



# **Department of Planning**

**Fiscal Year 2020 Annual Report**

**July 1, 2019 – June 30, 2020**

Ka'āina S. Hull  
Director of Planning

## DEPARTMENT 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**

- A. To preserve and protect our unique resources through sensible development of our economy and built environment.
- B. To preserve our diverse historic and cultural resources.
- C. To provide regulatory and enforcement efforts to achieve the long-range vision.
- D. To provide open communication with the people of Kaua'i and all levels of government.
- E. To remember that we serve the people of Kaua'i.

### **DUTIES AND FUNCTIONS**

Article XIV of the Charter of the County of Kaua'i 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>
Glenda Nogami-Streufert (Chair 2020)	01/01/19-12/31/21
Donna Apisa	01/01/19-12/31/21
Melvin Chiba	02/11/20-12/31/22
Helen Cox	04/14/20-12/31/22
Francis DeGracia	04/14/20-12/31/22
Roy Ho	01/01/18-12/31/20
Kimo Keawe	01/01/18-12/10/19
Sean Mahoney (Chair 2019)	01/10/17-12/31/19
Lori Otsuka	01/28/20-12/31/22

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, hears, and determines appeals from the decision of the Planning Director regarding zoning and subdivision matters. Rulemaking, review and recommendations on land use ordinances and amendments, issuance of declaratory rulings are additional duties of the Commission.

A. 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. Highlights

**West Kaua'i Community Plan**

In FY 2019/20, the Planning Department continued to work on completing the West Kaua'i Community Plan (WKCP). The purpose of the project is

to update Kaua'i County Code Section 10-3, "Hanapēpē-Elēele Development Plan," and 10-4, "Waimea-Kekaha Regional Development Plan," to implement the General Plan and ensure development is compatible with the environmental, social, economic, and cultural needs of the West Kaua'i region.

Public Process:

During Phase III of the planning process, the division synthesized community input to develop policies, goals, and objectives for the region and individual towns into a planning document. A "Discussion Draft" of the WKCP was released in August 2019. The public reviewed and commented on the draft plan online and via a series of open house events (Table 1). Hundreds of people attended the events and provided comments.

**Table 1: Discussion Draft Review Open Houses**

<b>Date</b>	<b>Location</b>
September 5, 2019	Waimea Theater
September 9, 2019	Kekaha Neighborhood Center
September 23, 2019	Hanapēpē Hawaiian Congregational Church
September 28, 2019	Kaumakani Neighborhood Center

The division also produced an interactive GIS story map of the plan and planning process to disseminate the plan and solicit input.

WKCP Implementation – Zoning Amendments:

Six zoning amendments were developed to implement the WKCP upon plan adoption. They include the following:

- ZA-2020-7: Adopts the West Kauai Community Plan and West Kauai Form Based Code. Also adopts the West Kauai Form Based Code and establishes special planning areas under zoning maps: ZM-K 100 Kekaha, ZM-W 100 Waimea, and ZM-H 200 Hanapēpē-Port Allen-'Ele'ele.
- ZA-2020-8: Amends the 2018 General Plan to align GP policies with WKCP.
- ZA-2020-9: Establishes a new Special Treatment District – Coastal Edge in the CZO and amends zoning maps: ZM-K 100 Kekaha, ZM-W 100 Waimea, ZM-H 200 Hanapēpē-Port Allen-'Ele'ele, and ZM 200 Hanapēpē.
- ZA-2020-10: Establishes a new Plantation Camp zoning district and amends zoning maps: ZM 200 Hanapēpē and ZM-H 200 Hanapēpē-Port Allen-'Ele'ele.

- ZA-2020-11: Amends ZM-H 200 Hanapēpē-Port Allen-‘Ele‘ele and established Special Treatment-Public Facilities over Port Allen Airport.
- ZA-2020-12: Amends ZM 200 Hanapēpē to establish a Industrial zoning district over the historic mill.

Planning Commission Review:

The division prepared a departmental draft of the WKCP and transmitted the draft to the Planning Commission for their review. Accompanying the WKCP were six zoning amendments to help implement the plan. The Planning Commission approved transmittal of the West Kauai Community Plan to the County Council on May 26, 2020.

