

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 8 AND CHAPTER 10,  
KAUAI COUNTY CODE 1987, AS AMENDED,  
RELATING TO THE PLANTATION CAMP DISTRICT  
WILDFIRE AND WILDLAND URBAN INTERFACE (WUI)**

(County of Kaua'i Planning Department, Applicant) (ZA-2025-11)

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

SECTION 1. Purpose. The purpose of this Ordinance is to amend Chapter 8 and Chapter 10, Kaua'i County Code 1987, as amended, relating to the Comprehensive Zoning Ordinance (CZO) and the West Kaua'i Community Plan Implementing Ordinance. This proposal includes amendments to Chapter 8, Article 8A, for the Plantation Camp District (PC), and Chapter 10, Article 3, to incorporate provisions addressing wildland urban interface (WUI) wildfire hazards.

SECTION 2. Findings. The Council finds that the Plantation Camp communities are located within areas identified as high-risk zones for wildfires, which pose significant threats to public health, safety, and property. As such, it is necessary to implement regulations that will mitigate the risks of wildfires through proactive planning, building standards, and vegetation management, ensuring the safety of residents while preserving the historic character of the communities.

The Council finds that the implementation of the Plantation Camp Wildland Urban Interface regulations within Special Planning Areas O, P, and Q will provide a comprehensive framework for addressing wildfire hazards in these areas.

SECTION 3. The content of Chapter 8, Article 8A, Plantation Camp Districts (PC), Kaua'i County Code 1987, as amended, is amended as follows:

**ARTICLE 8A**

**Plantation Camp [Districts] District (PC) Wildfire and Wildland Urban Interface (WUI)**

**Section 8-8A.1. Purpose.**

The Plantation Camp District is established to ensure that the historic use of these sites can continue in perpetuity by allowing the continued use, maintenance, repair, and rebuild of existing structures to occur. Additionally, the Plantation Camp District addresses the growing threat of wildfires to the Plantation Camps' Wildland Urban Interface (WUI). This Article serves the following purposes:

- (a) To minimize the threat to public health and safety due to wildfire hazards associated with the Plantation Camps' Wildland Urban Interface.

(b) To promote and require the removal and maintenance of those vegetation species around the Plantation Camps most associated with WUI wildfires on Kaua'i.

(c) To establish defensible spaces and home hardening requirements in the Plantation Camps to reduce vulnerability from wind-blown embers that can land on combustible material and ignite, propagating fire spread through spotting.

(d) To reduce rescue and relief efforts that are associated with WUI wildfire operations in the Plantation Camps.

**Section 8-8A.2. Plantation Camp District Development Standards.**

(a) New buildings and structures in the Plantation Camp [(PC)] District (PC) shall be subject to the development standards established in Sections 8-4.3 and 8-4.5 of this Chapter.

(b) Nonconforming buildings and structures in the Plantation Camp [(PC)] District.

(1) Buildings and structures that do not conform to the regulations established by this Chapter and that lawfully existed prior to December 3, 2020 may be maintained, transferred, and sold, provided that the Planning Commission may, after hearing, order the removal of a nonconforming structure that creates substantial danger to public health or safety.

(2) Any nonconforming structure, except as otherwise regulated, may be repaired, maintained, demolished, and rebuilt insofar as the following requirements are met:

(A) The rebuild does not expand or enlarge the structure;  
and

(B) The repair or rebuild are subject to the requirements of Chapter 8, Article 27, Kaua'i County Code 1987, as amended and Chapters 12 through 15A, Kaua'i County Code 1987, as amended.

(3) The Director may allow the rebuild of a nonconforming structure in a different location from where it originally occupied if the following requirements are met:

(A) The applicant can demonstrate how the new location will better mitigate the structure's vulnerability to environmental hazards; and

(B) The proposed rebuild structure is not an expanded or enlarged version of the original structure; and

(C) The repair or rebuild are subject to the requirements of Chapter 8, Article 27, Kaua'i County Code 1987, as amended and Chapters 12 through 15A, Kaua'i County Code 1987, as amended.

(c) Nonconforming uses in the Plantation Camp District [(PC)]. A nonconforming use of land, building, or other structure may continue to the extent that the use lawfully existed prior to December 3, 2020 as provided in this Section, provided that the Planning Commission may, after hearing, order the termination of a nonconforming use that creates substantial danger to public health or safety.

(d) Residential Density. No new or additional residential density shall be permitted beyond, or in addition to, the existing residential density established by the existing nonconforming residential structures.

### **Section 8-8A.3. Limitations on Subdivision of Parcels in Plantation Camp Districts.**

(a) Subdivision in the Plantation Camp [(PC)] District shall be subject to the subdivision standards established in Section 8-8.3 of this Chapter.

(b) For the purposes of subdivision, and the application of Section 8-8.3, the portion of the subject lot that is within the Plantation Camp [(PC)] District shall be considered as within the Agriculture Zoning District.

### **Section 8-8A.4. Pākalā Camp Coastal Hazard Managed Retreat.**

(a) In Pākalā Camp there is a coastal hazard area subject to sea level rise, coastal erosion, storm flooding, passive flooding, and high wave run-up. This area is identified as the Coastal Hazard Send Zone on Zoning Map ZM-200.

(b) In Pākalā Camp there is a mauka area that is not subject to coastal hazards that is to be used for the managed retreat of those structures in that Coastal Hazard Send Zone. This mauka area is identified as the Coastal Hazard Receive Zone on Zoning Map ZM-200.

(c) A dwelling unit located in the Coastal Hazard Send Zone may be relocated to the Coastal Hazard Receive Zone.

(d) If a dwelling unit in the Coastal Hazard Send Zone is demolished or destroyed, it may not be rebuilt at its original site or anywhere within the Coastal Hazard Send Zone. A demolished dwelling unit in the Send Zone may have its respective density entitlement transferred to the Coastal Hazard Receive Zone and be built in accordance with the following standards:

(1) The proposed dwelling unit is not an expanded or enlarged version of the original structure; and

(2) The proposed dwelling unit is subject to the Wildland Urban Interface (WUI) regulations in Section 8-8A.5.

(e) Aside from those dwelling units proposed under Section 8-8A.4(c) and (d), no other dwelling units shall be allowed in the Coastal Hazard Receive Zone.

**Section 8-8A.5. Plantation Camp Wildland Urban Interface.**

(a) General Provisions.

(1) Lands Included.

(A) All lands within the Plantation Camp Zoning District.

(B) For resilient vegetation purposes, all lands adjacent to the Plantation Camp Zoning District.

(2) Other Laws and Regulations. All improvements, clearing, and maintenance subject to this Article shall comply with other applicable laws and regulations, including but not limited to the State and County Fire Codes, Building Code, Subdivision Ordinance, Special Management Area regulations, and Sediment and Erosion Control Ordinance. In case of a conflict between this Article and the requirements of any other Federal, State, or County law, such as the State Fire Code or the County Fire Code, the more restrictive requirements shall apply.

(3) The County shall not be liable for expenses incurred in the removal or replacement of any material required for the landowner to comply with this Article or to allow inspection.

(4) Interpretation. In the interpretation and application of this Article, all provisions shall be:

(A) Considered as minimum requirements;

(B) Liberally construed in favor of the County; and

(C) Deemed to neither limit nor repeal any other requirement, power, or duty prescribed under Federal, State, or County law.

(5) Warning and Disclaimer of Liability. The degree of wildfire and wildland urban interface required by this Article is considered reasonable for

regulatory purposes and is based on wildfire hazard assessment considerations. Wildfires can and will occur on occasion. This Article does not imply that land outside the area of the Plantation Camp WUI will be free from wildfire risk. This Article shall not create liability on the part of the County of Kaua'i or any officer or employee for any damages that result from reliance on this Article or any administrative decision lawfully made based on this Article.

(b) Definitions.

"Advancing Standards Transforming Markets (ASTM)" means the organization (formerly referred to as the American Society for Testing and Materials) that develops standards and publishes voluntary consensus technical international standards for a wide range of materials, products, systems, and services.

"Area A" means the area identified by the Plantation Camp WUI Viewer that is within the Plantation Camp District boundaries and is vacant or undeveloped on \*DATE\* (the effective date of Ordinance No. \*\*\*\*).

"Area B" means the area identified by the Plantation Camp WUI Viewer that is within the Plantation Camp District boundaries and was previously developed and is an existing built environment on \*DATE\* (the effective date of Ordinance No. \*\*\*\*).

"County" means the County of Kaua'i.

