

AUG 19 P12:36

NOTICE OF PUBLICATION AND NOTICE OF PUBLIC HEARING

Office of
County Clerk
County of Kaua'i

Notice is hereby given that the Council of the County of Kaua'i will hold a public hearing on Wednesday, September 15, 2021, at 8:30 a.m., or soon thereafter, at the Council Chambers, 4396 Rice Street, Room 201, Historic County Building, Līhu'e, on the following:

Bill No. 2831

A BILL FOR AN ORDINANCE AMENDING ZONING CONDITIONS IN ORDINANCE NO. PM-2006-383, AS AMENDED BY ORDINANCE NO. PM-2009-394, RELATING TO ZONING DESIGNATION IN NĀWILIWILI, KAUA'I (*Tower Kaua'i Lagoons Sub 1, LLC; 2014 Kaua'i Lagoons Golf, LLC; Tower Kaua'i Lagoons Land, LLC; Tower Kaua'i Lagoons Sub 7, LLC, Applicant*) (ZA-2021-3)

The purpose of this Bill is to amend the zoning conditions in Ordinance No. PM-2006-383, as amended by Ordinance No. PM-2009-394, relating to zoning designation in Nāwiliwili, Kaua'i. The applicant is Tower Kaua'i Lagoons Sub 1, LLC; 2014 Kaua'i Lagoons Golf, LLC; Tower Kaua'i Lagoons Land, LLC; and Tower Kaua'i Lagoons Sub 7, LLC (collectively "TKL").

The Bill proposes to rezone 1) approximately 14.2 acres from "Residential District (R-2)" to "Residential District (R-4)" and 2) approximately 2.6 acres from "Resort District (RR-10)" to "Residential District (R-2)," as reflected in the location map and metes and bounds property description attached to the Bill.

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

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

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that the foregoing Bill No. 2831 was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on August 18, 2021, by the following vote:

AYES:	Carvalho, Chock, Cowden, DeCosta, Evslin, Kuali'i, Kaneshiro	TOTAL – 7,
NOES:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Līhu'e, Hawai'i

/s/ Jade K. Fountain-Tanigawa

August 18, 2021

County Clerk, County of Kaua'i

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 THE COUNTY CLERK, COUNCIL SERVICES DIVISION AT (808) 241-4188 OR COKCOUNCIL@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.

(One publication – The Garden Island – August 31, 2021)

**A BILL FOR AN ORDINANCE
AMENDING ZONING CONDITIONS IN ORDINANCE NO. PM-2006-383,
AS AMENDED BY ORDINANCE NO. PM-2009-394,
RELATING TO ZONING DESIGNATION IN NĀWILIWILI, KAUAʻI**

(Tower Kauaʻi Lagoons Sub 1, LLC, 2014 Kauaʻi Lagoons Golf, LLC, Tower Kauaʻi Lagoons Land, LLC, Tower Kauaʻi Lagoons Sub 7, LLC, Applicant) (ZA-2021-3)

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUAʻI, STATE OF HAWAII:

SECTION 1. Ordinance No. PM-2006-383, as amended by Ordinance No. PM-2009-394, is hereby amended in its entirety as follows:

“Section 1. The zoning designation for that certain area of approximately 88.3 acres in Nāwiliwili, Kauaʻi, identified on zoning map ZM-NW-400 is hereby amended from Open District (O) to Residential District (R-2), Residential District (R-4), Resort District (RR-10), and Resort District (RR-20) on parcels identified by TMK 3-5- 01: por. 27, por. 168, por. 172, and from Limited Industrial District (I-L) to Residential District (R-20) on TMK 3-5-01:165, [and] on the maps attached hereto and incorporated herein as Revised Map 3 (9/27/06), [and] Map 3 (Revised September 2009), and Map 3 (Revised 2021), subject to the following conditions:

1. Notwithstanding any provisions to the contrary, no more than a total of 772 dwelling units or hotel/motel rooms (herein referred to as the “Density Cap”) shall be developed on the properties identified herein including that certain area of approximately 21.6 acres being rezoned from the Open District (O) to Residential District (R-2) as reflected on the location map attached hereto and incorporated herein as Map 3 (Revised September 2009)[.], and that certain area of approximately 14.2 acres being rezoned from the Residential District (R-2) to the Residential District (R-4) and approximately 2.6 acres being rezoned from the Resort District (RR-10) to the Residential District (R-2) as reflected on the location map attached hereto and incorporated herein as Map 3 (Revised 2021) and delineated by metes and bounds property descriptions in Attachment A, dated 2021, which is attached hereto and incorporated as part of Ordinance No. PM-2005-383, as amended. The affordable housing units constructed within the areas rezoned herein shall not be counted as part of the Density Cap as long as the units remain as affordable pursuant to the Agreement (Kauaʻi Lagoons Affordable Housing) between Kauaʻi Development LLC and the County of Kauaʻi, dated February 18, 2005, as amended. For the purposes of implementing this condition, units are defined as a hotel room (a suite or room without kitchen facilities) or a combination of hotel and residential units (a unit with kitchen facilities) for development within the Resort District (RR-10, RR-20). For development within the Residential District (R-20) only residential dwelling units are allowed. As represented, uses situated in the affected areas sought for zoning amendment shall be limited to the following residential types as described below.

- a. For development within the Resort District (RR-10, RR-20), multi-family residential units are allowed.
 - b. Development within the Residential District (R-2) and Residential District (R-4) shall be limited to single family detached residential units. No Additional Dwelling Units (ADU) are permitted, and no guest cottages shall be permitted on those lots developed on the approximately 21.6 acres that are being rezoned from Open District (O) to Residential District (R-2), as reflected in the location map attached hereto and incorporated herein and identified as Map 3 (Revised September 2009)[.] and on those lots developed on approximately 14.2 acres being rezoned from the Residential District (R-2) to the Residential District (R-4) and approximately 2.6 acres being rezoned from the Resort District (RR-10) to the Residential District (R-2) as reflected on the location map attached hereto and incorporated herein as Map 3 (Revised 2021) and delineated by metes and bounds property descriptions in Attachment A, dated 2021, which is attached hereto and incorporated as part of Ordinance No. PM-2005-383, as amended.
2. As further represented by the Applicant, "...the Open District (O) portions of the property shall not have any residential density or be used for the calculation of any residential density on the property. No building permits shall be issued unless documentation that this restriction on density has been incorporated into the deeds of the affected property (ies) has been received by the Planning Department."
 3. The Applicant shall comply with, and fully implement all provisions of the Effluent Use Agreement dated August 14, 2001, entered into between Kaua'i Lagoons Resort Company, Ltd. and the County of Kaua'i.

Pursuant to the aforementioned agreement, the Applicant agrees to dedicate free and clear of any liens, and encumbrances, without cost to the County:

- a. All land and easements required for the disposal of effluent from the Līhu'e Wastewater Treatment Plant ("LWWTP");
- b. Approximately 2.22 acres of land for the expansion of LWWTP
- c. Approximately 7.1 acres of land in the "Stable Area;"
- d. Any other land and easements required for the County's operation of the LWWTP as may be mutually agreed to between the County and the Applicant;
- e. Prior to conveying ownership of the LWWTP site to the County, the Applicant shall remove and relocate all golf course irrigation system improvements, weather station infrastructure and any related appurtenances from the property. Other than provided above, all lands conveyed to the County by the Applicant shall be on an "as is" basis. The Applicant is not aware of any dangerous, hazardous or environmentally damaging conditions existing on any of the lands to be conveyed.