**Waimea 400**

A project was launched to develop a master plan for the County’s recent acquisition of 400 acres in the Waimea-Kekaha area. PBR-Hawaii was contracted to prepare the master plan and develop a public input process. It is anticipated the public process will launch in FY 20/21.

**Resiliency Plan (Climate Adaptation, Action, and Resiliency Plan)**

The County’s Resiliency Team developed a draft scope of work for a Resiliency Plan. The plan’s purpose is to analyze the County’s climate vulnerability as well as other risks and will provide a public forum to assess vulnerability and ultimately build resiliency into County policies, programs and investment across multiple sectors. An RFQ was prepared and published during the FY.

**General Plan Implementation**

The Long Range Planning Division provided support for several successful amendments to the CZO that help implement the policy of the General Plan to support mixed use communities and infill development. Support included drafting with Director’s Reports and conducting spatial analysis and map-making. The bills successfully adopted in the FY included the following:

- Ordinance No.1065: The bill’s purpose is to allow Additional Rental Units (ARUs) in SPA-D.
- Ordinance No. 1073: The bill’s purpose is to allow for greater lot coverage in the R-10 and R-20 zoning districts.
- Ordinance No. 1074: The purpose of the bill is to encourage mixed use and housing in the Commercial Districts.

## **Get Fit Kauai – Built Environment Task Force**

The division supports the Built Environment Task Force of Get Fit Kauai. During the FY, the BETF led six actions teams: Connect Lihue, Kalena Park, Skateparks, Urban Forestry, Kauai Community College re-zoning, Lihue Loops, and Kilauea Lighter-Quicker-Cheaper project.

## **Hazard Mitigation Plan Update**

Division staff serve on the core planning team and steering committee for the County's 5-year update of the Kauai Multi-Hazard Mitigation Plan.

## **2020 Census Complete Count**

The County established a Kauai County Government Complete Count Committee to increase awareness about the census amongst county agencies and coordinate promotion efforts. Long range staff led this effort and promotion activities included social media promotion, contests, banners, bumper stickers, and press releases. Events included a Census proclamation on September 8, 2019.

## **County Economic Recovery Strategy**

The division helped develop the County's economic recovery strategy to address loss of economic activity due to the COVID-19 pandemic. Staff participated in plans for the sustainability and construction sectors.

## **QUICK BUILD Grant**

Long Range staff assisted Lee Steinmetz, Transportation Planner, with the county's BUILD Department of Health grant application for Poipu Road Multimodal Improvements. Assistance included development of a story map, website, maps, graphics, and a cost-benefit analysis.

## **GIS and Data Analysis**

The division continues to build the department's capacity for Geographic Information Systems (GIS), planning and permitting data analysis, and new planning tools and techniques. The story map was a new tool successfully deployed this FY for the WKCP and the BUILD grant.

## **Assistance with State and County Projects**

Long range staff serves as advisory or steering committee members on:

- Kauai Tourism Strategic Plan Steering Committee
- State Kaulunani Council
- State Physical Activity and Nutrition Plan Leadership Committee
- State Healthy Hawaii Strategic Plan – Advisory Committee member.
- County LIMS Committee

## **Trainings, Conferences, and Presentations**

- Healthy Communities Summit (July 2019)
- Social Media Training for government with Facebook staff – August 2019
- The HEPF MRE Nexus Peer Exchange (September 2019)
- HCPO – Maui County (September 2019)
- Presentation on climate change and community planning
- Kauai County Housing Summit (September 2019)
- Presentation on General Plan
- Placemaking Week – Chattanooga (October 2019)

## **COASTAL ZONE MANAGEMENT (CZM) PROGRAM**

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.

### **A. 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.

CERTIFIED LOCAL GOVERNMENT PROGRAM

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>
James Guerber	01/01/20-12/31/22
Gerald Ida	01/01/18-12/31/20
Carolyn Larson	01/01/20-12/31/22
Stephen Long	01/01/19-12/31/21
Aubrey Summers	01/01/18-12/31/20
Victoria Wichman (Chair)	01/01/18-12/31/20

A. 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.

B. 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

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 Planner 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>
Shaylyn Kimura (Chair 2020)	01/01/20-12/31/22
Karen Ono (Chair 2019)	01/01/19-12/31/21
Taryn Dizon	01/01/19-12/31/21
Jett Japser	01/01/18-12/31/20
Nancy Kanna	01/01/18-12/31/20
Erica Taniguchi	01/01/18-12/31/20
Herman Texeira	01/01/20-12/31/22

A. 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.

#### B. Program Highlights

During the fiscal year, the commission conducted five (5) regular commission meetings.

