

MINUTES

SPECIAL PLANNING COMMITTEE

October 11-12, 2017

A meeting of the Special 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, Lihu'e, Kaua'i, on Wednesday, October 11, 2017, at 12:41 p.m., after which the following Members answered the call of the roll:

Honorable Arthur Brun
Honorable Ross Kagawa
Honorable Mason K. Chock
Honorable Derek S.K. Kawakami
Honorable JoAnn A. Yukimura
Honorable Arryl Kaneshiro, Ex-Officio Member
Honorable Mel Rapozo, Ex-Officio Member

The Committee proceeded on its agenda item as follows:

Bill No. 2666 **A BILL FOR AN ORDINANCE TO AMEND CHAPTER 7, ARTICLE 1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE UPDATE OF THE GENERAL PLAN FOR THE COUNTY OF KAUAI (ZA-2017-3) (This item was Deferred to the October 25, 2017 Special Planning Committee Meeting.)**

Committee Chair Chock: We have a quorum and all members are present. We will be going on our lunch break and will return at 1:45 p.m. Thank you.

There being no objections, the meeting recessed at 12:41 p.m.

The meeting reconvened at 1:40 p.m., and proceeded as follows:

(Councilmember Kawakami was noted as not present.)

Committee Chair Chock: *Aloha* and welcome back to the Special Planning Committee Meeting. Thank you all for being here. As a reminder, we will be addressing the General Plan according to groups of topics. The plan is to meet approximately every other week during Committee for a series of days at a time. We will post official agendas six (6) days prior to each meeting as required by State law. In addition to the official agendas, we will also distribute a tentative schedule that will take us through 2017. You can find these online. The tentative schedule will likely be updated as we go through the process, meaning depending on how far we get on each topic item. Please rely on the official posted agendas as the topic of discussion for that week. If anyone would like to receive electronic copies of Council agendas when they are posted, you can sign up online at www.kauai.gov/council.

Additionally, the General Plan resource materials are available online at www.kauai.gov/council/generalplanupdate, or you may call our Office at the Office of the County Clerk, Services Division, at 241-4188. The agenda item for this week is Topics 1 and 2. Topic 1 is Statistics, Growth Management, and Framework. Topic 2 is Future Land Use Maps. What will happen is we will receive a presentation by the Planning Department on Topic 1 and Councilmembers will ask questions on that topic. Today, because we have our consultants here from SMS, who are paid consultants, what we need to do is ensure that we get through all of our questions as much as possible so that we can excuse them. After we receive the presentation and questions and answers, Topic 2 will be undergone after Thursday's public testimony. Hopefully, we will finish Topic 1 by Thursday at the latest and then we will immediately go to Topic 2. If we finish both topics on Thursday, the Friday meeting will be canceled, or if we need more time to finish Topic 2, we will be back here on Friday. If we reach 4:30 p.m. on Friday and Councilmembers still have questions of the Planning Department, I respectfully request that Councilmembers send any further questions in writing. After this first week, we will be moving on to other topics and I want to abide by the tentative schedule as much as possible. We need to keep in mind that we have commitments in January 2018 convening the State Legislature and we have extensive responsibilities in March through May of 2018 with our annual budget process. To that end, please come prepared with your questions, Members, for each posted topic and please be as efficient as possible during meeting days so that we can conclude the Special Planning Meetings no later than Friday at 4:30 p.m.

Regarding public's participation in this meeting, we will be accepting public testimony on the entire agenda one (1) time only during each multi-day meeting, and this week, all public testimony will be accepted tomorrow, Thursday, October 12, 2017 at 8:30 a.m. This week's agenda topic items are Topics 1 and 2. Due to the length of the plan, the amount of the material to cover, and the public's opportunity to submit written testimony, the Council will be abiding by Council Rule 11(6) which states, "Oral testimony shall be limited to three (3) minutes per person." What all this means is that any interested person may speak once and during that time, may discuss both Topics 1 and 2 for a total time of three (3) minutes at 8:30 a.m. tomorrow, Thursday, October 12th. We will accept all of your sign-ups tomorrow morning if you are interested in providing public testimony, we look forward to hearing from you, and we must also allow the necessary time for the Committee to complete its work with the Planning Department. So that being said, at this time, I would like to suspend the rules and have the Planning Department begin with their overview presentation of Topic 1, Statistics, Growth Management, and Framework. Then, we will move into questions and answers.

There being no objections, the rules were suspended.

MICHAEL A. DAHILIG, Planning Director: Thank you, Committee Chair Chock. Council Chair Rapozo and Members of the Council, Mike Dahilig, for the record. I do want to start off by saying that the way we will start presenting information to the Council on Topic 1 is we will start with our consultant. I know that there has been questions leading up to the Committee Meetings concerning the validity of the information that the plan is based upon, particularly with the visitor

numbers based off of the first reading discussion that happened about a month ago. I would like to introduce Daniel Nāho'opi'i. He has had extensive experience in marketing research and evaluation, and currently serves as the Executive Vice President for SMS Research who we retained for providing us the socioeconomic information for this study. For the past decade, Daniel was the Director of Tourism Research at Hawai'i Tourism Authority (HTA) where he oversaw the production, organization, and interpretation of data related to the Hawai'i visitor industry. He also leads the Statewide Tourism Strategic Plan process and the performance of manning and evaluation of HTA efforts when he was each over there. He gained enormous experience in tourism research in the past decade and his background is sophisticated large and small scale market research, social media monitoring, and Hawai'i community programs. It is extremely valuable given the topic that we are asking him to discuss with you today on these statistics. Prior to HTA, he was the Manager in strategic planning at Kamehameha Schools as well as a Senior Project Director at SMS Research. He was a Research Manager at the Hawai'i Visitors Convention Bureau and an Integrated Resource Engineer at Hawaiian Electric Company. He is a Kamehameha Schools graduate, so I purposely did not wear blue and white today.

Committee Chair Chock: *Imua.*

Mr. Dahilig: He also has a degree in Industrial and Electrical Engineering from Northwest University and he has a Master of Business Administration (MBA) from the Schidler College of Business at the University of Hawai'i at Mānoa. With that, I would like to turn this first portion of our Topic 1 presentation over to Daniel, and please feel free to ask him whatever questions. Then, we will follow-up with our overview with the statistics framework and monitoring.

Committee Chair Chock: Okay. Thank you, Daniel, for being here. Before we actually go and continue this discussion, actually, I apologize because I suspended rules. I will call the meeting back to order because I realized that while we started the Special Committee Meeting, we did not read the Bill into the record and I need a motion on the floor to actually have this discussion. Clerk, would you be able to read Bill No. 2666?

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

Bill No. 2666 A BILL FOR AN ORDINANCE TO AMEND CHAPTER 7, ARTICLE 1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE UPDATE OF THE GENERAL PLAN FOR THE COUNTY OF KAUAI (ZA-2017-3)

Committee Chair Chock: Thank you.

Councilmember Kagawa moved to approve Bill No. 2666, seconded by Councilmember Yukimura.

Committee Chair Chock: Alright, we have a second on this Bill to approve. We will suspend the rules and please continue, Mr. Nāho'opī'i.

There being no objections, the rules were suspended.

DANIEL NĀHO'OPI'I, Executive Vice President, SMS Research: *Aloha,*
Councilmembers.

Committee Chair Chock: *Aloha.*

Council Chair Rapozo: *Aloha.*

Mr. Nāho'opī'i: What I am going to present today is an update to the original model that was presented earlier in the earlier plans, created by SMS, and submitted to the Planning Department. I just updated the visitor section which includes visitor arrivals, average daily census, and an estimate of the visitor unit counts. What you see here is the historical visitor arrivals and my estimate for 2017. By the end of the 2017, the Kaua'i visitor industry should see eight (8) years of positive growth with some years reaching plus five percent (+5%) in annual growth in visitor arrivals. On the other hand, in that same period, Kaua'i has also experienced two (2) years of only one percent (1%) growth in 2014 and 2016 and has actually not surpassed its annual visitor arrival records set in 2007. What I wanted to show here was that even though it has recently been a strong growth in this last tail-end, it pretty much has been vacillating throughout the same period. To qualify, the peak in 2007 is actually due both to a strong demand for visitors come to Kaua'i but also, we had many more cruise ship visitors at that time. The interisland cruise ship had, at the maximum, three (3) different cruise ships running at a period of time.

Based on the historical data, the first thing I wanted to show was what has been happening Statewide and on Kaua'i. Since the recession, our visitor industry has benefited from increased air seat capacity driven by strong economies in Untied States (U.S.) West Coast cities; the expanding Asia powers, particularly Japan, China, and Korea; low fuel prices; and the airlines, who the legacy carriers who are existing right now are trying to strategically position themselves in the Pacific in order to compete against some of the international airlines in Asia. So many of them are adding in capacity to position themselves well against some of the international carriers that are coming from the United States. Kaua'i has seen an impact and benefit from that, as you can see on the second chart. In the most recent months and leading up to the beginning of next year, Kaua'i should see an increase of over forty percent (40%) more overseas direct air seats into Līhu'e. A couple of examples, Delta Airlines is adding a daily flight from Seattle starting December. American Airlines from Līhu'e, is adding another Boeing 767 daily, and United Airlines is adding additional services from Denver, Los Angeles, and San Francisco.

What I wanted to show here was that Statewide, we have been seeing increases in direct service to Hawai'i. Kaua'i on the other hand, is at the tail-end. In other words, most of the other islands had already seen their increase in direct air service. Kaua'i has seen the last part of the push particularly from the West Coast. That is why it is kind of tailing up really quickly. Hawai'i, mainly people compare to the Big

Island, Hawai'i Island, as a very similar type of pattern of growth. As you can see, Hawai'i Island has seen additional air seat capacity. When you have direct air seat capacity from the U.S. mainland, it does somewhat change the effects of the visit arrivals here. Since more people can come in directly, you will tend to see longer lengths of stay instead of the visitors coming to O'ahu first and then traveling over to Kaua'i for a day trip or for a couple of days. Since they can come in directly, they will stay for the full week or so here. But...

Committee Chair Chock: Just a really quick question.

Mr. Nāho'opi'i: Sure, go ahead.

Committee Chair Chock: Regarding the chart that you are speaking on.

Council Chair Rapozo: On the second chart, it says, "Percent change index to April 2009," but your chart only goes back to...

Mr. Nāho'opi'i: Oh, yes. I only put half of the chart. I can submit the full chart from 2009 to you.

Council Chair Rapozo: And there are no numbers.

Mr. Nāho'opi'i: Yes. It is more of an illustration. I just wanted to show the difference between the islands and how this kind of grows, but I can submit the information with all of the details and the actual numbers to you.

Council Chair Rapozo: Yes. I think, for me, I would like to know because its percentage change, but there is no percentage. Do you know what the percent change is for Kaua'i? I thought I heard you say forty percent (40%).

Mr. Nāho'opi'i: I think about forty percent (40%) at the beginning of the next year through the April period.

Council Chair Rapozo: If you could provide the numbers, because the pictures are nice, but if there are no numbers, it does not really say much.

Mr. Nāho'opi'i: Okay.

Council Chair Rapozo: So forty percent (40%) is your estimate?

Mr. Nāho'opi'i: Yes. That includes all of the published announcements and commitments from the airlines as they have added in.

Council Chair Rapozo: Thank you. I am sorry. Thank you very much.

Mr. Nāho'opi'i: Thank you for the question. However, having additional air seats does not always mean that there will be permanent number of visitor arrivals into Kaua'i. One of the things with our Hawai'i visitor industry is

that it is very fickle because of the fact that we are a small player particularly on this island. This island, as a whole, is smaller than the Statewide amount. Also, we are driven by packaged and large commitments, for example, the package and wholesalers. In other words, you would commit the price for a whole year. In other words, you cannot fluctuate pricing, so the market cannot adjust itself very quickly so you get these kind of cycles. I will explain the cycle where we are now. Right now, we are adding airline seat capacity because over the past couple of years coming out of the recession, there has been a demand for more travel. The U.S. market is doing well. Their economy is strong. The Asian markets are expanding as they become more middleclass. So they are venturing out of their Country to do more visitations and trying to see the world. That creates demand. The airlines respond by adding airline seat capacity. As we have seen the growth over the past couple of years and as I mentioned before, Kaua'i has seen the tail-end of that growth period as the effects from first, the internationals coming into the O'ahu and now, they are seeing additional demands from the West Coast wanting to come to Kaua'i. However, because of the limited lodging capacity Statewide as well as the ability to provide enough lodging capacity or enough visitor units, it causes this kind of pricing. The prices will start to increase. We have already seen in the...let us see. It was about a four percent to five percent (4%-5%) room rate increase in 2016 already from the year before. So room rates are rising and what happens then is for a visitor coming to Hawai'i, they only have so much they can spend on airfare plus their room. That is the bulk of their budget. They have a purse. So that means that they do not have enough money to spend on the air, so then they think about Hawai'i as being too expensive in terms of getting an airplane ticket here, and the demand starts to fall. What we then see is less demand for air service to Hawai'i. The airlines react by reducing capacity. Because you cannot do it with a fine knife and you cannot do a fine tune, what happens is the airlines have to pull out entire planes or entire routes in order to adjust and meet that demand or else their revenues stream is not profitable. But in doing so, places such as Kaua'i will see big drops. That is what you have seen in past when arrivals go up and down and air capacity go up and down. They have to take out a full route, one (1) whole plane, and then you see maybe ten thousand (10,000) or so seats out in that particular period of time.

What we have seen here in the short-term is what happens is that in this cycle, even though we are seeing strong demand right now and we have seen strong growth in visitor arrivals, when the airlines start to cut their air seats, there will be a correction in the U.S. West Coast availability of seats. I think based on the past cycles and also talking to the airline consultant for HTA, this will happen in the later part of 2018 where there will start to be some loss of air seat capacity Statewide as well as to Kaua'i. That affects the short-term forecast. When that happens, even though we are growing right now, the short-term forecast is much less than the current rate of growth and I will show that in the next chart.

How did I do the forecast? This is the historical picture that you saw earlier. I used a linear regression to come up with what the long-term growth rate is over the period of time, and this is starting from 1980 through the current period. I show just for the 1990s period right here. What we see is that the long-term visitor growth was projected assuming that it would follow that straight line trend after filtering out the high growth periods in 1987 to 1991, 2004 to 2006, kind of the current fluctuations,

the dip in the recession, and 9/11. What I am saying is that overall, long-term visitor arrivals follow this line even though it may fluctuate somewhat up and down around this line. So my forecast is based on that line. This is the short-term forecast. As I mentioned even though we have seen a strong growth right now, because as we say that cycle where we are going to see a correction in the number of air seats, which means less available seats, meaning less visitors can come to Kaua'i, it is going to start to slow down. Then the long-term, meaning from beyond 2020, follows pretty much the average that we have seen over the long period following the long-term forecast. This is very much in line with what Department of Business, Economic Development, & Tourism (DBEDT) long-term 2040 forecast for visitor arrivals and population growth.

If we were to just take the short pieces of it and see where they are so you can get some numbers out of the chart, as you can see, this is the historical number. It was nine hundred fifty-five thousand (955,000) visitors to Kaua'i in 2010 coming out the recession. The expectation is to reach one million three hundred thousand (1,300,000) in 2020, but this is the growth over that time period because we saw the strong part here. But later, it is should slow down to be less than nine percent (9%), about nine percent (9%) or so, coming to one million four hundred eighty thousand (1,480,000) by 2035. The red bar shows the growth pattern. So you can see how the growth starts to slow down. I estimated this period. So of course, there may be fluctuations going up and down, but if you look at the long-term region or range, we would be following that line.