The Applicant shall dedicate the aforesaid lands to the County within ninety (90) days after final subdivision approval of its Subdivision Application for the subject property currently pending before the Planning Commission.

4. Should the sewer capacity for additional development on the property exceed 150,000 gallons per day, the Applicant acknowledges that it shall be subject to any applicable waiting or priority list established by the County of Kaua'i for such service. No building permits shall be issued until sewer capacity issues have been resolved with the Department of Public Works - Wastewater Division.
5. The Applicant shall submit a request to the Planning Commission to cancel the existing Running Waters Hotel permits, identified as SMA Use Permit SMA (U)-87-17, Special Permit SP-87-15, Project Development Use Permit U-87-17, and Class IV Zoning Permit Z-IV-87-59, within 6 months from the approval of this zoning amendment ordinance.
6. The Applicant shall resolve the provision of affordable housing for this zoning amendment with the County Council in accordance with the Kaua'i Lagoons Affordable Housing Agreement dated February 18, 2005 as may be amended or otherwise determined by the County Council.
7. The Applicant shall allow public access over and across all existing public vehicular and pedestrian public accessways on the subject property. Easement documents in favor of the County providing for non-motorized bicycle access from the public access entrance at Kapule Highway to eventually connect with "Easement 1" on TMK: 3-5-01 por. 102 (as described in State of Hawai'i Bureau of Conveyances Document No. 90-152880) shall be executed within one hundred and eighty (180) days from the enactment of this ordinance.

The Applicant shall provide a passive beach park to include public parking in the vicinity of the former Fashion Landing commercial area, restroom and shower facilities, recreational shelters, and picnic areas in the approximate vicinity of the Kiele No. 13 green and the area commonly referred to as Running Waters Beach.

The aforementioned facilities shall be inclusive of, but not limited to, the following amenities:

- a. Public restrooms and shower facility at the former Fashion Landing commercial area (beneath restaurant facility);
- b. Public restrooms and shower facility near the Running Waters Beach; picnic shelters (i.e., recreational shelters) to be located close by; and
- c. Weather shelters and picnic tables along the lateral shoreline access.

Restroom and shower facilities and other public recreational amenities required in this condition shall be constructed within two (2) years from the date of the enactment of this ordinance, and shall be maintained by the Applicant.

The Applicant shall provide lateral shoreline access according to the 'Roadway and Public Access Plan (dated August 2006),' which is attached to and incorporated herein as part of this ordinance. More specific plans shall be submitted for the review and approval of the County of Kaua'i at the time of Zoning Permit and/or SMA permit application for the hotel/resort-residential project prior to any construction of the restroom and shower facilities and other public recreational amenities referenced above. Facility locations are to be determined at this time.

As represented by the Applicant, the Applicant shall indemnify, defend, pay for all attorneys fees and costs, and hold harmless the County of Kaua'i, its employees, agents, successors and assigns from any and all injuries and/or property damage that may directly or indirectly arise from the use by the public of the public access easements and facilities located on the Applicant's properties identified herein.

8. All deeds or instruments transferring interest in the subject property, or in the structures or improvements therein, easements running in favor of the State of Hawai'i and the Land Use Commission and the County of Kaua'i shall indemnify and hold the State of Hawai'i and Land Use Commission and the County of Kaua'i, harmless from any complaints or claims due to noise, odor, dust, mosquitoes, and other nuisances and problems emanating from the operation of the Lihue Airport and the operation of the Lihue Wastewater Treatment Plant.
9. No residential, condominium, or hotel units shall be constructed within areas greater than 60 DNL noise contour of the Lihue Airport; provided, however, that such uses may be permitted within the 60 to 65 DNL noise contours, if there is an accompanying mitigation of interior noise to the 45 DNL noise level. The Applicant shall satisfy this condition with the appropriate State and/or Federal agency at time of submittal of Zoning Permit and/or SMA Use Permit application.
10. The Applicant shall comply with any height restriction to be set by the State of Hawai'i pursuant to specifications established in FAA regulations for aviation easement purposes along the perimeter of the Lihue airport runways.
11. Traffic improvements to intersections or roadways within the Lihue District, as determined by the State Highways Division and/or Department of Public Works, to mitigate increase in traffic generated by the proposed hotel/resort residential projects shall be considered and, as may be appropriate, required by the Planning Commission at time of consideration of Zoning Permit and/or SMA Use Permit Application for the proposed hotel/resort-residential project.
12. To minimize adverse impacts to Newell's shearwaters, exterior lighting fixtures shall be only of the following types: shielded lights, cut-off luminaires or indirect lighting. The Applicant shall consult with the Division of Forestry and Wildlife, Kaua'i District (State Department of Land and Natural Resources), for its specific lighting recommendations. Up-lighting shall be prohibited and only fully shielded, low profile lights shall be implemented. Spotlighting of any structures or the ocean shall be reviewed and approved by the Planning Director.

13. The Applicant, its successors or assigns, shall develop the appropriate documents and/or agreements for the review of and approval by the County of Kaua'i that would hold the County of Kaua'i harmless from any lawsuits relating to noise generated during normal airport activities at the Lihue Airport by any owners, subtenants, guests, or other users of the rezoned area.
14. An aviation easement in a form prescribed by the State Department of Transportation shall be granted to the State of Hawai'i by the Applicant, to cover the entirety of the Kaua'i Lagoons Resort property owned by the Applicant.
15. The Applicant shall consult with and comply with all archaeological/historical requirements of the State [of] Historic Preservation Division at time of Zoning Permit and/or SMA Use Permit Applications for the property.
16. The Applicant shall comply with all requirements established by the Department of Public Works regarding grading, grubbing, drainage and erosion control in order to minimize any adverse impacts to surrounding properties, to Kalapaki Bay, and to adjoining off-shore waters during construction and other grading or grubbing activity. The applicant shall also conduct a drainage study to evaluate the impacts of increased runoff from the development of residences, parking lots and other impermeable surfaces and shall implement measures to keep storm flow rates to levels existing prior to the project construction of any of the said 772 units.
17. The Applicant shall continue to make available two hundred (200) off-street parking stalls within the parking lot area described as "Easement P-1" to the property currently identified as the Kaua'i Marriott Resort and Beach Club (TMK: 3-5-02: 02) for hotel and resort purposes.
18. Substantial construction of one hundred twenty-five (125) hotel or resort/residential units shall be completed within two (2) years from the effective date of this ordinance. Substantial construction of an additional one hundred twenty-five (125) hotel or resort/residential units shall be completed within seven (7) years from the effective date of this ordinance (total of two hundred fifty units). Substantial construction of the balance of the seven hundred fifty (750) units allowed by this ordinance, or five hundred (500) units shall be completed within twelve (12) years of the effective date of this ordinance. Substantial construction, as used herein, shall mean the laying of foundations. If substantial construction is not completed within this timeframe, the Planning Commission shall initiate proceedings to review the provisions of the zoning designations for the property.
19. Pursuant to Chapter 4 ("Developing Jobs & Businesses"), Section 4.5.2 ("Supporting Businesses and Jobs for Kaua'i Residents – Implementing Actions") of the Kaua'i General Plan (November 2000):

- “(c) In granting zoning and permits for new resorts and other businesses, the County shall seek commitments that businesses will actively recruit and train Kaua‘i residents to fill new jobs.”