"Defensible space" means an area either natural or manmade, where material capable of allowing a fire to spread unchecked has been treated, cleared, or modified to slow the rate and intensity of an advancing wildfire through a wildland area and to create an area for structure defense operations to occur.

"Fire-prone vegetation" means material that in its natural state can readily ignite, burn, and rapidly transmit fire. For the purposes of this Article this definition is limited solely to the three following plant species: 1) Megathyrsus maximus or commonly known as "Guinea Grass," 2) Leucaena leucocephala or commonly known as "Haole Koa," and 3) Cenchrus ciliaris or commonly known as "Buffel Grass."

"Fire Stopped" means the process of filling openings and joints between walls, floors, and roofing material to inhibit the spread of fire between compartments within a structure.

"Firewood" means any kindling, logs, timber, or other portions of a tree of any species four (4) feet or less in length, cut or split, or intended to be cut or split.

into a form and size appropriate for use as fuel for fires in an open pit, imu, grill, fireplace, stove, or other wood burning furnace or device.

“Ignition-resistant” as applied to building construction material means a material treated or manufactured to delay ignition and tested to conform to ASTM E84 or ASTM E2768. Examples include but are not limited to fire-treated wood, dense hardwoods like ipe, and fiber-cement boards.

“Noncombustible” as applied to building construction material means a material of which no part will ignite and burn when subjected to fire and tested to conform to ASTM E136. Examples include but are not limited to concrete, metal, glass, and stone.

“Noncombustible roof covering” means a roof covering consisting of any of the following: (1) cement (or fiber-cement) shingles or sheets, (2) ferrous shingles or sheets, or (3) slate shingles.

“Noncombustible zone (NCZ)” means the area of land that extends 5 feet measured perpendicularly from the edge of the exterior walls of a structure and any unenclosed appendages or projections (including but not limited to lanais, porches, and stoops).

“Plantation Camp Wildland Urban Interface (WUI) Viewer” means an online atlas in effect on \*DATE\* (the effective date of Ordinance No. \*\*\*\*) and generated through an analysis of the Kaua‘i Community Wildfire Protection Plan, 2024, additional consultation with the Kaua‘i Fire Department, Kaua‘i Emergency Management Agency, and the Hawai‘i Wildfire Management Organization. The Viewer indicates the Plantation Camp WUI district boundaries.

“Primary Structure Zone” means an area that applies to the primary structure itself, and it includes requirements for ember ignition mitigation and fire-resistant construction to reduce the risk of structure ignition.

“Roof assembly” means a system designed to provide weather protection and resistance to design loads. The system consists of a roof covering and roof deck or a single component serving as both the roof covering and the roof deck. A roof assembly can include an underlayment, thermal barrier (i.e., insulation), ignition (fire) barrier, insulation, or a vapor retarder.

“Roof covering” means the covering applied to the roof deck for weather resistance or appearance. The roof covering and underlying components are part of the fire rating for the roof assembly.

“Roof deck” means that flat or sloped surface of a roof not including its supporting members or vertical supports.

“Structure, Accessory” means a structure that is subordinate to, and the use of which is incidental to that of the primary structure or use on the same lot or parcel and not used for human occupancy of habitation. An accessory structure is not a primary structure.

“Structure, Primary” means a structure that is used for the principal use permitted in the zoning district. In the Plantation Camp, primary structures include but are not limited to residential dwelling units, commercial buildings, and schools. A primary structure is not an accessory structure.

“Substantial improvement” means any cumulative series of repairs, reconstruction, improvements, or additions to a structure over a 10-year period, where the cumulative cost equals or exceeds 50% of the market value of the structure before the start of construction of the first improvement during that 10-year period. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The value of any substantial improvement shall be determined by the Planning Director or his/her authorized representative. The term does not, however, include any project for improvement of a structure to correct existing violations of a State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

“Unenclosed Accessory Structure” means an accessory structure without a complete exterior wall system enclosing the area under roof or floor above.

“Wildfire” means an uncontrolled fire spreading through vegetative fuels, exposing and possibly consuming structures.

“Wildland” means an area in which development is essentially nonexistent, except for roads, railroads, power lines, and similar facilities.

“Wildland Urban Interface (WUI)” means the zone of transition between unoccupied land and human development. It is the line, area, or zone where structures and other human development meet or intermingle with undeveloped wildland or vegetative fuels.

“Zone 0: 5-Foot Noncombustible Zone (NCZ)” means an area that extends five feet horizontally from the exterior of a primary structure and any attached appendages and projections. It shall consist of noncombustible hardscape and

materials. The purpose of this zone is to prevent direct flame contact and reduce the risk of ember ignition at the structure's base.

“Zone 1: 30-Foot Defensible Space” means an area that extends from the edge of Zone 0 to 30 feet away from the structure or to the property line, whichever is closer. It requires vegetation management such as pruning lower limbs, spacing trees and shrubs, and removing combustible materials to reduce fuel loads and slow fire spread toward the structure. Fire-prone vegetation is prohibited.

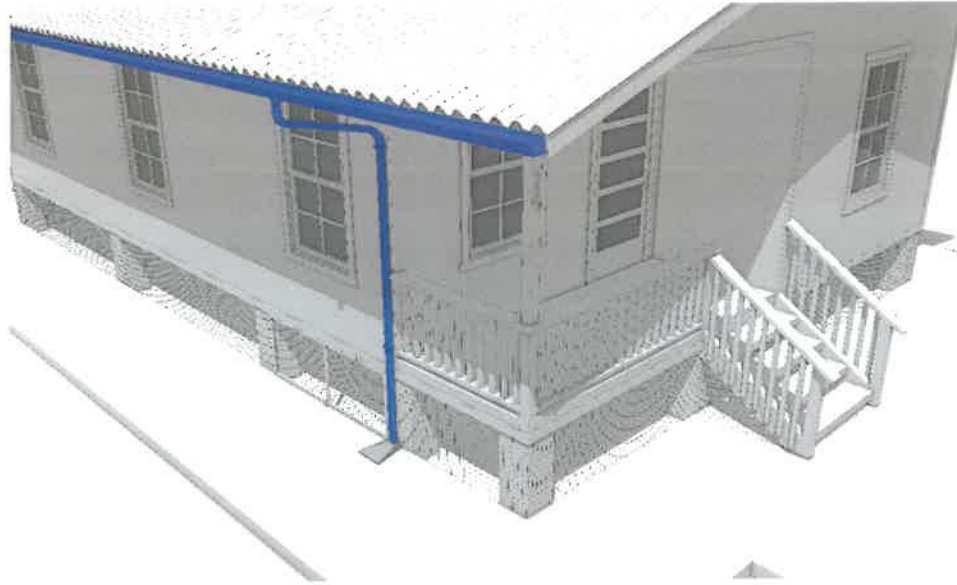
“Zone 2: 30- to 100-Foot Resilient Landscape” means an area that extends from the edge of Zone 1 to 100 feet away from the structure or to the property line, whichever is closer. It requires vegetation management such as pruning lower limbs, spacing trees and shrubs, and removing combustible materials to reduce fuel loads and slow fire spread toward the structure.

(c) Primary Structure Zone.

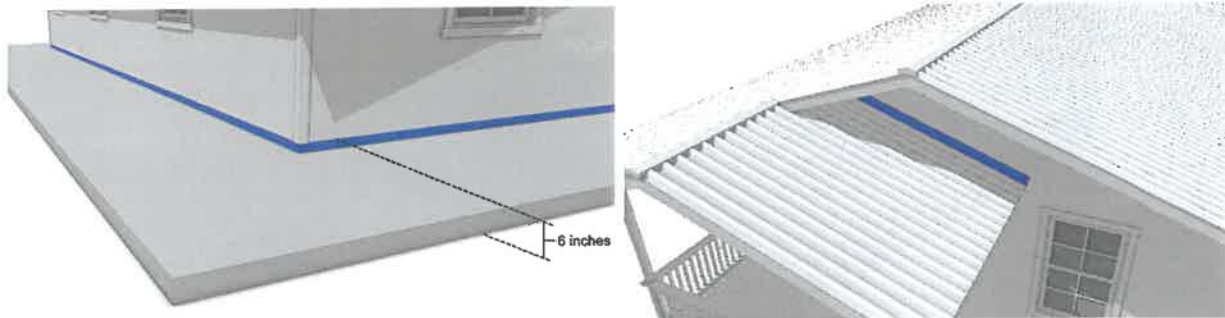
(1) Construction Requirements. For any newly proposed primary structures, or substantial improvements of existing structures, the following construction requirements shall be met:



