MINUTES
PLANNING COMMITTEE

October 7, 2020

A meeting of the Planning Committee of the Council of the County of Kaua‘i, State of Hawai‘i, was called to order by Mason K. Chock, Chair, at the Council Chambers, 4396 Rice Street, Suite 201, Līhu‘e, Kaua‘i, on Wednesday, October 7, 2020, at 8:31 a.m., after which the following Members answered the call of the roll:

Honorable Felicia Cowden
Honorable Luke A. Evslin (via remote technology)
Honorable Ross Kagawa (present at 8:39 a.m.)
Honorable KipuKai Kuali‘i
Honorable Mason K. Chock
Honorable Arryl Kaneshiro, Ex-Officio Member

Excused: Honorable Arthur Brun*, Ex-Officio Member

Minutes of the September 23, 2020 Planning Committee Meeting.

Upon motion duly made by Councilmember Kuali‘i, seconded by Councilmember Cowden, and unanimously carried, the Minutes of the September 23, 2020 Planning Committee Meeting was approved.

The Committee proceeded on its agenda items as follows:

Bill No. 2797 A BILL FOR AN ORDINANCE ESTABLISHING REGULATIONS, PROCEDURES, ZONING, DEVELOPMENT PLANS, AND FUTURE GROWTH AREAS FOR THE HANAPĒPĒ-‘ELE‘ELE PLANNING DISTRICT AND THE WAIMEA-KEKAHA PLANNING DISTRICT IN CHAPTER 10, KAUA‘I COUNTY CODE 1987, AS AMENDED, AND ESTABLISHING EXCEPTIONS, MODIFICATIONS, AND ADDITIONS TO CHAPTER 8 AND CHAPTER 9, KAUA‘I COUNTY CODE 1987, AS AMENDED, AND AMENDING ZONING MAPS ZM-K100 (KEKAHA), ZM-W100 (WAIMEA), AND ZM-H200 (HANAPĒPĒ) (WEST KAUA‘I COMMUNITY PLAN) (ZA-2020-07) (This item was Deferred with amendments made to the West Kaua‘i Community Plan booklet only.)
Committee Chair Chock: Thank you. We have testifiers this morning, I believe there are five (5) that have registered. The first speaker is Kaina Makua. Mr. Makua, are you there?

There being no objections, the rules were suspended to take public testimony.

KAINA MAKUA (via remote technology): Hi.

Committee Chair Chock: Okay, mahalo. You have six (6) minutes for your public testimony. If you are able to see our light system, the light will turn green when your time starts. When you have thirty (30) seconds left, the light will turn yellow. The red light will turn on when your time is over.

Mr. Makua: Okay, Oia.

Committee Chair Chock: You can start at any time.

Mr. Makua: Oia mahalo. Oia welina mai e na hoa. A na hoa no ho‘i o ka ‘Aha Kūkā Kalana. A o wau no ho‘i o Kaina Makua. How is everyone doing? Councilmembers, my name is Kaina Makua and I am from the Westside of Kaua‘i. Currently, I am the Executive Director of Kumano I Ke Ala, a nonprofit located in Waimea. I am here today to testify hoping that we can get a deferral to allow us to further strategically plan how we are going to write out our amendments. A lot of the items in the West Kaua‘i Community Plan have really been mind boggling for us on the Westside. A lot of the data that we have seen does not really align with the decisions that were made. We are hoping that our mana‘o and our leo, our voices, are heard today to further the deferral. That is basically my testimony. Mahalo for having me and the rest of the testifiers today. Oia, me kēlā nō.

Committee Chair Chock: Mahalo.

Mr. Makua: Mahalo.

Committee Chair Chock: Next on the list is Peleke Flores. Mr. Flores, are you there?

PELEKE FLORES (via remote technology): Hi.

Committee Chair Chock: Okay, you are a veteran in providing testimony. You can start when you see the green light.

Mr. Flores: Aloha, my name is Peleke Flores and I am from Waimea. I am testifying to defer Bill No. 2797. We need more time to compile our data and information with the community that we have been trying to keep in
contact with who want to propose certain amendments. I wanted to reiterate that we sent testimony via E-mail. I did not want to read it to you since we already sent it in. Mahalo.

Committee Chair Chock: Mahalo. We received multiple E-mails on the issue. We will be addressing it this morning.

Mr. Flores: Are there any questions?

Committee Chair Chock: Are there any clarifying questions? No. Thank you.

Mr. Flores: Mahalo.

Committee Chair Chock: Mahalo. Next is Kauakea Mata.

KAUAKEA MATA (via remote technology): Aloha and good morning.

Committee Chair Chock: Good morning.