To this end, the Applicant shall seek to actively recruit and train Kaua‘i residents to fill new jobs.

20. To the extent possible within the confines of union requirements and applicable legal prohibitions against discrimination in employment, the Applicant shall seek to hire Kaua‘i contractors as long as they are reasonably competitive with other contractors, and shall seek to employ residents of Kaua‘i in temporary construction and permanent resort related jobs. It is recognized that the Applicant may have to employ non-Kaua‘i residents for particular skilled jobs where no qualified Kaua‘i resident possesses such skills. For the purposes of this condition, the Council shall relieve the Applicant of this requirement if the Applicant is subjected to anti-competitive restraints on trade or other monopolistic practices.
21. Prior to or as part of any submittal for any major land use permits for development associated with this petition or any portion of its resort campus, the Applicant shall provide the Planning Commission a status report of applicable conditions of approval under Special Management Area Use Permit SMA (U)-2005-8, Project Development Use Permit U-2005-26, Use Permit U-2005-25, and Class IV Zoning Permit Z-IV-2005-30. The status report shall include but not be limited to:
 - a. a development schedule of all highway improvements as required by the State Highways Division;
 - b. an updated roadway and public access master plan (Figure 9, Applicant’s Petition, November 2005) identifying the location and availability for use by the general, the public beach access and associated improvements, and public access for vehicular, pedestrian and non-motorized traffic that shall be incorporated herein and referenced to in this zoning ordinance;
 - c. the location of the additional affordable housing units that are intended to be required by the subject land use petitions.
22. The Applicant is made aware that during the review of major land use permits and design, additional shoreline setbacks, height restrictions, and lot coverage restrictions may be required to mitigate visual impacts along the coast and to preserve near shore water quality.
23. As represented by the Applicant, the Applicant shall have that certain parcel of land located in Kalapakī, Hanamā‘ulu, Līhu‘e (Puna), Kaua‘i, Hawai‘i, identified by Kauai Tax Map Key No. (4) 3-05-001:102 (“Subject Property”) encumbered with a Declaration Of Conservation Restriction (to be recorded in the Bureau of Conveyances of the State of Hawai‘i) which will contain provisions regulating the development of the Subject Property, including but not limited to, the following restrictions (hereinafter referred to as the “Development Restrictions”):

- a. No dwelling units shall be allowed within those portions of the Subject Property located in the 65 DNL or higher noise contours as shown on that certain map entitled FAR Part 150 5-Year (CY 1991) Noise Exposure Map for Līhu'e Airport (from the Līhu'e Airport – FAR Part 150 Noise Compatibility Program, Noise Compatibility Program Report, State Department of Transportation Airports Division, December 1989) (referred to hereinafter as the "Restricted Area").
 - b. Only the following structures or improvements shall be allowed within the Restricted Area: roads, fences, walls, vegetation and landscaping, not more than five (5) agricultural accessory buildings, underground utilities and above-ground facilities associated therewith (none of which shall exceed five (5) feet in height), irrigation ditches, no more than two (2) water tanks (neither of which shall exceed fifteen (15) feet in height), and water wells. No dwelling units shall be allowed within the Restricted Area.
 - c. Only agricultural uses shall be allowed within the Restricted Area. No residential, industrial, resort or commercial uses (except commercial uses related to agriculture activities) shall be allowed within the Restricted Area.
 - d. The Subject Property shall not be subdivided.
 - e. The maximum number of dwelling units that may be developed on the Subject Property shall not exceed eleven (11) dwelling units. The owner of the Subject Property shall have the right to use the dwelling unit density to which the Restricted Area is eligible, provided that any and all dwelling units (not to exceed 11) are located on the portions of the Subject Property outside of the Restricted Area.
 - f. The Declaration Of Conservation Restriction encumbering the Subject Property may not be amended in any manner so as to change, modify, or delete the Restrictive Covenants contained herein without the prior approval of the Council of the County of Kaua'i.
24. The zoning designation for that certain area of approximately 21.6 acres in Nāwiliwili, Kaua'i identified on zoning map ZM-NW 400 is hereby amended from Open District (0) to Residential District (R-2), on parcels identified by TMK: 3-5-01: por. 27, and por. 168 and on the map attached hereto and incorporated herein as Map 3 (Revised September 2009), subject to the following conditions:
- a. With respect to those certain areas in Nāwiliwili, Līhu'e, Kaua'i, identified as (i) TMK: 3-5-01: por. 27 consisting of approximately 7.06 acres that has been amended from Open District (0) to Residential District (R-2), and (ii) TMK: 3-5-01: por. 1 68 consisting of approximately 1 4.6 acres that has been amended from Open District (0) to Residential District (R-2) as shown on zoning map ZM-NW 400 and on the map attached hereto and incorporated herein as Map 3 (Revised September 2009)[,] and that certain area of approximately 14.2

acres being rezoned from the Residential District (R-2) to the Residential District (R-4) and approximately 2.6 acres being rezoned from the Resort District (RR-10) to the Residential District (R-2) as reflected on the location map attached hereto and incorporated herein as Map 3 (Revised 2021) and delineated by metes and bounds property descriptions in Attachment A, dated 2021, which is attached hereto and incorporated as part of Ordinance No. PM-2005-383, as amended, (hereinafter referred to as the "2009 and 2021 Petition [Area] Areas"), the following conditions shall apply:

- b. Notwithstanding the provisions in Condition No. 1.b. of this Ordinance and as represented by the Applicant, guest cottages and additional dwelling units shall not be permitted on the lots created within the 2009 and 2021 Petition [Area] Areas. This restriction shall be included in the deeds for the subject lots, and recorded at the Bureau of Conveyances. A recorded copy of the deed(s) shall be provided to the Planning Department.
- c. Notwithstanding the provisions in Condition No. 12 of this Ordinance, in order to minimize adverse impacts on Federally Listed Threatened Species, such as Newell's Shearwater and other seabirds, all external lighting for structures or other improvements within the 2009 and 2021 Petition [Area] Areas shall be limited to the following types: shielded lights, cut-off luminaires, or indirect lighting. Spotlights aimed upward or spotlighting of features shall be prohibited.
- d. Notwithstanding the provisions contained in Condition No. 16 of this Ordinance, Best Management Practices shall be utilized during all phases of development within the 2009 and 2021 Petition [Area] Areas in order to minimize erosion, dust and sedimentation impacts of the project to abutting properties. These practices shall be reflected in the subdivision, grading, construction, or other plans for the Petition Area that are submitted for permit processing.
- e. No application for development (subdivision, grading, etc.) related to the subject requests for any proposed subdivisions within the 2009 and 2021 Petition [Area] Areas (identified in Figure 6a of the Applicant's Petition, June 8, 2009, as Subdivision 1A, Subdivision 5, and Subdivision 6) shall be accepted for processing by the Planning Department until such time that the 138-acre parcel identified as TMK: (4) 3-5-01: por. 102 is conveyed to the County of Kaua'i, as represented.
- f. Agency comments and concerns as submitted for the subject petition shall be resolved at the time of the next review conducted by the Planning Department, be it subdivision or other review.
- g. As represented, the 12.0 acre remnant that will be General Planned "Resort" and surrounding proposed Subdivision 6 within the 2009 and 2021 Petition [Area] Areas, which currently encompasses the existing Kiele Golf Course Hole Nos. 6 and 8, shall not be utilized for any future density calculations purposes, and is only intended to provide for a more uniform General Plan "Resort" boundary designation.