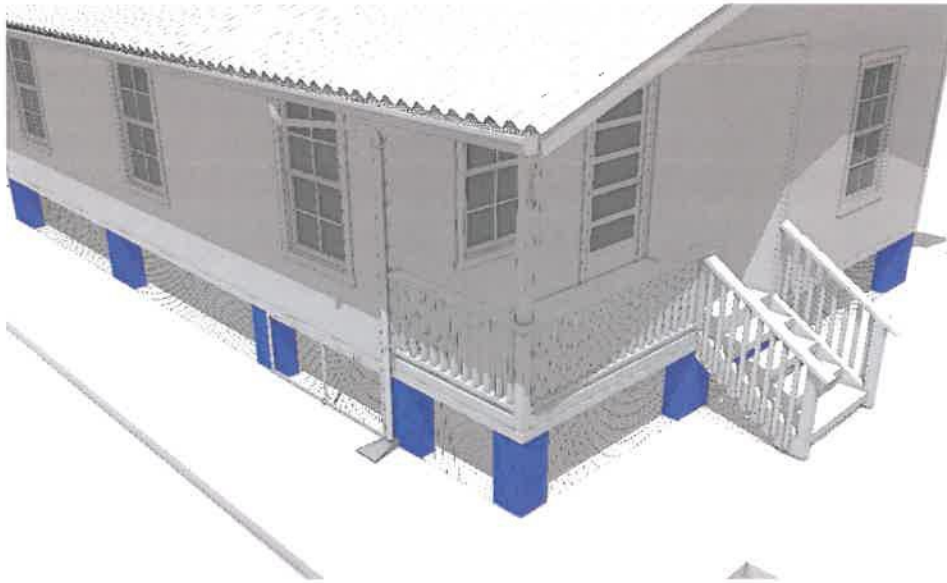
(A) Roofs. Roofs shall have a roof assembly that complies with a Class A rating when tested in accordance with ASTM E108. For roof assemblies where the profile allows a space between the roof covering and roof deck, the space shall be fire-stopped to prevent entry of flames or embers.



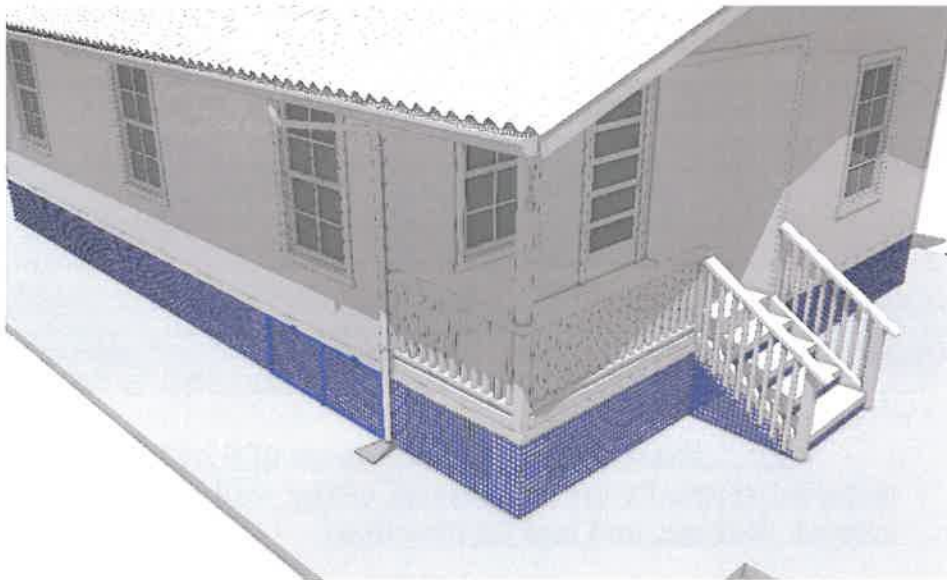
(B) Gutters and Downspouts. Gutters and downspouts shall be constructed of metal material. Gutters shall be covered with a noncombustible material to prevent the accumulation of debris within the gutter.



(C) Exterior walls. A minimum of 6 inches of noncombustible material vertically on the exterior of the wall shall be installed at the ground, decking, and roof intersections.



(D) Post and pier. If any primary structure is elevated, the post and pier material shall be noncombustible.



(E) Underfloor Enclosure. Primary structures elevated on post and pier and any attached appendages and projections such as decks, lānais, porches, and stoops elevated on post and pier shall have underfloor areas enclosed to the ground with noncombustible corrosion-resistant mesh screen size not to exceed 1/8 inch (3.2 mm). The mesh shall meet the following additional requirements:

(i) Extended down to be flush with grade and abut against the adjacent 5-foot concrete hardscape groundcover required under Section 8-8A.5(d)(1); and.

(ii) Any associated material including but not limited to framing material or covering material (such as lattice) shall be noncombustible; and.

(iii) At least one area of the underfloor area mesh screening shall be constructed and framed in a manner to allow a minimum 16" x 24" of the mesh screen to be removed for access and maintenance purposes of the underfloor area. The framing and any other associated material for this access section of the mesh screening shall be made of noncombustible material.

(F) Appendages and projections. Unenclosed appendages and projections attached to buildings such as decks, lānais, porches, and stoops elevated on post and pier shall have underfloor areas enclosed to the ground with noncombustible corrosion-resistant mesh screen size not to exceed 1/8 inch (3.2 mm) pursuant to Subsection 8-8A.5(c)(1)(E). Construction of appendages and projections shall meet the following additional requirements:

(i) When elevated, to prevent any ember intrusion beneath the underfloor area, all floorboards shall be flush with each other without any parallel space apart from each other.

(ii) Noncombustible or ignition-resistant material is required for all flooring material.

Exception: if the flooring material, such as floorboards, are comprised of combustible material, at a minimum all floorboards perpendicular to a wall or a post shall be ignition resistant within 6 inches of the deck-to-wall or deck-to-post intersection.

(iii) Noncombustible or ignition-resistant material is required for all walls and posts that are perpendicular to the deck.

Exception: if the wall or post is comprised of combustible material, at a minimum the wall or post shall have 6 inches of noncombustible flashing installed at the wall-to-deck or post-to-deck intersection.

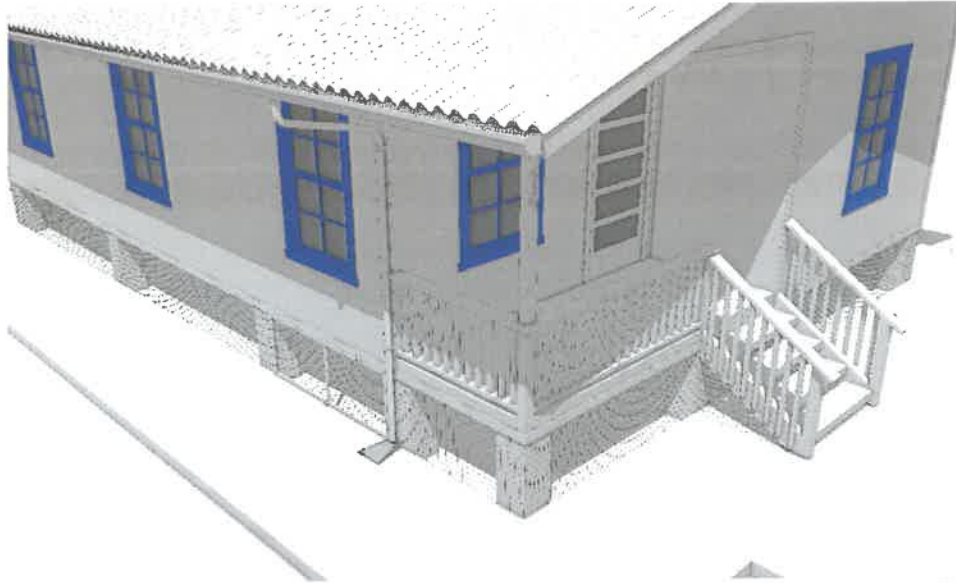


(G) Vents. Ventilation openings for enclosed attics (e.g., gable ends, ridge ends, and enclosed eave soffit spaces), enclosed rafter spaces formed where ceilings are applied directly to the underside of roof rafters, underfloor ventilation, foundations, and crawl spaces; under eaves and cornices; or for any other opening intended to permit ventilation, either in a horizontal or vertical surface, shall resist the intrusion of burning embers and flames by meeting one of the following requirements:

(i) Performance-based requirements: Corrosion-resistant ember and flame-resistant vents tested to conform to ASTM E2886.

