

NOTICE OF PUBLICATION AND NOTICE OF PUBLIC HEARING

OFFICE OF  
THE COUNTY CLERK  
COUNTY OF KAUAI

Notice is hereby given that the Kaua'i County Council will hold a public hearing on Wednesday, October 28, 2026, at 8:30 a.m., or soon thereafter, at the Council Chambers, 4396 Rice Street, Suite 201, Historic County Building, Līhu'e, on the following:

Bill No. 3004

A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, BY ESTABLISHING A NEW ARTICLE RELATING TO CONDOMINIUM PROPERTY REGIMES (ZA-2026-5 – *Planning Commission Recommendation*)

This Bill proposes to add a new Article to Chapter 8, Kaua'i County Code 1987, as amended, to govern condominium property regimes (CPRs), which shall be similar in effect to the Subdivision Ordinance for the County of Kaua'i. The new CPR regulations will hold CPR applicants for CPR zoning clearance to an individualized review and determination, which will require the granting of relevant public access when reasonably appropriate.

Any person may testify at the public hearing, and at any Council and Committee Meeting (at which time any Bill may be amended). Meeting notices and full-text Bills are available at least six (6) days in advance at the Office of the County Clerk, Council Services Division and [kauai.gov/Government/Council/Webcast-Meetings](http://kauai.gov/Government/Council/Webcast-Meetings). Written testimony may be submitted via [counciltestimony@kauai.gov](mailto:counciltestimony@kauai.gov), mail, or fax. For further information, please call (808) 241-4188.

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that the Kaua'i County Council passed on first reading and ordered to print Bill No. 3004 during the September 23, 2026 Council Meeting, by the following vote:

|                       |                                                                |            |
|-----------------------|----------------------------------------------------------------|------------|
| AYES:                 | Bulosan, Carvalho, Cowden, Holland, Kaneshiro, Kualī'i, Rapozo | TOTAL – 7, |
| NOES:                 | None                                                           | TOTAL – 0, |
| EXCUSED & NOT VOTING: | None                                                           | TOTAL – 0, |
| RECUSED & NOT VOTING: | None                                                           | TOTAL – 0. |

Līhu'e, Hawai'i  
September 23, 2026

/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](mailto: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 – September 30, 2026)

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 8,  
KAUA'I COUNTY CODE 1987, AS AMENDED, BY ESTABLISHING A NEW  
ARTICLE RELATING TO CONDOMINIUM PROPERTY REGIMES**

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

SECTION 1. Findings and Purpose. Chapter 9, Article 2.9, Kaua'i County Code 1987, as amended, requires that a subdivider or developer dedicate land for public access to adjacent shoreline and mountain areas. The Council finds that owners of large parcels are using the condominium property regime (CPR) process to circumvent the subdivision process, thereby avoiding possible conditions, including the requirement to allow public access to *mauka* and *makai* public lands. To address these complex issues, the State Legislature enacted Hawai'i Revised Statutes (HRS) Section 514B-6, which provides that "no later than July 1, 2022, the counties shall adopt supplemental rules governing condominium property regimes, including agricultural lands that are held in condominium property regimes." Given the clear intent of the State Legislature to have the respective counties regulate CPRs, the purpose of this Ordinance is to add a new Article to Chapter 8, Kaua'i County Code 1987, as amended, to govern CPRs, which shall be similar in effect to the Subdivision Ordinance for the County of Kaua'i. Consequently, the new CPR regulations will hold CPR applicants for CPR zoning clearance to an individualized review and determination, which will require the granting of relevant public access when reasonably appropriate.

SECTION 2. Chapter 8, relating to the Comprehensive Zoning Ordinance, Kaua'i County Code 1987, as amended, is hereby amended by establishing a new Article to be appropriately designated and to read as follows:

**"ARTICLE \_\_. CONDOMINIUM PROPERTY REGIMES (CPRs).**

(a) As a condition precedent to final County approval of a CPR, the Planning Department in consultation with the Office of the County Attorney shall require a developer or CPR applicant, in cases where public access is not already provided, to dedicate land for public access by easement for pedestrian travel from a public highway or public street to the land below the high-water mark on any coastal shoreline, and to dedicate land for public access by right-of-way from a public highway or public street to areas in the mountains where there are existing facilities for hiking, hunting, fruit-picking, ti-leaf sliding, and other recreational purposes, and where there are existing mountain trails.

(b) For the purposes of this Section, the definition of lots, parcels, units, or interests shall be applicable to condominium property regime projects, which are created and established pursuant to Chapter 514B, Hawai'i Revised Statutes.

(c) Designation of public accessways shall be subject to the following requirements:

(1) "Standard" public accessways shall be a minimum of ten (10) feet in width.

(2) The Planning Department shall establish the preferred public access alignment with consideration of such factors as topography, approximate location to the nearest public street, shoreline, or public land, and configuration of property which is the subject of the CPR.

(3) "Standard" public accessways shall be designated at intervals of not less than three hundred (300) feet and not greater than one thousand five hundred (1,500) feet. The Planning Department may require that accessways be consolidated to provide sufficient area for vehicular access, parking, development of shoreline or other recreational facilities, or other public purposes; or may modify standard public accessways to take into consideration terrain features, length of frontage, uses of the property which is the subject of the CPR, and other pertinent factors; provided, however, that the total area to be conveyed shall not differ substantially from that which would be required by the provision of standard public accessways, unless additional areas and improvements are mutually agreed to by the CPR applicant and the appropriate County agencies.