- h. Additional government agency conditions may be imposed. It shall be the Applicant's responsibility to resolve those conditions with the respective agency(ies).
25. The Applicant is advised that additional government agency conditions may be imposed. It shall be the Applicant's responsibility to resolve those conditions with the respective agency(ies)."

SECTION 2. Upon the completion of recordation with the Bureau of Conveyances of the State of Hawai'i of the deed conveying the parcel identified as TMK: 3-5-01: por. 102 consisting of 1 38 acres to the County of Kaua'i, Condition No. 23 of this Ordinance shall no longer be applicable.

SECTION 3. The zoning designation for that certain area in Nāwiliwili, Kaua'i, identified as TMK: 3-5-01: 27, 82, 83, 115, 116, 117, 118, 119, and 120, as shown on Zoning Map ZM-NW-400 and on the map attached hereto and incorporated herein as Exhibit ZA-2002-1, are subject to the amendments in Section 1 hereinabove, and incorporated herein as part of this zoning application.

SECTION 4. Ordinances Nos. PM-2002-363 and PM-2006-383 are superseded.

SECTION 5. The Planning Commission is directed to note the change on the official Zoning Map on file with the Commission. All applicable provisions of the Comprehensive Zoning Ordinance shall apply to the area rezoned herein.

SECTION 6. Severability. The invalidity of any word, section, clause, paragraph, sentence, part, or portion of this Ordinance shall not affect the validity of any other part of this ordinance that can be given effect without such invalid part or parts.

SECTION 7. Material to be deleted is bracketed. New material is underscored.

SECTION 8. This Ordinance shall take effect upon approval.

Introduced by:


MASON K. CHOCK
(By Request)

DATE OF INTRODUCTION:

August 18, 2021

Lihu'e, Kaua'i, Hawai'i

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Legend

Area (in Ac.)	County Zoning
	O Open
	RR-20 Resort (20 Units/Acre)
	R-20 Residential
	CG Commercial (General)
	IG Industrial (General)
	IL Industrial (General)
	C Conservation (State)
0.0	O to RR-20
16.6	O to RR-10
40.0	O to R-2
2.1	IL to R-20
65.7	

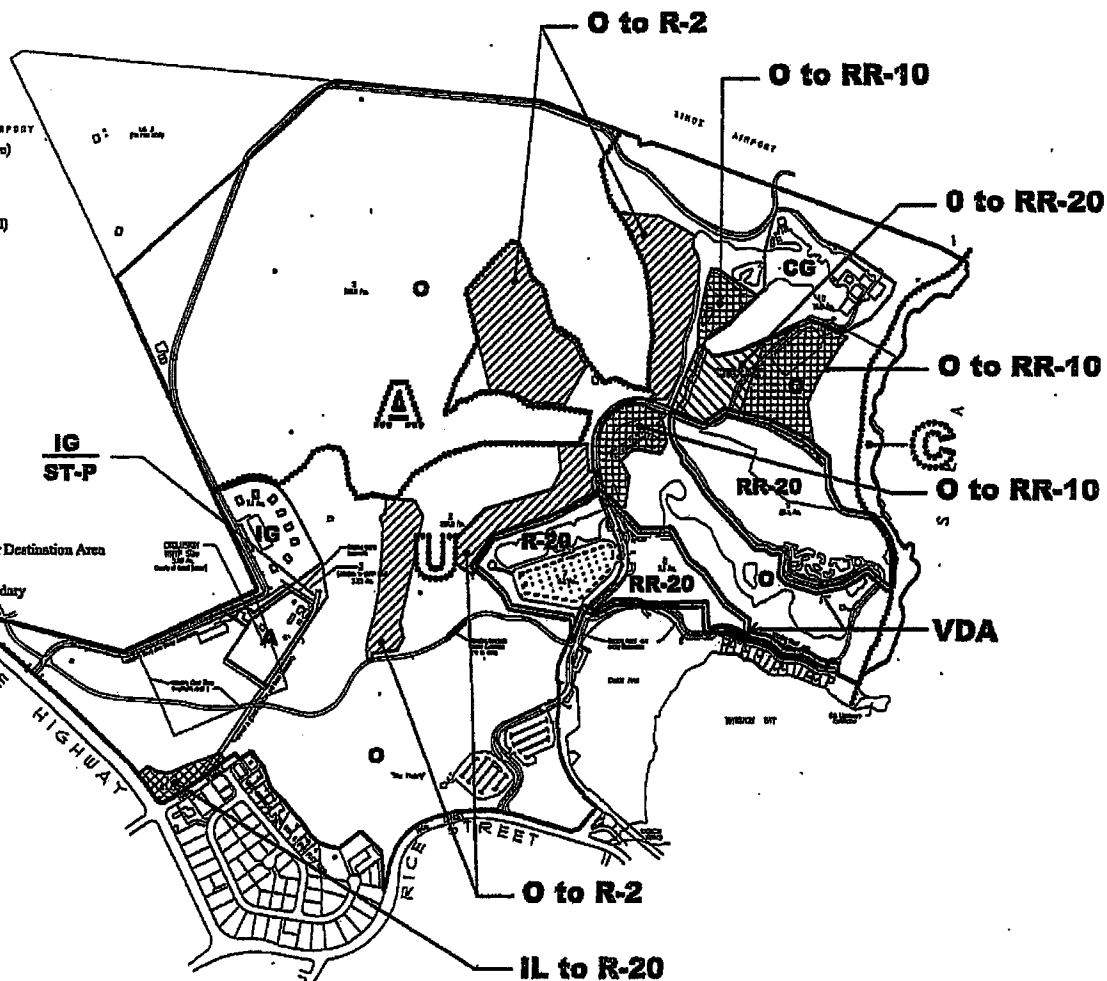
VDA - Existing Visitor Destination Area

State Land-Use Boundary

U Urban

A Agriculture

C Conservation



LOCATION MAP SHOWING
PROPOSED AMENDMENT TO
ZONING MAP ZM-NW-400

FROM

OPEN DISTRICT (O) AND
LIMITED INDUSTRIAL DISTRICT (IL)
TO

RESORT DISTRICT (RR-10, RR-20) AND
RESIDENTIAL DISTRICTS (R-2, R-20)

TAX MAP KEYS: 3-5-01: 27 (POR.),
165, 168 (POR.), AND 172 (POR.)

