

## MINUTES

### PLANNING COMMITTEE

April 5, 2017

A meeting of the Planning Committee 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, April 5, 2017, at 9:41 a.m., after which the following Members answered the call of the roll:

Honorable Arthur Brun  
Honorable Ross Kagawa  
Honorable Derek S.K. Kawakami (*present at 9:59 a.m.*)  
Honorable JoAnn A. Yukimura  
Honorable Mason K. Chock  
Honorable Arryl Kaneshiro, Ex-Officio Member  
Honorable Mel Rapozo, Ex-Officio Member

Minutes of the March 15, 2017 Planning Committee Meeting.

Upon motion duly made by Councilmember Yukimura, seconded by Councilmember Brun, and carried by a vote of 4:0:1 (*Councilmember Kawakami excused*), the Minutes of the March 15, 2017 Planning Committee Meeting was approved.

There being no objections, the Committee took PL 2017-02 out of order.

The meeting proceeded on its agenda item, as shown in the following Committee Report, which is incorporated herein by reference:

**CR-PL 2017-05:** on PL 2017-02                      Communication (03/22/2017) from Committee Chair Chock, requesting the presence of the Planning Director, to provide an update on the Administration's recommendations for an islandwide Additional Rental Unit (ARU) policy. **(Received for the Record.)**

(Note: The Committee was in recess from 10:34 a.m. to 10:50 a.m. during discussion on PL 2017-02.)

The Committee proceeded on its agenda item as follows:

Bill No. 2627, Draft 3                      A BILL FOR AN ORDINANCE TO AMEND CHAPTER 10, KAUA'I COUNTY CODE 1987, AS AMENDED, BY ADDING A NEW ARTICLE 5B, RELATING TO THE LĪHU'E PLANNING DISTRICT (*County of Kaua'i, Applicant*) **(This item was Deferred to June 7, 2017.)**

Committee Chair Chock: Can I have a motion so that we can open it up for some discussion and testimony?

Councilmember Yukimura moved to approve Bill No. 2627, Draft 3, seconded by Councilmember Kagawa.

Committee Chair Chock: Thank you. Members, do you have any more questions or can I move towards public testimony at this time?

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

Committee Chair Chock: Please come up. *Aloha*.

DEBRA KEKAULUA: My name is Debra Kekaulua, for the record. I am here to talk to all of you folks about what is going on in the planning phase. It is probably totally off the record of what your discussion was supposed to be about at this point. One (1) of the things I would suggest with these little microphones is that you have to get somebody to do some corrections so that you are not having to open and close your feed every time. Get rid of it. There is technology that you do not have to be going, "Oh, sorry," and then push the button on your microphones. That is just one (1) of my peeves. There is really a lot of them. What is going on in this island right now is absolutely horrifying, I mean, to tears. What is going on? Why are you folks continuing to play the fraud in planning and in every aspect of what is going on in this island whether it is housing? The biggest thing for me is water. Water is the new gold. Hoard it or die trying. Up at Blue Hole, all of the things that are going on up there, there has a diversion for decades. The diversion is going one (1) place, and that is into a hydropower plant that is totally affecting whatever plans you folks got going on for Hanamā'ulu as far as affordable housing. If you cannot get water, you are done. You cannot do anything. The water affects planning. The water is supposed to be earmarked for folks and the allodial title forever and ever, amen, that the *maoli* are trying to move forward with, and we are all being held back by the fraud. You folks all know what I am talking about. I E-mailed you all about that little video that came up on Facebook where the lady was talking about America and how it has been here. Did you folks ever look at it? Anybody? I E-mailed to all of you folks on the Council website. I also made mention in the second posting, because I had asked Council Chair Rapozo whether or not he would respond if I E-mailed him. Thus far, I have E-mailed pretty much all of you folks and I have not ever gotten any kind of response back about these kinds of issues that you folks are playing a game, and the game is not working. You cannot be throwing good money against bad because of what happened one hundred twenty (120) years ago. Okay, that is my red light. Sorry.

Committee Chair Chock: *Mahalo nui*. Thank you for your testimony. I appreciate it. Would anyone else like to testify? Mr. Deal, come on up.

CHAD DEAL: *Aloha*, Council Chair Rapozo and Councilmember. My name is Chad Deal. I am here as the Governmental Affairs Director for the Kaua'i Board of Realtors. I just want to say that we are in total support of the intent of the Additional Rental Unit (ARU) bill. We look forward to working with the Council and the task force that has been assigned to Councilmember Brun, to further work on the details, and hopefully, come to a great solution for our island. Thank you very much for the opportunity to testify.

Committee Chair Chock: *Mahalo*. If there is no more testimony, I will call the meeting back to order.

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

Committee Chair Chock: Is there any discussion on this item?  
Councilmember Kagawa.

Councilmember Kagawa: Thank you, Committee Chair Chock. I just had one (1) other concern that I mentioned the first time we had this Bill way back last year. That was about what we are going to do about fairness for those that choose to take advantage of this Bill should it pass in the future whether it be in Līhu'e, Hanapēpē, or 'Ele'ele, or Waimea, or Wailua Houselots. What are we going to do about the fairness issue because what you have is you have new people coming on board having to pay large fees for Facilities Reserve Charge (FRC), sewer hookups? Then on the other hand, you have all of these illegal ones that has been up since the 1970s and 1980s that are just not hooked up separately. I do not need to mention where they are. There are a lot of them, primarily in the Līhu'e district, and what are we going to do? Even though they violated the law, are they going to be allowed to have a cheaper system than the ones who played by the law? The fairness part is a stickler for me. I played sports all of my life. I always knew that you want to win, yes. You want to succeed, yes. But the game must be played fairly for everybody. That is what a good legislator does, they try to ensure fairness, yet tries to open up opportunities that the community needs going forward. Again, I do not know how the Administration is going to attack this. This is not a minor problem. This is a major problem. I hope at some point, we are going to at least come forth and say whether we are going to bring fairness into action or are we going to turn our head, shut our eyes, and move on? I think that needs to be represented to the public clearly. Thank you, Committee Chair Chock.

Committee Chair Chock: Thank you. Is there any further discussion on this item? Seeing none, I will entertain a motion to defer to June 7<sup>th</sup>.

Councilmember Yukimura moved to defer Bill No. 2627, Draft 3 to June 7, 2017, seconded by Councilmember Brun, and unanimously carried.

There being no further business, the meeting was adjourned at 11:13 a.m.

Respectfully submitted,

*Allison S. Arakaki*

Allison S. Arakaki  
Council Services Assistant I

APPROVED at the Committee Meeting held on April 19, 2017:



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MASON K. CHOCK  
Chair, PL Committee