Ms. Mata: Along with Kaina and Peleke, I am echoing what everyone said. Aloha again to the Councilmembers, my name is Kauakea Mata. My family has lived here for many generations. Since the last meeting, I think you folks should know that we organized into what is now Ku Kona a Ola, and we were able to start educating and informing, hopefully activating our communities, and encouraging them to take a stand on this Plan that will impact our communities and our people for the next twenty (20) to forty (40) years. We recognize the work and the process that the Planning Department has done. I really want you to know that we are here because we want to increase the participation and voices put into a plan that will eventually become a foundational pillar in determining the future of West Kaua‘i. We are also here to bridge a gap—a gap between our kūpuna and the younger generations, to help them understand and visualize what the West Kaua‘i Community Plan is and what our Westside will look like. Oftentimes, and more recently, I have been hearing comments in the community of people saying, “No worry, the things in the Plan will not happen for a long time.” For me, I have kids and I have a generation after me, and hopefully many generations. I want to be sure that our voices are heard and if something should not sit well with me, then I do not want it to be there. I humbly ask for a continuation for Bill No. 2797 in its entirety. Please know that Ku Kona a Ola will work to bridge gaps between our people, our communities, and our public workers to ensure that our voices are heard. I am not sure if you had a chance, but I want to ask that you read the comments of our people through this process in Appendix “A” located at westkauaicommunityplan.org. When you read those comments starting from the open house and the workshops, you will be able to see within those comments that there is actually a truer voice to what the
Westside has asked for. You will probably recognize and agree with me that the foundation of our Plan is not really what the West Kaua‘i people have voiced in this process. I spent a lot of time going through all of the notes and the data. There is a lot of data there. Data as we all know can be skewed depending on how you offer it. I am a special education teacher, so data is very important to me in making decisions, especially when it comes back to my community and our people, especially my own kids. I ask of you, Councilmembers, if you have the time, to please look into Appendix “A” on the westkauaicommunityplan.org starting from page 1, starting from the initial time of this Plan. We all know that this Plan has been progressing for two (2) years. In actuality when you look at it, in 2019 was the last time the community heard about it. They took a year to plan it and another year to bring it back to us. With COVID-19, just be mindful of all those things. I hope that you consider a deferral, and in all honesty, we probably need longer than two (2) weeks. We are trying to undo and redo what the Planning Department has taken two (2) years to do—one (1) year keeping us abreast and one (1) year writing and proposing this back to our community. Mahalo for your time. Just know that Ku Kona a Ola is committed to bridging the gap between our people and our public workers, so that we can do a plan that is impactful for generations to come. Mahalo.

Committee Chair Chock: Mahalo. We have a clarifying question from Councilmember Cowden.

Councilmember Cowden: I have a clarifying question, thank you. When you say Appendix A, are you meaning the Appendix Volume One like I have in the picture here? The big fat booklet? I am trying to look at what page you are talking about.

Ms. Mata: Hi, Councilmember Cowden. Appendix “A” is on the westkauaicommunityplan.org website. It is part of their document. There, you can look at the input from the community that was compiled to create this Plan. In the Plan that is available online, you must dig deeper in the reports that they have done throughout their phases; the opening phase, the workshops, and the walk-throughs, et cetera. They have all the comments in there transcribed.

Councilmember Cowden: So, you mean just look at this entire thing?

Ms. Mata: I have not seen that booklet that you are talking about. I have only read the Plan online.

Councilmember Cowden: Okay, thank you.

Ms. Mata: You are welcome.
Committee Chair Chock: I think she is specifically referring to the process that the Planning Department went through. It is located there, and they included the comments. Thank you very much for your testimony. Members, I did not get a motion to approve. I need to get that on the record.

The meeting was called back to order and proceeded as follows:

Councilmember Cowden moved to approve Bill No. 2797, seconded by Councilmember Kuali'i.

Committee Chair Chock: Thank you, Ms. Mata. We will move on to the next testifier, Jamie Tia Koerte. Ms. Koerte, are you there?

There being no objections, the rules were suspended to continue with public testimony.

JAMIE TIA KOERTE (via remote technology): I am.

Committee Chair Chock: You have six (6) minutes of testimony. If you can see the lights here, your six (6) minutes will start with the green light. Thirty (30) seconds prior to the time elapsing, you will see the yellow light, and then the red light to stop. You may begin at any time. If you could just state your name for the record again.

Ms. Koerte: Aloha and good morning. My name is Jamie Tia Koerte of Kekaha and West Kaua‘i. I would like to provide public testimony along with my ho‘alo‘aha on Bill No. 2797, the West Kaua‘i Community Plan. First, I would like to mahalo the Council for deferring your first vote on this Bill two (2) weeks ago, on September 23, 2020. I am providing testimony today as a West Kaua‘i community member, as well as a member of Ku Kona a Ola, to support the continued deferment of voting on Bill No. 2797, in order to allow time for the West Kaua‘i members like myself to continue reviewing and possibly proposing amendments to the existing Plan. I also recognize and appreciate the work that has been put into the Plan up until now. However, I believe it is essential that members of West Kaua‘i, within each town spanning the areas of Kekaha to ‘Ele‘ele, be given the opportunity and time to carefully review the proposed goals and objectives within the one hundred fifty (150) page Plan prior to your voting. I also request time to provide comments and questions or proposed possible amendments to ensure that this Plan is truly what is best for West Kaua‘i, as a whole and within each individual town as determined by the members of this community. In the last two (2) weeks, I have personally tried to gain clarity on the overall Plan and tried to better understand the Kekaha portion of the Plan, to review the documents and resources available at the westkauaicomunityplan.org site. I have also met with or approached other West Kaua‘i community members, respected leaders, and champions of Kekaha to gauge...
the level of understanding and engagement of the existing Plan within the broader community. To my surprise, one hundred percent (100%) of the people that I approached, which was approximately twenty (20) people, were not aware that the Plan had been completed and was ready for voting, nor had they known the Plan was available for public viewing. This is what concerns me the most and therefore I am humbly requesting a minimum deferment of six (6) months before any kind of voting on Bill No. 2797 takes place, to allow the West Kaua'i community the time and space necessary to accomplish this work in conjunction with the Council and Planning Committee Members. Another two (2) weeks is simply not enough. Lastly, this Plan is intended to be a twenty-year plan for the Westside. We owe this extension of time to further review and plan to my children and future grandchildren, who are the next generation of West Kaua'i that will live through the life of this Plan. Mahalo nui for your time, and I look forward to working with all of you.

Committee Chair Chock: Mahalo. Thank you for your testimony. The last testifier today is Tiani Kajiwara. Tiani, are you on?