Similarly, average daily visitor census, which is how busy it is at any given day here or how many visitors on any given day are on the island of Kaua'i. The increase in direct flights, as I mentioned, resulted in longer lengths of stays in the near-term, and that reflects in some of the additional growth that you see in the near-term from 2010 to 2020. However, it is expected that the U.S. market will start to slow down and most of our growth Statewide, will come from international visitors of which that is not a major target market for Kaua'i at this time. I adjusted downwards for the shorter length of stays that are typical of international visitors and the average daily visitor census going out in future has a slightly slower growth rate going to 2035.

Now for planning purposes in the model that we submitted to the County, we do distribute out the visitor arrivals. It is not an actual count happening in the historic amount, but it is actually the distribution of visitor arrivals by these planning area. It is based on the historical data of the distribution of visitor units from 2011, and it is just for estimates for planning purposes assuming the occupancy rates are similar across the various unit types and consistent throughout the planning period.

The estimate of visitor units here on Kaua'i. The way we did this is based on the average daily census or how many people are here on any given day and their need for accommodations. We took that and based on historical numbers of visitors per room, we are able to give an estimate of the number of visitor units needed to accommodate the visitors that we estimate. Here in 2010, this is the actual number of built units reported by the Hawai'i Tourism Authority and the Department of Business, Economic Development, & Tourism. However, as we go further out here, we are using an estimate based on what the expected need for the visitors that are

expected to come even though this does not reflect actual at point, but what is expected in order to accommodate the visitor forecast.

Similarly, when we do the distribution for visitor units by the County planning areas, the forecasted number of visitor units is based on the forecasted number of total visitor arrivals and the daily census. Then, these numbers are distributed based on the historical built-out from 2011 up to 2016. So of course the distribution would change depending on any future development, any entitlements, and then the development of those entitlements. But this is just for planning purposes to see where it is at the time that we know, the information period that we know of. We also know that what is reported by the Hawai'i Tourism Authority in their Visitor Plan Inventory report is what is considered the amount of particularly hotel and condominium units that are officially reported, but their estimates say that it should be at least ten percent (10%) more accommodated by other alternative accommodations that exist on the island, but are not reported, but have been advertised or promoted online through some of the studies that they have done and estimates.

(Councilmember Kagawa was noted as not present.)

Mr. Nāho'opi'i: At this time, that is all I have in what was presented. There was additional information that was provided to the County in the report.

Committee Chair Chock: Okay. What I would like to do is take questions on the presentation and then also anything on this subject matter. I know we have some resource people also here today that we will bring up as we move from these projections here, this data into actual growth management. Members, are there any questions at this time for the presentation? Councilmember Yukimura.

Councilmember Yukimura: Thank you. Thank you for being here.

Mr. Nāho'opi'i: Aloha.

Councilmember Yukimura: On slide 5, you mentioned DBEDT's line, which line is that or is the line here?

Mr. Nāho'opi'i: My forecast that we are submitting here is based on the information and data that they do, but it is not exactly the same. I did some adjustments based on information that I have in the short-term that they did not take into consideration. But in general, the growth rate trend line is similar to what DBEDT has published in both their current quarterly visitor arrival forecast as well as their long-term 2040. So the growth rates are very similar in the pegged years.

Councilmember Yukimura: Now, you said that limited lodging capacity, I think it was that graph on page 4, somehow affects air capacity. Can you explain that?

Mr. Nāho'opi'i: Sure. Right now, you are seeing there is a strong demand for visitors who want to come to Hawai'i and to the island of Kaua'i, so the airlines respond by adding in more air seat capacity to meet that demand. What happens is then you have many visitors coming on-island or Statewide as well not finding enough of the lodging or the type of lodging that they want. It is a combination of both. Maybe they may want a larger room because now they are traveling with a family and hotels cannot accommodate some of that. So because there is limited amount and it is full, the occupancy is also full, the hotels start to jack up their prices. I should not say "jack up." But they raise their prices to increase and meet their demand as well since they can do that because there is enough people with a strong demand that want to come to Hawai'i. But when the pricing becomes so high, especially now because we are so reliant on the U.S. market, and the U.S. market definitely is price-sensitive compared to some of the Asian markets where they are just new visitors coming out of their Country, so they are willing to spend more in order to travel. The U.S. market is high repeat, so they are price-sensitive.

(Councilmember Kagawa was noted as present.)

Mr. Nāho'opi'i: So once you get to a certain threshold in the price of the room rate, then the demand will drop down and they will find another destination, maybe go to Mexico or some other destination.

Councilmember Yukimura: If we wanted to manage visitor growth, we could just limit the lodging, right, because with that dynamic that you are talking about, then the airlines would reduce the number of flights to Kaua'i?

Mr. Nāho'opi'i: This system is not a system of using it as a tool for managing because the market drives all of the effects.

Councilmember Yukimura: Right, but we are working with the market.

Mr. Nāho'opi'i: But what will happen is actually depending on the situation and the State as a whole. So you have to think about it as a State. It is nice to think that people come just for Kaua'i, but many visitors come because of Hawai'i and as the demand for Hawai'i increases, then some of it is what we call "compression" where it moves out to Kaua'i.

Councilmember Yukimura: Right.

Mr. Nāho'opi'i: So, just by limiting growth here does not control the overall Statewide demand of the...

Councilmember Yukimura: We are not concerned about controlling Statewide growth. We are talking about managing growth on Kaua'i.

Mr. Nāho'opi'i: The demand would still happen because Statewide, everybody wants to come to Hawai'i.

Councilmember Yukimura: Sure. The demand would still happen, but if there are not enough rooms, then what will happen is the price will go up that will eliminate people who are price conscious or cannot afford it, but still, the numbers of visitors will not increase on the island. In other words, there is a real correlation between number of visitor units and number of visitors on the island. I mean, that seems very logical, does it not? But we are looking for growth management tools. So I am just trying to understand how you develop your—and one of our concerns, because it shocked this island that the airlines were going to increase airlift by forty-two percent (42%) when we are maxed out by infrastructure. I mean, if more tourists come, they are not going to be able to drive freely on the roads.

Mr. Nāho‘opi‘i: I cannot address directly that statement because part of that is planning for what is estimated to come overall driven by the Statewide demand. That is what this model does. It does not do the fine tune adjustments because revenue management is very complicated.

Councilmember Yukimura: Sure.

Mr. Nāho‘opi‘i: I also want to make a point with the air seats capacity. Even though the airlines have announced direct flight service, it does not mean you will get forty-two percent (42%) more visitors because there is a substitution that instead of coming to O‘ahu and then going to Kaua‘i, they can come direct, which might be a good thing because a different type of visitor might come, too. So it really depends on how those are marketed...

Councilmember Yukimura: Of course.

Mr. Nāho‘opi‘i: ...what kind of seats they are and packages that are sold with those, et cetera. It might be a visitor that you might want to have because they will stay here and contribute to the economy directly.

Councilmember Yukimura: Do you know how that decision to increase capacity is made? Is that solely a decision of the airlines?

Mr. Nāho‘opi‘i: As opposed to having incentives done by the State or something?

Councilmember Yukimura: Well, does the airports not have a say? In fact actually, I am told Līhu‘e Airport does not have the capacity to handle a forty-two percent (42%) arrival increase. So it would seem to me the airports would have some say in that decision, but that is what I am asking. Who makes the decision and on what basis?

Mr. Nāho‘opi‘i: In terms of how airlines determine how much capacity to put in place, it is mainly based on market conditions and the demand. They do file for a request to come in. I am not sure what the current capacity or gate availability is here on Kāua‘i, but if they did receive approval, then there should be adequate capacity.

Councilmember Yukimura: Well, but who gives the approval?

Mr. Nāho'opi'i: It would be the airport and State. They go through a full process, both at the Federal level and at State level.

Councilmember Yukimura: Would you know where we can...is that stated in a law or a regulation?

Mr. Nāho'opi'i: The process?

Councilmember Yukimura: Yes.

Mr. Nāho'opi'i: I can contact the Department of Transportation (DOT).

Councilmember Yukimura: And provide that for us?

Mr. Nāho'opi'i: Yes, I can work with the Planning Department to provide the information.

Councilmember Yukimura: Okay. That would be very useful information. Thank you. I have some other questions, but I will let others first.

Committee Chair Chock: Sure. Anyone else?

Council Chair Rapozo: I have a real quick question on the numbers.

Committee Chair Chock: Okay, go ahead.

Council Chair Rapozo: Visitor arrivals based on your study, your forecast, in 2035 would be one million four hundred eighty million (1,480,000). What is the Kaua'i Economic Development Board's (KEDB's) estimate?

Mr. Nāho'opi'i: Excuse me?

Council Chair Rapozo: KEDB. You said it is similar.

Mr. Nāho'opi'i: For DBET?

Council Chair Rapozo: Yes. What is their number for visitor arrivals?

Mr. Nāho'opi'i: They do not do visitor arrival estimates at the County level right now. I was talking to them the other day and in this new forecast with them and their new long-range projections, which they will start at the end of this year, they will start to work on County visitor level projections. In the past, they did not report that. So I had to kind of interpret some of the information. They had the Statewide level plus my knowledge of the historical data in the County in order to project that.

Council Chair Rapozo: Okay. Thank you.

Committee Chair Chock: Councilmember Kagawa.

Councilmember Kagawa: I just have a short question kind of related to Councilmember Yukimura's. I think we had some analysis in preparing the General Plan about the occupancy of the current hotel facilities. What was that number about, the average? Was it sixty percent (60%) or something?

Mr. Nāho'opi'i: I do not know. I did not check for this current period.

Councilmember Kagawa: Okay, because I would think that if we project more, then some of that increase would go into the open areas, right, the percentage that is not occupied?

Mr. Nāho'opi'i: Yes. I know Kaua'i is still not—what we consider as full capacity is about eighty-five percent plus (85%+).

Councilmember Kagawa: We would consider that full because it is going to be one hundred percent (100%) at certain times?

Mr. Nāho'opi'i: Yes, and plus, to manage a hotel, once you get past the eighty-five percent to ninety percent (85% to 90%), you need some flexibility because people stay longer or shorter.

Councilmember Kagawa: Okay.

Mr. Nāho'opi'i: That is what they call "walking" where you get to the ninety percent (90%) and then you have to find another place or another hotel.

Councilmember Kagawa: Where I am going is that...

Mr. Nāho'opi'i: We are not at eighty-five percent (85%) on Kaua'i yet.

Councilmember Kagawa: Yes. If we are at sixty percent (60%), then we have twenty-five percent (25%) more room, right, theoretically?

Mr. Nāho'opi'i: The occupancy rates and demand compared to previous sessions to now just from previous sessions to the net historical same level of occupancy somewhere around 2016. It just got there now recently compared to previous session times in terms of how full the hotels have been. In the past Statewide, it is always said, "How can we continue to receive more visitors?" If you look Statewide on the various islands, there is still capacity in Big Island and Kaua'i to where it was pre-recession, in fact, and just hitting it now. So depending on how

they do revenue management and other things. But we are kind of right in that place, so all of the years coming out of recession, we still had room to grow.

Councilmember Kagawa: My last question is I am sure that these projections are not the first rodeo for SMS. Your company has been around for a long time, right?

Mr. Nāho'opi'i: Yes.

Councilmember Kagawa: Do you have any comparison in history like ten (10) years ago, you did a projection that is similar to this and the numbers that you have done based on the formulas you used to come up with this, were pretty accurate? Do you have historical data on SMS's numbers?

Mr. Nāho'opi'i: I could put those together for you.

Councilmember Kagawa: Yes. I am just curious to know. If we are going to say, "Well, we do not trust these numbers," then if you show historically in the past that we did perform this analysis and nay-sayers may have said, "Well, those numbers were not correct," but in fact, those numbers were pretty accurate, that means your formula is working. I am just curious to know historically in the past, if SMS used some type of similar formula that justifies you folks coming up with these numbers.

Mr. Nāho'opi'i: Okay.

Councilmember Kagawa: Thank you.

Committee Chair Chock: Do we have any other... Council Chair Rapozo.

Council Chair Rapozo: I think when we look at the growth, we are looking at seats and we are looking at rooms, but we are not looking at the capacity and what the island can take as far as infrastructure. Councilmember Kagawa and I were on a conference call with the Federal Department of Transportation regarding air routes and they basically said it is a State issue. But my point is that these routes are being approved somewhere off of this island. This island has absolutely no participation and this is really a tagalong on Councilmember Yukimura's last request, that this island may not be at capacity when you look at the numbers of available rooms versus seats of planes, but infrastructure-wise, there are some major challenges.

Mr. Nāho'opi'i: Yes.

Council Chair Rapozo: I guess, and I do not know if you can answer this, but when these decisions are made by the Federal government, or the State, or whoever decides that they are going to increase the flights...one of the press releases I heard on television was that, and I do not know if it was Delta Airlines, but they are flying one (1) more flight here and that is going to be sixty-eight thousand (68,000) more people to Kaua'i in a year. They were proud of it. They were bragging. The State was happy and excited. But yet, that is one (1) flight or one (1) new route that

is going to bring sixty-eight thousand (68,000) people. These growth rates, if we are relying solely on seats versus rooms, it shows we have a lot of capacity, but that may not be accurate in the sense when we are talking about planning and growth. Is that a fair statement?

Mr. Nāho'opi'i: It is a statement not related to my visitor forecast because the forecast provides the line and then it is the rest of the plan that determines what happens and what you do to respond to the line. I do not know. That is my answer.

Council Chair Rapozo: Okay. I got it.

Mr. Nāho'opi'i: I understand and I have heard from other reports that we have had when I was at the Hawai'i Tourism Authority, we get a lot of reports in terms of infrastructure issues and such.

Committee Chair Chock: We have our Planning Director here too, that we can move towards specific questions. I would like to follow-up on that just in terms of your profession and consulting. Historically, have you seen any other management tools that has made an impact on the numbers? What I have heard is you throttle the visitor units and the development of that, but have you seen any other indicators that would have an impact on what you have seen?

Mr. Nāho'opi'i: To slow growth or to actually...

Committee Chair Chock: Well, to both. I would like to understand both.

Mr. Nāho'opi'i: I am trying to think in other States or areas because in Hawai'i, we have not used it in past. There is no carrying capacity study. It is mainly marketing growth at this point.

Committee Chair Chock: Okay. Alright.

Mr. Nāho'opi'i: I can ask my other colleagues nationally.

Committee Chair Chock: Okay.

Mr. Nāho'opi'i: There are some areas that have done, like Costa Rica has done some turnaround where they changed their entire product, but it means changing the product itself. They went from a very similar high vacation just resort type destination to being more of an eco-destination, but it took a full commitment at multiple department levels to change that and it is a whole Country. The other thing is they can control...because if it is a Country, you can control immigration, which is a big issue, too, that like you said, there are Federal issues that we do not have control of. I can ask my other colleagues to provide information to the Planning Department that they can utilize in their studies.

Committee Chair Chock: I would appreciate that. Members, just so you folks know in terms of process, we do have the Planning Department here and

they do have a presentation on this particular item. My interest would be that we get as many of these questions from SMS since they are the consultant and have to be flown in to assist us until 4:30 p.m. because I want to break at 4:30 p.m. or no later than that today. Councilmember Yukimura, you have the floor, unless there is another question. Councilmember Yukimura, you may go ahead, followed by Councilmember Kawakami.

Councilmember Yukimura: Okay. On slide 9, I think your statement was that this shows the number of visitor units needed to accommodate the projected growth rate.

