

NOTICE OF PUBLICATION AND NOTICE OF PUBLIC HEARING

OFFICE OF  
THE COUNTY CLERK  
COUNTY OF KAUAI

Notice is hereby given that the Council of the County of Kaua'i will hold a public hearing on Wednesday, November 3, 2021, at 8:30 a.m., or soon thereafter, at the Council Chambers, 4396 Rice Street, Room 201, Historic County Building, Lihu'e, on the following:

Bill No. 2838

A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO TRANSIENT ACCOMMODATIONS (*Kaua'i County Council, Applicant*) (ZA-2021-2 - *Planning Commission Recommendation*)

The purpose of this Bill is to amend Chapter 8, Kaua'i County Code 1987, as amended, relating to Transient Accommodations.

The Bill proposes to amend the definitions of "Developed Campgrounds" and "Undeveloped Campgrounds" and also proposes to delete the definition of "Organized Recreation Camps." The Bill also proposes to amend the Use Table to prohibit "Developed Campgrounds" in the Open Zoning District (O) and the Agriculture Zoning District (A); outright permit "Developed Campgrounds" in the Resort Zoning District (RR) and the General Commercial zoning District (C-G); and adds new language under Section 8-8.7 and Section 8-9.6 to clarify that Developed Campgrounds are prohibited in the Open (O) and Agriculture (A) Zoning Districts.

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. 2838 was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on October 6, 2021, by the following vote:

AYES:	Carvalho, Chock, Cowden, DeCosta, Evslin, Kualii, Kaneshiro	TOTAL - 7,
NOES:	None	TOTAL - 0,
EXCUSED & NOT VOTING:	None	TOTAL - 0,
RECUSED & NOT VOTING:	None	TOTAL - 0.

Lihu'e, Hawai'i  
October 6, 2021

/s/ Jade K. Fountain-Tanigawa  
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 – October 18, 2021)

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 8,  
KAUA'I COUNTY CODE 1987, AS AMENDED,  
RELATING TO TRANSIENT ACCOMMODATIONS**

(Kaua'i County Council, Applicant) (ZA-2021-2)

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. Chapter 8, Section 8-1.5, Kaua'i County Code 1987, as amended, is hereby amended by amending the definition of "Developed Campgrounds," "Organized Recreation Camps," and "Undeveloped Campground" as follows:

““Developed Campgrounds” means land or premises designed to be used, let, or rented for [temporary] compensation, monetary or otherwise, for transient occupancy by campers traveling by automobile or otherwise and which contain such facilities as tent sites, bathrooms or other sanitary facilities, piped water installations, and parking areas, but not including mobile home parks. Each individual tent camping site offers a campsite that may have permanent footings, platforms, and/or private restroom facilities. Developed campgrounds may include facilities for the temporary placement of camp trailers and camping vehicles which are utilized for non-permanent residential uses [at no more than six (6) vehicles per acre].

["Organized Recreation Camps" means land or premises containing structures designed to be used for organized camping. The structures include bunk houses, tent platforms, mess halls and cooking facilities, and playfields. Examples include Boy Scout Camps and summer camps.]

["Undeveloped Campground" means land or premises designed to be used for temporary occupancy by campers traveling by foot or horse which may contain facilities and fireplaces, but do not contain facilities as are provided at developed campgrounds.]

"Undeveloped Campgrounds" means land or premises designed to be used by property owners and their guests for non-commercial camping purposes. There are no permanent footings or platforms, and there are no permanent structures. There is no compensation, monetary or otherwise, for use of this site."

SECTION 2. Chapter 8, Kaua'i County Code 1987, as amended, is hereby amended by amending Table 8-2.4 – Table of Uses, in pertinent part, to outright permit "Developed campgrounds" in the Resort Zoning District as follows:

Sec.	USE	ZONING DISTRICT									
		Residential		RR	Commercial		Industrial		AG	O	UNV
		R-1 to R-6	R-10 to R-20		CN	CG	IL	IG			
8-2.4(g) (1)	Accessory uses and structures			P							
8-2.4(g) (2)	Apartment hotels			P							