TIANI KAJIWARA (via remote technology): I am. Aloha!

Committee Chair Chock: Aloha.

Ms. Kajiwara: My name is Tiani Kajiwara and I am a Waimea resident. My ‘ohana has resided in Waimea for generations. First off, mahalo nui for deferring the first vote on this Bill two (2) weeks ago. I, along with other community members, have been working tirelessly since the last deferral to prepare amendments and inform of our community, many of whom had no idea a Plan even existed, about this Plan, and its possible impacts on our towns. However, two (2) weeks to introduce, explain, and amend a Plan that took three (3) years to create is close to impossible, especially when we are trying to communicate during a pandemic that restricts large gatherings and many of our community members are not even on any type of social media, let alone have E-mail addresses. With some of these setbacks, we have opened the eyes of many in the community and they are interested in participating in the planning process. We are trying to be the voice of our kupuna who continue to perpetuate our Westside culture and educate both them and our future generations. With that, I humbly request more time to reach out to our community and get everyone involved in their future; whether it be two (2) weeks or two (2) months, we do need the time. Mahalo.

Committee Chair Chock: Mahalo nui. That concludes the public testimony for Bill No. 2797. I will call the meeting back to order, and recess at this time.

There being no further testimony, the meeting was called back to order, and recessed at 8:47 a.m.
The Committee reconvened at 11:36 a.m. and proceeded as follows:

Committee Chair Chock: I would like to reconvene the Planning Committee. We are currently on Bill No. 2797, one (1) of six (6) Bills for the West Kaua‘i Community Plan. Members, I would like to provide an overview of what I believe we are able to accomplish in the Committee Meeting today. I have asked Councilmember Evslin, as the Planning Committee Vice Chair, to introduce a floor amendment on behalf of the Planning Department. It is a form and structure amendment that they have been working on and have asked us for more time to work on. I feel that we can pass that today, and work further with the Planning Department on this floor amendment. Based on the testimony that we received today, we will look to defer this for another two (2) weeks. Ultimately, this Committee needs to take into consideration what the goal is. According to our schedule, we can afford another two-week deferral and stay on track for this Council in order to pass this plan. As you heard today and in other testimony, there have been requests to extend the deferral. In my discussion and outreach to some of the community members, it is my interest to be clear on specific amendments. I believe the amendments are being worked on and we should see those at the next Committee Meeting. It is my hope that you folks share how you are feeling. In particular, Councilmember Kagawa, who is at the end of his term, if there is an interest to move this into the next Council, I would like to know that upfront. It would be my interest that we move this forward. At this point, I have not seen evidence that there are amendments that are not achievable in the next couple of weeks that requires us to move further. I wanted to put that on the table for you folks, for discussion, then we can introduce the amendment. Councilmember Kagawa.

Councilmember Kagawa: If I may, first, I am very impressed with the testifiers. In hearing Mr. Flores, Mr. Makua, Ms. Mata, Ms. Koerte, and Ms. Kajiwara...you do not always hear them complain about issues. This issue has hit them, you are able to tell, it struck them, and they are concerned about their keiki. They all live on that side and raising their family. Is there a point where a happy medium can be met? We do not want to imply that they are not being heard. They do not speak often, and they are not the “regulars” who testify. For me, I would like to see the happy medium met. If it takes waiting beyond my term, I am completely okay with that. I look around and drive to the Westside every day. I work at Waimea High School and I am proud to work there. I see your signs everywhere and I know that you will do the right thing whether it is now or in the future. I am not worried, and I am not concerned. Deferring another six (6) months does not bother me. Perhaps, wait until January when the new Council is ready to take on items. On the other hand, I know what the Planning Department has put into this. I do not want a push off from me saying, “Hey, you did not do it the right way.” I believe they did it the right way, but there are points in the Plan that need to be vetted, looked at, and reaching a compromise. It is always best when you have an issue that can be resolved through compromise. It does not have to be either “yes” or “no.” I do not
even think it needs to be agreeing to disagree. In the end, it can be somewhere in
between. I shared the way I feel, and I believe you folks will do the right thing when
the time comes. This is the one (1) time that they speak out and I feel uncomfortable
telling them “no” right now.

Committee Chair Chock: Thank you. I would like to hear from others,
but I would like to say that we do not have to decide on this today. We can defer and
get a clearer perspective from any group. I think that we need to take into
consideration that there as a process and people participated. If the will of this body
is to move this back and you need to open it up to everyone, if that is what you are
requesting—it is a big effort and it will cost the County more money. I want us to
take all of that into consideration. I want to put that out on the table early, since
that is what we are hearing, and we can decide the next time we come back from the
deferral. Is there anyone else?

Councilmember Cowden: I appreciate all the work that the Planning
Department has put into this. As I have stated, I attended many of the meetings.
Last week, I spent four (4) days on the Westside. I really valued the three (3) different
sessions I had with the testifiers. I also spent six (6) hours with Gay & Robinson, Inc.
and had a good tour. For example, I had never been to Camp 6. I went to all four (4)
of the camps. I see how important it is for us to start allowing them to rebuild the
camps. That is a great example of the direction I would like to see us move in. I
spoke to many people. When I look at where the challenges are with how the West
Kaua'i Community Plan is not meeting people’s needs... it is a picture of the problem
on the entire island. People have a hard time envisioning their future and how they
can keep things going. It brings up a lot about what I have spoken about on the
Housing Bill. When we need to be able to look at different structures of allowing
people to live in clans and for people to live in the community the way they want.