Mr. Nāho'opi'i: Yes.

Councilmember Yukimura: That is what this particular slide shows. Can we show the slide?

Mr. Nāho'opi'i: Sure. It is historic until 2010.

Councilmember Yukimura: Yes.

Mr. Nāho'opi'i: And then these estimates are based on the previous forecast that I have on the slides of visitor arrivals and average daily visitor census whenever people are here.

Councilmember Yukimura: Until 2010. Why is it not historical until 2016?

Mr. Nāho'opi'i: Internally, it is until 2016. I am sorry.

Councilmember Yukimura: I am sorry? In terms of...

Mr. Nāho'opi'i: It is historical through here.

Councilmember Yukimura: Yes. Actually, that is your blue line.

Mr. Nāho'opi'i: Yes.

Councilmember Yukimura: Where the history turns into projections?

Mr. Nāho'opi'i: Yes.

Councilmember Yukimura: What you are saying is that this purple line past the blue line, to the right of the blue line...

Mr. Nāho'opi'i: Is an estimate.

Councilmember Yukimura: ...is the number of units we would need to accommodate a growth rate of what is it, generally one percent (1%) per year?

Mr. Nāho'opi'i: Less than one percent (1%) per year. The other thing is that there are some assumptions to that formula.

Councilmember Yukimura: Okay.

Mr. Nāho'opi'i: One is that the type of units, the mix of the units stays the same.

Councilmember Yukimura: Right.

Mr. Nāho'opi'i: So many of the units here on Kaua'i are not that large. If in later developments they decide to build up larger units, like say that accommodate four (4) or five (5) in a family more of a larger apartment type as opposed to smaller hotel types, it depends on the distribution. Of course, then the unit numbers will go down because it can accommodate more people.

Councilmember Yukimura: Right.

Mr. Nāho'opi'i: But in general, I used the number of visitors per unit that has kind of historically has been on Kaua'i.

Councilmember Yukimura: What is that?

Mr. Nāho'opi'i: Right now, about two point two five (2.25).

Councilmember Yukimura: Okay. Related to that, on slide 10 you said, "Add ten percent (10%) to..." what figures do you add ten percent (10%)?

Mr. Nāho'opi'i: For example, here the published figure in 2010 on this chart and then also in backup tables in the bigger report that I gave to the Planning Department, the historical figures that are quoted by the visitor inventory from the Hawai'i Tourism Authority lists those units that are reported that have reported back to the Hawai'i Tourism Authority as well as what they have from hotels and condominium listings. But they do a second study about alternative accommodations and they found that from that current listing is at least another ten percent (10%) more, so I kind of took that into consideration as well.

Councilmember Yukimura: I see. So your graph already has taken into account the ten percent (10%)?

Mr. Nāho'opi'i: Yes, and actually grows more as you go further out because I am not sure what is going to be developed at a certain point.

Councilmember Yukimura: Yes.

Mr. Nāho'opi'i: So at that point, it just becomes estimated number of units, not whatever type it is.

Councilmember Yukimura: So, it is HTA's historical data plus ten percent (10%), which they feel better reflects the actual situation out on the land?

Mr. Nāho'opi'i: Yes.

Councilmember Yukimura: Okay. Can I ask one (1) more question?

Committee Chair Chock: Sure.

Councilmember Yukimura: On slide 7, average daily visitor census, which is really important to us because the Strategic Tourism Plan for this island is done mainly by the visitor industry says that a twenty-five thousand (25,000) average daily visitor census, we are maxed out on this island in terms of infrastructure. This is the visitor industry saying that. The other day, I was going to Hanapēpē from Kalāheo and there is that Hanapēpē lookout, and there were cars trying to get into that lookout area that could not fit, really. There were just too many and it was going to cause a traffic hazard, but there and then at Waimea Canyon lookout. It was maxed out; parking, long lines, and cars trying to come into the parking, and bathrooms that were not flushing. That kind of negative feedback starts to affect the industry negatively. So with respect to that, what happened? 2010 to 2020 at the bottom where you show the average annual growth rate, you have averages by decades. Is that how it is?

Mr. Nāho'opi'i: It is the average, yes. It is the growth rate between the two (2) decades.

Councilmember Yukimura: That very last line of statistics.

Mr. Nāho'opi'i: Yes.

Councilmember Yukimura: So it is point three percent (0.3%)...

Mr. Nāho'opi'i: No, it is an annual. In 2020, that is the annual growth rate.

Councilmember Yukimura: Okay, but what happens with the 2020 rate? It jumps to three point seven nine percent (3.79%).

Mr. Nāho'opi'i: It includes part of the buildup out of the recession from 2009.

Councilmember Yukimura: Oh, because we went down, now it looks like we are going up?

Mr. Nāho'opi'i: Yes, but if you look at the tail-end of 2020, it is slower. It is adjusting downwards. If I do visitor arrivals, it is an easier one to see. Like that part, even though we are fast here in the first part because 2010 is here, right? This part, we are growing really quickly, but it slows down. It turns downward over here in the next couple of years.

Councilmember Yukimura: The rate of growth slows down?

Mr. Nāho'opi'i: The rate of growth slows down, yes, and that is why it comes out to about three percent (3%) overall.

Councilmember Yukimura: Okay. Thank you.

Committee Chair Chock: Councilmember Kawakami.

Councilmember Kawakami: Based on your presentation, there is a disconnect between the amount of flights that are coming and the increase on those flights and the availability of, I guess, room and lodging that some of these visitors are looking for is what I am hearing. But by right, if there was a collaboration in a perfect world...if the Airports Division, if there is a new flight coming in, they have to get a gate, correct? They have to be assigned a gate at a certain time.

Mr. Nāho'opi'i: Yes, and if they do not have the gate, then they will deny it.

Councilmember Kawakami: Yes.

Mr. Nāho'opi'i: Honolulu has a problem right now with gates.

Councilmember Kawakami: I think here is where we are wondering how much discussion is being had when there are new flights coming into the Kaua'i and if they are just being automatically assigned a gate because there is a huge conflict, right, because the Department of Transportation, Airports Division, and Harbors are all self-generating revenue departments, right? They generate their own revenues, so they have their own budgets. There is a conflict because the more flights coming in, the more money they are making, correct?

Mr. Nāho'opi'i: Yes.

Councilmember Kawakami: But because there is a lack of collaboration at the ground level as far as room and lodging availability, I think that is where there is some conflict.

Mr. Nāho'opi'i: Going back to the room and lodging availability, at this time, there is still room and lodging available.

Councilmember Kawakami: There is?

Mr. Nāho'opi'i: Yes. But in terms of the collaboration, to me, since I am just the consultant and I do not work for the State anymore, I would assume the Governor and the Administration is supposed to be looking at broader range of issues.

Councilmember Kawakami: Maybe I am asking the question to the wrong person.

Mr. Nāho'opi'i: Yes.

Councilmember Kawakami: But I would like to throw it out so people can think about it. But here is the discussion on whether areas, or municipalities, or States that have a port authority, an airport authority, or harbor authority are managing growth and the impacts on growth more efficiently than the State of Hawai'i is because we are unique. Every island is unique. So I think that was one of the discussion points on whether or not we should have semi-autonomous authorities; port authority, airport authority, or being able to at least control our own destiny because often times when the politics get involved, that is when you have this disconnect even as far as Capital Improvement Project (CIP) appropriations and improvements to certain harbors and airports. I think just throwing it out there since we have a room full of all of the problem solvers, these are the things that I think we have to juggle so far as collectively on the big picture where is the disconnect happening. Thank you.

Committee Chair Chock: Thank you. I am looking at page 28, Table 1-4 of the General Plan as opposed to your newest numbers. I just wanted you to be able to speak to the differences in this forecast versus the initial.

Mr. Nāho'opi'i: Okay.

Committee Chair Chock: Are we proposing that these numbers be adjusted now into this new plan based on the new study?

Mr. Nāho'opi'i: In terms of the difference, when the previous forecast and plan was done, we were just coming out of the recession so there is no historical information about what happens when we have this, the worse recession that the United States has ever faced, and what would recover and globally, what other areas would recover. So now that we have more historical information over the past couple of years and how the market reacts to it, that is why we updated the information based on what was expected. I could tell you some of the factors. One would be oil pricing. Most people would think at this point, oil prices would be much higher, right? But they have not been and that is a big factor in air seat availability. So because that has been pretty consistent, airlines are willing to take the risk of adding in more seat capacity, particularly to Hawai'i where the profit is very thin in terms of that margin as well as, at that time, nobody knew what way international visitors would also be growing, particularly Australia and New Zealand, and how consistent that was, how strong China is consistently over a longer period of time. So some of those factors were taken into consideration in this new forecast.

Committee Chair Chock: Okay. What I see is there is a difference in your 2010 figure and then again, a difference in those later years as well. Are those adjustments based on those indicators that you just mentioned?

Mr. Nāho'opi'i: Yes.

Committee Chair Chock: Okay.

Mr. Nāho'opi'i: The growth rate at the very tail-end, the 2030 and 2040 is very similar. Actually, the new one slows down a little bit more, but it is stronger growth in the near-term, the 2020 period, based on what we have seen historically over the past couple of years as well as what we are expecting over the next couple of years.

Committee Chair Chock: Okay. Councilmember Yukimura.

Councilmember Yukimura: Thank you, Committee Chair Chock, for directing us to these statistics, which I presume we can ask about, right?

Committee Chair Chock: Yes.

Councilmember Yukimura: Mr. Nāho'opi'i, did you have anything to do with this chart which allocates the projected housing growth?

Mr. Nāho'opi'i: No.

Councilmember Yukimura: Oh, okay.

Mr. Nāho'opi'i: We did not change that part of the model. We only changed the visitor forecast from SMS.

Councilmember Yukimura: Okay. Well, I hope the Planning Department is able to talk about that today because that is kind of a key statistic. In terms of population, this chart on page 28, did you help with that?

Mr. Nāho'opi'i: I did not update the population numbers based on the visitor numbers at this time. So I think that would have to be adjusted for the...

Councilmember Yukimura: Oh, because to a certain extent, the population is key to the visitor count?

Mr. Nāho'opi'i: There is a portion that has to be adjusted. I did not work on that part of it at this time.

Councilmember Yukimura: So there is actually a correlation between visitor count and resident count?

Mr. Nāho'opi'i: Not resident count. It would be the total number of people, population, including visitors when you do that...

Councilmember Yukimura: The de facto?

Mr. Nāho'opi'i: The de facto includes visitor.

Councilmember Yukimura: Yes, of course.

Mr. Nāho'opi'i: And this is de facto.

Councilmember Yukimura: Okay. So Kaua'i County population island wide and by district is a de facto? It is?

Mr. Dahilig: Councilmember Yukimura, I think this statistic is better off...there are...

Committee Chair Chock: More plan-specific?

Mr. Dahilig: Yes. I guess the tables that were produced were based off of information from the previous study that we repackaged and put into this set. So this is not the set of materials that SMS necessarily repackaged. We can get into a discussion, and we are prepared to do that today, concerning what this exactly is as reflected in these tables in the chart. But for discussion purposes, he was brought in specifically to address the tourism elements that were raised in previous communications, both at first reading and (inaudible).

Councilmember Yukimura: Okay. Can you just tell me if this is de facto population or if it just resident population?

Mr. Dahilig: This is just for resident population. This is not de facto.

Councilmember Yukimura: Alright. Thank you.

Committee Chair Chock: Thank you. Are there any further questions for Mr. Nāho'opi'i on the presentation or tourism?

Councilmember Yukimura: Are we going to have our other resource people, too?

Committee Chair Chock: Yes, I know that there was a request for Sue Kanofo to be here in regards to this topic was made. If you have a question for her regarding this, then now would probably be appropriate.

Councilmember Yukimura: Okay. Yes.

Committee Chair Chock: Sue, can we ask you to come up for a question?

SUE KANOHO, Executive Director of the Kaua'i Visitors Bureau: Sue Kanofo, Executive Director of the Kaua'i Visitors Bureau. Please do not get me fired.

Committee Chair Chock: Councilmember Yukimura.

Councilmember Yukimura: Sue, when this item came up on first reading, we had some real concerns and I guess there has been an adjustment. I just wondered if they match your understanding...

Ms. Kanoho: They do.

Councilmember Yukimura: ...or your figures that you folks use.

Ms. Kanoho: Yes. Daniel, who used to be Hawai'i Tourism Authority and was Hawai'i Visitors Convention Bureau (HVCB) before that, knows it very well. So, yes, the numbers are reflective of where we are going in the new thing that you just saw. We are in sync.

Councilmember Yukimura: Okay. Then, the point about adding ten percent (10%) to whatever the HTA report is, do you have anything to say about that or is that kind of the rule of thumb as we use?

Ms. Kanoho: I think it is the rule of thumb. It comes down to flights, rooms, and roads.

Councilmember Yukimura: Flights...

Ms. Kanoho: Flights, rooms, and roads. As Daniel stated on the flights, and I agree with Councilmember Kawakami that it would be helpful to better be in sync with DOT Airports to know what is coming up and perhaps they could know from our side where we might have some challenges so that when those requests are being made, then there is more collaboration.

Councilmember Yukimura: Or at least more information.

Ms. Kanoho: Yes. I am not involved in that at all. It is not me, the Visitors Bureau, in general, is not consulted. I do not know. He probably knows more about that than I do, but it has not been a protocol that they follow. They just handle that.

Councilmember Yukimura: Yes, but Councilmember Kawakami's point about the community that gets impacted and that has to take care of the infrastructure capacity to support whatever comes in, it would seem needs to have some input otherwise, actually it does not bare well for the visitor industry because if they are faced with overloaded...I do not know how those people at Waimea Canyon lookout where there was a long line to the bathroom, and I was told none of the toilets flushed and I did not stay around to stay in line. I went down the hill to go use the bathroom. But what about visitors, elderly, and those who need to use the bathroom and they do not where else to go? I knew to go down, but what happens? That kind of visitor experience is so negative to the industry.

Ms. Kanoho: I would say we are full, we are very full right now.

Councilmember Yukimura: In terms of infrastructure?

(Councilmember Kagawa was noted as not present.)

Ms. Kanoho: Well, very full from visitors this past summer. So we experienced a pretty high level.

Councilmember Yukimura: Of occupancy.

Ms. Kanoho: So when you look at the average daily visitor census, it was in the high numbers, higher than twenty-five thousand (25,000). So it was in the twenty-eight thousand (28,000) and twenty-nine thousand (29,000), but to the other point that Daniel was making, it does not hold that throughout the year so we start to dip a little and we are down a little bit right now in October. October tends to be a little bit of a shoulder period.

Councilmember Yukimura: Is it the goal of the industry to be forever high all throughout the year? Do the downtimes not give time for refurbishment of rooms and things like that? No?

Ms. Kanoho: I do not think the industry as a whole plans for that when you talk about in Honolulu. It is something hotels do plan for that. They take their down periods when they can or they take a hit financially by just saying, "We need to do this," and this is what the rate is going to be during that time. I do not know that the industry as a whole says, "Do you know what? For the next six (6) months, we are going to focus on infrastructure." I do not know if that happens.

Councilmember Yukimura: But that eighty-five percent (85%) occupancy rate that Daniel, if I may, said is necessary because if it gets to one hundred percent (100%) occupancy, it is not really workable. You have to have some rooms empty for last-minute guests or some very important guests, or all of the dynamics of the visitor industry. But it seems like a healthy occupancy is not one hundred percent (100%) occupancy all the time, right?

Ms. Kanoho: Right. I think the only thing that runs with a very high occupancy is timeshare because it is pre-purchased so to speak, right?