KALAPAKI, KAUAI, HAWAII

ZA-2006-05

REVISED Map 3 (Existing and Proposed Zoning)

Revised 9/27/06

HAUPA
ROADWAY
ACCESS

AIRPORT
ACCESS
ROAD

PROPOSED
AFFORDABLE
HOUSING

PROPOSED
MULTI-FAMILY
RESIDENTIAL

RICE STREET
ENTRANCE

PUBLIC ACCESS
EASEMENT

PUBLIC ACCESS
EASEMENT

PROPOSED
CLUSTER

PUBLIC ACCESS
EASEMENT

(DEVELOPED)

PUBLIC ACCESS
EASEMENT

PROPOSED
SWIMMING
DEVELOPMENT

PUBLIC
ACCESS
PARKING

PUBLIC
RESTROOM &
SHOWER
FACILITY

PUBLIC
SHORELINE
ACCESS

PROPOSED
TIMBERSHED

PUBLIC
SHORELINE
ACCESS

PUBLIC ACCESS
PARKING

PUBLIC
SHORELINE
ACCESS

PROPOSED
SINGLE AND
MULTI-FAMILY
RESIDENTIAL

PROPOSED PUBLIC
RESTROOM & SHOWER
FACILITY

RECREATIONAL
SHELTER

PUBLIC LATERAL
ACCESS WITH
PICKUP SHELTERS
(TO US HIGHWAY)

ROADWAY AND PUBLIC ACCESS PLAN

KAUAI LAGOONS RESORT
WILSON OKAMOTO CORPORATION

AUGUST 2006

Not to Scale



LEGEND

- PUBLIC ACCESS
- PUBLIC ACCESS
OVER STATE LANDS
- PROPOSED RESORT ACCESS

ROADWAY AND PUBLIC ACCESS PLAN

KAUAI LAGOONS
RESORT

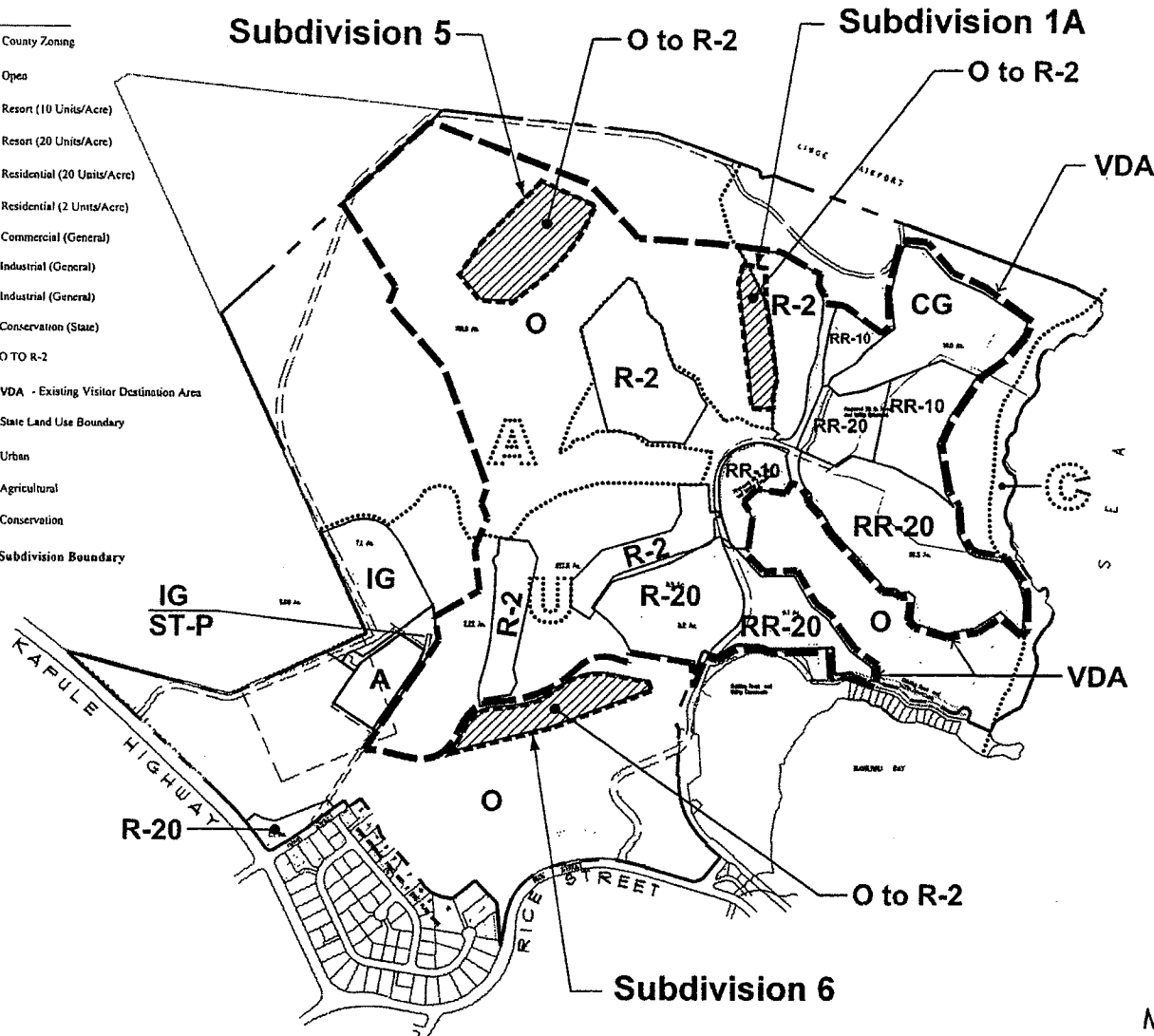


WILSON OKAMOTO
CORPORATION
2100 KALANANOLU AVENUE, SUITE 100
HONOLULU, HAWAII 96815

1001 South Berwick Street, Suite 100
Honolulu, Hawaii, U.S.A. 96813
TEL: 808-944-0277 / FAX: 808-944-0283
www.wilsonokamoto.com

Legend

Area (in Ac.)	County Zoning
O	Open
RR-10	Resort (10 Units/Acre)
RR-20	Resort (20 Units/Acre)
R-20	Residential (20 Units/Acre)
R-2	Residential (2 Units/Acre)
CG	Commercial (General)
IG	Industrial (General)
IG ST-P	Industrial (General)
C	Conservation (State)
21.6	O TO R-2
—	VDA - Existing Visitor Destination Area
.....	State Land Use Boundary
U	Urban
A	Agricultural
C	Conservation
-----	Subdivision Boundary



LOCATION MAP SHOWING
PROPOSED AMENDMENT TO
ZONING MAP ZM-NW-400

FROM

OPEN DISTRICT (O)