(4) Public accessways shall be designed to specifications approved by the Department of Public Works and the Planning Department.

(5) Public accessways shall be clearly designated on the final map(s) of the CPR. The map designation shall serve as a conclusive presumption of dedication of an enforceable public access. Developer, CPR applicant, or landowner shall record the final map with the State of Hawai'i Bureau of Conveyances. Within six months of map dedication, Developer, CPR applicant, or landowner shall submit to County for review and execution, an easement conveyance instrument in County's favor. Within thirty (30) days of County's execution, Developer, CPR applicant, or landowner shall record the easement conveyance instrument with the Bureau of Conveyances. Failure to submit the instrument to County or failure to record the instrument does not affect the final map as a conclusive presumption of dedication of an enforceable access.

(6) The County shall indemnify the landowner from damage or loss incurred within the easement boundaries to members of the public who reasonably utilize the easement, except in the event of landowner's proven negligence.

(7) Other specifications for improvements may include but not be limited to off-street parking requirements, turnarounds, grading, and greater access width.

(8) The County Engineer may restrict or prohibit passage over a public accessway for thirty (30) days if the County Engineer determines that:

(A) The accessway is unsafe;

(B) The area being accessed is hazardous; or

(C) The area is being reserved by the County as a partial segment for a future public accessway.

(9) If the County Engineer determines that a public accessway may require restrictions that exceed thirty (30) days, such recommendation shall immediately be transmitted to the Council for approval. In the event the public accessway continues to require restrictions and Council approval has not been obtained, the County Engineer may extend the required restrictions for an additional thirty (30) days so long as the determination is consistent with the criteria set forth in this Section. In cases where the Council has disapproved of a recommendation to restrict passage over a public accessway, the County Engineer shall not have the authority to extend the restrictions. The Council shall be notified in writing of any restrictions of public accessways no matter of its duration.

(d) In cases where a CPR is in close proximity to an existing accessway or where the County Engineer determines that an accessway is not feasible due to physical constraints or hazardous conditions, the Planning Department may require the CPR applicant to improve existing accessways which already exist within the CPR parcel.

(e) The Planning Department may require a CPR applicant to improve an existing accessway within a CPR prior to dedication to the County. Upon dedication of land for a public accessway as required by this Section and upon approval by the Planning Department or the Planning Commission, the County shall thereafter assume the costs of additional improvements for and maintenance of the accessway, and the CPR applicant shall accordingly be relieved from such costs.

(f) The right of transit along the shoreline exists below the private property line which is defined as being along the upper reaches of the wash of the waves, usually evidenced by the edge of vegetation or by the debris left by the wash of the waves. In areas of cliffs or areas where the nature of the topography is such that there is no reasonably safe transit for the public along the shoreline, the Planning Department may require the conveyance of a lateral easement in proximity to the makai boundaries of the property but not directly adjacent to the shoreline to form a public transit corridor which shall not be less than ten (10) feet in width. The Planning Department may also require lateral access or transitways in other situations where the Department determines it is in the public interest.

(g) Violation of any provision of this Section shall be subject to enforcement and penalties outlined in Section 8-3.5.

(h) Appeal in Accordance with Statute. If any person is aggrieved by the order issued by the director pursuant to this Section, the person may appeal the order to the Planning Commission pursuant to its rules. The form of this appeal must conform to the Planning Commission's rules. An appeal to the Planning Commission shall not stay any provision of the order."

SECTION 3. Pursuant to HRS Chapter 91, the Planning Commission may adopt administrative rules consistent with this Ordinance as may be necessary to implement any of the provisions of this Ordinance.

SECTION 4. If any provision of this Ordinance or 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 5. All Ordinance material is new. The assigned Article number for the new Kaua'i County Code 1987, as amended, Chapter 8, ARTICLE \_\_, "Condominium Property Regimes (CPRs)" shall be inserted in the blanks throughout.

SECTION 6. This Ordinance shall take effect upon its approval.

Introduced by:



FERN HOLLAND  
(By Request)

DATE OF INTRODUCTION:

September 23, 2026

Lihu'e, Kaua'i, Hawai'i

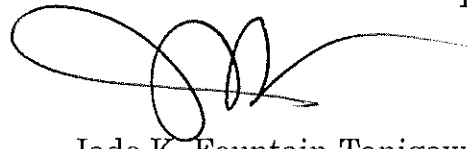
[https://kauaicounty.sharepoint.com/sites/Taskseffective9152026Temporary/Shared Documents/General/BILLS/Final Bill Public Access for CPR Properties \(FH\) RM\\_ss.docx](https://kauaicounty.sharepoint.com/sites/Taskseffective9152026Temporary/Shared Documents/General/BILLS/Final Bill Public Access for CPR Properties (FH) RM_ss.docx)

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 3004, which was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on September 23, 2026, by the following vote:

|                       |                                                                  |            |
|-----------------------|------------------------------------------------------------------|------------|
| FOR PASSAGE:          | Bulosan, Carvalho, Cowden, Holland,<br>Kaneshiro, Kualii, Rapozo | TOTAL – 7, |
| AGAINST PASSAGE:      | None                                                             | TOTAL – 0, |
| EXCUSED & NOT VOTING: | None                                                             | TOTAL – 0, |
| RECUSED & NOT VOTING: | None                                                             | TOTAL – 0. |

Lihu'e, Hawai'i  
September 23, 2026



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