Councilmember Yukimura: Yes.

Ms. Kanoho: I think to Daniel's point, timeshare runs with a ninety percent (90%) occupancy, sometimes one hundred percent (100%). Hotels, not so much in that high rank. Condominiums, not so much. Vacation rentals, depends. There is a variety of options with that. So it will always come down to if you have rooms, there is a possibility of filling them. I think that is why Daniel is saying with the flights, not everybody is at one hundred percent (100%) and not everybody is at one hundred percent (100%) twenty-four/seven (24/7). I think probably to the State and probably to the Planning Department, when they are doing these things, that is why they are saying there is room for growth. How the experience is, what the infrastructure is, and how the residents feel is a whole other thing. That is, I think, part of what you are talking about.

Councilmember Yukimura: Right. Thank you. I have a question for Daniel. Do we have average annual occupancy rates for the last ten (10) years?

Mr. Nāho'opi'i: Yes, it is in the annual report. I can provide that. That is mainly hotels, condominiums, and larger organizations.

Councilmember Yukimura: Even that would be helpful, if you can provide that. Thank you.

Committee Chair Chock: Are there any further questions? Again, this would be the last day or time that we have Mr. Nāho'opi'i here. If there are questions hereafter, I would ask that they are put into writing so that he can respond to them. Mr. Nāho'opi'i, would you also make sure that we get a digital copy of your presentation for the website? People have been complaining not being able to see the slides very well on the television.

Mr. Nāho'opi'i: Oh, okay.

Committee Chair Chock: Are there any other further questions for Daniel? If not, thank you so much for your time. Sue, thank you as well.

Mr. Nāho'opi'i: It was nice to meet you all.

Councilmember Yukimura: Thank you very much.

Committee Chair Chock: At this time, we will ask the Planning Department to come up. They have a presentation. Mike, how long is your presentation? Did you say fifteen (15) minutes?

Mr. Dahilig: Yes, fifteen (15) to twenty (20) minutes.

Committee Chair Chock: Okay. Thank you.

Mr. Dahilig: Not 5-0.

Committee Chair Chock: We are still on Data and Statistics, is that correct?

(Councilmember Brun was noted as not present.)

Mr. Dahilig: Yes, and growth management.

Committee Chair Chock: And growth management. Thank you.

MARIE WILLIAMS, Long-Range Planner: Good afternoon, Marie Williams with the Planning Department. Today, what we will present on is growth management and the framework of the General Plan. Even though our sub-consultant did focus on the statistics, at least those related to the visitor forecast, we could go over some of the population and housing unit forecasts as well. If you prefer when we tackle housing as a topic, perhaps that could be another opportunity to dig deeper into the housing and population data as well. But first, we did want to go over kind of what growth management is and how it pertains to the General Plan and our plans approach to managing growth in the long-range. But it really does begin with our State law. When I say "growth management," what I am referring to

is the legal framework, laws, policies, codes, and standards that really determine where and how growth occurs in the County. Again, we start with our State law. As we all know, Hawai'i has one of the strongest Statewide growth management frameworks in the U.S. and it has been around for quite some time. In 1961, Hawai'i adopted a Land Use law, which determines the location of growth across the State. It is codified in Chapter 205, Hawai'i Revised Statutes (HRS), which establishes a framework of land use management and regulation in which all the lands in the State of Hawai'i are classified into one (1) of four (4) land use districts. Of course those are urban, agriculture, rural, and conservation as well. The boundaries of these State Land Use Districts (SLUD) can only be amended through a petition with the State Land Use Commission and of course, the County has zoning authority in the urban and rural SLUDs and has shared zoning authority with the State in the agriculture SLUD. You can see here, I have included a picture of our State Land Use Districts. I also mentioned where in our State laws that the General Plan is mentioned as part of that framework. Of course, there is also the Hawai'i State Planning Act, which is Chapter 226, which was signed into law in 1978. It really was to improve the planning process in the State and increase the effectiveness of government and private actions to improve coordination among the different agencies and levels of government. The purpose was to provide for what it called "the wise use of Hawai'i's resources and guide the future development of the State."

Now moving on to our County's land use laws, which of course, works within this legal framework. We do have our General Plan, which is the high level plan that sets the policy. It is kind of three (3) tiers that ultimately leads to what happens on the ground. Then on the second tier, we have our more specialized plans; our community or regional plans. In some cases, we have our special area plan such as town plans. We have a Kilauea Town Plan, we have a Līhu'e Urban Design Plan that focuses on the town core, and then of course, our more functional agency plans that might be long-range or might be more of a short to mid-range plan as well. That filters down into the actual laws and standards primarily with our Zoning Code, our land development rules and regulations as well. Then how we do our capital improvements, planning...

(Councilmember Yukimura was noted as not present.)

Councilmember Kawakami: We lost quorum.

Committee Chair Chock: Let us take a ten (10) minute caption break.

There being no objections, the meeting recessed at 3:01 p.m.

The meeting reconvened at 3:12 p.m., and proceeded as follows:

(Councilmember Kagawa, Councilmember Kawakami, and Council Chair Rapozo were noted as not present.)

Committee Chair Chock: We are in the middle of our presentation from the Planning Department. Please continue, Marie.

Ms. Williams: Okay. I believe I was describing the third tier and that of course, encompasses our Comprehensive Zoning Ordinance (CZO), our Subdivision Code, and our Special Management Area (SMA) rules, and also on the other side in terms of public investment goes, our capital improvements program. That of course, leads to really how projects get approved to build and how development moves forward if development is approved and how it moves forward well. Just to summarize everything that I have described, what this graphic here shows is really our State and County system all in one. You can see in the left square closest to us that essentially for development to occur, generally you need to be in the State SLUD urban district right here and then, of course, you need to be designated in the General Plan for those urban uses as well. Then of course, you need your zoning as well. These things have to align in order for growth or development to occur on a certain parcel. How this is related to our General Plan of course, as you saw on our County planning system framework, the General Plan, although it is a very important part of our growth management framework, it is just one (1) part of it. It is the overarching policy. The relevant components in the General Plan that speak to how we grow and manage growth is the future land use map, our policies to guide growth, our nineteen (19) policies in Chapter 1, and also Chapter 2, which speaks to future land use that describes the pattern we would like to see. Then of course, our sector objectives and actions as well.

(Councilmember Kawakami was noted as present.)

Ms. Williams: Ultimately, this as a whole, will inform how future development is approved whether there is SLUD boundary amendments, County zoning amendments, County subdivision action, our zoning use and variance permits, and Special Management Area permits as well. This is the policy that guides these actions. Now, we will move on to our General Plan framework.

Mr. Dahilig: You heard the phase "framework" discussed quite a bit through public testimony as well as on first reading. Essentially, it is the skeleton or the structure that organizes the plan. Before we even came up with a structure, what was clear was we needed to do a lot of listening in the public to try to understand how to mold how the plan is going to essentially be brought to the public. Again, these are just some pictures of the pop-up events and the community meetings that we had across the island that really formed the basis for us to start looking at how to create a framework for the plan. The meetings with our elementary school students as well as high school students. We wanted to, as much as possible, get that feedback first before we started marching down the path of starting to organize some of the items that we believe the public wants us to make adjustments to in the future. Again, this is a picture of the student art contest we had with the schools where we gave away bicycles and we went out to the elementary schools. That is Marie there explaining what the General Plan is. This is another picture. This was at East Kaua'i meeting where we had a number of people come in and we talked about again, not presenting anything. We were just saying, "Here is the information that we have regarding statistics, what is your reaction to these things?" That is pretty much what we spent the bulk of our time doing in the beginning of the process. What was clear to us throughout the discussion with the public was that the General Plan was not user-friendly and that the General Plan needed to get everybody on the same page.

There was a clear dissatisfaction with the plan being implemented and there was a clear element of feedback from the public that we heard that there were conflicting policies in the 2000 plan. Before we started discussing the framework, we went out and did a community survey where we tested a lot of the draft items that we were looking at using to create the framework. We had over one thousand (1,000) responses and this online survey was essentially our truthing mechanism to ensure whether or not this structure that we were going to present to the public made sense. When we looked at best practices across many jurisdictions, what was clear to us is that when you create a General Plan like this we need a diagram and so having a diagram was something that we wanted to fold into this plan.

(Council Chair Rapozo was noted as present.)

Mr. Dahilig: It was clear that we had to have goals. What is the general direction we want to move the island towards in terms of a collective buy-in? What objectives are there? What is the condition or state that we should be getting towards? Then, the policies were what guided the decision-making. How does that implement the objectives and the goals? We then looked at whether or not we needed to come up with a framework that includes standards and then ultimately, implementation and feedback were the best practice elements that we saw consistently across jurisdictions that we took a look at. We folded that with this information that we had from the community survey that we got a pretty positive response to understand, here is what we are going present to the public. You have seen this graphic diagram before. Diagrams are a best practice mechanism and a planning practice that are used to try to communicate how to read a plan. We heard user-friendliness and readability as some of the key feedback elements we got through our community process. The *piko* of our diagram essentially focuses on sustainability, uniqueness, health, and equitability. Those were how we created the foundation to then create the nineteen (19) policies. Again, we had twenty (20) initially, the Commission took out one (1), the nineteen (19) policies. It is important that we thread the vision, the policies, and the objectives all under one (1) vertical manner. So that is why you see the graphical representation as a way to more seamlessly throughout the plan, explain how you are threading through each of these policies through each of the various objectives and actions as described by sector.

So when you get to the actual action and this is where a lot of the meat is in the plan when you look at concerns about implementation and concerns about accountability. The actions spell out the different items that we need to look at from a benchmark standpoint as to what we should be doing, things like permitting and Code changes. How do you change plan to make the adjustments necessary? What future information do you need? More plans or studies that need to be generated. Projects and programs. This is our infrastructure. What infrastructure is needed to effectuate some of the objective and goals? Then, also partnership needs because as you have gotten from the discussion around the table, how is the State involved? How is the Federal government involved? We call out that need to reach across jurisdictions to say, "Hey, we need help to obtain our objectives by help from our State and Federal partners."

Again, that implementation and monitoring section really kind of folds into what we see in the planning practice as best practice where you articulate what the performance measures are and then how you, from a feedback cycle, continue to monitor that. So that is where again, using the graphical representations that tend to be a best practice in the planning discipline, we have tried to include things like this diagram to explain how community input and how our feedback loop will continue to work to ensure communication with to public.

Now, in terms of growth forecasting and growth management, a lot of discussion tends to envelope around visitor forecasting. Daniel was here earlier to discuss these items related to what the numbers are. What was clear to us after we went through the process with the Planning Commission is that the information we were using was, as Daniel described, based off of what was best available at that time, which was back in 2012. The planning process for the General Plan has been a five (5) year process. So, the information, like anything, has to be continually updated to make sure that we are checking and double-checking the present condition and responding to what the public is seeing as that real-time change that they are either feeling or they are observing.

We look at Policy #9 as a way to further direct how we handle it based on the tools that we have, the visitor industry and how we look at visitor growth on the island. So, we state very clearly in the plan, as presented to you, that we want to protect the identity of our visitor industry by focusing on revitalization and limiting new resort growth only to the Visitor Destination Areas (VDAs) and reduce visitor impact on infrastructure and the community. This is in response to again, what we have been heard anecdotally with parking lots, toilets, and all of these things being overfilled. Again, what we have in our toolkit as an ability to actually respond to this though, is somewhat limited. What we do know when we look at the statistics again, and I know this diagram was a discussion with the Council at first reading, but we honed our information and was able to understand how many non-constructed visitor units have the potential to be built out there. This three thousand seven hundred (3,700) number was something that we presented out to you at first reading.

What we have gotten in terms of the responses from the public is that people want to create a cap on the island. We want to be able to control who comes and goes from the Līhu'e Airport and the number of flights. Again, these are things that we hearing from the public and I think it is a very relevant conversation as to what we can do to address the rate of growth in the visitor industry that we have. Prohibit legally entitled projects from being constructed as well as prohibiting non-residents from buying property. Again, these are valid types of ways to try to control the visitor industry population growth, but we have to keep in mind that the policy options we have have to run consistent with what our Constitutional and State duties are under the law, the Federal and State applies. We cannot limit the right to travel. That is a fundamental right under the U.S. Constitution. As much as we hear those what have concerns about Hawai'i and its status with the United States and where that lies right now, we are operating under a U.S. Constitution regime and the right to travel is a fundamental right that we cannot impose on. We also cannot discriminate. We cannot choose people by blood to have certain things versus others to not. We also cannot violate private property rights. So anything that we propose from the

get-go has to be consistent with these constitutional elements right from the get-go. So what we were left with in terms of tools that we could essentially take that line and see if we could try to bring that line down further with things like with a land use policy, control the future amount of supply and of visitor units supply on the island, how do we look at alternative visitor accommodations, and how do we look at the visitor impacts on infrastructure and roads?

What you will see throughout the plan actions and especially in tourism section, is that we are very clear that we want to make a clear line between what is resort use and what is residential housing use. We clearly state in the plan that we support amortization and attrition of non-conforming Transient Vacation Rentals (TVRs) outside of the VDA. We acknowledged the impact of pipeline projects and the build out that is going to happen. We support strategic planning in again, our future plan needs for the tourism industry. We clearly state in the plan on page 160, that we do not call any expansion of the VDA as consistent with the plan. That is another one that we are trying to do to again, bring down that line that is within our authority. We have imposed the "use it or lose it" provision, so for certain parcels that have Resort designation but have not obtained their zoning. That is what we have in there. As well as we have short-term expiration dates for construction. So what we are saying is we want construction to happen. If you are not going to build it, then you have to let it go. We talked about negotiating with entitled resorts to reduce their unit count. You saw that slide earlier on the three thousand seven hundred (3,700) units that talks about the entitled resorts. Then, we also explored the development of what exactly is a visitor carrying capacity. You have heard the limitations of the data and we call out and say that we need to maybe look at how we evaluate our carrying capacity from a different lens versus the statistics that are being generated from our partner agencies. These are things that again, we can find available to us given the toolkit that is legally allowable and again, it is with the intent to respond to the public concern that we have gotten through the process that we believe we are at a point where we have too many visitors on the island. Juxtapose this in contrast, Mr. Nāho'opi'i talked about Countries like Costa Rica or even like Bhutan, for example. Bhutan has a very robust visitor population control program whereby to enter the Country, you are paying thousands of dollars for a visa. So the cost prohibition before you can even enter that jurisdiction pushes the limitation of the amount of visitors one, that can come into the Country and two, from a spending habit standpoint, you are going to be getting people that have that high amount of discretionary income. That is a topic that was brought up to us, can we adjust who comes into Kaua'i versus how people come into Kaua'i? Again, the Constitutional limitations that we have regarding the right to travel, we run afoul of those things because one, we are not in control of the interstate commerce when it comes to being able to charge a visa rate for people to come in to the State from another U.S. jurisdiction. Then, we also have concerns regarding how places like again, Bhutan or Costa Rica, who have the ability to discriminable discriminate. We do not necessarily have those tools in our toolkit to do that. So given the fact that this is a land use plan, these were in effect, the tools that we were able to employ as aggressively as possible within the bounds of our Constitutional duty to be able to try to bring that line down as much as possible. It is with that deliberative effort that we are trying to again, respond to that public comment regarding that perception that

there are too many tourists on the island. With that, we are available for any questions, Committee Chair Chock.

Committee Chair Chock: Thank you for that presentation. I would like to entertain any questions. Councilmember Kawakami.