(ii) Prescriptive-based requirements: Vents shall be made of a noncombustible material and covered on the exterior with noncombustible corrosion-resistant mesh with openings not to exceed 1/16 inch (1.6 mm).

Exceptions: Dryer vents shall have a properly functioning solid louver or flap in lieu of mesh. Plumbing vents are excluded from these requirements.



(H) Exterior glazing. Each primary structure's exterior windows, window walls, glazed doors, and windows within exterior doors shall be dual pane tempered glass or have a fire protection rating of not less than 20 minutes and tested to conform to ASTM E119.



(I) Addressing. Each primary structure shall have its address marked on its exterior thoroughfare facing wall, and it shall be clearly visible from the thoroughfare.

(2) Maintenance Requirements. For all primary structures, the following maintenance requirements shall be met:

(A) The roof shall be kept clear of debris, paying particular attention to roof intersection area (e.g., roof-to-wall, at entry to through-roof vents, and at the roof edge, if a gutter is installed).

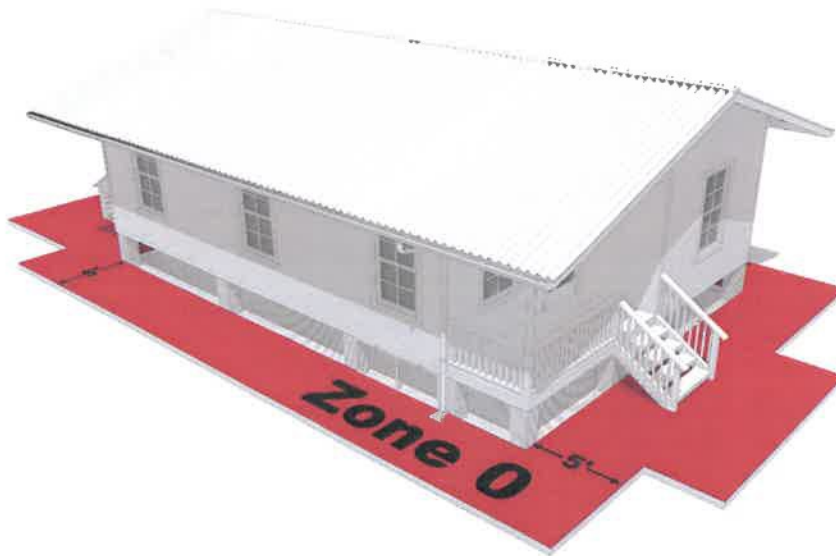
(B) Gutters and downspouts shall be kept clear of debris such as leaves and pine needles.

(C) Unenclosed appendages and projections attached to buildings such as decks, lānais, porches, carports, and stoops shall meet the following requirement:

(i) Only noncombustible items or materials are allowed to be stored or placed within the attached unenclosed appendages and projections. Any combustible materials in this area shall be enclosed entirely within a noncombustible storage unit sealed in a manner that prohibits any fire ember intrusion into the unit.

(D) The requirements of Subsection 8-8A.5(c)(2) may be waived for Area B identified in the Plantation Camp WUI Viewer if an alternative maintenance management plan is accepted and approved by the Fire Department.

(d) Zone 0: 5-Foot Noncombustible Zone (NCZ) Requirements.



(1) Construction Requirements. For any newly proposed primary structures, or substantial improvements of existing primary structures, a 5-foot groundcover comprised of concrete hardscape with a depth of at least 4 inches shall be constructed in the NCZ. This is not required for accessory structures.

(A) In Area B, alternative hardscape commensurate to concrete approved by the Planning Director may be substituted for concrete when the respective slope of the NCZ exceeds 10 percent.

(2) Maintenance Requirements. This zone is the most critical zone of defensible space and requires the most stringent fuel reduction and regular maintenance to protect against wildfire. In the NCZ the following regulations shall apply:

(A) Ground cover within the NCZ shall be noncombustible and free of debris such as leaves and pine needles.

(B) Fire-prone vegetation overhanging the roof is prohibited within the NCZ.

(C) Only noncombustible items or materials are allowed. Any combustible materials in this area shall be enclosed entirely within a noncombustible storage unit sealed in a manner that prohibits any fire ember intrusion into the unit.

(3) The requirements of Subsection 8-8A.5(d)(2) may be waived for Area B identified in the Plantation Camp WUI Viewer if an alternative vegetation management plan is accepted and approved by the Fire Department.

(e) Zone 1: 30-Foot Defensible Space Requirements.



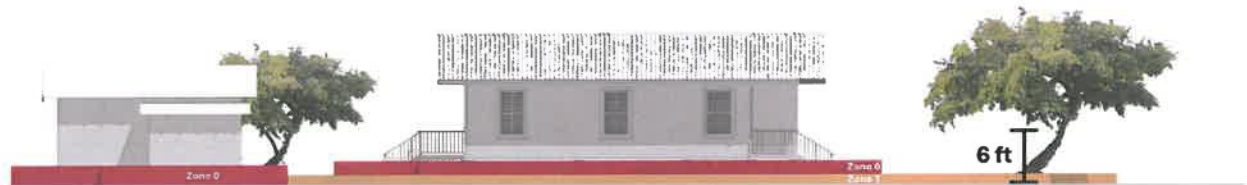
(1) Construction Requirements. In Area A, all primary structures shall be setback at least 30 feet from any other primary structures measured from the edge of each primary structure's exterior walls or its unenclosed appendages or projections (including but not limited to lanais, porches, and stoops).

(2) Maintenance Requirements. The area beyond the primary structure shall have a regularly maintained defensible space of 30 feet measured from the edge of the exterior walls of the primary structure and its unenclosed appendages and projections (including but not limited to lanais, porches, and stoops). This includes:

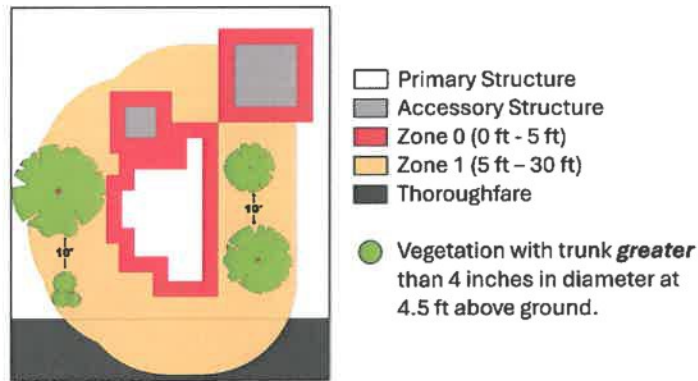
(A) Routine removal of accumulated vegetative debris, which may include but not be limited to fallen pine needles, leaves, twigs, and any dead vegetation, including piles from pruning.

(B) Vegetation with canopies within 30 feet of a primary structure shall be maintained as follows:

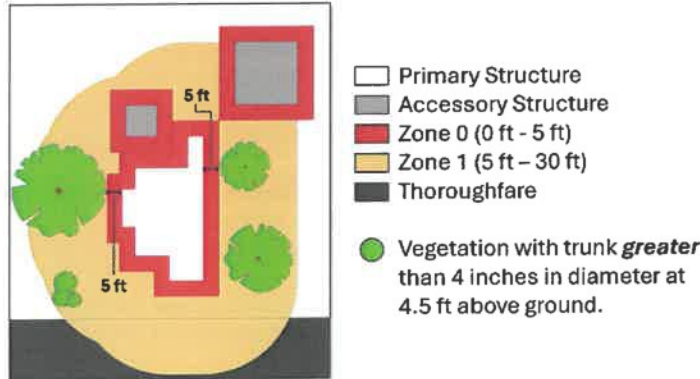
(i) Vegetation with a trunk of 4 inches in diameter or greater when measured at a height of 4.5 feet above the ground:



(a) Shall have limbs and branches pruned to a minimum height of 6 feet off the ground.

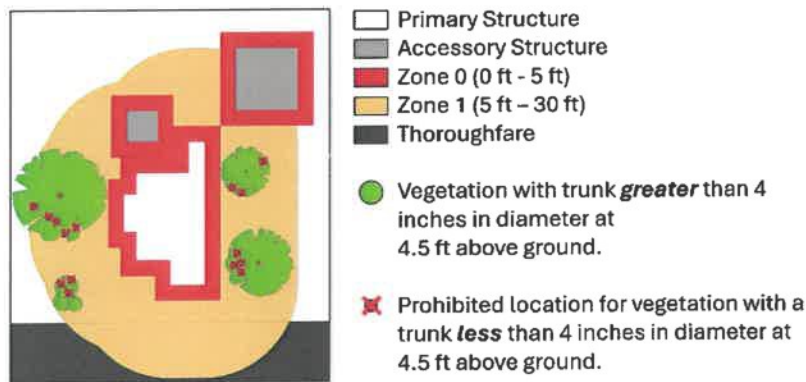


(b) Shall have a minimum of 10 horizontal feet of spacing between the tree canopy and the next closest tree, shrub, or bush canopy, but may be clustered in small groupings with a combined canopy not larger than 10 feet in horizontal diameter.

