

COUNTY OF KAUAI PLANNING COMMISSION - 4444 Rice Street, Suite A473, Lihue, Kauai, Hawaii, 96766, tel: (808) 241-4050, fax: (808) 241-6699, email: [plankauai@kauai.gov](mailto:plankauai@kauai.gov). Pursuant to Kauai County Code, Chapter 8, as amended, Hawaii Revised Statutes Chapter 91, and the Rules of Practice and Procedure of the County of Kauai Planning Commission, notice is hereby given that the County of Kauai Planning Commission ("Commission") will hold a **public hearing on Tuesday, June 9, 2020, at 9:00 a.m. by Microsoft Teams Audio: +1-469-848-0234, Conference ID: 566 733 423#**, to hear testimony and comments from all interested persons regarding the following:

Zoning Amendment ZA-2020-16: A bill for an ordinance amending Chapter 8, Kauai County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZO). The proposal amends CZO Section 8-1.5 relating to the definitions of "Applicant" and "Owner," CZO Section 8-3.1 relating to Zoning Applications, and CZO Section 8-3.2(g) relating to the time to file appeals.

All persons may present testimony for or against any application as public witnesses. Such testimony should be made in writing and presented to the Department prior to the hearing. Late written testimony may be submitted up to seven days after the close of the hearing in cases where the Commission does not take action on the same day as the hearing. Any party may be represented by counsel if he or she so desires. Also, individuals may appear on their own behalf, a member of a partnership may represent the partnership, and an officer or authorized employee of a corporation or trust or association may represent the corporation, trust or association. Petitions for intervenor status must be submitted to the Commission and the applicant at least seven days prior to the date of the hearing advertised herein and shall be in conformance with Chapter 4 of the Rules of Practice and Procedure of the Planning Commission. Chapter 4 of the Rules of Practice and Procedure of the Planning Commission relating to intervention does not apply to General Plan, Zoning, or State Land Use District Boundary Amendments and Rule Making Procedure before the Commission. All interested persons shall be afforded the opportunity to submit data, views, or arguments, orally or in writing on the proposed rule amendments at the time of the public hearing. Persons wishing to submit written testimony are requested to submit their written testimony to the Planning Department at the addresses noted above. Persons presenting oral testimony are requested to also submit their testimony in writing to the Planning Department at the addresses noted above. All submissions for the record must be received at or prior to the scheduled public hearing.

A copy of the proposed amendments will be mailed to any interested person who requests a copy and pays the required fees for copying and postage. Please submit your request to the Planning Department. Copies of the proposed amendments may be picked up from the Planning Department at the above address between the hours of 7:45 a.m. and 4:00 p.m., Monday through Friday, excluding holidays. In addition, the full text of the proposed amendments is available on the web site of the Planning Commission: <http://www.kauai.gov/Government/Boards-and-Commissions/Planning-Commission>.

KAUAI PLANNING COMMISSION, Glenda Nogami-Streufert, Chairperson, By Kaaina S. Hull, Clerk of the Commission.

NOTE: IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF BOARDS AND COMMISSIONS AT (808) 241-4917 OR [ASEGRETI@KAUAI.GOV](mailto:ASEGRETI@KAUAI.GOV) AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST. UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.

**Publication Date: May 22, 2020**

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_

A BILL FOR AN ORDINANCE AMENDING CHAPTER 8 OF THE  
KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO COMPREHENSIVE  
ZONING ORDINANCE (CZO)

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

SECTION 1. Chapter 8, Section 1.5 of the Kauai County Code 1987, as amended, shall be amended as follows:

**“Applicant”** means an owner [~~any person having a controlling interest (seventy-five percent (75%) or more of the equitable and legal title) of a lot; any person leasing the land of another under a recorded lease having a stated term of not less than five (5) years]; or any person who has full written authorization of the owner [another having the controlling interest or recorded lease for a stated term of not less than five (5) years].~~

SECTION 2. Chapter 8, Section 1.5 of the Kauai County Code 1987, as amended, shall be amended as follows:

**“Owner”** means the holders of [~~at least seventy-five percent (75%) of the]~~ equitable and legal title of [~~a lot]~~ land in fee simple.

SECTION 3. Chapter 8, Section 3.1(b) of the Kauai County Code 1987, as amended, shall be amended as follows:

(b) Applications. [~~The owner or lessee (holding under recorded lease the unexpired term of which is more than five (5) years from the date of filing the application), or any person duly authorized by the owner or lessee of the property affected, or any utility company possessing the power of eminent domain,]~~  
Applicants may file a written application with the Planning Department for a zoning permit of the required type on a form prescribed by the Planning Department. The application shall contain or be accompanied by:

- (1) A non-refundable filing and processing fee in the amount indicated in Subsections (c)(1), (d)(1), (e)(1) or (f)(1), as applicable.
- (2) A description of the property in sufficient detail to determine its precise location.
- (3) A plot plan of the property, drawn to scale, showing all existing and proposed structures and any other information necessary:
  - (A) To show conformity with the standards established in this Chapter; and
  - (B) To a proper determination relative to the specific request.

(4) Any other plans and information required by the Planning Department.

SECTION 4. Chapter 8, Section 3.1(c) of the Kauai County Code 1987, as amended, shall be amended as follows:

(c) Class I Zoning Permits.

- (1) The filing and processing fee is thirty dollars (\$30.00).
- (2) The Planning Director or designee shall check the application to determine whether the construction, development, activity, or use conforms to the standards established by this Chapter and may require additional information if necessary to make the determination.
- (3) A Class I Zoning Permit shall be issued with or without conditions or denied by the Planning Director or by any member of the Planning Department to whom the Planning Director has delegated authority.
- (4) If the Planning Director or designee fails to take action on a completed application within thirty (30) [~~twenty-one (21)~~] days of its filing, unless the applicant assents to a delay, the application shall be deemed approved.
- (5) An applicant who is denied a Class I Zoning Permit or who disagrees with the conditions that have been imposed on its issuance may appeal the decision to the Planning Commission in accordance with Subsection (g).

SECTION 5. Chapter 8, Section 3.1(g) of the Kauai County Code 1987, as amended, shall be amended as follows:

(g) Appeal. An applicant who seeks to appeal from an adverse decision of the Planning Director or designee shall file a notice of appeal with the Planning Director and the Planning Commission within thirty (30) [~~twenty-one (21)~~] days after the adverse decision. If the appeal is from the denial of a Class III Zoning Permit, the Planning Director shall make the notice public and shall notify any persons who have duly requested notice of appeals. The Planning Commission shall consider the appeal within sixty (60) days of the filing of the notice at a public session and shall render its decision within that period.

SECTION 6. If any provision of this ordinance or application thereof to any person, persons, or circumstances is held invalid, the invalidity does not affect the other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

SECTION 7. This ordinance shall be effective upon approval.