If Marie is listening, I brought it up, but I did not write anything up. I feel
that we need to do a better job on the cemeteries. I think there needs to be wording
and direct mapping of where they all are. Many of the cemeteries have wooden
crosses. We need to think about what is going to happen twenty (20) to thirty (30)
years from now when they melt away. I want to be sure that the cemeteries are not
lost in the next generation. I can work with her separately, but I would like the
Westside community to come up with a plan, because it is their cemeteries. I am
concerned that we do not have enough designation to cemeteries in the Plan.

Committee Chair Chock: Are there any further comments before we
move on to the amendment?

Council Chair Kaneshiro: I would like to say that whether the Plan
passes this term or the next will really depend on the type of amendments that come
in. There was an issue with resorts that came up. There was an amendment where
you lowered the density and specified the look and feel so that the new resort designated area would look like the Waimea Plantation Cottages. If you can resolve disputes between that resort designation, that is the type of compromise we are looking for as we move forward with the Plan. If the amendments that come in are similar, then I could see it possibly being done now. If it is bigger changes and rewriting the entire plan, it would be a longer process. It will be a process that you are able to understand how the Plan developed. Realistically, how much should we change in the Plan versus what it is now—it depends on what the changes are and what the amendments will be.

Committee Chair Chock: Thank you. Councilmember Kuali‘i‘i.

Councilmember Kuali‘i‘i: I am happy to support the two-week deferral today. Some of the testifiers that came before us, they did not share any specific issues. However, hopefully in the next two (2) weeks they can come forward with pressing issues that could take a form of an amendment. We already passed several amendments. We heard from Malia Nobrega-Olivera and other testifiers, so I am sure they are going to have good amendments for the Councilmembers to consider.

Committee Chair Chock: Councilmember Evslin, is there anything else before you introduce the amendment?

Councilmember Evslin: No, I am good.

Committee Chair Chock: Go ahead.

Councilmember Evslin moved to amend Bill No. 2797, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 1, seconded by Councilmember Kuali‘i‘i.

Councilmember Evslin: I will let the Planning Department, Ka‘aina, explain the amendment.

Councilmember Chock: Ka‘aina and Marie, can you provide an overview of this amendment. We would love to hear your thoughts on the discussion we are having on the table based on the testimony. Thank you.

There being no objections, the rules were suspended.

MARIE WILLIAMS, Long-Range Planner: I will go ahead and describe some of the changes proposed in the floor amendment. My name is Marie Williams, Planning Department. Good morning, Council. Thank you for entertaining this floor amendment. Basically, it is our second set of what we are calling “clean-up amendments.” It does not necessarily affect the content or the policies of the plan.
There are four (4) changes proposed: (1) To capture goals and objectives that were inadvertently left out in the draft that was transmitted to you. They were approved as part of the Planning Commission's draft. Unfortunately, in the layout process, somehow, they were not included. This information was about heritage resources in the Port Allen area. (2) The preface. The existing Plan has a preface, but it is focused on the COVID-19 situation. In taking a step back, we realized that we wanted to bring the Westside to life. In general, we wanted to talk more about the Westside and not only about COVID-19. The preface in the floor amendment definitely (Inaudible) out, it brings the Westside to life. We are hoping that can be the new preface and it is a better way to start the reading of the Plan. (3) There is an amendment to revise the history portion. This a very short history section. We wanted to draw more from the cultural and historic resources assessment prepared by cultural surveys. Missy Kamai was a big part of that report. If anyone wants a 300-page report on the rich history of the area, they can definitely turn to that. We drew in a few more events and facts from that report for Part 1 of the Plan. (4) Finally, there is some simple action that should the Plan be approved, we would want to have the authority to arrange the photos, change out some of the photos where the resolution was not so great, including the captions, improve some of the graphics and possibly add new graphics too. That is an overview, thank you.

Committee Chair Chock: Thank you. Are there any questions about the amendment being proposed? No? If there are no questions, we can vote on the amendment, and wrap up with discussion on the deferral before we move to defer.

Councilmember Cowden: I have a comment. I want to acknowledge the nice writing that is in here. Who did you say authored the sensitive and culturally-appropriate preface and historic discussion; where did it come from?

Ms. Williams: It is not only one (1) person who wrote the Plan. There are various individuals that we know who write well. We often ask them to look at certain things in order to get the right tone. I would say it is a team effort in putting together preface.

Councilmember Cowden: Okay. I want to read and digest this. I am not able to read through it this quickly, but briefly, it looks beautiful. I will need to spend a little more time on it. Thank you.

Committee Chair Chock: Okay, is there any further discussion on the amendment?

There being no objections, the meeting was called back to order, and proceeded as follows:
The motion to amend Bill No. 2797, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 1 was then put, and unanimously carried.

Committee Chair Chock: The amendment passes. Kaʻaina, in light of the deferral, do you have any comments on the testimony received, the request from the community, and what do you anticipate being done?

There being no objections, the rules were suspended.

