can be found at: <http://sites.google.com/site/Kauaiial/>. The Planning Department anticipates a workshop with the County Council to evaluate the findings of the study and obtain direction on developing County-level designation maps to submit to the State Land Use Commission.

### **Six-Year Capital Improvement Program Report**

Pursuant to Kaua'i County Charter Section 14.03(f), the Planning Commission is responsible for preparing a Capital Improvement Program. The requirement is fulfilled in the annual Six-Year CIP Report, a rolling compilation of major projects anticipated by county administration. The Long Range Division works closely with the County CIP Manager to develop the report and take it to Planning Commission for their approval.

### **Ongoing Initiatives**

In addition to the projects described above, the department, through the Long Range Division, is working to build the department’s capacity to improve research and reporting on a daily basis, to adopt schedules for the update of

plans and ordinances, the use of Geographic Information Systems (GIS), the creation of planning and permitting databases, and new planning tools and techniques. The Planning Department continues to participate in other planning related programs such as:

- Get Fit Kaua'i Built Environment Task Force
- Get Fit Kaua'i Access to Healthy Foods Task Force
- County Green Team
- State Complete Streets Task Force
- State DOT Bicycle Implementation Plan
- State DOT Pedestrian Master Plan
- State DOT Long-Range Land Transportation Plan
- Kaua'i GIS User Group
- State Data Validation Group

With the addition of the Department's Transportation Planner, we have continued our efforts to expand the range of transportation alternatives available to the community. Working together with the Public Works Department, Transportation Agency, Housing Agency as well as with the State Department of Education, State Department of Transportation and other non-government organizations, road design and "safe routes to schools" public workshops have been conducted with the community.

**IV. BUDGET BY PROGRAM**

General Fund (Administration & Planning):	\$2,441,837.00
PAOS/General Fund:	\$27,967.00
Grant Revenue (CZM):	<u>\$ 304,682.00</u>
Total Departmental Budget:	\$2,774,486.00

**A. COASTAL ZONE MANAGEMENT (CZM) PROGRAM**

**Program Description**

The Coastal Zone Management Program is responsible for administering ongoing monitoring and enforcement for ensured compliance with the Hawai'i Coastal Zone Management program sub-grant agreement between the State of Hawai'i and the County of Kaua'i and for implementing the objectives, policies and guidelines in Chapter 205A, Hawai'i Revised Statutes to guide and regulate public and private uses in the designated Special Management Area of the County. The program also provides project monitoring for compliance to permit conditions and regulations, preparation of semi- annual reports, facilitates, where possible, the development review process, and participates in statewide coastal zone management issues. The eligibility for this funding is established in a Section 309 Assessment and Strategy for Fiscal Year 2011-2015.

## **Program Objectives**

The program objectives are to guide and regulate public and private land use development in compliance with the scope of services the coastal zone management area by:

- 1) Administering development permit activities within the Special Management Area (SMA) through major and minor permits and shoreline setback determinations to ensure the protection of coastal resources and the provision of public access to those resources.
- 2) Administer ongoing monitoring and enforcement programs to assure compliance with Chapter 205A, SMA and shoreline setback ordinance requirements and to prevent or minimize environmental and ecological degradation.
- 3) Support by attendance and participation in CZM related meetings, workshops and seminars.

## **Budget**

This program is funded 100% by a Federal/State grant in the amount of \$304,682 (est.)

## **B. CERTIFIED LOCAL GOVERNMENT PROGRAM**

### **Program Description**

Since 1986, Kaua'i County has been a Certified Local Government (CLG) under provisions of the National Historic Preservation Act of 1966, as amended. The CLG program provides funds and standards for historic preservation from the Department of Interior via the State Dept. of Land & Nat. Resources to local governments. Both the funds and standards are used to assist local governments in promoting historic preservation endeavors. To qualify as a CLG, local government preservation activities must include public participation and use of a qualified local review commission (Kaua'i Historic Preservation Review Commission), survey and inventory of historic resources and participation in State/Federal preservation activities. Kaua'i County alternates with Maui County in receiving the Hawaii CLG grant funds.

The Kaua'i Historic Preservation Review Commission, which consists of nine members, meets on a monthly basis and is staffed by the Planning Department. Meetings usually entail project reviews at which time the KHPRC provides recommendations on various aspects of archaeological and building design review of historic resources and in-fill development. Other issues relating to the promotion of historic preservation on Kaua'i are also discussed.



The following are the members and officers of the KHPRC during this period:

<u>Commissioners</u>	<u>Term of Appointment</u>
Danita Aiu (Chair)	01/01/12-12/31/14
Jane Grey	01/01/12-01/31/14
Pat Griffin	01/01/14-12/31/16
Stephen Long	01/01/15-12/31/17
Kuuleialoha Santos	01/01/13-12/31/15
Patsy Sheehan	01/01/12-12/31/14
Althea Arinaga	08/01/13-12/31/15
Anne Schneider	01/01/13-12/31/15
David Helder	01/01/15-12/31/17
Victoria Wichman	01/01/15-12/31/17

### **Program Objectives**

- 1) To provide recommendations to the Planning Department and Commission regarding projects that may impact historic resources.
- 2) To expand the listing of historic resources in the County of Kaua‘i.
- 3) To promote historic preservation and provide information and educational opportunities.
- 4) To facilitate listing of historic structures on the State and National Registers of Historic Places.