Councilmember Kawakami: Thank you for the presentation. Just to follow-up on a previous comment I made about the Department of Transportation, Airports Division and their ability to control additional flights coming in. That does not run afoul of the right to travel, right? They still have the ability to say, "Hey, based on our gate availability, we are not able to take this additional flight from LAX, or New York City, or a direct flight from wherever it is you would say," correct?

Mr. Dahilig: Right. So things like that, for example, are not within those bounds of items that would get us a little nervous on whether or not we are running afoul on some of those fundamental rights.

Councilmember Kawakami: Okay. Thank you, Committee Chair Chock.

Committee Chair Chock: Are there any further questions on growth management and framework? Councilmember Yukimura.

Councilmember Yukimura: Thank you, both, for the presentation. Marie, in your slide 3, can you put that up, if possible? The growth management components of the General Plan update. The second bullet is "policies to guide growth." Where are those policies?

Ms. Williams: I am referring to the nineteen (19) policies in Chapter 1.

Councilmember Yukimura: I do not see any growth management.

Ms. Williams: Those policies taken together are really kind of where we built our sector actions around and we divided those sector actions into four (4) tools. One of those is how the objective for the sector can be implemented through changes to our Zoning Codes and how that might affect future permitting action.

Councilmember Yukimura: Can you identify one (1) implementing action that is going to manage growth?

Ms. Williams: When I talk about growth management, I am speaking about the policies to guide how we grow. Are you referring...

Mr. Dahilig: That is where the word "growth" is relative to who is asking the question in terms of what is growth because you have the question of are we talking about it from the standpoint of a population growth like our kids, that natural growth? Are we talking about it from a standpoint of overall residential

growth? Are we talking about it from a standpoint of land use footprint? Are we growing from a physical standpoint?

Councilmember Yukimura: Well, I would imagine that a growth policy would define what you mean by growth. So, if you have a growth management policy, then tell me what the growth is that you are managing. I can tell you what I am thinking of, but we are looking at a plan that has growth management as its core, in fact, it is key to preserving the rural lifestyle and the four (4) overarching goals; sustainability, resilience, unique beauty, and equity. So given those goals, what is our growth management plan?

Mr. Dahilig: That is where from a growth management standpoint, all of these as Marie has mentioned, have to be collectively balanced with each other. What is driving the growth on the island are things, again, that we are not able to constitutionally run into. For instance, limiting people to have one (1) child. We cannot have people say, "One (1) child per couple." There are again, certain elements that we have to accept as growth as part of the regime that we say, "Okay, either we can try to prohibit it or we can be flexible with it and try to steer it." That is the guide element in the nineteen (19) policies that are put because what is at the *piko* of the diagram that we put together, which is again, a best practice thing that we are trying to communicate to the public. We know that these four (4) goals have to be constantly balanced with each other, and that is why it is essentially like a balance board.

Councilmember Yukimura: I do not know that they have to be balanced. They have to be met.

Mr. Dahilig: Well, that is where it is up your interpretation whether if you feel that all four (4) have to be checked off because at the end of the day, if we were to say that we want a sustainable island, but we want it to be equitable, it is in the eye of the beholder as to whether or not you would allow business growth at the cost of having the island be decimated environmentally.

Councilmember Yukimura: Not if there is a good plan.

Mr. Dahilig: So that is why, in effect, balance is at the center of this.

Councilmember Yukimura: Okay.

Mr. Dahilig: Not specifically focusing on one (1) element as being the driver behind everything.

Councilmember Yukimura: Okay. Can you first define the causes of growth?

Mr. Dahilig: Yes, we have in-migration; we have net natural growth, which is births minus deaths; and then you have on top of that, the de facto growth that comes associated with the tourism industry. So those are our

three (3) primary attributes when you are talking about people on the island. Now, if you are talking about it from the standpoint of spatial growth, we have things like more infrastructure, the areas where...

Councilmember Yukimura: No, I am just talking about people for now.

Mr. Dahilig: Okay.

Councilmember Yukimura: So there is the internal population growth, that is people who live here, and the children that they create?

Mr. Dahilig: Right.

Councilmember Yukimura: The in-migration and the immigration, people moving from the mainland and people moving from other Countries.

Mr. Dahilig: Right.

Councilmember Yukimura: And then you are talking about tourism as a de facto population growth.

Mr. Dahilig: That is correct.

Councilmember Yukimura: Now, at least worldwide, we are in danger. I just heard that the net calories produced on this Earth are going to be exceeded in about ten (10) to twenty (20) years. So, there is a population growth problem in terms of number of people. The legal means are not just forcing people not to have children. China tried that, but is there not education. Are there other means besides just laws?

Mr. Dahilig: Well, this is a land use plan at the end of the day. I understand that there is a community element that folds into whether or not we had properly addressed things like whether birth control is being thought in the schools, or we have a more robust foster care program, or we do things to try to encourage our kids to stay home or move away. I mean...

Councilmember Yukimura: No, I am talking about just raw population growth.

Mr. Dahilig: In terms of raw population growth, again, you mentioned China. If we could employ that style of population growth in the United States, that actually would be unconstitutional. That is why the tools that we have to look at things like natural growth, we, in effect, have to be realistic that people are making kids. I am not making kids, but people are making kids.

Councilmember Yukimura: Yes. So we do not even have consensus that we should try to control population growth, right?

Mr. Dahilig: Right.

Councilmember Yukimura: So that is not something that we are trying to do. The one thing that we are looking at is the in-migration/immigration.

Mr. Dahilig: Right.

Councilmember Yukimura: What are the causes of that?

Mr. Dahilig: Well again, there are a number of causes, one of which is that we are part of the United States. That in and of itself is where a dye is cast in our ability who it come from the U.S. mainland to our islands and who cannot. So starting from that basis, we then have to look at how do we look at providing things like housing, things like infrastructure for our local people, and provide them the ability to be competitive with people that have higher equity elements or have more money. We will put it that way.

Councilmember Yukimura: Sure.

Mr. Dahilig: Have more money and they want to come here, and we have heard that constantly.

Councilmember Yukimura: Well, that is where we address equity, but the causes of growth, I mean, we hardly grew in Hawai'i until we had Statehood and that is part of this issue of becoming part of the State. It also coincided with air travel and it also coincided with tourism. So I have here, the 1970 Kaua'i General Plan and there are five (5) pages that talk about population and economics. If we can put that on the overhead, there is a diagram here. I have copies, too.

Committee Chair Chock: I just want to check in with you, Councilmember Yukimura, in terms of where we are in questions and answers and that you are leading to question and answer from the Planning Department rather than a presentation.

Councilmember Yukimura: Well, I am asking...

Committee Chair Chock: I just want to make sure that is where we are heading.

Councilmember Yukimura: Okay. Thank you. I am asking about the policies to guide growth, and the answer so far that I am getting is there is not much that we can do.

(Councilmember Brun was noted as not present.)

Councilmember Yukimura: I mean, so you referred to Policy #9. With the tools that the County has at its disposal, legal methods of limiting the physical footprint or transient accommodations uses should be encouraged. What are those legal methods and where are they highlighted in the plan?

Mr. Dahilig: If you go to the tourism section, and I believe that is under the economy page 160, or starting on page 157 through page 160. In the best practices that we have seen across the Nation, we want to state a clear objective upfront, and that is on page 157 where we say we want to focus resort development in the areas. You see again, the threading that is coming through with respect to Policies #8 and #9. So, that is your question concerning Policy #9 is right there. When you look at how we are again, trying to approach strategies to meet that objective as well as the overarching policy that we stated as Policy #9 that relates to try to focus and reduce the impact that visitors have on the island, that is where these actions on page 160 collectively are meant to try to meet that end.

(Councilmember Brun was noted as present.)

Mr. Dahilig: Things like focus on revitalization versus new green-filled units do not allow expansion...

Councilmember Yukimura: Where is the green...

Mr. Dahilig: Number one. Revitalize rather than expand, right? You will see that as a strategy for us, that we are saying that we would rather focus on revitalization. Whether the wordsmithing is to your satisfaction, we can talk about whether these need to be adjusted more, but I think the framework that we are trying to set forth with each of these actions, is these collectively are an effort within the boundary of what we can do, and that was your question, to be able to bring that line down as much as possible. Again, we are trying to reduce the amount of new units beyond what has been entitled, so that is why we are taking Nukoli'i out of the map as proposed and that is why we proposed these "use it or lose it" policies to try to curtail the amount of green fill development. We are looking at again, the amount of not expanding the Visitor Destination Area so there is not more expansion room for units to build. So to answer your question, that is collectively what we are trying to do.

Councilmember Yukimura: So revitalize rather than expand the resort areas in Po'ipū, Līhu'e, Wailua, and Princeville. So arguably, Phase 2 Princeville because it is not entitled and leaving it there would allow it to be entitled, to remove it would be in accordance with your policy to manage growth?

Mr. Dahilig: Right.

Councilmember Yukimura: Then why...

Mr. Dahilig: If you look at Action Number A4, what we had when we went out for the public comment process on the draft plan, we initially had Princeville Phase 2 as you are describing and Kikīaola as areas to take out of that spatial expansion on our maps. But we got a lot of pushback through the public process saying, "Hey, wait a minute. We had no notice of this." So that is why we also got from the public comment process, this desire to have certainty. What is out there and what can be built? If people are not going to build it, they should not be allowed to build it anymore. So that is where as a way to balance the community's

feedback, we do not want to expand spatially, but we also want to provide some degree of notice and equity, that we came up with Action Statement A4 that provides a ten (10) year period to say, "If you folks are not serious about actually changing this into Resort zoning, then forget it. It is not consistent with the plan." I will say though since this plan has come out of the Planning Commission and has come here, what gave the Department the initial impression on actually taking it off the map in our discussion draft was the fact that it had agricultural subdivision entitlements as well Condominium Property Regime (CPR) entitlements. So that is why we, in effect, had a bit of a concern about whether gentleman farms or gentleman estates are appropriate to also receive a VDA overlay. That is what the policy read would be at that given time. So what has happened since then is that the developer has chosen to move forward with agricultural construction.

Councilmember Yukimura: Are you talking about Princeville?

Mr. Dahilig: Princeville Phase 2. To answer your question, it presents a little different policy analysis, I would say, with the Council than the condition you saw a few months ago at the Planning Commission because there has been movement by the developer to want to move down the path of constructing one product over another. I think it is worth a discussion at the Council whether Princeville Phase 2 is or is not appropriate given the spatial policy. But to answer your question regarding whether A1 and A4 are conflicting, we do not see it as conflicting. We see them as complementary to address the specific issues.

Councilmember Yukimura: Okay. If Princeville Phase 2 is where the developer is proceeding with agricultural subdivisions, then it is clear that it is not going to be Resort, right?

Mr. Dahilig: Again, we do have one (1) specific type of resort use that is that product.

Councilmember Yukimura: I really have questions about your "use it or lose it" policy. To me, it will push the developer into building it so that they do not lose it. The real question is whether it will be good for the community to have it Resort designated.

Mr. Dahilig: Right.

Councilmember Yukimura: The question is not whether they are going to use it or lose it. The question is do we want it there in the first place? If you say, "Well, we do not want it, so we are going to put it 'lose or use it,'" they are going to build before the deadline so that they do not lose it. You are just pushing them to use it.

Mr. Dahilig: The beauty of having the public consultation, based on your question, has essentially we have different stakeholders. The phrase "community" is a very broad term. We have the island as a whole, but we also have regional communities and we heard very clearly from the people out in Kekaha and Waimea that removing the resort potential for the expansion of the Plantation

Cottages was not desirable. So the "use it or lose it" policy was not just to address Princeville Phase 2, but it was also to address some of the more regional elements as we went out in the public and got feedback to say, "Hey, the Faye family is a community member. They are concerned about jobs and economic viability on the west side, and down designating a huge tract of resort lands *mauka* and adjacent to the current Plantation Cottages may not be the right thing." So that is where the discussion about how do you find the middle ground between down designating totally? What we are hearing through the various elements of community feedback, how you balance that is where you are looking at something like Action Statement A4 where we are again, trying to find that middle ground with the community.

Councilmember Yukimura: Then two (2) questions; why would you not put a "use it or lose it" policy on zoned properties number one, and number two, what if giving Waimea Plantation Cottages extra resort will...if Gay & Robinson builds out theirs will be too much, why do you not have a transfer development right instead?

Mr. Dahilig: I hear two (2) questions.

Councilmember Yukimura: Correct, two (2) questions.

Mr. Dahilig: The first question concerning existing entitled resort development. So if you look at Action Statements A5 and A6, we run again, into some of the Constitutional issues regarding takings. We do not want to produce a plan that will lead to potential lawsuits for the County. That has always been a concern of ours. So when you look at items A5 and A6, we are looking at very distinct ways that we can try to either bring down the unit count or try to have the development readjust it for these things that have been sitting out there for quite a while. The reality is that we had a glut of entitled unconstructed developments prior to the 2008 crash, and that is what has created the surplus of permitted units that you see in the chart that we gave you. I think it also reflects the Charter Amendment and subsequent lawsuit regarding visitor growth and how that gets handled. We, understanding that we have gotten sued before on this and understanding what we can do with entitled projects, looked at items A5 and A6 as a way to try to amortize selectively those entitled projects that if we did a full assault on them, could potentially raise some litigation concerns for the County.

Councilmember Yukimura: So your growth management policy and I wish some of these things, because they are not really actions, they are policies that are in this action. They basically say that one (1) of the ways to manage growth is to manage resort count, right?

Mr. Dahilig: Right.

Councilmember Yukimura: That they are a major producer of population growth?

Mr. Dahilig: Right.

Councilmember Yukimura: Okay. So that is the aligned with the 1970 General Plan section, which says it is called "population and economics." They basically said population grows based on the number of resort or economic generators you have and therefore, the way to manage growth, especially if we want to diversify it, would be to limit the number of resort units on this island.

Mr. Dahilig: I think we would agree that that strategy is something that is a very nuanced approach we are trying to take in the plan by again, not asking for any more resort designated areas in the spatial policy of the plan, in fact, trying to take things off of it. Again, we are not asking for expansion of the VDA. We are trying to amortize those entitled projects in ways that we can. To your point, exactly, is we are trying a number of strategies to not have more construction of these units than what has already been entitled. So I would agree with you that is a strategy.

Committee Chair Chock: I am going to interject on the questioning and answers because there is what I want to do. Councilmember Kawakami has a question. I did ask for a research person from the community, a planner, Anne Walton, to also be here to chime in on growth strategies and framework. So I would like to make sure we get to that before 4:30 p.m. today. Tomorrow, we will start out with public testimony and then we will come back to this discussion apparently and wrap it up. Councilmember Kawakami, if you could.

Councilmember Kawakami: Thank you, Committee Chair Chock. So just for my own personal edification, I am trying to bring some clarity to a statement that I heard and I think it was to the point that when we were discussing the resort designation for one of the properties, one (1) of the items of consideration was that there was an ability to develop gentlemen estates, I guess, agricultural development, gentlemen farms, and then furthermore, this CPR type of entitlement that was existing as well. So was it a decision on which one to go with?

Mr. Dahilig: It really was.

Councilmember Kawakami: Okay.

Mr. Dahilig: The fact that the land is entitled to develop something but it is designated for something else, for us, we would have questioned whether we would have two (2) conflicting types of potential entitlements on the map. So that gave rise to us raising the question because we knew that was out there. But there have been gestures to go down that path of actually realizing that development versus whereas before, it was just sitting unused. So, we had the designation, we had a conflicting construction entitlement/development entitlement, and that entitlement now looks like it is being exercised.