KAʻAINA S. HULL, Planning Director: Yes, we respect the two-week deferral that is on the table right now. Some of the testifiers were asking for several months, if not longer, for us to go back into the community to open that back up again. Ultimately, it is the discretion of the County Council regarding how much length and time you will allow for that to happen. I would say that the unfortunate circumstance the Planning Department and Planning Commission has had in the past one year and one-half (1½) where spending so much time in the community, trying to ensure that everyone’s concern is being heard and not just the voice of one (1) person...trying to synthesize them all into one (1) coherent set of policies that also respects the infrastructure, built environment, and land use realities of West Kauaʻi—it is a delicate balancing act. This group that has come forward—Ms. Mata, Mr. Flores, et cetera, some of them were very involved. Mr. Flores and Mr. Makua were at most of the meetings if not all of them. There is a process when going back into the community. What the Council is going to be careful about is deciding how much authority is ceded to one (1) group to now go back and try to rewrite all of the things that were already written and drafted. I respect the group. However, in moving forward, the Planning Department is always going to have to be cautious to say, “These new proposals have to be met in alignment and done with a consideration for the amount of input, testimony, and participation that happened over the past two and one-half (2½) years.” We are not able to totally wipe everything out and say, “This new testimony is the true gospel of West Kauaʻi.” There is a lot of merit to what is being proposed. However, we need to be able to synthesize the new comments and testimonies that are coming in with the work that the community has already done. Our Department is open to the Bill being deferred longer than two (2) weeks that is on the table. Ultimately, to what extent? Is it to get to a set of amendments and policy changes that are coherent and can be adopted or is it so that the community process can be restarted? If so, how we approach that without negating the amount of work that has already been put in along with over one thousand (1,000) participants that have participated in the past two (2) years.

Committee Chair Chock: Thank you, Kaʻaina. You shed light on the difficulties of rewinding this. It would be helpful to have this two-week period to help and navigate us where we need to be from a change perspective. I applaud the work that you folks have already done, reaching out, and working with this group. My request is to expect that we are able to continue that because part of this has been a learning curve in understanding where the connecting points from a land use plans perspective intersects with the community’s long-term vision. If you can extend that capital, I feel that we are able to make a decision the next time around. Are there
any further questions regarding this Bill? If not, I will entertain the motion to defer all of the Bills relating to the West Kaua‘i Community Plan.

There being no objections, the meeting was called back to order, and proceeded as follows:

JADE K. FOUNTAIN-TANIGAWA, County Clerk: Committee Chair Chock, is it your intent to defer Bill No. 2797, Bill No. 2798, Bill No. 2799, Bill No. 2800, Draft 1, Bill No. 2801, and Bill No. 2802?

Committee Chair Chock: Yes, that would be great.

Councilmember Kagawa moved to defer Bill No. 2797, seconded by Councilmember Kuali‘i.

Ms. Fountain-Tanigawa: For Bill No. 2797, we need to do a roll call vote.

The motion to defer Bill No. 2797 was then put, and carried by the following vote:

FOR DEFERRAL: Cowden, Evslin, Kagawa
                 Kuali‘i, Chock
AfGANST DEFERRAL: None
EXCUSED & NOT VOTING: None
RECUSED & NOT VOTING: None

TOTAL – 5,
TOTAL – 0,
TOTAL – 0,
TOTAL – 0.

Committee Chair Chock: Okay, for all the Planning Bills that relate to the West Kaua‘i Community Plan, can we get a motion and roll call, please.

Bill No. 2798 A BILL FOR AN ORDINANCE AMENDING “KAUA‘I KĀKOU – KAUA‘I COUNTY GENERAL PLAN” (2018) LAND USE MAPS AND OTHER PROVISIONS RELATING TO THE WEST KAUA‘I COMMUNITY PLAN (ZA-2020-08) (This item was Deferred.)

Councilmember Kagawa moved to defer Bill No. 2798, seconded by Councilmember Kuali‘i, and carried by the following vote:

FOR DEFERRAL: Cowden, Evslin, Kagawa
                 Kuali‘i, Chock
AGANST DEFERRAL: None
EXCUSED & NOT VOTING: None
RECUSED & NOT VOTING: None

TOTAL – 5,
TOTAL – 0,
TOTAL – 0,
TOTAL – 0.
Bill No. 2799  
A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUA'I COUNTY CODE 1987, AS AMENDED, BY ESTABLISHING A NEW SPECIAL TREATMENT COASTAL EDGE (ST-CE) DISTRICT AND AMENDING ZONING MAPS ZM-K100 (KEKAHA), ZM-W100 (WAIMEA), ZM-200, AND ZM-H200 (HANAPĒPĒ) (ZA-2020-09) (This item was Deferred.)

Councilmember Kagawa moved to defer Bill No. 2799, seconded by Councilmember Kuali‘i, and carried by the following vote:

FOR DEFERRAL: Cowden, Evslin, Kagawa  
Kuali‘i, Chock  
TOTAL – 5,

AGAINST DEFERRAL: None  
TOTAL – 0,

EXCUSED & NOT VOTING: None  
TOTAL – 0,

RECUSED & NOT VOTING: None  
TOTAL – 0.

Bill No. 2800, Draft 1  
A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUA'I COUNTY CODE 1987, AS AMENDED, BY ESTABLISHING A NEW PLANTATION CAMP (PC) DISTRICT AND AMENDING ZONING MAP ZM-200 (ZA-2020-10) (This item was Deferred.)

Councilmember Kagawa moved to defer Bill No. 2800, Draft 1, seconded by Councilmember Kuali‘i, and carried by the following vote:

FOR DEFERRAL: Cowden, Evslin, Kagawa  
Kuali‘i, Chock  
TOTAL – 5,

AGAINST DEFERRAL: None  
TOTAL – 0,

EXCUSED & NOT VOTING: None  
TOTAL – 0,

RECUSED & NOT VOTING: None  
TOTAL – 0.

Bill No. 2801  
A BILL FOR AN ORDINANCE TO OVERLAY THE SPECIAL TREATMENT PUBLIC FACILITIES DISTRICT (ST-P) ON A PORTION OF ZONING MAP ZM-H200 (HANAPĒPĒ) (ZA-2020-11) (This item was Deferred.)