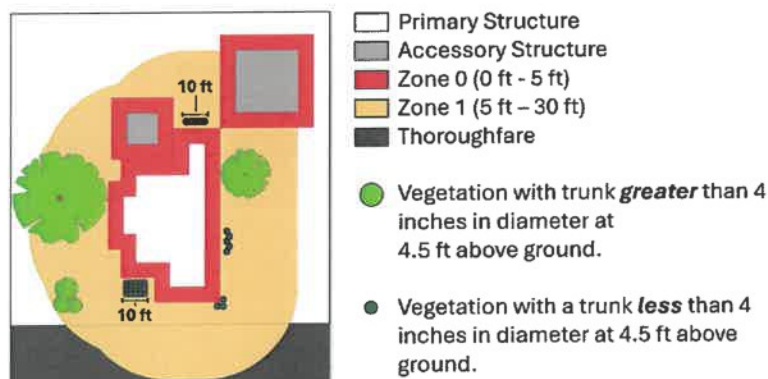


(c) Shall have a minimum of 5 horizontal feet between a tree canopy and the primary structure.

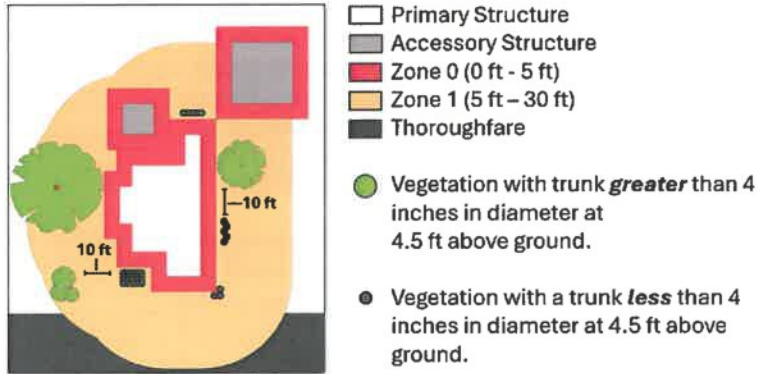
(ii) Vegetation with a trunk less than 4 inches in diameter when measured at a height of 4.5 feet above the ground or less than 4.5 feet tall:



(a) Are prohibited under larger trees.



(b) Are prohibited from having a canopy larger than 10 feet in horizontal diameter, but may be clustered in small groupings with a combined canopy not larger than 10 feet in horizontal diameter.



(c) Shall have a minimum horizontal space between canopies of at least 10 feet.

(iii) Firewood is prohibited in this 30-foot defensible space area from the primary structure. Firewood is only allowed in this area if it is enclosed entirely within a noncombustible storage unit sealed in a manner that prohibits any ember intrusion into the unit during a wildfire event.

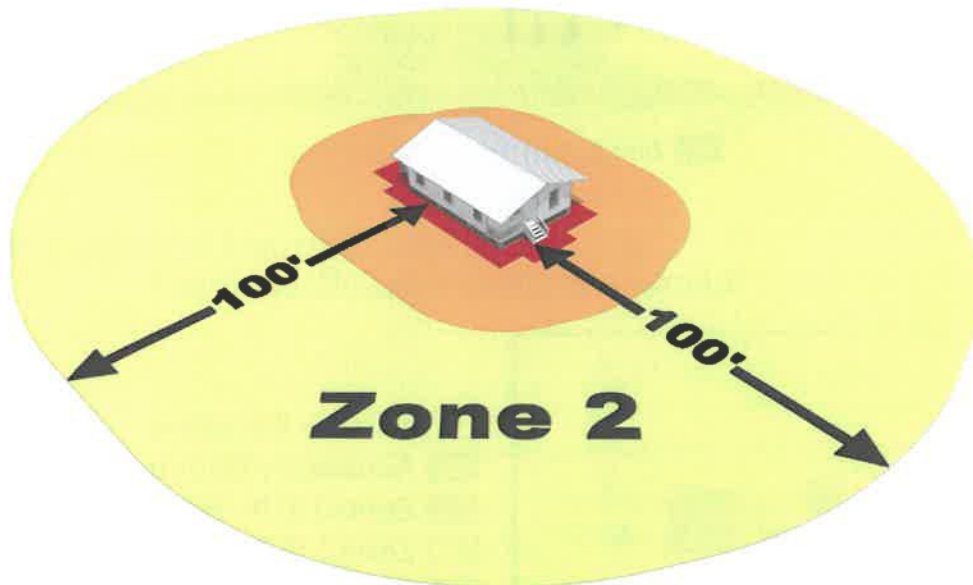
(C) Fire-prone vegetation is prohibited 30 feet from any primary structure, measured from the edge of the exterior walls of the primary structure and its unenclosed appendages, and projections (including but not limited to lānais, porches, and stoops).

(D) The following plant species are exempt from the requirements of Subsection 8-8A.5(e)(2):

- (i) Colocasia esculenta, also known as kalo or taro.
- (ii) Musa, also known as banana.

(E) The requirements of Subsections 8A.5(e)(2) may be waived for Area B identified in the Plantation Camp WUI Viewer if an alternative vegetation management plan is accepted and approved by the Fire Department.

(f) Zone 2: 30-Foot to 100-Foot Resilient Landscape Requirements.



(1) Maintenance Requirements: Zone 2 shall be managed as follows:

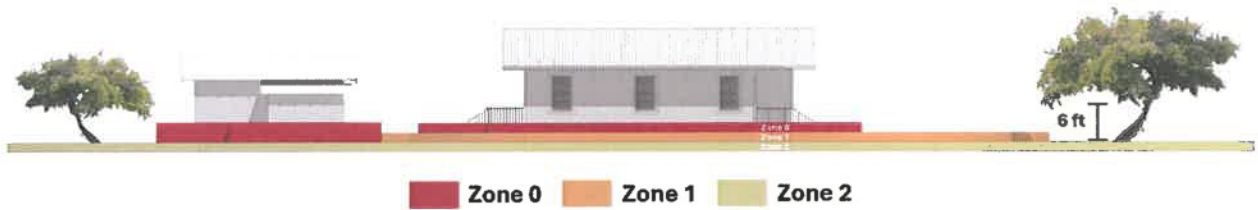
(A) Fire-prone vegetation shall not exceed eighteen (18) inches in height when located between thirty (30) feet and one hundred (100) feet from any primary structure, measured from the edge of the exterior walls of the primary structure or unenclosed appendages and projections (including but not limited to lānais, porches, and stoops).

(B) Fire-prone vegetation greater than eighteen (18) inches in height shall have a one hundred (100) foot setback from all primary structures, measured from the edge of the exterior walls of the primary structure or unenclosed appendages and projections (including but not limited to lānais, porches, and stoops).

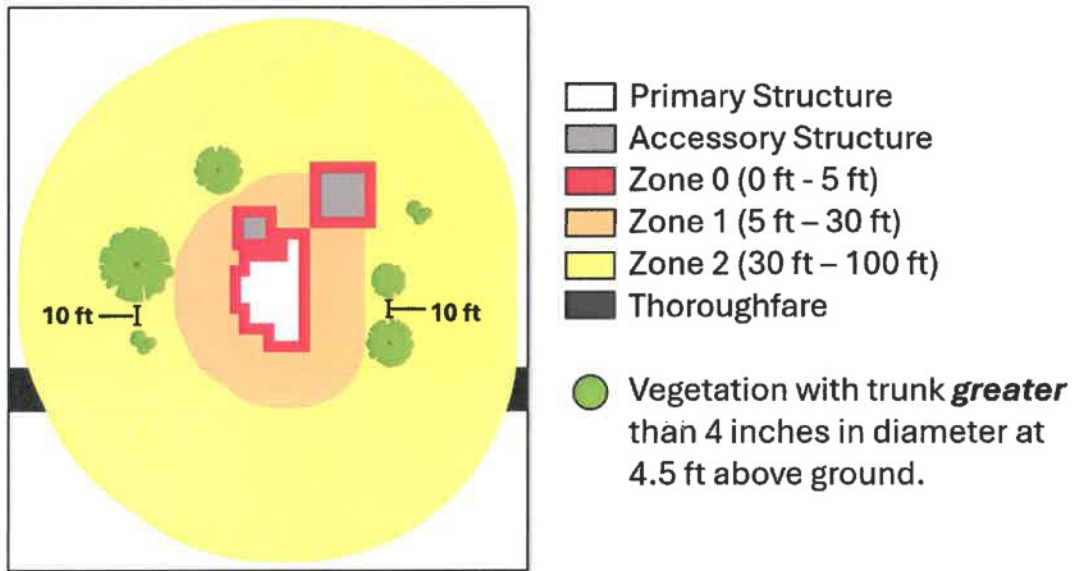
(C) Routine removal of accumulated vegetative debris, which may include but not be limited to fallen pine needles, leaves, twigs, and any dead vegetation, including piles from pruning.