### **Program Highlights**

The CLG program continues its efforts to update the listing of historic buildings in the County of Kaua‘i and offers assistance and brochures to property owners on techniques and advantages of rehabilitation of historic buildings. The KHPRC meets on a monthly basis at which time they provide valuable input on design and preservation treatment on projects before the Planning Commission and Planning Department which may impact historic resources. Past CLG funding has been also used to co-sponsor educational programs in the form of speakers' series, training, conferences and Archaeology Week activities, County listing of historic resources.

## **C. PUBLIC ACCESS, OPEN SPACE, AND NATURAL RESOURCES PRESERVATION FUND COMMISSION**

### **Program Description**

In November 2002, Kaua‘i voters approved a ballot measure amending the County Charter to create the Public Access, Open Space, and Natural Resources

Preservation Fund, which received a minimum of one half of one percent (0.5%) of Kaua‘i’s certified real property taxes. In December 2003, Ordinance 812 was signed into law, adding Article 14 to the Kaua‘i County Code establishing procedures for the administration and priorities for expenditure of monies in the fund. Effective, July 1, 2013 the minimum percentage of Kaua‘i’s certified real property taxes was increased to one and one half of one percent (1.5%) by Ordinance 936 signed into law on December 14, 2012.

Article 14 also established the Public Access, Open Space, and Natural Resources Preservation Fund Commission, a nine member volunteer advisory commission whose charge is to work with the Planning Department to solicit public input to develop an annual list of priority projects to be considered for funding. Two contract Planning Department staff-the Open Space/Public Access Specialist and the Open Space/Public Access Support Clerk-are assigned to the program.

The following were members of the Commission during the fiscal year:

<u>Commissioner</u>	<u>Term of Appointment</u>
Randall Blake	01/01/14-12/31/16
Theodore Blake	01/22/13-12/31/15
Nathaniel Childs (Chair 2013)	07/14/11-12/31/15
Karen Ono	05/08/14-12/31/15
Linda Dela Cruz	01/28/10-12/31/15
Luke Evslin	07/12/12-12/31/16
Joseph Figaroa (Chair 2014)	09/08/11-07/31/14
Patrick Gegen	04/26/12-12/31/14
Dorothea Hayashi	02/14/13-12/31/15
John Lydgate	11/17/11-12/13/13
Maurice Nakahara	08/26/10-07/31/14

### **Program Objectives**

1. Work with the Public Access, Open Space, and Natural Resources Preservation Commission to develop a biennial list of priority of projects to be considered for funding.
2. Support the Public Access, Open Space, and Natural Resources Preservation Commission’s solicitation of public input on development of the biennial list of priority projects to be considered for funding.
3. Work to improve and expand beach and mountain access opportunities for Kaua‘i’s residents and visitors.
4. Strive to preserve Kaua‘i’s natural resources and open spaces for the enjoyment of current and future generations.

**Program Highlights**

During the fiscal year, the commission conducted twenty one (21) regular commission meetings. Commission accomplishments include:

- Continual development of Commission’s dossier process (in the form of an Acquisition Plan) to update and communicate to Council in its non reporting year encouraging support to move forward on any proposal from the Commission’s recommendation list;
- Development of Commission’s Acquisition Plan as part of its Biennial Report for their priority recommendations;
- Continuous discussions on new development ideas for open space, public access and unresolved access issues “Opala List”;
- Continual dialogue and education sessions with the County and State departments and non-profit organizations on working as a partner on public access, open space and natural resources preservation for Kaua‘i;
- Ongoing strategies for biennial report and public input process with outreach to neighborhood communities and hosting of meetings within these communities, hosting commissioner and staff presence at community sponsored events such as the Hanapēpē Art Festival, Kōloa Plantation Day’s and Kaua‘i County Farm Bureau Fair;

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

Commission Meetings.....	21
Committee Meetings.....	0
Public Hearings.....	0
Community Meetings.....	4

V. DEPARTMENTAL ACTIVITIES AND STATISTICS

As shown by the tabulation of permits, applications, meetings, etc., that follow, staff activities involve daily administration of the Subdivision and Comprehensive Zoning Ordinances, General Plan and Development Plans, State Land Use Commission Rules and Regulations, Shoreline Setback Rules and Regulations, as well as the SMA Rules and Regulations. These activities include review and processing of all building, zoning, use,

variance, and SMA permits, as well as General Plan and zoning amendments and subdivision applications. Other duties include review and recommendation to the State Board of Land and Natural Resources of all applications for uses located within the State Conservation District, recommendations to the State Clearing-house Review for all Federal-funded projects affecting the County of Kaua'i and coordinate the County Clearinghouse process for grading permits.