Councilmember Kagawa moved to defer Bill No. 2801, seconded by Councilmember Kuali‘i, and carried by the following vote:

FOR DEFERRAL: Cowden, Evslin, Kagawa  
Kuali‘i, Chock  
TOTAL – 5,

AGAINST DEFERRAL: None  
TOTAL – 0,

EXCUSED & NOT VOTING: None  
TOTAL – 0,

RECUSED & NOT VOTING: None  
TOTAL – 0.
Bill No. 2802 A BILL FOR AN ORDINANCE AMENDING ZONING MAP
ZM-200 (ZA-2020-12) (This item was Deferred.)

Councilmember Kagawa moved to defer Bill No. 2802, seconded by
Councilmember Kualiʻi, and carried by the following vote:

FOR DEFERRAL: Cowden, Evslin, Kagawa
Kualiʻi, Chock
TOTAL - 5,

AGAINST DEFERRAL: None
TOTAL - 0,

EXCUSED & NOT VOTING: None
TOTAL - 0,

RECUSED & NOT VOTING: None
TOTAL - 0.

Committee Chair Chock: If there is no further business for the
Planning Committee, the Planning Committee is adjourned.

There being no further business, the meeting was adjourned at 12:00 p.m.

Respectfully submitted,

Karlyn Sukehira
Council Services Assistant I

APPROVED at the Committee Meeting held on October 21, 2020:

MASON K. CHOCK
Chair, PL Committee

*Beginning with the March 11, 2020 Council Meeting and until further notice,
Councilmember Arthur Brun will not be present due to U.S. v. Arthur Brun et al.,
Cr. No. 20-00024-DKW (United States District Court), and therefore will be noted as
excused (i.e., not present).
FLOOR AMENDMENT
Relating to Amendments to the West Kaua'i Community Plan booklet entitled “Planning Commission Draft” dated May 26, 2020 including all Appendices, as referenced in Bill No. 2797, A Bill For An Ordinance Establishing Regulations, Procedures, Zoning, Development Plans, And Future Growth Areas For The Hanapépé-'Ele'ele Planning District And The Waimea-Kekaha Planning District In Chapter 10, Kaua'i County Code 1987, As Amended, And Establishing Exceptions, Modifications, And Additions To Chapter 8 And Chapter 9, Kaua'i County Code 1987, As Amended, And Amending Zoning Maps ZM-K100 (Kekaha), ZM-W100 (Waimea), And ZM-H200 (Hanapépé) (West Kaua'i Community Plan) (ZA-2020-07)

Introduced by: LUKE A. EVSLIN, Councilmember (By Request)

1. Amend Bill No. 2797 by amending the West Kaua'i Community Plan booklet entitled “Planning Commission Draft” dated May 26, 2020 including all Appendices, by adding the following ‘Ele’ele and Port Allen Town Plan, page 81, Goals and Objectives, which was approved by the Planning Commission and inadvertently left out in the version transmitted to the Council, as follows:

   “Heritage Resources

   1. Celebrate the cultural and natural resources of ‘Ele’ele, including the areas of Port Allen, Numila, and Wahiawa.

      a. Provide access to coastal resources for recreation and traditional practices.

      b. Preserve Numila as a Historic Plantation Town.

      c. Identify and protect the area’s historic and plantation-era cemeteries.”

2. Amend Bill No. 2797 by amending the West Kaua'i Community Plan booklet entitled “Planning Commission Draft” dated May 26, 2020 including all Appendices, by amending the Preface, pages 18-19, as follows:

   “[In March 2020, Mayor Derek Kawakami issued an emergency proclamation in response to a novel coronavirus—COVID-19—sweeping across the world. The virulence of COVID-19 necessitated stay-at-home orders and strict social distancing protocols. Schools were closed and non-essential businesses shuttered in hope of containing the virus’s spread. Tourism, the mainstay of Kaua'i's economy, was effectively shut down due to hotel closures and a mandatory quarantine period for all new arrivals.

   With no vaccine or effective treatment for COVID-19, the pandemic response was necessary to save lives. However, it abruptly halted Kaua'i's economy leaving thousands without income. In the first six weeks, a staggering 14,000 residents (one third of Kaua'i’s workforce) lost their jobs. COVID-19 has touched everyone, but the economic toll falls unevenly. Impoverished households who live paycheck-to-paycheck bear the greatest burden. Real
property and tax revenue face significant declines, straining government's ability to maintain operations at previous levels.

Before the sun can work its way over the mountain, the air is cold. As if the ʻAlakaʻi is exhaling, the cool breath moves slowly down the Waimea Canyon and Hanapeʻpē Valley, bringing life from the slopes of Waʻiʻaleʻale down into West Kauaʻi's coastal towns. From Numila to Polihale, the air whispers through, fortifying the land and the people for the day to come. The sun eventually rises above the mountain in its race upwards, pushing the last of the breeze out into the ocean as the communities come to life. The dust settles on a dirt road in Mānā behind a lone truck. A man pulls weeds in his yard in Kekaha across the street from the mill that he worked for decades. A farmer steps into the cool mud of a loʻi in Makaweli that his ancestors tended for a millennium. School children walk to their desks at Waimea Canyon Elementary. A surfer drops into the world's best left at Pākalā. A tractor in Kaumakani begins to plow. A lifeguard unlocks his tower at Salt Pond just as a salt maker packs up his tools before the day gets too hot to work. An art gallery owner in Hanapeʻpē sweeps the sidewalk in front of her shop. A pair of friends stop to talk outside of Big Save in ʻEleʻele, planning their upcoming 50th high school reunion. A tour boat goes around a group of canoe paddlers coming into Port Allen.

This is the Westside. A community where the people are deeply rooted to the land and to each other. A community where the memories of Kauaʻi's past stand strong against the passage of time, both in the hearts of the people and in the physical remnants of previous eras. Most importantly, this is a community knit together by the bonds of ʻohana and guided by the values of hana kākou.