Councilmember Kawakami: Okay. Committee Chair Chock, that is all I had. It was just for clarity.

Councilmember Yukimura: I have a burning follow-up.

Committee Chair Chock: On this here?

Councilmember Yukimura: Yes.

Committee Chair Chock: Okay.

Councilmember Yukimura: So is that Princeville Phase 2 plateau in the VDA?

Mr. Dahilig: No, it is not.

Councilmember Yukimura: It is not.

Mr. Dahilig: But our concern is that when we raised it in the discussion draft, was that Phase 2 by virtue of having that in the Resort designated area in our spatial policy, could theoretically allow the developer to come in and apply for VDA expansion around that plateau. That is why we raised the question of where two (2) elements conflict where we have agricultural usage and we have Resort designation that we needed to, in this planned proposal, reconcile that very clearly so that we know what that land is being intended to be used for. So that is why I think it is a policy call for the Council as to how it wants to treat it, but we heard from the public that no expansion of the VDA is what the public wants. But by having that colored as Resort, there is a conflict there. So that needs to be reconciled somehow if they are not going to build that resort product.

Councilmember Yukimura: Well, and if it were designated VDA and they had agricultural units...well, I guess what is our present law? Agricultural units cannot be TVRs in VDAs.

Mr. Dahilig: Well, but you have single-family units within the VDA.

Councilmember Yukimura: Yes.

Mr. Dahilig: So it turns into a very unique question. I hate to characterize the overall tourism discussion in the context of one (1) portion of our island, but I think it gives rise and is illustrative of the types of balancing elements that we are constantly struggling with regionally because we know the Council's clear policy read as to its perspective on single-family TVRs outside of the VDA. So I think that is a good point of discussion for the Council as to how to handle it.

Councilmember Yukimura: I presume we will come back to it because country estates are not really in the intention of our agricultural laws, so we can come back to that discussion when we discuss agriculture.

Committee Chair Chock: Sure. My hope is that this discussion does lead to an amendment, if that is the case. I would like to ask Anne Walton to come up. Mike, maybe you can stay as well, if that is possible.

Mr. Dahilig:

Okay.

Committee Chair Chock: I foresee this being as sort of a back and forth discussion and clarification. Ms. Walton, thank you for being here. I know your background is in planning. I know that you spent some time in coordination with the neighborhood associations. The question that I would like to start off with is really the topic here in terms of growth management and framework. Certainly there are challenges and differences in how we are viewing it. I would like to get your perspective or perspectives in terms of how it is we might be able to look at it differently, or what we are missing.

ANNE WALTON: Thank you, Committee Chair Chock and Committee Members. Yes, we do have a different perspective and we had a different perspective throughout this entire process.

Committee Chair Chock: Please state your name for the record as well, please.

Ms. Walton: My name is Ann Walton, for the record. As we said from the beginning, this plan in many ways, is a very good plan. The narrative is actually quite comprehensive and there is very little that we would change in narrative itself of the plan. The problem is the plan is too comprehensive. If all the thousand voices that were heard through the public process are reflected in this plan, and basically the problem is it does not have a singular focus on growth management. It has, as you know, nineteen (19) policies and over five hundred (500) actions. This is pretty unprecedented for a General Plan. We have done an extensive survey of General Plans not only on the mainland, but island nations as well with similar types of planning processes. To give you an example, International Council for Local Environmental Initiatives (ICLEI), points to the plan for New York City, the General Plan, as the model plan for the United States. Well, I should remind you that sounds like something that is not parallel to our situation here at all but, in fact, Manhattan is an island and, in fact, they had to plan for one million (1,000,000) new residents within a twenty (20) year period. What they have is one hundred twenty-seven (127) actions, not over five hundred (500) actions. Narrowness in planning is far more important than being broad because if you are too broad, you never get anything done. Everything is okay because you have policies that are so broad that anything can be justified by a broad policy. The more policies you have, the less you are held accountable for actually moving towards results.

So what we have done, we have a loosely knit group of a couple hundred people in what we call the Community Coalition Kaua'i. We were formed basically because we have all been following this process very closely and have been feeling that the focus has not been as tight and narrow as we thought it should be. As a result of that after last week's public hearing, we decided that every other Monday on the off Mondays from these Committee Meetings, we would meet and go through each of the sections and sectors of the plan and craft where we thought amendments should be made to the plan. So you can imagine we did this with great haste. The meeting was

last Wednesday and by Friday, we had organized a team of thirteen (13) to fourteen (14) people who decided they would look at the first topics to be covered. That, of course, is growth, land use, and some of the data. We have commented extensively on the data, so we do not need to talk about that, but we do feel strongly that you cannot separate out the visitor data from the resident population data. You have to look at it as a whole as well as all of the aspects associated with that including infrastructure, housing, and transportation.

What we did in our meeting on Monday, and this is not exactly ready for primetime, but it is about ninety percent (90%) there. I think you might have a handout. I have a poster of it. I did bring a PowerPoint.

Committee Chair Chock: We cannot read it.

Ms. Walton: It is being projected, but I do not think you could read that. It is too small. I just want to speak from this for about five (5) or ten (10) minutes because this is the growth model we would like to see in the plan. We have created a growth model. We do not believe the plan actually has a growth model that is functioning under and that everything is coordinated through, so we created that growth model. Just to give you the pieces of this and not get too much in the weeds on it, we are calling this "Building a Resilient and Sustainable Communities Growth Model." What does that mean? We do not want to get caught up in trying to define resilience and sustainability, so we created definitions here. What does that exactly mean, because that can be open to wide interpretation? But this basically describes what our growth model looks like.

The steps we went through is first of all, to identify what are the challenges or how are we realizing the impacts of unchecked growth on this island? How are we doing that and what are the key impact areas that we have concerns about? The second piece here is the future. What would we like that to look like? How would you like that to be a course correction in that by 2035? This could be akin to a vision, but it is much more specific than vision. It takes these specific areas where we think there are problems as a result of unchecked growth, and it says by 2035, how do we want that to change? What would that look like?

Then the last column here, which is probably the most significant column, is what changes have to take place? What kind of growth management tools would we recommend to be able to achieve this desired future that we would like? Now, we did an extensive survey here of over fifty (50) General Plans as I said earlier, both across the mainland and in other island nations to find these tools. The tools we picked though, are tools that are part of case law in the United States, so they have an acceptable place within the legal framework within the United States. Because these have been tried and tested, we feel like they certainly could be adopted or adaptable to the setting here. Some of these, you might say we do not use. That does not mean we cannot use them. This case law has been built since 1970 when the first growth management framework started to come out in the U.S. So it has been building over the last, what is that? Thirty (30), forty (40), almost fifty (50) years. So there is plenty of case law to support these recommendations. We started off with a pretty heavy-handed one, and that is a moratorium. We think there needs to be a five (5)

year moratorium with some exceptions and there are certain things that needs to be achieved during that moratorium to lift that moratorium. It could be more or less time than that. The one thing to start with is reconciling the data, and even in the presentation that we saw earlier today from the consultant, I have questions about that data. It is fuzzy, there are a lot of assumptions made about that data, and a lot of that is not revealed. We need to clean up the data, both the visitor and the resident data are key pieces of how we need to make decision. So that is just an example of the one (1) thing that needs to be cleared up before we move forward.

I want to say and you can see there are four (4) areas that we think need to be addressed before the moratorium should be lifted, and then there is an exception to the moratorium, and that is for what we call "affordable housing." We are defining this. You do not see the definition there because we are still working on it. The term that we are using and the term that is used in the plan is actually quite a good term, and that is "cost (inaudible) households." Within that category where we are putting in exception to this moratorium is those who are low-income, those with workforce housing needs, these are both rental and purchased houses. So low-income, workforce, elderly housing, and farmworker housing. Then, we put together another series of very specific growth management tools that we think need to be put in place if we are really going to reverse the trend that we are on now. Again, these all came from other case studies that we have examined.

Then just to not go into the details of that but run you through the four (4) goals, we actually like the four (4) goals that are in the plan. We thought they were quite good. We would probably wordsmith a little bit of the explanations on them, but in the spirit of those goals, we thought they were really good. The policies, we think there are way too many policies and as such, it is all over the map. It allows for justification of anything because everything is in there. The kitchen sink is in there. We have reduced those to eleven (11). We really tried to build off of those nineteen (19) to consolidate and take out some that we thought were not going to help us achieve the kind of growth we need on this island. Now, the really significant thing is that until you have...this represents the growth model here. This needs to set the tone in the plan. This is the piece that we feel is really nonexistent, this piece up here, or weak in the plan. But in order to really develop a plan that is going to address and affect change in the way that we see it needs to in terms of growth, you need to have this in place and then you need to look at your ten (10) sectors. These two (2) need to inform each other. Your ten (10) sectors become a part of this plan. But under each of these ten (10) sectors, you need to have strong measurable objectives. There are objectives in the plan right now, but they are not measurable. They are as loose and broad as the policies are, which means that you are not held accountable for the results from implementing those five hundred (500) actions.

I am going to move to this side. On this side of the plan then over here, everything is driven this direction from left to right. Until you have your growth model in place and you know where you want to go with your sectors, in other words, what you want to achieve by 2035 in each of the ten (10) sectors, then that should drive your future land use. Your zoning should be based on your growth needs and your needs to address these ten (10) sectors; your transportation needs, your housing needs, and what you want to achieve in that time.

Finally, this whole packet would move you further to the right and again, your plan then would be the driver for your budget discussions, for community plans, planning processes, new development priorities, updates and CZO's, functional plans, and the driver behind Federal and State actions on Kaua'i. Now, the way that we plan right now is the reverse. We move from right to left in planning. This plan has been driven by the new development priorities, which then determine the land use changes, the future land uses, which then have been driving our sectors. We think that the plan was created backwards. We are not saying throw out the plan. We think everything that you need to work from to make it a solid plan that addresses growth is there. It needs to be focused, it needs to be refined, and it needs to be cleaned up. We need to get rid of and evaluate those five hundred (500) actions and bring them down. If we brought them down to one hundred (100) actions that really were results-based actions and help us address and get where we want with our growth model, then it would be a far more effective plan. It is all the there. It is all the good. But it needs to have focus and it needs to have a clear growth plan so we know where we are going.

Committee Chair Chock: Okay. Thank you.

Ms. Walton: Thank you.

Committee Chair Chock: That is more growth than I thought you would give.

Ms. Walton: Oh, that is too much? Sorry.

Committee Chair Chock: No. I think what comes up for me is the first question is about integration, if at all possible, and that is where I have some big questions from all stakeholders, particularly our Planning Director and maybe even our Attorney in terms of process and what could be achieved if indeed some of these recommendations that are coming from the public are even feasible in this stage of the planning process. I would like for those to be considered as we continue questions and answers. There is a whole lot that you put there, Ann, in terms of what you folks have focused on. I appreciate one, the amount of work and time and effort you have put into it. We have about fifteen (15) minutes before I would like to break for the day. I would like to just continue to open up for questions as we go around the table, both as it relates to what was presented in growth management and framework from either of our presenters today. Councilmember Brun.

Councilmember Brun: Thank you, Anne. As far as the General Plan, did you meet with the Planning Department before this? Did you have any input in this or is this the first time that you are actually working on it?

Ms. Walton: Oh, no. I have been to every meeting since they were back in the Community Advisory Committee (CAC) meetings. I have met with Mike and Marie many times, individually as well. I have provided probably one hundred fifty (150) pages of written testimony and testified orally at every meeting. I have read all, I think there is actually nine (9) versions of the plan if you go through

every iteration. I have read every word of every one and did a comparison between that and the previous.

Councilmember Brun: Okay. Thank you.

Committee Chair Chock: Councilmember Yukimura.

Councilmember Yukimura: Thank you, by the way. This does represent a lot of work. As you talked about reducing the number of actions, it occurred to me and thank you to Mike and Marie referring me when I am looking for a policy to page 160 when I am looking for growth management policies, permitting actions, and Code changes. Actually, a lot of what are called actions are actually policy statements in the plan. For example, do not allow spot amendments, which expand already designated Resort areas. I am not exactly sure what that means. Do not expand existing VDAs beyond resort designated areas. That, too. Okay. Those are actually policy guidelines. They are not a specific action that says, "Change Princeville's so and so." They are generalized policy directions that when an application comes before the Planning Commission, they would refer to this and their policy. So it seems like a lot of and what is not helpful is you go to the place that says "policy" and it is so generalized and gives little direction. So moving some of these action statements, which I think are actually policy statements might, actually inform and enhance the body of the policy statement.

(Council Chair Rapozo was noted as not present.)

Councilmember Yukimura: I am just suggesting...

Ms. Walton: I do not know if you are looking at me or Mike to respond.

Committee Chair Chock: Yes, that should be a question to someone in particular.

Councilmember Yukimura: Well, the question is would that not be one way to handle the action items?

Ms. Walton: I actually think that it needs to start somewhere else, and that is the objectives need to be tightened so that the objective reads like an outcome, a result that you want.

(Councilmember Brun was noted as not present.)

Ms. Walton: I commented on that. I went through every objective and I rewrote the objectives that I thought needed to be rewritten.

Councilmember Yukimura: So your objectives in this framework, where do the objectives come?

Ms. Walton: They are not...

Councilmember Yukimura: In the ten (10) sectors?

Ms. Walton: Right.

Councilmember Yukimura: Under each sector?

Ms. Walton: Correct.

Councilmember Yukimura: And actually, the Charlier technical paper did do that.

Ms. Walton: Right, and so when you then look at your actions the way you evaluate the action is you say, "Does this help us achieve the objective or not either on its own merit or collectively with the group of actions that you have?" So that becomes the touchstone to evaluate whether the actions really move you for its change or not.

Councilmember Yukimura: Okay. Thank you.

Committee Chair Chock: I have a question. It is really a process question, that is why I asked Mauna Kea to come up because I think really before we move too far down the road, I want to get clear about any substantial changes and this would be substantial in nature if we look at this whole thing as one (1) amendment, for instance. I want to hear what is limiting, what we are limited to, and then what the opportunities are if there is interest from this body to integrate some of the suggestions that have been placed on the table.

MAUNA KEA TRASK, County Attorney: For the record, Mauna Kea Trask, County Attorney. I think the General Plan is it is own unique process and ordinance. I know sometimes some things are referred back to the Planning Commission based upon some kind of substantial change and you want to run it through that process again. It would be really difficult at this time, to be able to answer your question accurately depending upon what is changed. For example, earlier was talked about Princeville and the resort zoning issue or on the west side, Kīkīaola or whatever it was. So I think that is something that you could deal with at this venue. However, some of these other things, I do not know and I would have to look into it. The Office of the County Attorney was given a note to Ms. Walton to ask about a list of all the case law she referenced because we are aware of certain cases where development moratoriums were permissible. The definitive case is Lake Tahoe Sierra Club. However, they are very limited in scope and specific as to what it pertains to and how long. So some of these issues that I can see off the bat, I would be curious to see what kind of authority she references because there are a lot of constitutional takings type of issues. If you look at the test under the nexus and rough proportionality, for instance, developers will pay for short and long-term infrastructure costs. The County, in 2010, lost a Federal case regarding Coconut Development Company. So, I would have to really look through all of these things.

Committee Chair Chock: Maybe the answer is that you will get back to us on at least what is on this page here because I think what we are looking for again, and I want to hear from Mike as well on this because I am not sure. I know that you folks have been talking for many months together and I just want to see his perspective on this as well before we break. Thank you, Mauna Kea. We will expect to hear back from you on these specific items. Thank you.

