

ANNUAL REPORT  
DEPARTMENT OF PLANNING

For Fiscal Year July 1, 2016 - June 30, 2017

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>
Louis Abrams	01/13/15-09/8/2016
Kanoe Ahuna	01/10/17-12/31/19
Roy Ho	09/22/15-12/31/17
Kimo Keawe (Chair 2017)	04/14/15-12/31/17
Sean Mahoney (Chair 2016)	01/10/17-12/31/19
Glenda Nogami-Streufert	03/08/16-12/31/18
Donna Apisa	01/01/17-12/31/19
Wade Lord	04/11/07-12/31/19

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**

The priority project for the Long Range Division has been the completion of the General Plan Update. The project launched in November 2014 with the issuance of the Notice to Proceed to the consultants. The General Plan update has entered its final phase, with the Planning Commission review process completed this past June. The Planning Commission Draft of the General Plan Update was transmitted to the County Council in July 1027.

Over the past fiscal year, the Planning Department developed an administrative working draft, a public discussion draft, and a “Departmental Draft” of the General Plan Update.

The following events were completed during the Fiscal Year 2016 to 2017:

1. Multi-agency review workshop in July 2016
2. One Island-wide policy survey with over 1,000 respondents in September 2016
3. Six (6) Community Open House Events (Waimea, Kekaha, Līhu'e, Kapa‘a, Kīlauea, Princeville) to review the discussion draft in November 2016
  - Neighborhood Association Presentations (July 2016 – ongoing)
  - 4 Community Advisory Committee Workshops
    - August 2016 - Workshop: Draft Policies and Land Use Maps
    - September 2016 - Workshop: Sector Actions, Part I
    - September 2016 - Workshop: Sector Actions, Part II
    - December 2016 - Workshop: Open House Input Review and Changes to the Discussion Draft
  - Planning Commission public hearing and approval process (ZA-2017-03):
    - January 31, February 28, March 14, March 28, April 25, April 27, May 23, and June 13

The following deliverables of the General Plan Update have been completed:

- Discussion Draft (November 2016)
- Departmental Draft (January 2017)

- Planning Commission Draft (July 2017)

**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
- Safe Routes to School Task Force
- Kaua’i GIS User Group

**Transportation Investment Generating Economic Recovery (TIGER) Grant Win:**

Kaua’i was officially the first County in Hawaii to implement Complete Streets. All of this momentum and capacity toward integrating our transportation and land use development helped win Kaua’i a huge boost. The U.S. Department of Transportation awarded Kaua’i a \$13.8 million **TIGER** grant that will enable the community to fully reconfigure Rice Street and expand transit service, among other things. Rice Street will undergo a road diet, allowing residents to walk safely where business owners will benefit from window-shopping. The Department has played a critical role in helping to manage and move forward the grant.

**IV. BUDGET BY PROGRAM**

General Fund (Administration & Planning):	\$2,640,450.00
PAOS/General Fund:	\$153,058.00
Grant Revenue (CZM):	\$ 317,309.00
Total Departmental Budget:	\$3,110,817.00

**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 \$304,849 (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>
Pat Griffin	01/01/14-12/31/16
Stephen Long	01/01/15-12/31/17
Althea Arinaga	01/01/16-12/31/18
Anne Schneider (Chair 2016)	01/01/16-12/31/18
David Helder	01/01/15-12/31/17
Victoria Wichman (Chair 2017)	01/01/15-12/31/17
Lawrence Chaffin Jr	01/01/16-12/31/18
Charlotte Hoomanawanui	01/01/15-12/31/17
Deatri Nakaea	01/01/16-12/31/18
James Guerber	01/01/17-12/31/19
Gerald Ida	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. In May of 2015, Ordinance 986 reduced the minimum percentage of Kaua‘i certified real property taxes back to one half of one percent (0.5%).

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	-01/01/17-12/31/19
<del>F</del> Theodore Blake(Chair 2017)	_____ 01/01/16-12/31/18
Karen Ono	01/01/16-12/31/18
Joseph Figaroa (Chair 2016)	08/01/14-07/31/17
Patrick Gegen	_____ -01/01/15-2/09/17
Dorothea Hayashi	_____ 01/01/16-12/31/18
Jett Japser	01/01/15-12/31/17
Shaylyn Kimura	_____ 01/01/17-12/31/19

**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.
5. Networking and partnership building with outside agencies like The Trust for Public Lands (TPL) and Hawaiian Islands Land Trust HILT and community associations to establish involvement in community projects relating to and that align with the mission and goals of the Open Space Commission to include additional funding opportunities and support.
6. Reorganization of the commissions communication and reporting process to better align with the commissions ordinance, missions and goals and the newly adopted Amendment to the Rules and Practice and Procedure of the County of Kaua'i Public Access, Open Space, and Natural Resources Preservation Fund Commission by adding New Chapter V, Report Process, Relating to the Process of Receiving Proposals, and Analyzing and Recommending Land or Property Entitlements for County Council Approval.