Over forty years have passed since community plans for Waimea-Kekaha and Hanapeʻpē-ʻEleʻele were last adopted. Today, West Kauaʻi faces new challenges—from a lack of housing, to the growing effects of climate change, and the impact of the worldwide COVID-19 pandemic. As of this writing, COVID-19 has halted Kauaʻi's economy, leaving thousands without income. Within the first six weeks of the disease's arrival on Kauaʻi, a staggering 14,000 residents (one third of Kauaʻi's workforce) lost their jobs due to the social isolation orders necessary to reduce its spread. COVID-19 has affected everyone, but the economic toll falls unevenly. Impoverished households who live paycheck-to-paycheck bear the greatest burden. Real property and tax revenue face significant declines, straining government's ability to maintain operations at previous levels.

COVID-19 reminds us that no community is insulated from threats—not just pandemics, but hurricanes, sea level rise, wildfires, hotter temperatures, and tsunamis. [And, each] Each of these crises will negatively impact vulnerable households disproportionately. We cannot only focus on crisis response; we must proactively strengthen West Kauaʻi's communities.

Moving towards resilience beforehand is the best way to respond to crisis. The West Kauaʻi Community Plan acknowledges that we are in the midst of an existing crisis: climate change, and its accompanying impacts of sea level rise, passive flooding, and increased storm events. Added to that is a severely deficient housing supply matched by a growing burden of aging infrastructure.
Growth and development must be directed in a way to increase resilience across all spectrums of the community.

West Kaua‘i has overcome disruptions such as plantation closures and life-threatening events like Hurricane Iniki and Hurricane Iwa. The plan builds on the community’s long track record of resiliency and community cohesion in the face of change. On a foundation of community-driven planning, the West Kaua‘i Community Plan provides a long range strategy to strengthen towns and build the future. We must ensure West Kaua‘i doesn’t just “bounce back,” but will bounce forward and towards shared goals.”

3. Amend Bill No. 2797 by amending the West Kaua‘i Community Plan booklet entitled “Planning Commission Draft” dated May 26, 2020 including all Appendices, by amending the Historic and Socio-Economic Context section, pages 23-25, as follows:

"West Kaua‘i’s history has shaped its demographics, culture, and development patterns. The Cultural and Historic Assessment Technical Study for West Kaua‘i (Cultural Surveys Hawai‘i, Inc.) provides a comprehensive historic overview and is adapted here.

Pre-Contact
West Kaua‘i has been inhabited for over one thousand years. The first settlers to Kaua‘i were [Polynesian voyagers who became the Kānaka Maoli,] seafaring people of Polynesia who became nā kanaka maoli (“the original people” or Native Hawaiians). Prior to Western contact, [the Native Hawaiians] nā kanaka sustained themselves through [ingenious uses of the land including lo‘i terraces, dry land agriculture, fishponds, and salt pans.] carefully engineered land, water, and agricultural systems that provided food and resources, including fish and medicine. Their ahupua’a management system exemplified their sustainable and resourceful living from mauka to makai.

[In the late eighteenth century, Captain James Cook was the first European to make contact with Kaua‘i. Soon after, waves of missionaries brought Christianity to Kaua‘i, changing long-established religious and cultural norms. Then in 1835, the first successful sugar plantation in Hawai‘i was established in Kōloa on Kaua‘i, drastically changing its people and landscape. In 1856, West Kaua‘i’s first agricultural company, Kekaha Sugar Plantation, was established. By 1900, there were several plantation companies in full operation in the region.

For over 100 years, sugar production dominated the landscape while the plantation companies provided the infrastructure and resources needed for large-scale production. This included mills with their iconic smokestacks, irrigation systems (i.e. ditches, reservoirs, dams), rail, and cane haul roads. From the late nineteenth century to the early twentieth century, waves of immigrants from Asia and Europe came to Kaua‘i to work in the plantations. Along with infrastructure, the plantation companies provided housing and healthcare services for their laborers.

Hanapēpē and Port Allen formed around the bustling port, while ‘Ele‘ele, Kaumakani, Waimea, and Kekaha were plantation towns. Their town centers developed outwards from the mill and catered to plantation workers and their families. Port Allen, which once served as the island’s main port, facilitated
the export of agricultural goods and generated business for Hanapēpē Town. The booming town centers of Hanapēpē, Waimea, and Kekaha provided plantation workers with access to entertainment, restaurants, retail, and services. Small, family-run stores were located in the plantation camps.

Western Influence
In 1778, Captain James Cook landed at the mouth of Waimea River and became known as the first European to make contact with Kaua‘i. In the following decades, the neighboring settlement of Waimea grew into a thriving trading post fueled by whaling and sandalwood activity.

In 1820, the first American missionaries arrived in Waimea. They were accompanied by Humehume who was returning home from schooling in New England. When Humehume’s father, King Kaumuali‘i, died in 1824, a chief from Hawai‘i Island assumed control of Kaua‘i. Humehume and his supporters protested the power transfer, which led to the “Kaua‘i Rebellion.” The short-lived uprising was crushed during a battle in Wahiawa. The site became known as ‘Aipua‘a ("pig eating") as the dead fighters were left exposed to predation from wild boars.

In the following decades, the Native Hawaiian population declined due to diseases such as smallpox and influenza. Traditional notions of land stewardship were upended by the Great Māhele (1848) and Kuleana Act (1850), which allowed private land ownership. Use of the Hawaiian language declined and was further discouraged by a law mandating English instruction in schools (Act 57, Section 30, Laws of the Republic of Hawai‘i). Several buildings from this era remain, such as the Gulick-Rowell House and Waimea United Church of Christ (a stone church constructed by missionary George Rowell).