CURRENT STATISTICS

SUBDIVISION

A total of 18 subdivision applications were received and processed during the fiscal year. These applications involve a total of **59 lots**, of which 49 lots are within the Urban District; 4 lots within the Rural District; 5 lots within the Agricultural District and 0 lot within the Conservation District.

Actions taken during the fiscal year are as follows:

Tentative approvals.....	17
Final approvals .....	16
Disapproved .....	0
Withdrawals/Cancellations..	0
Outstanding .....	0
Extensions.....	13
Modifications.....	1
Prior Tentatives Revised.....	1

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 .....	16
Boundary Change Petitions:	
State.....	0
County.....	1

SPECIAL MANAGEMENT AREA USE PERMITS (SMA)

Minor Permits	Processed .....	38
Emergency Permits	Processed .....	2
Shoreline Setback Determinations	Processed .....	43

ZONING PERMITS

Class I & II Zoning Permits .....	879
Class III Zoning Permit.....	7
Class IV Zoning Permit .....	46
Use Permit.....	45
Variance Permit.....	6
Shoreline Setback Variance .....	0

GENERAL PLAN AMENDMENTS ..... 0

ZONING AMENDMENTS ..... 7

COUNTY CLEARING-HOUSE..... 26

STATE DEPARTMENT OF LAND AND NATURAL RESOURCES

CDUA Reviews .....	8
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PLANNING COMMISSION MEETINGS

Regular Commission Meetings .....	20
Special Commission Meetings(Hearings Officer) .....	3
Subdivision Committee Meetings .....	16
Public Hearings on Zoning Permits, SMA Permits, General Plan & Zoning Amendments, CZO and SMA Rules and Regulations .....	54
Field Trips/Investigations .....	0
Non Hearing Actions .....	155
Workshops .....	0

KAUA‘I HISTORIC PRESERVATION REVIEW COMMISSION

Meetings.....	10
Special Meetings.....	0
Field Trips .....	2

Planning Commission	
Project Reviews.....	8
Other Reviews.....	10

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

Commission Meetings .....	21
Committee Meetings.....	0
Public Hearings.....	0
Community Meetings .....	4

VI. HOLOHOLO 2020 PROJECTS:

The Mayor has charged the Department as the primary agency for three (3) *Holo Holo 2020* projects:

1. Implementing the Līhu‘e Town Core Plan
2. Expanding the Līhu‘e Civic Center Park/Lawn
3. Implement Complete Streets island-wide

The Department continues to work over the past year identifying specific projects for implementation furthering the Mayor’s vision to grow Kaua‘i responsibly.

1. Implementing the Līhu‘e Town Core Plan

The Department continues to work with property owners/applicants on permits within the Town Core area. The Department also regularly meets with the Līhu'e Tomorrow Committee of the Līhu'e Business Association and provides them with updates on planning initiatives in the core area.

2. Expanding the Līhu‘e Civic Center Park/Lawn

The Department is working closely with the Department of Public Works on a pilot project to temporarily close Eiwa St, as called for in the Civic Center Master Plan. This would make the Līhu'e Civic Center a safer environment for pedestrians. The purpose of the potential temporary closure would be to study the actual traffic impact a closure would cause.

3. Implement Complete Streets island-wide

Department Staff helped create a Kaua'i Complete Streets Action Plan at a County-wide workshop on Complete Streets implementation in October 2011. Since then, the Department has developed a draft amendment to the Subdivision Ordinance to make future residential subdivisions more walkable, and also added a Complete Streets evaluation to the Six-Year Capital Improvements Program. Staff continues to be actively involved in the Built

Environment Task Force of Get Fit Kaua'i. The Department is working closely with the Department of Public Works to update the County's standard details for roadways.

PLANNING DEPARTMENT STAFF

Michael A. Dahilig	Planning Director
Ka'aina Hull	Deputy Planning Director
Myles Hironaka	Planner VII
Dalmacio Cua	Planner VII
Lee Steinmetz	Planner VI (Transportation)
Leanora Kaiaokamalie	Planner V
Marie Williams	Planner V
Jody Galinato	Planner II
Kenneth Estes	Planner I
Marisa Valenciano	Planner I
Michael Laureta	Enforcement Case Management Specialist
Wesley Masumura	Land Use Plan Checker III
Norman Veal	Drafting Technician II
Fred Duyanen	Land Use Permit Technician
Sheilah N Miyake	Planning Inspector III
Patrick Henriques	Inspector II
Villamor Balisacan	Inspector II
Andres Emayo	Inspector II
Leslie Takasaki	Planning Commission Secretary
Shanlee Jimenez	Secretary
Leila Villon	Staff Services Assistant
Sherri Patrick	TVR Enforcement Specialist

CZM CONTRACT EMPLOYEES

Jacqueline Alvarez-Martinez	CZM Planner
Leslie Milnes	CZM Enforcement Officer
Joan Ludington-Braun	CZM Land Use Permit Technician
Ferdinand Mariano	CZM Account Clerk

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

Nani Sadora	PAOS Specialist
Duke Nakamatsu	Commission Support Clerk