(D) Excluding fire-prone vegetation, vegetation with canopies shall be maintained as follows:

(i) Vegetation with a trunk of 4 inches in diameter or greater when measured at a height of 4.5 feet above the ground:

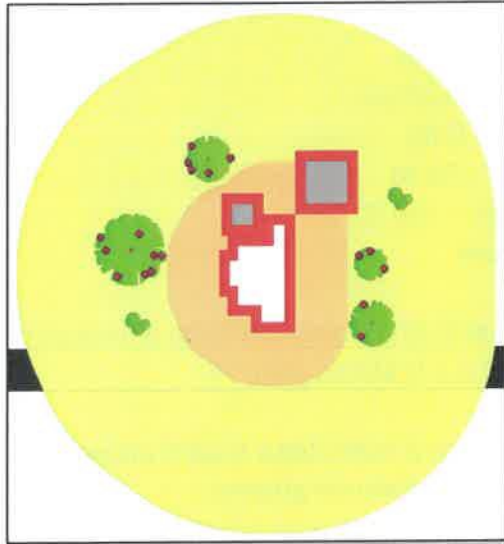


(a) Shall have limbs and branches pruned to a minimum height of 6 feet off the ground.



(b) Shall have a minimum of 10 horizontal feet of spacing between the tree canopy and the next closest tree, shrub, or bush canopy, but may be clustered in small groupings with a combined canopy not larger than 10 feet in horizontal diameter.

(ii) Vegetation with a trunk less than 4 inches in diameter when measured at a height of 4.5 feet above the ground or less than 4.5 feet tall:

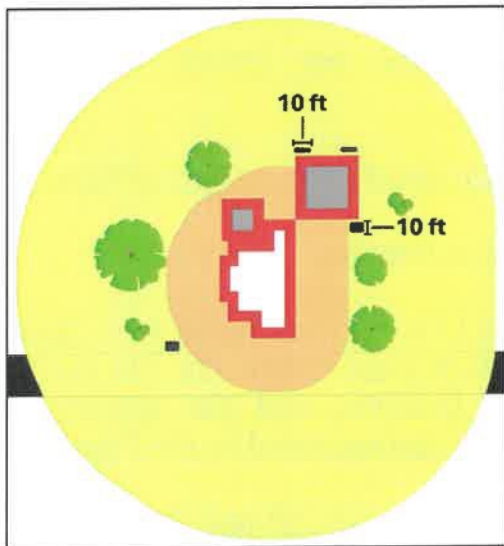


- Primary Structure
- Accessory Structure
- Zone 0 (0 ft - 5 ft)
- Zone 1 (5 ft - 30 ft)
- Zone 2 (30 ft - 100 ft)
- Thoroughfare

● Vegetation with trunk **greater** than 4 inches in diameter at 4.5 ft above ground.

■ Prohibited location for vegetation with a trunk **less** than 4 inches in diameter at 4.5 ft above ground.

(a) Are prohibited under larger trees.

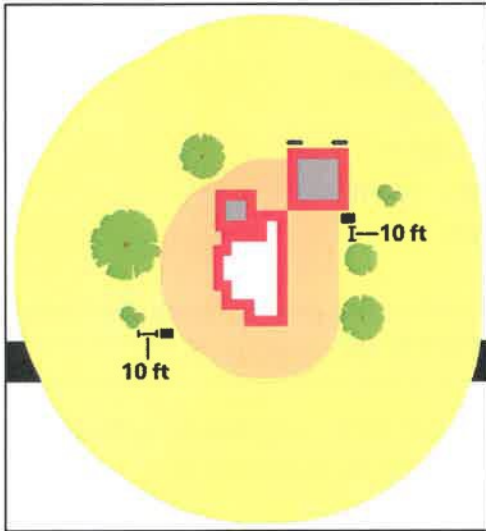


- Primary Structure
- Accessory Structure
- Zone 0 (0 ft - 5 ft)
- Zone 1 (5 ft - 30 ft)
- Zone 2 (30 ft - 100 ft)
- Thoroughfare

● Vegetation with trunk **greater** than 4 inches in diameter at 4.5 ft above ground.

● Vegetation with a trunk **less** than 4 inches in diameter at 4.5 ft above ground.

(b) Are prohibited from having a canopy larger than 10 feet in horizontal diameter, but may be clustered in small groupings with a combined canopy not larger than 10 feet in horizontal diameter.



- Primary Structure
- Accessory Structure
- Zone 0 (0 ft - 5 ft)
- Zone 1 (5 ft – 30 ft)
- Zone 2 (30 ft – 100 ft)
- Thoroughfare
- Vegetation with trunk **greater** than 4 inches in diameter at 4.5 ft above ground.
- Vegetation with a trunk **less** than 4 inches in diameter at 4.5 ft above ground.

(c) Shall have a minimum horizontal space between canopies of at least 10 feet.

(E) The following plant species are exempt from the requirements of Subsection 8-8A.5(f):

(i) Colocasia esculenta, also known as kalo or taro.

(ii) Musa, also known as banana.

(iii) Any species planted for cultivation and sales that is part of an agricultural operation larger than one (1) acre as determined by the Planning Director, and the species are maintained in a manner reviewed and approved by the Fire Chief.

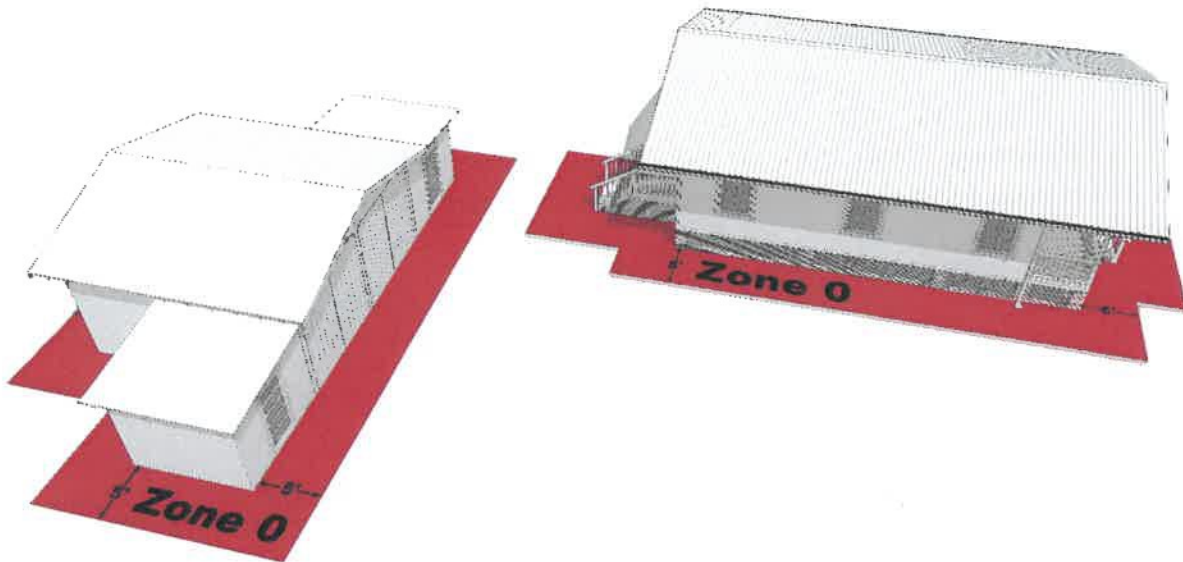
(F) The requirements of Subsection 8A.5(f) may be waived for Area B identified in the Plantation Camp WUI Viewer if an alternative vegetation management plan is accepted and approved by the Fire Department.