TO

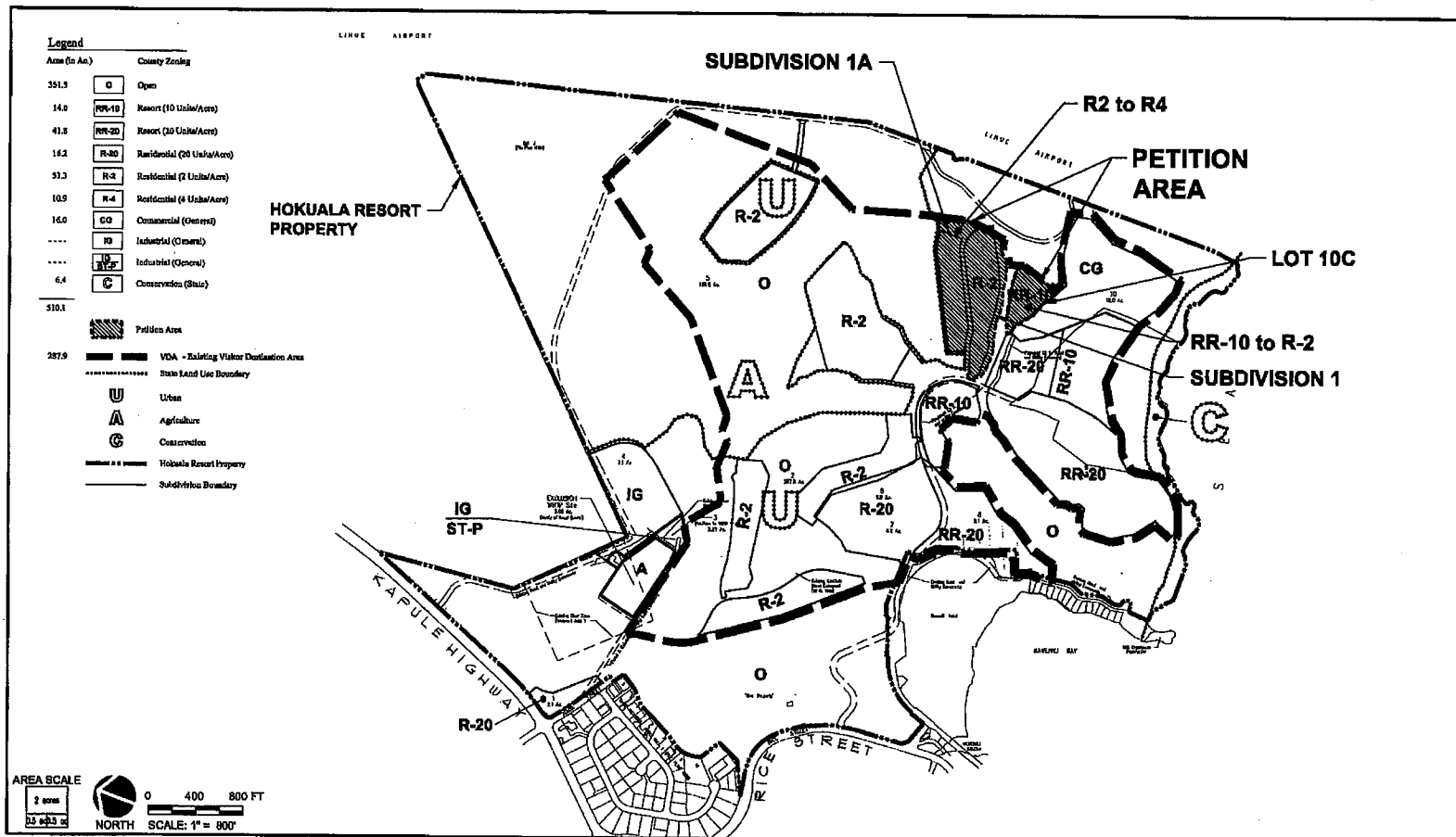
RESIDENTIAL DISTRICT (R-2)

TAX MAP KEYS: 3-5-01: 27 (POR.)
AND 168 (POR.)

KALAPAKI, KAUAI, HAWAII



ZA-2009-10
Map 3 (Existing and Proposed Zoning)
REVISED SEPTEMBER 2009



REVISED MAP 3
LOCATION MAP SHOWING
PROPOSED AMENDMENT
TO ZONING MAP
ZM-NW-400 FROM
RESIDENTIAL DISTRICT
(R-2) TO RESIDENTIAL
DISTRICT (R-4)
AND FROM RESORT
DISTRICT (RR-10) TO
RESIDENTIAL DISTRICT
(R-2)
TAX MAP KEYS: 3-5-001: 177,
POR. 27 AND 168
AND
3-5-004:100 TO 109
KALAPAKI, KAUAI,
HAWAII

ZONING AMENDMENT
ZA-2021-3

Attachment A
Metes and Bounds Property Description

LOT 1

-ITEM ONE:-

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 4480, Land Commission Award Number 7713 Apana 2, Part 1 to Victoria Kamamalu) situate, lying and being at Kalapaki, Lihu'e, Island and County of Kauai, State of Hawaii, being LOT 100, being also a portion of Lot 2-A-1 as shown on Kauai County Subdivision File No. S-2008-2, and thus bounded and described as per survey dated December 12, 2008, to-wit:

Beginning at the southwest corner of this parcel of land, being the northeasterly side of Lot 2-A-1-A as shown on Kauai County Subdivision File No. S-2008-24, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Kalepa" being 13,496.61 feet south and 5,027.88 feet east, and running by azimuths measured clockwise from true South:

1. 180° 40' 30.45 feet along Ho'olaulea Way;

 thence along Road Lot B as shown on Kauai County Subdivision File No. S-2008-24 on a curve to the right with a radius of 30.00 feet, the chord azimuth and distance being:
2. 221° 48' 15" 39.48 feet;

 thence, on a curve to the left with a radius of 262.00 feet, the chord azimuth and distance being:
3. 257° 00' 44" 54.18 feet;
4. 251° 04' 15" 151.09 feet;
5. 00° 00' 142.01 feet along Lot 101 as shown on Kaua'i County Subdivision File No. S-2008-24;
6. 100° 57' 34.38 feet along Lot 2-A-1-A;
7. 84° 04' 84.16 feet;
8. 102° 25' 30" 107.44 feet to the point of beginning and containing an area of 0.505 acre, more or less.

-ITEM TWO:-

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 4480, Land Commission Award Number 7713 Apana 2, Part 1 to Victoria Kamamalu) situate, lying and being at Kalapaki, Lihu'e, Island and County of Kauai, State of Hawaii, being LOT 101, being also a portion of Lot 2-A-1 as shown on Kauai County Subdivision File No. S-2008-2, and thus bounded and described as per survey dated December 12, 2008, to-wit:

Beginning at the southwest corner of this parcel of land, being the southeast corner of Lot 100 as shown on Kauai County Subdivision File No. S-2008-24, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Kalepa" being 13,517.56 feet south and 5,250.26 feet east, and running by azimuths measured clockwise from true South:

1. 180° 00' 142.01 feet along Lot 100;
2. 251° 04' 15" 26.32 feet along Road Lot B as shown on Kauai County Subdivision File No. S-2008-24;
- thence on a curve to the right with a radius of 218.00 feet, the chord azimuth and distance being:
3. 255° 50' 45" 36.29 feet;
4. 260° 37' 15" 78.94 feet;
5. 00° 00' 158.03 feet along Lot 102 as shown on Kaua'i County Subdivision File No. S-2008-24;
6. 61° 17' 30" 12.01 feet along Lot 2-A-1-A as shown on Kauai County Subdivision File No. S-2008-24;
7. 81° 11' 30" 96.27 feet;
8. 100° 57' 32.91 feet to the point of beginning and containing an area of 0.503 acre, more or less.

