

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR
JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR
REIKO MATSUYAMA, MANAGING DIRECTOR

OCT 20 2023

FIRST NOTICE OF VIOLATION

VIA CERTIFIED MAIL

MAHAULEPU FARM LLC
3-1850 KAUMUALII HWY
LIHUE, HI 96766

**SUBJECT: COMPREHENSIVE ZONING ORDINANCE (CZO) VIOLATION ON:
Weliweli Road, Koloa, HI
TMK: (4) 2-9-001:001 Koloa District**

The Planning Department conducted an investigation of the subject property and verified violation(s) of the following Kaua'i County Code (KCC):

Chapter 8, Comprehensive Zoning Ordinance

Sec. 8-2.4 Uses in Districts.

The following table designates allowable uses in the various zoning districts, and whether the specific uses require a Use Permit within the zoning districts permitted.

Sec. 8-3.5 Enforcement, Legal Procedures and Penalties.

(a) Enforcement, Legal Procedures and Penalties.

...

(2) It shall be the duty of the Planning Commission and Planning Director to enforce the provisions of this Chapter and it shall be the duty of all law enforcement officers of the County of Kaua'i to enforce this Chapter and all the provisions thereof.

...

(4) Any building or structure or other improvement or development set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this Chapter or any use of land contrary to the provisions of this Chapter shall be unlawful and a public nuisance. The County Attorney shall immediately commence an action or proceeding for the abatement, removal, or injunction thereof in the manner provided by law, and shall take such other steps, and shall apply to such courts as may have jurisdiction to grant relief that will abate or remove such building, structure, improvement, development or use, and restrain and enjoin any person from setting up, erecting, building, maintaining, or using any such building, structure, improvement or development, or using any property contrary to the provisions of this Chapter.

(5) The remedies provided for in this Article shall be cumulative and not exclusive.

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VIOLATION:

On October 18, 2023, Planning Inspector Joan Ludington, through her investigation, verified that a building truss manufacturing facility (HPM Building Supply) was operating within the Agriculture Zoning District at the subject property.

Pursuant to Section 8-2.4 of the Kauai County Code, a truss manufacturing facility is not a generally permitted use within the Agriculture Zoning District. Operation of a truss manufacturing facility within the Agriculture Zoning District without the proper zoning permit(s) constitutes a violation.

REMEDIAL ACTION REQUIRED:

Pursuant to KCC §8-3.5, you must correct the violation, remove the construction or development, or obtain the proper zoning permits for the referenced alteration, and cease and desist the unpermitted activity and use immediately.

In addition, should you fail to rectify the violation, you are hereby notified of the following:

1. A fine of up to Ten Thousand Dollars (\$10,000.00) may be imposed for the above noted violation(s).
2. An additional civil fine of up to Ten Thousand Dollars (\$10,000.00) per day for each day in which the violation persists.
3. You may also be subject to criminal prosecution.

Please contact Joan Ludington of my staff at (808) 241-4052 or at jludington@kauai.gov, within fifteen (15) calendar days upon receipt of this letter to provide a remedial action plan. Failure to do so provides us with no other alternative but to pursue enforcement action.



KA'ĀINA S. HULL

Director of Planning

cc: County Attorney
Jason Fujimoto, President & CEO CERTIFIED MAIL
HPM Building Supply