Mr. Dahilig: I think Anne and many of the people working with her engaged us through our various processes and, in fact, I know we have sat down one-on-one ourselves, Committee Chair Chock, with Anne and have had pretty frank discussions about what this plan entails. I think it comes back to the *piko*, or the question, or the start of the plan. I think what we have heard from many members of the community including the coalition is that you see it on the top of their proposal, talking about building resilient and sustainable communities. We hear that from a segment of the population, but we do not hear that from everybody. I think we wanted to make a plan that was as inclusive as possible and we were very explicit in our first reading presentation to the Council that we did not want to prioritize the four (4) goals that are in the *piko*. These are things that need to be balanced with each other. So I think that is a good question to ask amongst Councilmembers and the Committee, the degree of balance versus prioritization that you would like to see before even getting into this discussion of where the plan leads. It is a very diverse island economically, socially, and culturally. I think that is what makes the island great. I think though, that the prioritization of something like building resilient and sustainable communities may have a certain implication in terms of having people feel that may be too prioritized as compared to other items that we have heard in the laundry list of things that we got. To be quite candid, five hundred (500) is actually a trimmed amount. But we are not necessarily focused on the number. What we are focusing on is what collectively these things in balance can help achieve. Many of them are items that are not necessarily action statements, but items that are called out to say to our partner agencies like DOT, or DBEDT, or the Department of Land and Natural Resources (DLNR), "We need help on these things." So that is really where we have tried to one, address this concern of where does sustainability lie in the overall overarching prioritization of the plan. I think the other thing that we have heard consistently from the coalition was this need for transparency and accountability. Section 4 of the plan is really meant, and a lot of the work that Anne had given us, and I actually wrote this section myself. So, this was a reflection of...

Councilmember Yukimura: I am sorry.

Mr. Dahilig: They can watch on television.

Committee Chair Chock: Lunch.

Councilmember Yukimura: I am sorry.

Committee Chair Chock: Do not leave.

(Councilmember Yukimura was noted as not present.)

Committee Chair Chock: Hold on, please. Thank you.

There being no objections, the meeting recessed at 4:22 p.m.

The meeting reconvened at 4:22 p.m., and proceeded as follows:

(Councilmember Brun, Councilmember Kagawa, Councilmember Kaneshiro and Council Chair Rapozo were noted as not present.)

Councilmember Yukimura: I am really sorry.

Committee Chair Chock: It is okay.

Councilmember Kawakami: I do not know how to control my laptop either.

Mr. Dahilig: I think the need for accountability, what we distilled it down to was how to communicate where we are at any given time more clearly to the public and that communication, I think, was tempered with what information our Department can readily produce as well as what information we can pull from our partner agencies. So when you look throughout the accountability section or the implementation and monitoring section of the plan, that the desire that the coalition has really been trying to impress upon the Department as we have been going through this process is that need to communicate and to hold our government accountable, is where Section 4 really comes into play. We monitor and we take that on very openly as part of the responsibilities of the Department. How we are going to do that is to look at information that we already have readily available by our partner agencies because we are not a statistics agency. We do not have that capability. So to meet that need, I think that is where you see on pages 217 through 220, an example of the type of things that from a communication standpoint, we are going to try to bring out to the public almost like in a dashboard style, and then also how that implementation and feedback which is implemented by our Department so we can keep better track of the plan. What we heard predominantly, Committee Chair Chock, is that the 2000 plan was a good plan. I do not think our perspective on this plan addressing the 2000 plan is necessarily that it was a bad plan. But what you hear overwhelming is again, that word "accountability" and "monitoring." We think we are trying to find that balance again, of what we can do to provide that better communication.

Committee Chair Chock: Okay.

Mr. Trask: I just wanted to say briefly too, the Office of the County Attorney has been involved in this process since its inception of about 2014. As the Planning Department has taken in every request from the public and indeed we have heard today from Ms. Walton that if anything, they listened to too much or they included too much. We have been part of that process this entire time. Various Deputies in the Office, both who are and no longer present. We would just like to say that Kaua'i is a very complex place. To compare it to anywhere else in the world and/or in the United States is pretty much a false analogy. If you look at the island like Manhattan, it is entirely urban. You have major thoroughfares going in and out of it. You have a huge shipping port and facility. When you look at Kaua'i,

it is rural and it is largely isolated from every place else in the world, and it is probably the most remote in the State.

Committee Chair Chock: Okay.

Mr. Trask: So with these ideas, just really briefly, we do nonetheless, look and take in all ideas and recommendations and we look forward to reviewing these kinds of legal options that we have heard that are out there today.

Committee Chair Chock: Okay. Thank you. I think this is a good place for us to break today. We cannot actually get into discussion until we take public testimony according to the Office of Information Practices (OIP). At 8:30 a.m., we will reconvene tomorrow to have that public testimony. We will come back to questions and answers on the topics growth management and framework. I would like to ask if the parties here currently will be also here to discuss this further. Once we are completed with that, then we can get into discussion and hear from Councilmembers in terms of what direction we are going to head. I think this discussion, if we do not have it cleared, then it is really difficult to move on to some of the other sectors. But we need to *pili* this while we can. Anyway, thank you everybody. At this time, I would like to recess the Special Planning Committee. We will reconvene again on Thursday morning at 8:30 a.m. Thank you.

There being no objections, the Committee recessed at 4:26 p.m.

Special Planning Committee

Honorable Ross Kagawa (*present 9:42 a.m. to 3:32 p.m.*)
Honorable Mason K. Chock
Honorable Derek S.K. Kawakami
Honorable JoAnn A. Yukimura
Honorable Arryl Kaneshiro, Ex-Officio Member (*present at 8:41 a.m.*)
Honorable Mel Rapozo, Ex-Officio Member

Excused: Honorable Arthur Brun

The Committee reconvened on October 12, 2017 at 8:36 a.m., and proceeded as follows:

Committee Chair Chock: *Aloha* and good morning everyone. Welcome back. We would like to call to order or actually reconvene the Special Planning Committee at this time. Let it be known that we have a quorum. Councilmember Brun has an excused absence as well as Council Vice Chair Kagawa. They will both be joining us later in the day. At this time, this morning, we will be taking public testimony. So if anyone would like to testify, please sign up so we understand your interests. You will have three (3) minutes to testify. If you are not familiar with our lighting system, the green is when you start; with thirty (30) seconds left, you will see the yellow light; and then the red light will come on when your three (3) minutes are up. So please, if we can...

Councilmember Yukimura: Committee Chair Chock.

Committee Chair Chock: Yes.

Councilmember Yukimura: I have a personal privilege first.

Committee Chair Chock: Councilmember Yukimura.

Councilmember Yukimura: Thank you. We sent a memorandum on September 19th to the Planning Director asking for follow-up information to the General Plan update briefing that we had on first reading. They asked for an extension and then when I inquired about a week ago, they said it was in the Office of the Mayor. It is essential information for today's discussion. I would just like to note this to the Administration that there is information stuck in the Office of the Mayor that we need today.

Committee Chair Chock: Okay.

Councilmember Yukimura: I just want to say it at the beginning of the day so maybe something can be done.

Committee Chair Chock: We can get some response. Is there anyone from the Administration? I am not clear what you are talking about.

Councilmember Yukimura: It is a memorandum from Council Chair Rapozo, and it is all of the General Plan update questions.

Committee Chair Chock: Okay, got it. Thank you.

Councilmember Yukimura: Thank you.

Committee Chair Chock: Thank you. Can we check on those questions and at least get a response from them? Thank you. Is there anyone signed up to testify?

SCOTT K. SATO, Deputy County Clerk: Yes. Our first registered speaker is Gabriela Taylor, followed by Steve Murphy.

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

GABRIELA TAYLOR: Just before I start, I am disappointed in the other Members that are not here.

Committee Chair Chock: Ms. Taylor, you have to sit down.

Ms. Taylor: I do not want to start the talk because I have to do this. I just want to ask if these copies will get to them.

Committee Chair Chock: Yes.

Ms. Taylor: Okay, that is all I wanted to ask you. Good morning. I am Gabriela Taylor. The holding capacity of Kaua'i and our rural lifestyle and natural environment are in peril. It was said by the Planning Director yesterday that residents have different needs and opinions about how they want to see Kaua'i's future. That may be true, but it is time for critical decisions that determine our future be crafted with wisdom and foresight. The County, acting as a parent, protecting a child from harm they cannot see. The Council and Planning Department must take that role and make the General Plan not just a guiding light, but a solid document with actions and implementation that will protect this special place for the well-being of all Kauaians living on this small island now and into the future.

Now, I am talking about the sectors, growth management, and future land use. Number one, no new resorts to be permitted on Kaua'i. That is what I am requesting, a moratorium on resorts. We are at a dangerous crossroad where strong action needs to be taken if we truly want a sustainable Kaua'i. I support an investigation to learn who is in charge of making decisions about an additional forty-three percent (43%) direct flights coming to Kaua'i in 2018. It is time to act now and stop that before it is too late. Number two, support a moratorium on permits for subdivisions not one hundred percent (100%) affordable for residents. Land use is an integral part of growth management and affordable housing needs. I see that the major cause of in-migration is overbuilding subdivisions that are only required to follow the law that says thirty percent (30%) of houses must be affordable. It has built Hokua Place in

Kapa'a after filing the affordable housing mandate would have five hundred fifty (550) houses for sale that cost five hundred thousand dollars (\$500,000) to nine hundred thousand dollars (\$900,000). It is not possible for locals. Those and other subdivisions, for example, the huge one now being built in Hanamā'ulu that have no affordable housing are the main source of in-migration. The thought of increasing the number of cars by at least one thousand four hundred (1,400) from Hokua Place into a terribly congested corridor impacting both Kūhiō Highway and the bypass is staggering. To top it off, three (3) new tourist resorts have been permitted in the Wailua corridor, which means that with Hokua Place, three thousand (3,000) more cars will be added to guarantee perpetual gridlock. Number three, please keep seven hundred eighty (780) acres behind Kapa'a Middle School zoned in Agriculture. It is wrong, according to the Comprehensive Zoning Ordinance (CZO), to use agriculture land for other purposes. We need to become food-secure and agriculture land should not be upzoned to build another seven hundred eighty (780) dwellings. There is not sufficient infrastructure to support it, in addition, adding one thousand four hundred (1,400) cars...

Mr. Sato: Three (3) minutes.

Ms. Taylor: ...to the Kapa'a crawl will drive us stark-raving mad. We need agricultural land to grow food.

Committee Chair Chock: Thank you, Ms. Taylor.

Ms. Taylor: *Mahalo.*

Committee Chair Chock: Thank you.

Ms. Taylor: I got through it.

Committee Chair Chock: Is it a clarifying question?

Councilmember Yukimura: Yes. Gabriela, you said in one part of your testimony "seven hundred eighty (780) acres and another place seven hundred eight (780) dwelling units, "so...

Ms. Taylor: I probably got mixed up because I was writing this last night. There are seven hundred (780) dwelling units proposed, but ninety-seven (97) acres. I am sorry. I made a typographical error (typo) there. It is only ninety-seven (97) acres.

Councilmember Yukimura: Yes, no problem.

Ms. Taylor: Thank you for noting that.

Councilmember Yukimura: I just wanted clarification.

Ms. Taylor: It obviously needs to be clarified.

Councilmember Yukimura: Thank you.

Committee Chair Chock: Thank you for that.

Mr. Sato: The next speaker is Steve Murphy, followed
by Wayne Souza.

Committee Chair Chock: Steve.

STEVE MURPHY: *Aloha* everyone.

Councilmember Yukimura: *Aloha*.

Mr. Murphy: Thank you for all that you do with the plan and hearing all of our testimonies. My name is Steve Murphy. I have been a resident of Kaua'i for twenty-five (25) years. I am raising my family here. I work up in the North Shore. I drive from Kōloa every day, so I am aware of the traffic. But I am in favor of keeping the resort a resort and keeping the rights we have to Phase 2 because it affects a lot of people. It affects all the workers up on the North Shore, their families that have been here for generations, and they are not here to speak right now, but I am sure they feel the same way that we need to have people coming. We are a top destination. We need to keep our tourism business flowing to feed our families. So I just wanted to make that clear, that taking that away could affect our future generations up there that rely on the tourism. I hear the negative things about the congestion and the roads and everything, but I still think that growth is inevitable. We see it on the South Shore where I live at Kukui'ula. It has not really affected me that much. It has not affected my family. I only see people getting great jobs. On behalf of all of the employees up in Princeville, I just wanted to make sure that you know that we support keeping that resort. Thank you.

Councilmember Yukimura: I have a question. Hi, Steve. Thank you for your testimony. Can you just clarify how the present employees would be adversely affected if you did not have that extra resort zoning?

Mr. Murphy: Well right now, there is a layoff that we are not even open, so there are families that are at home right now because we are not open. We are not open for business. In order to sustain the business, we need more people.

Councilmember Yukimura: Is the layoff permanent or temporary?

Mr. Murphy: We are under renovation right now.

Councilmember Yukimura: Oh, okay.

Mr. Murphy: But I think we need to have the resort areas and I think Kaua'i is a destination that has been found. Even though there has not been a ton of resorts being built, we are still growing because people are coming here and they are finding out about us, which I look at as a good thing.

Councilmember Yukimura: Okay. Thank you.

Committee Chair Chock: Thank you.

Mr. Murphy: Thank you.

Mr. Sato: The next speaker is Wayne Souza, followed by
Kathy Valier.

Committee Chair Chock: Thank you for being patient, Mr. Souza,
yesterday and onto today.

WAYNE SOUZA: My name is Wayne Souza and I am testifying on behalf of the Hanapēpē/‘Ele‘ele Community Association. We are testifying in opposition to the new land use map designation, Provisional Agriculture. Provisional Agriculture is a new land use map designation in the draft Kaua‘i General Plan before you. This designation is not being applied anywhere else on the island except for the Wahiawa *ahupua‘a* coastal lands in a small area *mauka*. It is problematic in that it appears to have been created for the benefit of one (1) landowner. That is bad policy. It appears that the landowner has plans for a massive development of the Wahiawa *ahupua‘a* coastal lands, which are being designated as Provisional Agriculture. This proposed development will be a transformational change for our community, which adjoins these lands. This is inconsistent with the draft General Plan’s identification of Hanapēpē/‘Ele‘ele as being suited for incremental change. In the September 10, 2017 article in the Honolulu Star Advertiser on Alexander & Baldwin, inc.’s (A&B’s) shift to a Real Estate Investment Trust, or REIT, it was reported that the Chief Executive Officer (CEO) of A&B said, “A&B will focus on acquiring or developing real estate that it can hold and will not likely develop any more master plan communities like Waialea or Kukui‘ula, but can still develop high-rise condominiums.” If this article is accurate, then this Provisional Agricultural issue is moot and there is no justification for this new land use map designation.

Councilmember Yukimura: Thank you.

Committee Chair Chock: Thank you. Next, please.

Mr. Sato: The next speaker is Kathy Valier, followed by
Sean Combs.

KATHY VALIER: Good morning. Thank you for the opportunity to be here today and talk to you. I heard you had a long day yesterday. I was not able to attend, but I do want to say that I do...

Councilmember Yukimura: Your name.

Ms. Valier: Excuse me?

Committee Chair Chock: Your name for the record, please.

Ms. Valier: Oh, sorry. Kathy Valier.

Committee Chair Chock: Thank you.