### **Program Highlights**

During the fiscal year, the commission conducted seven (7) regular commission meetings. Utilizing its dossier process, the Commission submitted 3 recommendations to the County Council for acquisition. Two of the three recommendations were scheduled for the next phase of public hearing and pending submittal of real property appraisal. The Commission also met with the E Ola Mau, a Kekaha Community Association and Hawaiian Home Lands Association of Kekaha, at three community meetings to receive testimony and comments on one of the recommendations currently with Council for consideration.

Commission accomplishments include:

- Amendment to its Rules of Practice and Procedure of the County of Kaua'i Public Access, Open Space and Natural Resources Preservation Fund;
- Development of a reporting process similar to that of Planning Commission on all recommendations received by the public for possible acquisition;

- Participated in (3) community meeting’s in Kekaha in support of a possible acquisition for community outreach and support and possible establishment of a Stewardship Agreement arrangements with a community or non-profit organization.
- Continual development of Commission’s dossier process (in the form of an Acquisition Plan) to update and communicate to Council in its biennial recommendations 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 monthly community association meetings;
- Investigate and update current Kaua‘i Public Access List – last update by outside vendor in 1991;
- Update and development of GIS map for Kaua‘i Access List.

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

Commission Meetings.....	7
Committee Meetings.....	0
Public Hearings.....	0
Community Meetings.....	3

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 48 **lots**, of which 19 lots are within the Urban District; 0 lots within the Rural District; 29 lots within the Agricultural District and 0 lot within the Conservation District.

Actions taken during the fiscal year are as follows:

Tentative approvals.....	11
Final approvals .....	17
Disapproved .....	0
Withdrawals/Cancellations..	0
Outstanding .....	0
Extensions.....	- 11
Modifications.....	0
Prior Tentatives Revised.....	0

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 .....	6
Boundary Change Petitions:	

State .....	2
County .....	0

SPECIAL MANAGEMENT AREA USE PERMITS (SMA)

Major Permits	Processed.....	3
Minor Permits	Processed .....	25
Emergency Permits	Processed .....	2
Shoreline Setback Determinations	Processed .....	60

ZONING PERMITS

Class I & II Zoning Permits .....	707
Class III Zoning Permit.....	4
Class IV Zoning Permit .....	16
Use Permit.....	13
Variance Permit.....	4
Shoreline Setback Variance .....	0

GENERAL PLAN AMENDMENTS ..... 1

ZONING AMENDMENTS ..... 4

COUNTY CLEARING-HOUSE ..... 25

STATE DEPARTMENT OF LAND AND NATURAL RESOURCES

CDUA Reviews .....	10
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PLANNING COMMISSION MEETINGS

Regular Commission Meetings .....	19
Special Commission Meetings(General Plan Update).....	2
Subdivision Committee Meetings .....	14
Contested Case Calendar (45 Items).....	4
Public Hearings on Zoning Permits, SMA Permits, General Plan & Zoning Amendments, CZO and SMA Rules and Regulations .....	39
Field Trips/Investigations .....	0
Non Hearing Actions .....	98
Workshops .....	0

KAUA 'I HISTORIC PRESERVATION REVIEW COMMISSION

Meetings.....	10
Special Meetings.....	0
Field Trips.....	0
Planning Commission	
Project Reviews.....	11
Other Reviews.....	12

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
Marie Williams	Planning Program Manager
Michael Laureta	Planning Program Manager
Lee Steinmetz	Planner VI (Transportation)
Leanora Kaiakamalie	Planner VI
Jody Galinato	Planner IV
Marisa Valenciano	Planner III
Chance Bukoski	Planner I
Wesley Masumura	Land Use Plan Checker III
Norman Vea	Drafting Technician II
Andres Emayo	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 Supervisor
Joan Ludington-Braun	Land Use Permit Technician
Sherri Patrick	TVR Enforcement Specialist

CZM CONTRACT EMPLOYEES

Alex Wong	CZM Planner
Leslie Milnes	CZM Enforcement Officer
Romio Idica	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