-ITEM THREE:-

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 4480, Land Commission Award Number 7713 Apana 2, Part 1 to Victoria Kamamalu) situate, lying and being at Kalapaki, Lihu'e, Island and County of Kauai, State of Hawaii, being LOT 102, being also a portion of Lot 2-A-1 as shown on Kauai County Subdivision File No. S-2008-2, and thus bounded and described as per survey dated December 12, 2008, to-wit:

Beginning at the southwest corner of this parcel of land, being the southeast corner of Lot 101 as shown on kauai County Subdivision File No. S-2008-24, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Kalepa" being 13,503.30 feet south and 5,388.24 feet east, and running by azimuths measured clockwise from true South:

1. 180° 00' 158.033 feet along Lot 101;
2. 260° 37' 15" 22.03 feet along Road Lot B as shown on Kaua'i County Subdivision File No. S-2008-24;

thence on a curve to the left with a radius of 262.00 feet, the chord azimuth and distance being:

3. 251° 57' 52" 78.87 feet;
4. 243° 18' 30" 56.01 feet;
5. 00° 00' 172.17 feet along Lot 103 as shown on Kaua'i County Subdivision File No. S-2008-24;
6. 88° 27' 79.46 feet along Lot 2-A-1-A as shown on Kauai County Subdivision File No. S-2008 24;
7. 61° 17' 30" 76.77 feet to the point of beginning and containing an area of 0.506 acre, more or less.

-ITEM FOUR:-

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 4480, Land Commission Award Number 7713 Apana 2, Part 1 to Victoria Kamamalu) situate, lying and being at Kalapaki, Lihu'e, Island and County of Kauai, State of Hawaii, being LOT 103, being also a portion of Lot 2-A-1 as shown on Kauai County Subdivision File No. S-2008-2, and thus bounded and described as per survey dated December 12, 2008, to-wit:

Beginning at the southwest corner of this parcel of land, being the southeast corner of Lot 102 as shown on kauai County Subdivision File No. S-2008-24, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Kalepa" being 13,464.27 feet south and 5,535.01 feet east, and running by azimuths measured clockwise from true South:

1. 180° 00' 172.17 feet along Lot 102;
2. 243° 18' 30" 100.00 feet along Road Lot B as shown on Kauai County Subdivision File No. S-2008-24;
3. 334° 24' 30" 227.67 feet along Lots 104 and 105 as shown on Kauai County Subdivision File No. S-2008-24;

4. 83° 54' 84.10 feet along Lot 2-A-1-A as shown on Kauai County
 Subdivision File No. S-2008-24;
5. 88° 27' 104.10 feet to the point of beginning and containing an area of
 0.640 acre, more or less.

-ITEM FIVE:-

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 4480, Land Commission Award Number 7713 Apana 2, Part 1 to Victoria Kamamalu) situate, lying and being at Kalapaki, Lihu'e, Island and County of Kauai, State of Hawaii, being LOT 104, being also a portion of Lot 2-A-1 as shown on Kauai County Subdivision File No. S-2008-2, and thus bounded and described as per survey dated December 12, 2008, to-wit:

Beginning at the southwest corner of this parcel of land, being the northwest corner of Lot 105 as shown on Kauai County Subdivision File No. S-2008-24, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Kalepa" being 13,367.89 feet south and 5,682.16 feet east, and running by azimuths measured clockwise from true South:

1. 154° 24' 30" 133.84 feet along Lot 103 as shown on Kaua'i County Subdivision
 File No. S-2008-24;
2. 243° 18' 30" 165.63 feet along Road Lot B as shown on Kauai County
 Subdivision File No. S-2008-24;
3. 333° 18' 30" 133.81 feet along Lot 105;
4. 63° 18' 30" 168.20 feet to the point of beginning and containing an area of
 0.513 acre, more or less.

-ITEM SIX:-

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 4480, Land Commission Award Number 7713 Apana 2, Part 1 to Victoria Kamamalu) situate, lying and being at Kalapaki, Lihu'e, Island and County of Kauai, State of Hawaii, being LOT 105, being also a portion of Lot 2-A-1 as shown on Kauai County Subdivision File No. S-2008-2, and thus bounded and described as per survey dated December 12, 2008, to-wit:

Beginning at the southwest corner of this parcel of land, being the southeast corner of Lot 103 as shown on Kauai County Subdivision File No. S-2008-24, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Kalepa" being 13,452.52 feet south and 5,722.69 feet east, and running by azimuths measured clockwise from true South:

1. 254° 24' 30" 93.83 feet along Lot 103;

2. 243° 18' 30" 168.20 feet along Lot 104 as shown on Kaua'i County Subdivision File No. S-2008-24;
3. 153° 18' 30" 133.81 feet;
4. 243° 18' 30" 15.00 feet along Road Lot B as shown on Kauai County Subdivision File No. S-2008-24;
5. 333° 18' 30" 276.85 feet along Lot 106 as shown on Kaua'i County Subdivision File No. S-2008-24;
6. 66° 40' 57.07 feet along Lot 2-A-1-A as shown on Kauai County Subdivision File No. S-2008-24;
7. 82° 55' 30" 122.41 feet;
8. 83° 54' 13.59 feet to the point of beginning and containing an area of 0.573 acre, more or less.

-ITEM SEVEN:-

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 4480, Land Commission Award Number 7713 Apana 2, Part 1 to Victoria Kamamalu) situate, lying and being at Kalapaki, Lihu'e, Island and County of Kauai, State of Hawaii, being LOT 106, being also a portion of Lot 2-A-1 as shown on Kauai County Subdivision File No. S-2008-2, and thus bounded and described as per survey dated December 12, 2008, to-wit:

Beginning at the southwest corner of this parcel of land, being the southeast corner of Lot 105 as shown on Kauai County Subdivision File No. S-2008-24, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Kalepa" being 13,413.39 feet south and 5,910.09 feet east, and running by azimuths measured clockwise from true South:

1. 153° 18' 30" 276.85 feet along Lot 105;
2. 243° 18' 30" 15.00 feet along Road Lot B as shown on Kauai County Subdivision File No. S-2008-24;
3. 333° 18' 30" 147.96 feet along Lot 107 as shown on Kaua'i County Subdivision File No. S-2008-24;
4. 241° 35' 161.63 feet;
5. 333° 18' 30" 140.06 feet along Lot 109 as shown on Kaua'i County Subdivision File No. S-2008-24;

6. 61° 35' 45.67 feet along Lot 2-A-1-A as shown on Kauai County Subdivision File No. S-2008-24;
7. 66° 40' 131.14 feet to the point of beginning and containing an area of 0.601 acre, more or less.