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;
- 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.....	6
Committee Meetings.....	0
Public Hearings.....	0
Community Meetings.....	0

**IV. BUDGET BY PROGRAM**

General Fund (Administration & Planning):	\$3,113,462.00
PAOS/General Fund:	\$73,965.00
Grant Revenue (CZM):	<u>\$389,113.00</u>
Total Departmental Budget:	\$3,576,540.00

**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 11 subdivision applications were received and processed during the fiscal year. These applications involve a total of 41 lots, all of which are within the Urban District. There were no lots created within the Rural District, Agricultural District, and Conservation District.

Actions taken during the fiscal year are as follows:

Tentative approvals.....	10
Final approvals .....	10
Disapproved .....	0
Withdrawals/Cancellations..	0
Outstanding .....	0
Extensions.....	3
Modifications.....	1
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 or reviewed and the number of Commission meetings held:

STATE LAND USE COMMISSION MATTERS

Special Permit Applications.....	1
Boundary Change Petitions:	
State.....	0
County.....	0

SPECIAL MANAGEMENT AREA USE PERMITS (SMA)

Major Permits	Processed.....	7
Minor Permits	Processed.....	26
Emergency Permits	Processed.....	4
Shoreline Setback Determinations	Processed.....	49

ZONING PERMITS

Class I & II Zoning Permits .....	616
Class III Zoning Permit.....	2
Class IV Zoning Permit .....	10
Use Permit.....	8
Variance Permit .....	1
Shoreline Setback Variance.....	0

GENERAL PLAN AMENDMENTS .....0

ZONING AMENDMENTS .....16

COUNTY CLEARING-HOUSE .....21

STATE DEPARTMENT OF LAND AND NATURAL RESOURCES

CDUA Reviews .....	0
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PLANNING COMMISSION MEETINGS

Regular Commission Meetings .....	12
Special Commission Meetings .....	0
Subdivision Committee Meetings .....	10
Contested Case Calendar (45 Items).....	0
Public Hearings on Zoning Permits, SMA Permits, General Plan & Zoning Amendments, CZO and SMA Rules and Regulations.....	59
Field Trips/Investigations.....	0
Non Hearing Actions .....	55
Workshops .....	0

KAUA'I HISTORIC PRESERVATION REVIEW COMMISSION

Meetings.....	3
Special Meetings.....	0
Field Trips .....	0
Planning Commission Project Reviews.....	1
Other Reviews.....	7

**VI. SPECIAL PROJECTS**

The Mayor has charged the Department as the primary agency for three 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 the Civic Center Master Plan.

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

Kaaina S. Hull	Planning Director
Jodi Higuchi Sayegusa	Deputy Planning Director
Myles Hironaka	Planner VII
Dalmacio Cua	Planner VII
Marie Williams	Planning Program Manager
Michael Laureta	Planning Program Manager
Lee Steinmetz	Administrative Planning Officer (Transportation)
Leanora Kaiaokamalie	Planner VI
Jody Galinato	Planner V
Marisa Valenciano	Planner IV
Nani Sadora	Planner IV
Chance Bukoski	Planner IV
Alex Wong	Planner III
Wesley Masumura	Land Use Plan Checker II
Britni Ludington-Braun	Land Use Plan Checker I
Andres Emayo	Planning Inspector III
Joan Ludington	Inspector III
Patrick Henriques	Inspector II
Villamor Balisacan	Inspector II
Leslie Takasaki	Planning Commission Secretary
Shanlee Jimenez	Secretary

Leila Kim  
Duke Nakamatsu  
Sherri Patrick  
Daezsa Tomas

Staff Services Supervisor  
Commission Support Clerk  
TVR Enforcement Specialist  
West Kaua'i Plan Assistant

CZM CONTRACT EMPLOYEES

Romio Idica  
Leslie Milnes  
Brian Ejima  
Shelea Blackstad

CZM Planner II  
CZM Enforcement Officer  
CZM Land Use Permit Technician  
CZM Account Clerk