Sec.	USE	ZONING DISTRICT									
		Residential		RR	Commercial		Industrial		AG	O	UNV
		R-1 to R-6	R-10 to R-20		CN	CG	IL	IG			
8-2.4(g) (3)	Automobile service and storage			P							
8-2.4(g) (4)	Barber shop and beauty shop			P							
8-2.4(g) (5)	Commercial recreation			P							
8-2.4(g) (6)	<u>Developed campgrounds</u>			<u>P</u>							
[8-2.4(g) (6)] 8-2.4(g) (7)	Gift shops			P							
[8-2.4(g) (7)] 8-2.4(g) (8)	Golf courses			P							
[8-2.4(g) (8)] 8-2.4(g) (9)	Home business			P							
[8-2.4(g) (9)] 8-2.4(g) (10)	Hotels			P							
[8-2.4(g) (10)] 8-2.4(g) (11)	Laundromat			P							
[8-2.4(g) (11)] 8-2.4(g) (12)	Libraries			P							
[8-2.4(g) (12)] 8-2.4(g) (13)	Motels			P							
[8-2.4(g) (13)] 8-2.4(g) (14)	Museums			P							
[8-2.4(g) (14)] 8-2.4(g) (15)	Police and fire stations			P							
[8-2.4(g) (15)] 8-2.4(g) (16)	Public parks and monuments			P							
[8-2.4(g) (16)] 8-2.4(g) (17)	Restaurants and food service			P							
[8-2.4(g) (17)]	[Retail cleaning outlets]			[P]							
8-2.4(g) (18)	Retail cleaning outlets			P							
8-2.4(g) (19)	Retail food and drug shops			P							
8-2.4(g) (20)	Shoe repair shops			P							
8-2.4(g) (21)	Single family detached dwellings			P							
8-2.4(g) (22)	Transient vacation rentals, provided they are located within the designated Visitor Destination Areas established pursuant to Article 17 of this Chapter. These uses are prohibited in non-VDA areas.			P							

SECTION 3. Chapter 8, Kaua'i County Code 1987, as amended, is hereby amended by amending Table 8-2.4 – Table of Uses, in pertinent part, to prohibit “Developed campgrounds” in the Agriculture Zoning District as follows:

Sec.	USE	ZONING DISTRICT									
		Residential		RR	Commercial		Industrial		AG	O	UNV
		R-1 to R-6	R-10 to R-20		CN	CG	IL	IG			
8-2.4(r)(1)	Animal hospitals								U		
8-2.4(r)(2)	Botanical and Zoological gardens								U		
8-2.4(r)(3)	Cemeteries								U		
8-2.4(r)(4)	Churches, temples, and monasteries								U		
8-2.4(r)(5)	Commercial Recreation								U		

Sec.	USE	ZONING DISTRICT										
		Residential		RR	Commercial			Industrial		AG	O	UNV
		R-1 to R-6	R-10 to R-20		CN	CG	IL	IG				
8-2.4(r)(6)	Construction and worker temporary housing									U		
[8-2.4(r)(7)]	[Development campgrounds]									[U]		
[8-2.4(r)(8)] 8-2.4(r) (7)	Farm worker housing									U		
[8-2.4(r)(9)] 8-2.4(r) (8)	Farmers Markets									U		
[8-2.4(r)(10)] 8-2.4(r) (9)	Golf courses									U		
[8-2.4(r)(11)] 8-2.4(r) (10)	Mineral extraction and quarries									U		
[8-2.4(r)(12)] 8-2.4(r) (11)	Pet keeping and raising proposed within five hundred (500) feet of any Residential District									U		
[8-2.4(r)(13)] 8-2.4(r) (12)	Piggery, when to be located within three thousand (3,000) feet of any Use District									U		
[8-2.4(r)(14)] 8-2.4(r) (13)	Poultry [and piggeries] Raising, when to be located within three thousand (3,000) feet of any Use District									U		
[8-2.4(r)(15)] 8-2.4(r) (14)	Private and public utilities facilities									U		
[8-2.4(r)(16)] 8-2.4(r) 15	Restaurants and food services									U <sub>2</sub>		
[8-2.4(r)(17)] 8-2.4(r) (16)	Retail Sales									U		
[8-2.4(r)(18)] 8-2.4(r) (17)	Schools and day care centers									U		
[8-2.4(r)(19)] 8-2.4(r) (18)	Transportation terminals									U		
[8-2.4(r)(20)] 8-2.4(r) (19)	Any other use or structure which the Planning Director finds to be similar in nature to those listed in this Section and appropriate to the District									U		