-ITEM EIGHT:-

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 4480, Land Commission Award Number 7713 Apana 2, Part 1 to Victoria Kamamalu) situate, lying and being at Kalapaki, Lihu'e, Island and County of Kauai, State of Hawaii, being LOT 107, being also a portion of Lot 2-A-1 as shown on Kauai County Subdivision File No. S-2008-2, and thus bounded and described as per survey dated December 12, 2008, to-wit:

Beginning at the northwest corner of this parcel of land, being the north corner of Lot 106 as shown on Kauai County Subdivision File No. S-2008-24, also being the south side of Road Lot B as shown on Kaua'i County Subdivision File No. S-2008-24, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Kalepa" being 13,159.31 feet south and 5,799.13 feet east, and running by azimuths measured clockwise from true South:

1. 243° 18' 30" 161.56 feet along Road Lot B;
2. 333° 18' 30" 143.10 feet along Lot 108 as shown on Kaua'i County Subdivision File No. S-2008-24;
3. 61° 35' 161.63 feet along Lot 106;
4. 153° 18' 30" 147.96 feet to the point of beginning and containing an area of 0.540 acre, more or less.

-ITEM NINE:-

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 4480, Land Commission Award Number 7713 Apana 2, Part 1 to Victoria Kamamalu) situate, lying and being at Kalapaki, Lihu'e, Island and County of Kauai, State of Hawaii, being LOT 108, being also a portion of Lot 2-A-1 as shown on Kauai County Subdivision File No. S-2008-2, and thus bounded and described as per survey dated December 12, 2008, to-wit:

Beginning at the northwest corner of this parcel of land, being the northeast corner of Lot 107 as shown on Kauai County Subdivision File No. S-2008-24, also being the south side of Road Lot B as shown on Kauai County Subdivision File No. S-2008-24, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Kalepa" being 13,086.73 feet south and 5,943.48 feet east, and running by azimuths measured clockwise from true South:

1. 243° 18' 30" 108.91 feet along Road Lot B;

Thence on a curve to the right with a radius of 218.00 feet, the chord azimuth and distance being:

2. 276° 56' 34" 241.50 feet;
3. 61° 35' 310.12 feet along Lot 109 as shown on Kaua'i County Subdivision File No. S-2008-24;
4. 153° 18' 30" 143.10 feet along Lot 107 to the point of beginning and containing an area of 0.814 acre, more or less.

-ITEM TEN:-

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 4480, Land Commission Award Number 7713 Apana 2, Part 1 to Victoria Kamamalu) situate, lying and being at Kalapaki, Lihu'e, Island and County of Kauai, State of Hawaii, being LOT 109, being also a portion of Lot 2-A-1 as shown on Kauai County Subdivision File No. S-2008-2, and thus bounded and described as per survey dated December 12, 2008, to-wit:

Beginning at the southwest corner of this parcel of land, being the southeast corner of Lot 106 as shown on Kauai County Subdivision File No. S-2008-24, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Kalepa" being 13,339.72 feet south and 6,070.67 feet east, and running by azimuths measured clockwise from true South:

1. 153° 18' 30" 140.06 feet along Lot 106;
2. 241° 35' 310.12 feet along Lot 108 as shown on Kaua'i County Subdivision File No. S-2008- 24;

Thence along Road B as shown on Kauai County Subdivision file No. S-2008-24, on a curve to the right with a radius of 218.00 feet, the chord azimuth and distance being:

3. 329° 19' 16" 140.10 feet;
4. 61° 35' 319.87 feet along Lot 2-A-1-A as shown on Kauai County Subdivision File No. S-2008-24, to the point of beginning and containing an area of 1.037 acres, more or less.

LOT 1-A

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 4480, Land Commission Award Number 7713, Apana 2, Part 1 to Victoria Kamamalu), being PROPOSED LOT 1-A, as shown on Kauai County Subdivision File No. _____, being also a portion of Lot 2-A-1, as shown on Kauai County Subdivision File No. S-2019-11 and Lot 5-A as shown on Kauai County Subdivision File No. S-2008-24, situate, lying and being at Kalapaki, District of Lihue, Island and County of Kauai, State of Hawaii, and thus bounded and described as per survey dated November 11, 2020:

Beginning at the Northeast corner of this piece of land, being a south corner of Lot 5-A-1, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Kalepa" being 12,761.28 feet south and 6,152.45 feet east, and running by azimuths measure clockwise from true South:

1. 1° 14' 15" 209.51 feet along Lots 5-A-1 and 2-A;

Thence along the North side of Kahilipulu Way on a curve to the left with a radius of 262.00 feet, the chord azimuth and distance being:

2. 77° 39' 42" 129.91 feet;

3. 63° 18' 30" 622.11 feet along the North side of Kahilipulu Way;

Thence along the North side of Kahilipulu way, on a curve to the right with a radius of 218.00 feet, the chord azimuth and distance being:

4. 71° 57' 51" 65.62 feet;

5. 80° 37' 15" 100.97 feet along the North side of Kahilipulu Way;

Thence along the North side of Kahilipulu Way, on a curve to the left with a radius of 262.00 feet, the chord azimuth and distance being:

6. 75° 50' 46" 43.62 feet;

7. 71° 04' 15" 4.12 feet;

Thence along the East side of Pohaiula Place, on a curve to the right with a radius of 30.00 feet, the chord azimuth distance being:

8. 116° 04' 15" 42.43 feet;

9. 161° 04' 15" 117.34 feet along the East side of Pohaiula Place;

10. 243° 18' 30" 908.00 feet along the South side of Lot 5-A-1;

11. 260° 07' 30" 162.82 feet to the point of beginning and containing an area of 4.604 acres, more or less.

LOT 10-C

described in and covered by Royal Patent Number 4480, Land Commission Award Number 7713, Apana 2, Part 1 to Victoria Kamamalu), situate, lying and being at Kalapaki, Lihue, County of Kauai, State of Hawaii, being LOT 10-C, and thus bounded and described as per survey dated September 30, 2008:

Beginning at the west corner of this parcel of land, being the northeast corner of Lot 9-B as shown on Kauai County Subdivision File No. S-2008-2, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Kalepa" being 13,600.75 feet south and 5,578.07 feet east, and running by azimuths measured clockwise from true South:


1. 245° 32' 93.97 feet along Lot 2-A-1;
2. 258° 49' 304.96 feet;
3. 267° 30' 114.69 feet;
4. 324° 21' 53.29 feet;
5. 19° 10' 205.13 feet;
6. 15° 12' 65.84 feet
7. 10° 35' 30" 73.61 feet;
8. 118° 08' 30" 148.49 feet along Lot 10-B;
9. 96° 12' 75.81 feet;
10. 128° 18' 175.51 feet;
11. 133° 14' 121.01 feet along Lot 9-B to the point of beginning and containing an area of 2.588 acres, more or less.

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2831, which was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on August 18, 2021, by the following vote:

FOR PASSAGE:	Carvalho, Chock, Cowden, DeCosta, Evslin, Kualii, Kaneshiro	TOTAL – 7,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Lihu'e, Hawai'i
August 18, 2021


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