(g) Other Requirements for Accessory Structures.

(1) Construction Requirements. For any newly proposed unattached accessory structures or substantial improvements to unattached accessory structures that are within 30 feet of the primary structure and that have a footprint greater than or equal to 15 square feet (including but not limited to sheds, gazebos, poultry cages, open-covered structures with a solid roof, dog houses, and playhouses), the following construction requirements shall be met:

(A) Not counting noncombustible storage units sealed in a manner that prohibit any ember intrusion into the unit, no more than 3 total accessory structures are allowed within 30 feet of the primary structure.

(B) Fences. All fences within 30 feet of any other structure (accessory or primary) shall be constructed with noncombustible materials.



(2) Maintenance Requirements. Each accessory structure shall have its own 5 feet of NCZ (as prescribed under Subsection 8A.5(d)(2)) that does not overlap the 5-foot NCZ required for a primary structure, appendages and projections (including but not limited to lānais, porches, and stoops), or other accessory structures.

(A) The requirements of Subsection 8A.5(g)(2) may be waived for Area B identified in the Plantation Camp WUI Viewer if an alternative vegetation management plan is accepted and approved by the Fire Department.

(h) Fire Prevention Outreach and Education Requirements.

(1) Conduct a workshop titled “How to Have a Fire Adapted Home and Community.” At least once per year, the landowner shall coordinate with the Fire Department, Kaua’i Emergency Management Agency, and Planning Department to set up and conduct at least one workshop for camp tenants that teach the principles of fire prevention and evacuation. Topics for discussion shall include but need not be limited to defensible space, landscaping, and

home hardening. The landowner shall demonstrate good faith efforts to ensure that at least one member or representative of each household attends each workshop. Workshops shall be scheduled for evenings or weekends when most homeowners are available. Material shall be available at the workshops that promote fire risk reduction practices and strategies.

(2) A report on the workshop format and participation shall be provided to the Fire Department and Planning Department no later than June 30 of every calendar year.

(3) Defensible Space Clean-Up Event. At least once per year, and in coordination with the Fire Department and Planning Department, the landowner shall hold a defensible space clean-up of the camp with camp tenants. Clean-up activities shall include but need not be limited to the following:

(A) Remove combustible material from the NCZ.

(B) Remove flammable vegetative material from roofs and gutters.

(C) Trim shrubs and vines to 30 feet away from primary structures.

(D) Trim overhanging limbs.

(E) Remove hazardous or flammable debris from properties.

(4) A report on the clean-up event format and participation shall be provided to the Fire Department and Planning Department no later than June 30 of every calendar year.

(i) Additional Access Roadway Requirements.

(1) Prior to building permit approval within any of the plantation camps, the landowner shall execute an emergency access plan for each of the respective camps approved by the Fire Department, Kaua'i Emergency Management Agency, and State Department of Transportation.

(2) Prior to any final subdivision map approval in Special Planning Area P (SPA-P), the Numila Plantation Camp Walkable Mixed-Use District for Numila Camp, and subject to the approval of the Department of Public Works, Fire Department, Planning Department, and State Department of Transportation, the landowner shall establish at least two publicly available

multimodal vehicular access roads and easements to SPA-P. These additional access roads and easements shall connect SPA-P Numila Camp to Kaumuali'i Highway and provide a right-of-way of sufficient width to accommodate two-way vehicular traffic, as required by the Department of Public Works. The access roads and easements shall be unobstructed and maintained for multimodal and vehicular use. The access roads and easements shall be clearly defined through metes and bounds descriptions, depicted on a map prepared by a Licensed Professional Land Surveyor, and recorded with the Bureau of Conveyances.

(3) Prior to any final subdivision map approval in Special Planning Area O (SPA-O), the Kaumakani Plantation Camp Walkable Mixed-Use District for Kaumakani Camp, and subject to the approval of the Department of Public Works, Fire Department, Planning Department, and State Department of Transportation, the landowner shall establish at least two publicly available multimodal vehicular access roads and easements to SPA-O. These additional access roads and easements shall connect SPA-O Kaumakani Camp to Kaumuali'i Highway and provide a right-of-way of sufficient width to accommodate two-way vehicular traffic, as required by the Department of Public Works. The access roads and easements shall be unobstructed and maintained for multimodal and vehicular use. The access roads and easements shall be clearly defined through metes and bounds descriptions, depicted on a map prepared by a Licensed Professional Land Surveyor, and recorded with the Bureau of Conveyances.

(4) Prior to final subdivision map approval in Special Planning Area Q (SPA-Q), the Kā'awanui Plantation Camp Walkable Mixed-Use District for Kā'awanui Camp (Camp 6), and subject to the approval of the Department of Public Works, Fire Department, Planning Department, and State Department of Transportation, the landowner shall establish at least two publicly available multimodal vehicular access roads and easements to SPA-Q. These additional access roads and easements shall connect SPA-Q Kā'awanui Camp (Camp 6) to Kaumuali'i Highway and provide a right-of-way of sufficient width to accommodate two-way vehicular traffic, as required by the Department of Public Works. The access roads and easements shall be unobstructed and maintained for multimodal and vehicular use. The access roads and easements shall be clearly defined through metes and bounds descriptions, depicted on a map prepared by a Licensed Professional Land Surveyor, and recorded with the Bureau of Conveyances.

(j) Enforcement, Legal Procedures, and Penalties.

(1) The provisions herein shall be enforced in accordance with Section 10-7.2 and Section 8-3.5, Kaua'i County Code 1987, as amended. The

Planning Director or the Director's designee shall only commence an enforcement investigation into violations of this Article when a formal complaint is by the Fire Chief or the Fire Chief's designee.

**Section [8-8A.4.] 8-8A.6. Permits Required.**

(a) The permits required for repair or rebuild of any new structures located in the Plantation Camp [(PC)] District shall be the same as those in Section 8-8.4.

(b) The permits required for repair or rebuild of any nonconforming non-residential structures located in the Plantation Camp [(PC)] District shall be the same as those in Section 8-8.4.

(c) The permits required for repair or rebuild of nonconforming residential structures located in the Plantation Camp [(PC)] District shall be the same as those in Section 8-4.7.”

SECTION 4. Chapter 10, Article 3, Kaua'i County Code, as amended (West Kaua'i Community Plan Implementing Ordinance), is amended as follows:

**“Section 10-3.1. Title and Purpose.**

(a) This Article shall be known and may be cited as the “West Kaua'i Community Plan Implementing Ordinance.” It is adopted:

(1) To provide design and development standards in order to implement the detailed planning goals and objectives for the West Kaua'i Planning District;

(2) To establish special planning areas, future growth areas, land uses, and development and design standards to guide and regulate future development;

(3) To protect certain physical characteristics found to be of particular public value, as provided in Chapter 8, Article 11, Section 6, Kaua'i County Code 1987, as amended (Special Planning Areas); and

(4) Establish exceptions, modifications, or additions to the provisions of Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance) and Chapter 9, Kaua'i County Code 1987, as amended (Subdivision Ordinance) in order to more specifically provide for the regulation of land use, subdivision, and development practices within the West Kaua'i Planning District.

(b) Nature of the West Kaua‘i Community Plan Ordinance. This Article provides the necessary framework and guidelines to direct future development and capital improvements in the West Kaua‘i area, whose boundary is described in the report entitled “West Kaua‘i Community Plan.” Additionally, this Article supplements Chapter 8, Kaua‘i County Code 1987, as amended (Comprehensive Zoning Ordinance) and Chapter 9, Kaua‘i County Code 1987, as amended (Subdivision Ordinance) by regulating use and development standards within the West Kaua‘i Special Planning Areas, as identified in the zoning maps or surveyed maps, or both, attached to [Ordinance No. 1083 and Ordinance No. 1138,] Ordinance No. 1083, Ordinance No. 1138, Ordinance No. \*\*\*\*, and Ordinance No. \*\*\*\*, and on file with the Planning Department, County of Kaua‘i.

(c) The guidelines of this Article are based on the report entitled “West Kaua‘i Community Plan” (Planning Commission draft approved in 2020, as amended by the Kaua‘i County Council in 2020, 2022, 2025, and as may be subsequently amended), a booklet whose major components include:

- (1) Regional and town plan maps;
- (2) Policies for the West Kaua‘i region as a whole;
- (3) Goals and objectives for Kekaha, Waimea, Hanapēpē, ‘Ele‘ele, Port Allen, Kaumakani, Pākalā Village, Numila, and other areas; and
- (4) Appendices.