SECTION 4. Chapter 8, Kaua'i County Code 1987, as amended, is hereby amended by amending Table 8-2.4 – Table of Uses, in pertinent part, to prohibit “Developed campgrounds” in the Open Zoning District as follows:

Sec.	USE	ZONING DISTRICT										
		Residential		RR	Commercial			Industrial		AG	O	UNV
		R-1 to R-6	R-10 to R-20		CN	CG	IL	IG				
8-2.4(t) (1)	Communication facilities										U	
8-2.4(t) (2)	Day care centers										U	
[8-2.4(t) (3)]	[Developed campgrounds]										[U]	
[8-2.4(t) (4)] 8-2.4(t) (3)	Home businesses										U	
[8-2.4(t) (5)] 8-2.4(t) (4)	Intensive agriculture										U	

Sec.	USE	ZONING DISTRICT											
		Residential			Commercial			Industrial					
		R-1 to R-6	R-10 to R-20	RR	CN	CG	IL	IG	AG	O	UNV		
[8-2.4(t) (6)] 8-2.4(t) (5)	Livestock and grazing within the Urban District as established by the State Land Use Commission											U	
[8-2.4(t) (7)]	[Organized recreation camps]											[U]	
[8-2.4(t) (8)] 8-2.4(t) (6)	Outdoor recreation concessions											U	
[8-2.4(t) (9)] 8-2.4(t) (7)	Police and fire facilities											U	
[8-2.4(t) (10)] 8-2.4(t) (8)	Quarries											U	
[8-2.4(t) (11)] 8-2.4(t) (9)	Recreation vehicle parks											U	
[8-2.4(t) (12)] 8-2.4(t) (10)	Religious facilities											U	
[8-2.4(t) (13)] 8-2.4(t) (11)	Utility installations											U	
[8-2.4(t) (14)] 8-2.4(t) (12)	Any other use or structure which the Planning Director finds to be similar in nature to those listed in this Section and appropriate to the District											U	

SECTION 5. Chapter 8, Article 4, Kaua'i County Code 1987, as amended, is hereby amended by amending Sec. 8-4.9 as follows:

**“Sec. 8-4.9 Development of Other Uses in a Residential District.**

All permitted uses, all uses requiring a Use Permit, and all Uses allowed by variance other than residential shall conform to:

(a) Development standards established for the district in which they are normally permitted, provided that:

(1) The minimum distance from property lines shall be the same as that required for single family detached dwellings; and

(2) The maximum building heights shall be the same as that required for single family detached dwellings; [or] and

(3) Developed campgrounds are prohibited in all Residential Zoning Districts; or

(b) The requirements and conditions imposed by the Planning Commission in granting the Use Permit or Variance Permit.”

SECTION 6. Chapter 8, Article 8, Kaua'i County Code 1987, as amended, is hereby amended by inserting a new Sec. 8-8.7 as follows:

**“Sec. 8-8.7 Developed Campgrounds in Agriculture Zoning Districts.**

Developed campgrounds are prohibited in all Agriculture Zoning Districts.”

SECTION 7. Chapter 8, Article 9, Kaua'i County Code 1987, as amended, is hereby amended by inserting a new Sec. 8-9.6 as follows:

**“Sec. 8-9.6 Developed Campgrounds in Open Zoning Districts.**

Developed campgrounds are prohibited in all Open Zoning Districts.”

SECTION 8. If any provision of this Ordinance, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 9. Ordinance material to be repealed is bracketed. New Ordinance material is underscored. When revising, compiling, or printing this Ordinance for inclusion in the Kaua'i County Code 1987, as amended, the brackets, bracketed material, and underscoring shall not be included.

SECTION 10. This Ordinance shall take effect upon approval. The requirements of this Ordinance shall not affect any application which has been approved by the Commission prior to the effective date of this Ordinance, unless there is a subsequent approval required prior to a building permit, in which case, that subsequent application shall be subject to the relevant requirements of this Ordinance, excluding subdivisions which have received tentative approval prior to the approval date of this Ordinance.

Introduced by: /s/ LUKE A. EVSLIN  
/s/ MASON K. CHOCK

DATE OF INTRODUCTION:

**October 6, 2021**

Līhu'e, Kaua'i, Hawai'i

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