The Rise of Sugar
West Kaua‘i’s fertile lands and abundant water attracted agricultural enterprise. In 1856, Vlademar Knudsen established the Kekaha Sugar Plantation and planted the area’s first commercial cane near Pōki‘i. Extensive sugar cultivation required cheap labor from abroad. The Chinese were the first to arrive in 1852, followed by the Japanese in 1868, and Portuguese workers in 1878. They lived in housing "camps" segregated by ethnic group.

By 1900, several companies operated in West Kaua‘i, such as the Waimea Sugar Mill Company and ‘Ele‘ele Plantation. Sugar production dominated the landscape with cane fields, ditches, and mills. Railroads transported cane from the field to mills and ship landings. Production expanded with large-scale engineering projects such as the draining of the Mānā Plain in 1922 by H.P. Faye.

West Kaua‘i’s towns were active hubs with theaters, restaurants, bars, grocers, shops, and barbers. Company-run stores were located in the camps of Pākālā Village, Ka‘awanui Village, Kaumakani, and Numila. Unlike Waimea and Kekaha, Hanapēpē was not a plantation town and became a haven for entrepreneurs. In 1924, a strike against the sugar companies led to violence resulting in the death of sixteen Filipino workers and four policemen. This event, known as the “Hanapēpē Massacre,” shed light on the working conditions of migrant workers.
World War II

World War II brought new facilities and population growth to West Kaua‘i. Hanapēpē [was the location of] became an important war-time center with a military hospital, training center, and landing strip. [A new military reservation was established in Mānā; today it is known as] In 1940, Mānā became home to a military reservation that is now called the Pacific Missile Range Facility (PMRF). [During the post-war period, sugar production began to wane. Three of the last four sugar plantations in the State of Hawai‘i were on Kaua‘i the Līhu‘e and Kekaha plantations of Amfac closed in 2000 and the Gay & Robinson plantation in Makaweli closed in 2010.] Remnants from this era, such as bunkers and quonset huts, are still seen today.

The Kaua‘i Belt Road, known today as Kaumuali‘i Highway, was completed during this time. The highway connected West Kaua‘i to other parts of the island and developed key connections such as the bridges over Waimea and Hanapēpē rivers. Other important projects included improvement of the levees protecting the Waimea and Hanapēpē town cores.

The Decline of Sugar

The post-war period brought statehood to Hawai‘i and ushered in new forces such as technology, tourism, and globalization. The sugar industry downsized its workforce as operations became less labor-intensive due to mechanization. As the economy transitioned away from plantation agriculture, several plantation camps were phased out. By the 1970s, PMRF was West Kaua‘i’s largest employer. With tourism on the rise, visitors began to flock to West Kaua‘i’s state parks.

New residential subdivisions in ‘Ele‘ele and Hanapēpē brought affordable housing to the area. Federal programs such as the GI Bill facilitated mortgages and home ownership. By the 1980s, Hanapēpē and ‘Ele‘ele had expanded mauka with residential development, while the populations of Waimea and Kekaha held steady. DHHL projects in Hanapēpē and Kekaha also provided housing to the Native Hawaiian population.

Some companies pivoted to other crops such McBryde Sugar Company’s transition to Kaua‘i Coffee Company—now the largest coffee producer in the United States. When Kekaha Sugar Company closed in 2000, their fields converted to management under the State’s Agribusiness Development Corporation (ADC). Gay and Robinson’s sugar operations in Makaweli were shut down in 2009—ending large-scale sugar production on Kaua‘i.

Present Context

Agriculture no longer dominates West Kaua‘i’s economy. Today less than 500 people are employed in agriculture research, coffee, cattle, and other small operations. Newer industries such as tourism, military, and healthcare support most of the Westside workforce. Major employers include the Kaua‘i Veterans Memorial Hospital (KVMH), PMRF, and the Department of Education (DOE). There are more workers than jobs in the region and many residents bear the financial burden of commuting elsewhere. The lack of economic opportunities on the Westside—and Kaua‘i in general—has perpetuated the outmigration of young adults.

Today, West Kaua‘i is slowly increasing in population while also undergoing demographic shifts. The most recent population estimate for West Kaua‘i is
12,547, according to the 2018 American Community Survey 5-Year Estimate. The General Plan projects that West Kaua‘i will gain approximately 1,000 residents by 2035. The median age across West Kaua‘i continues to rise as well, indicating that the population is aging.

[Agriculture no longer dominates West Kaua‘i’s economy – employing less than 500 people in agriculture research, coffee, cattle, and other small operations. New industries including tourism, military, and health now support most of the West Side workforce. Major employers include the Kaua‘i Veterans Memorial Hospital (KVMH), the PMRF, and the Department of Education (DOE). There are more workers than jobs in the region, and many residents bear the financial burden of commuting elsewhere. The lack of economic opportunities on the Westside, and Kaua‘i in general, has perpetuated a loss of Kaua‘i’s younger generations. The Westside’s affordable housing and jobs imbalance needs to be remedied in order for the region to become economically self-sustaining.]

4. Authorize finalization editing, such as:
   a. Addition of new and improved graphics.
   b. Photograph revisions due to incorporation of floor amendments.

5. If any provision that is amended is also found elsewhere, such language is hereby amended to provide consistency.

6. If more than one amendment to a same section is adopted on this date, all amendments shall take effect to the extent there is no conflict. If there is a conflict, the latest amendment shall be controlling.

(Material to be deleted is bracketed. New material to be added is underscored.)