### **Section 10-3.2. Vision and Goals.**

The vision and goals for the region referred to in this Article, which shall be known as the West Kaua‘i Planning District, and its communities are described in the report entitled “West Kaua‘i Community Plan.”

### **Section 10-3.3. Application of Regulations.**

(a) [The West Kaua‘i Form-Based Code, attached as Appendix “C”, and the Plantation Camp Form-Based Code, attached as Appendix “D”, to the West Kaua‘i Community Plan, are by reference incorporated herein and made a part hereof. The provisions of the West Kaua‘i Form-Based Code, the Plantation Camp Form-Based Code] The following West Kaua‘i Community Plan appendices are incorporated by reference: the West Kaua‘i Form-Based Code (attached as Appendix C), the Plantation Camp Form-Based Code (attached as Appendix D), the Numila Plantation Camp Form-Based Code (attached as Appendix E), and the Kā‘awanui Plantation Camp Form-Based Code (attached as Appendix F). These provisions shall apply to all new development located within the Special Planning Areas, as identified in the zoning maps or surveyed maps, or both, attached to [Ordinance No. 1083 and Ordinance No. 1138,] Ordinance No. 1083, Ordinance No. 1138, Ordinance No. \*\*\*\*, and Ordinance No. \*\*\*\*, and on file with the Planning Department, County of Kaua‘i.

(b) The regulations and procedures established in Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance) shall apply within the Special Planning Areas of the West Kaua'i Planning District, except to the extent that such regulations or procedures are changed or modified by the provisions of the [West Kaua'i Form-Based Code.] Form-Based Codes referenced in Section 10-3.3(a). When the provisions of this Article differ with respect to the provisions of Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance) and Chapter 9, Kaua'i County Code 1987, as amended (Subdivision Ordinance), the [West Kaua'i Form-Based Code] Form-Based Codes referenced in Section 10-3.3(a) shall supersede such provisions, as provided in Chapter 8, Article 11, Kaua'i County Code 1987, as amended (Special Treatment Districts (ST)).

**Section 10-3.4. Existing Conditions.**

(a) This Article does not mandate the immediate modification of structures and uses lawfully in existence upon the enactment of this Article.

(b) The requirements of this Article will not be triggered by routine maintenance not requiring a zoning permit.

(c) Existing Buildings and Structures. Buildings and structures lawfully in existence upon the enactment of this Article that do not conform to the provisions of this Article are subject to the requirements of Chapter 8, Article 13, Section 1, Kaua'i County Code 1987, as amended (Nonconforming Buildings and Structures).

(d) Existing Uses. Uses lawfully in existence upon the enactment of this Article that are not consistent with the Special Planning Areas will be allowed to continue on the parcel of record as provided in Chapter 8, Article 13, Section 2, Kaua'i County Code 1987, as amended (Nonconforming Uses).

**Section 10-3.5. Special Planning Areas, Designation, and Procedures.**

(a) Designation of Special Planning Areas ["K," "L," "M," "N," and "O."] K, L, M, N, O, P, and Q. The boundaries of the following form-based code districts are hereby adopted as described in the [West Kaua'i Form-Based Code and the Plantation Camp Form-Based Code,] Form-Based Codes referenced in Section 10-3.3(a), attached as Appendix ["C" and] C, Appendix ["D"] D, Appendix E, and Appendix F to the West Kaua'i Community Plan, and shall be referred to as follows:

(1) Special Planning Area ["K,"] K, which shall also be known as the "Kekaha Town Walkable [Mixed Use] Mixed-Use District" and be designated as "SPA-K" as shown on the zoning map attached to Ordinance No. 1083 as Exhibit 1, and on file with the Planning Department, County of Kaua'i.

(2) Special Planning Area ["L,"] L, which shall also be known as the "Waimea Town Walkable [Mixed Use] Mixed-Use District" and be designated as "SPA-L" as shown on the zoning map attached to Ordinance No. 1083 as

Exhibit 2, and on file with the Planning Department, County of Kaua'i.

(3) Special Planning Area ["M,"] M, which shall also be known as the "Hanapēpē Town Walkable [Mixed Use] Mixed-Use District" and be designated as "SPA-M" as shown on the zoning map attached to Ordinance No. 1083 as Exhibit 3, and on file with the Planning Department, County of Kaua'i.

(4) Special Planning Area ["N,"] N, which shall also be known as the "Ele'ele-Port Allen Walkable [Mixed Use] Mixed-Use District" and be designated as "SPA-N" as shown on the zoning map attached to Ordinance No. 1083 as Exhibit 4, and on file with the Planning Department, County of Kaua'i.

(5) Special Planning Area ["O,"] O, which shall also be known as the "Kaumakani Plantation Camp Walkable [Mixed Use] Mixed-Use District" and designated as "SPA-O" as shown on the zoning and surveyed maps attached to Ordinance No. 1138 as Exhibit 1, Exhibit 2a, and Exhibit 2b, and on file with the Planning Department, County of Kaua'i.

(6) Special Planning Area P, which shall also be known as the "Numila Plantation Camp Walkable Mixed-Use District" and designated as "SPA-P" as shown on the zoning map attached to Ordinance No. \*\*\*\* as Exhibit B, and on file with the Planning Department, County of Kaua'i.

(7) Special Planning Area Q, which shall also be known as the "Kā'awanui Plantation Camp Walkable Mixed-Use District" and designated as "SPA-Q" as shown on the zoning map attached to Ordinance No. \*\*\*\* as Exhibit B, and on file with the Planning Department, County of Kaua'i.

(b) Pursuant to Chapter 8, Article 8A, of the Kaua'i County Code 1987, as amended, Special Planning Areas O, P, and Q shall be amended to incorporate the Plantation Camp Wildland Urban Interface regulations. The Planning Department is directed to update all corresponding form-based code booklets to reflect the new Plantation Camp Wildland Urban Interface regulations.

[(b)] (c) Designation of Zoning Maps. In order to carry out the purpose of this Article, the zoning maps ZM-K100 (Kekaha), ZM-W100 (Waimea), and ZM H200 (Hanapēpē) of Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance), are hereby amended. Zoning Map ZM-KV-100 (Kaumakani Village) [and], ZM-KA-100 (Kaumakani Avenue) [is], ZM-NC-100 (Numila Camp), and ZM-KC6-100 (Kā'awanui Village) are hereby adopted.

### **Section 10-3.6. Implementation of the West Kaua'i Community Plan.**

The West Kaua'i Community Plan shall serve as a guide for all development within the West Kaua'i area."

SECTION 5. The Planning Department is directed to note the changes on the official Zoning Maps on file with the Department.

SECTION 6 The Planning Department is directed to incorporate the changes into each of the Plantation Camps' respective form-based code booklets.

SECTION 7. 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 8. When revising, compiling, or printing this Ordinance for inclusion in the Kaua'i County Code 1987, as amended, the following shall be substituted for the \*DATE\* and various \*\*\*\* placeholders:

- The effective date (Month Day, Year) and designated Ordinance number of this Ordinance in place of: “\*DATE\* (the effective date of Ordinance No. \*\*\*\*).”
- The designated Ordinance number of the Numila Ordinance (ZA-2025-4) if relating to Numila.
- The designated Ordinance number of the Kā'awanui Ordinance (ZA-2025-6) if relating to Kā'awanui.

SECTION 9. Material to be deleted is bracketed. New 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 need not be included.

SECTION 10. This Ordinance shall take effect upon its approval.

Introduced by:/s/ADDISON BULOSAN  
(By Request)

DATE OF INTRODUCTION:

**July 16, 2025**

Līhu'e, Kaua'i, Hawai'i

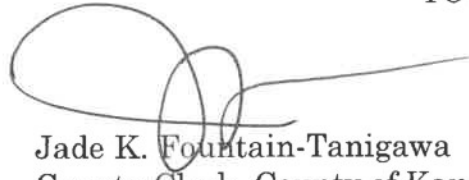
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CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2961, Draft 1 which was approved on second and final reading by the Council of the County of Kaua'i at its meeting held on August 27, 2025, by the following vote:


FOR APPROVAL:	Bulosan, Carvalho, Cowden, Holland, Kaneshiro, Kualii, Rapozo	TOTAL – 7,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Lihu'e, Hawai'i  
August 27, 2025



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

ATTEST:

  
Mel Rapozo  
Chairman & Presiding Officer

DATE OF TRANSMITTAL TO MAYOR:

August 28, 2025

Approved this 8<sup>th</sup> day of  
September, 2025.



Derek S.K. Kawakami,  
Mayor  
County of Kaua'i