Ms. Valier: I do support what Anne Walton presented yesterday as far as the framework for development and growth on Kaua'i. To that end, I would like to see "sustainable" defined in the General Plan. I mentioned this when I testified on Wednesday because I think it is too important of a concept to remain undefined and I think it needs to be used consistently throughout the plan. I recommend some definition along the lines of managing future change so that our current needs are met while preserving resources and natural ecosystems to maintain them undiminished for future generations. With that definition, we are already, at least on the North Shore, surpassing a sustainable level of development in regards to access. Policy #16 in the General Plan is about maintaining public access, which-you can have a legal access, but if people cannot access the access if it is too crowded, then you do not have access. A lot of residents on the North Shore, the young woman testifying, the thirteen (13) year-old testifying from Wainiha last week said, "We cannot go to the beach after 8:00 a.m. because there is no parking." Also, I have been told that by 2035, we are going to be rationing water, and I do not think this is a sustainable approach. Obviously, if we are not rationing water now and with development, we are going to need to ration water by 2035, then we are not sustaining the resource. We are diminishing it. I would like to see a cap on growth, not just containing growth by areas, but also actually have a growth number. Was Sue Kanohe able to testify yesterday? Okay. She had some good numbers that were more realistic numbers, I think, of visitors. I think we need to have a "not to exceed" number for the "average daily visitor census," and I think that needs to be in line with what it was in 2016. Also, I want to point out that unemployment is two point three percent (2.3%). It is the lowest it has been in ten (10) years. We are going to have to have people coming off-island to take the jobs, and also that the Hā'ena Master Plan will be decreasing the number of users in the park there from two thousand (2,000) currently, to nine hundred (900). This is going to have a big impact on Hā'ena Beach Park and congestion in that area. Thank you very much.

Committee Chair Chock: Thank you.

Councilmember Yukimura: I have a question.

Committee Chair Chock: It is a clarifying question? Councilmember Yukimura.

Councilmember Yukimura: Yes. Can you just explain two thousand (2,000) to nine hundred (900)?

Ms. Valier: The Hā'ena State Master Plan, they are going to be allowing nine hundred (900) people a day to go into the park. Right now, current use is two hundred (200). I talked to Allen Carpenter who is the Assistant Head of State Parks and asked him if there is any kind of interface between the County and the State because they are going to go ahead with their plan and it seems like they

are putting their foot on the brake, we are putting our foot on the accelerator, and it is going to be a really bad situation.

Councilmember Yukimura: Wait. They are going to limit it to nine hundred (900) and the present census is two thousand (2,000)?

Ms. Valier: Two thousand (2,000).

Councilmember Yukimura: Two thousand (2,000).

Ms. Valier: So what they are going to require is what they have at Haleakalā, which is that you have to book in advance to go to Kē'ē. So this is not about just parking. This is not something that is going to be solved by a shuttle.

Committee Chair Chock: Thank you.

Councilmember Yukimura: Yes, thank you.

Committee Chair Chock: Next speaker, please.

Mr. Sato: The next speaker is Sean Combs, followed by Brad Suizu.

SEAN COMBS: Good morning.

Committee Chair Chock: Good morning.

Councilmember Yukimura: Good morning.

Mr. Combs: My name is Sean Combs. I am a resident of Princeville. Thank you for the opportunity to be heard. I am here to testify that I am in support of the Princeville Phase 2 Resort zoning to remain in the General Plan. I see the situation as if I bought the land personally, and I had planned for it and going to plan on subdividing at a later time for my grandkids. This land, at some point in that process gets rezoned, I am out my investment. I am out my plans. It is kind of pulling the rug out from under me. I just want everyone, if it was personalized to everybody in having the same applied to their property, it would be terrible for me, personally. It would be a terrible thing. So I think the zoning remaining up there, that is one (1) of the four (4) Visitor Destination Areas (VDAs), and remaining in the plan allows us an opportunity up there to create some more housing, which I know on the *mauka* village, I think that it was removed from the plan, which had a number of affordable housing units and additional housing. With this, of course, comes jobs. I do not have any numbers to substantiate how many and to quantify it, but I know for a fact that there is a number generated with maintenance, construction, and on and on. My position is that I am very much in favor of it. I think it is important. I do not think that as much as we all do not like the traffic and the amount of tourism. Those are all concerns. I think there has to be another mechanism to address that versus throttling something that has been in the General Plan for this long. Thank you all.

- Councilmember Yukimura: I have a question.
- Committee Chair Chock: Thank you. Clarifying question.
- Councilmember Yukimura: Are you aware that the land is zoned Agriculture?
Agriculture?
- Mr. Combs: Yes, but it is...
- Councilmember Yukimura: It is General Plan Resort, but I believe it is zoned Agriculture, and the developer/landowner has the right to subdivide it right now.
- Mr. Combs: As Resort?
- Councilmember Yukimura: No.
- Mr. Combs: Oh, well that is the important...
- Councilmember Yukimura: But the zoning is Agriculture.
- Mr. Combs: Right.
- Councilmember Yukimura: I have one (1) more question. Do you know why, because it has been General Plan for Resort since 1970, right?
- Mr. Combs: Yes.
- Councilmember Yukimura: ...why has the developer not developed the land for, what is that? Thirty (30) or fifty (50) years?
- Mr. Combs: I cannot speak about the prior owners because it has gone through different ownership. There has been four (4) owners, I believe, of that property. It has not been done for a number of reasons. We had a huge downturn in the economy as everybody knows, and felt the pain in 2006, 2007, 2009, 2010, and 2011. In 2012, we just stated feeling it. So that was one ride of the economy that was throttled. There has been other attempts to try and do something and market forces are driving which way it goes. So you can find something that works, but you are not going to do it maybe not do it on the first try. Why it has not by all of those other owners, they would have to be asked. I am not sure.
- Councilmember Yukimura: Yes.
- Committee Chair Chock: Thank you.
- Councilmember Yukimura: Thank you.
- Mr. Combs: Thank you very much.

Committee Chair Chock: Next speaker, please.

Mr. Sato: The next speaker is Brad Suizu, followed by
Ken Taylor.

BRAD SUIZU: Good morning. Thank you for this opportunity to be heard. I am Brad Suizu. I came to testify in support to keep Princeville Phase 2 designated Resort. Do not remove it from the General Plan. I am kind of looking for the future for future jobs in the building and hospitality industry. That is why I am in favor of keeping this resort. Thank you.

Councilmember Yukimura: Thank you.

Committee Chair Chock: Next speaker, please.

Mr. Sato: The next speaker is Ken Taylor, followed by
Bridget Hammerquist.

KEN TAYLOR: Good morning, Councilmembers and Council Chair Rapozo. Thank you for this opportunity. I have turned in three (3) different papers on the General Plan. The first one asks you to consider doing a cost analysis.

Committee Chair Chock: Ken, can you state your name, too, for the record?

Mr. Taylor: Ken Taylor. The numbers I ran come up with a potential of five hundred sixty-four dollars (\$564) per year in new taxes at buildout of this plan. I am not asking you to accept my numbers. I am asking you to do a cost analysis to show the community what this plan is going to cost them in the end. The second paper I turned in is about traffic. In that, I am basically asking you, based on the information that is available from the State and highway conditions, that you not include in the document that no new development over ten (10) units be approved until we can resolve the long-range traffic congestion problems. We have dug ourselves in a hole. Forty-five (45) years ago, there was a plan put forth on the eastside. It has been ignored, but the development went full speed ahead. Now, we find ourselves in a great hole and we have to find a way of getting out of it. You cannot keep digging the hole. The third document I turned in talks about sustainability, sprawl, and climate change. I am basically asking you to remove any reference to sustainability in this document. I have put a lot of information together here, to show that there is no ability of this plan to be sustainable. If you can show otherwise, I would like to see and hear it. But it is a simple thing to remove all reference to sustainability because the plan is not sustainable for the long-run. I would just like to go back to the traffic thing. If this stayed here for forty-five (45) years and we did not pay attention to the light, that is exactly where we are at with the traffic issues. The buses are not going to solve the problem on their own. They may help a little bit, but forty-five (45) years, this was it and we ignored it.

Committee Chair Chock: Thank you.

Mr. Taylor: So for forty-five (45) years, let us ignore that light. I think that would be a proper thing to do. So hopefully...

Committee Chair Chock: Your time is up, Ken.

Mr. Taylor: ...you will take my considerations...

Committee Chair Chock: There is no light anymore. It is *pau* already that is why.

Mr. Taylor: Forty-five (45) years. I have a lot of time to talk. Thank you.

Committee Chair Chock: Thank you.

Mr. Sato: The next speaker is Bridget Hammerquist, followed by Felicia Cowden.

BRIDGET HAMMERQUIST: Good morning, Committee Chair Chock.

Committee Chair Chock: Good morning.

Ms. Hammerquist: Good morning, Members of the Council. My name is Bridget Hammerquist, for the record. I was unable to be here yesterday, but I watched the entire afternoon session and I appreciate the comments that had been made. I just wanted to endorse and support the presentation Anne Walton made. I think it is absolutely critical for the island residents and going forward operationally, that our General Plan have clear objections. I think her presentation was excellent and it is something that should be taken to heart. Also, it is wonderful that we have the resources that we do on Kaua'i and people like Anne Walton who has the training that she has because I would encourage the Council to consider having the Planning Department work with her to come up with a document that is less fuzzy, clearer, and more specific. While she used the term "growth moratorium," she also had four (4) exceptions. So maybe we could use a term other than "growth moratorium" because it is not really a growth moratorium if you are continuing to provide affordable housing and the needed construction to keep the island to meet its needs. So, it is definitely true that Mr. Taylor's comments about slowing growth until the infrastructure can accommodate what is already here is absolutely imperative. I think that throughout the Planning Commission process, I did attend meetings. I would just offer that many of the citizens from this island turned out and voiced their concerns and their objectives to keep the rural feelings of Kaua'i and preserve it. The Planners say they took that into consideration, but it is interesting that the plan is development driven and it is development-keyed before it considers resources. I would just offer that there were not too many of the developers that felt the need to testify. So I feel that there were sort of back-room conversations happening that the plan reflects and I would just ask you to take that in a consideration because I do not think what we have in print accurately represents the presentations that I and others heard the community making. Thank you.

Committee Chair Chock: Thank you very much. Next.

Mr. Sato: The next speaker is Felicia Cowden, followed
by Danny Hashimoto.

FELICIA COWDEN: *Aloha*, I am Felicia Cowden. Today, I am going put my business person hat on in talking about the visitor numbers and the growth elements. For eighteen (18) years, I did have some businesses. Hanalei Surf Company is the most notable name in that. I had a lot of concerns about the big gaps in the expert testimony yesterday from the consultant from SMS, Daniel Nāho'opi'i. I felt that the numbers were vague and speculative, especially on that visitor unit side. I do not know if you remember the slide where they showed the big spikes of visitor arrivals on the left, then we had the present, and then the future was just these little average numbers down. Yes, that is exactly what Councilmember Yukimura has. It is so not related to reality and if you are a business person, cash flow is everything. So he was not even able to identify like Hurricane 'Iniki right there. He did not choose to use that word. We have huge spikes. We need to be able to rely on residents as much as visitors. In a place like Hanalei, right now especially in the summer, the visitors are way outnumbering the residents and it drives the direction of business in very different ways. There is so much volatility if we just go for open growth, which is what it felt like was his mindset of thinking about it. So he seemed like a statistician a lot more than he seemed like a business person. I think that testimony or that input needs to be really looked at with a grain of salt. I was uncomfortable with it. I am going really fast because I know we do not have much time. I also want to speak to Anne Walton's testimony. The part about reversing the order of the General Plan update structure regarding growth management driving that ahead as the decision-making process when growth management goes first. That really resonated with me. Thank you so much for putting that up. Do you see that? Okay. The right does not look anything like the left. The right is not rooted in reality. That is the thing that is hard on business. I loved what she had to say. The word "moratorium" gave me a stomach ache. Honestly, business needs a predictable arch of production, so I did not get a chance to really hear what she is doing, but a sharp U-turn can cause an economic train wreck or car wreck. In the early 1990s when our boating industry went under, it totally changed the complexion of our community, especially because our alternative agriculture got shut down at the same time. So instead of having overly relaxed people running around with hundreds of dollar bills, we had heroin overdoses in the parking lot, serious drug problems, and needles in the bathrooms. Three (3) minutes is not enough to talk about what radical change can do. It can destroy a community. We replaced our hard-working residents with a motel. That is what happened with Hanalei.

Committee Chair Chock: Thank you, Felicia.

Councilmember Yukimura: May I? Felicia, if you have more to say, can you just submit it in writing?

Ms. Cowden: I can submit it in writing, yes.

Councilmember Yukimura: Thank you.

Ms. Cowden: Thank you.

Committee Chair Chock: Thank you.

Mr. Sato: The next speaker is Danny Hashimoto, followed by Hope Kallai.

DANNY HASHIMOTO: *Aloha kakahiaka.* Danny Hashimoto, *kanaka maoli*. Thank you for allowing us to present our *mana'o*. I just want to kind of quickly summarize. I enjoyed yesterday's testimony and particularly, I liked Anne's diagram, her growth management model. I think it really makes good sense. I just want to mention that I really hope that as the plan is developed, priorities can be really well-defined and of course, the implementation is a really big key. From my experience here, living here all my life, I really would like to see a turnaround. I think it is really time. The area that I am really concerned about, of course, overdevelopment and whether we do a moratorium. I do not think that is quite possible, so maybe that is the wrong word. But certainly, a radical slow down would be very important. I understand what is in the pipeline is going to move, but even then, that, too, has to be reexamined and then decisions made accordingly. The areas that are coming that is really close to my heart is the food sustainability. That should be a top priority and encouraging the farmers, everything from small farmers, large farmers, allowing farm dwelling some latitude in that area, specific regulations, and whatever is needed to make that possible. I just want to sum it up. I just saw this definition well, it is not a definition. It is just a quote about sustainability. It is from a really great magazine called "Living Aloha." It is an article by Lea Howard. She says, "In order for sustainability to become a reality, humanity needs to make a quantum shift in consciousness, a shift in thinking of human beings as singular entities to understanding our plurality, a shift away from greedy selfishness and towards inclusive generosity." *Mahalo*.

Committee Chair Chock: Thank you.

Mr. Sato: The next speaker is Hope Kallai, followed by Tim Kallai.

HOPE KALLAI: Good morning.

Committee Chair Chock: Good morning.

Ms. Kallai: We have a whole bunch of slides here that we are just going to go through really quickly because we only have three (3) minutes.

Committee Chair Chock: Three (3) each.

Ms. Kallai: Hope Kallai and Tim Kallai. I have some problems with this plan. Today, we are addressing statistics, growth management, and the framework. The plan is full of a lot of really nice maps, charts, and colors. I

really like it. I like color in these books, otherwise, they are really boring. But we wanted to focus on sustainability. This is a blowup of the center thing in the middle there and the goal that is in this document for a sustainable island. They have all kinds of really cool little graphs and things throughout the plan. I admire the goals, but I have problems with how they are met. I really do not like the framework of...I cannot handle separating an *ahupua'a* into three (3) elevational divisions. I have a really hard time because it just destroys the *mauka/makai* continuity and concept. That is all I will say about framework. You cannot separate the watershed out of all of the other sectors. The infrastructure, to me, this is a really scary graph if the red line is above it is positive and below is a deficit. The blue is wastewater. The only thing we have plenty of is wastewater in Līhu'e. That is not a good sign. We are in a water deficit all over the rest of the island. The General Plan document does not adequately identify the source of our domestic water. Most of our island is Conservation district, so that would lead one to believe that conservation district use permitting would protect those lands, but they are not. We have our *mauka* streams dried up one hundred percent (100%) and that not a sustainable island. So to chop the watershed up into three (3) sectors just assuming that our *wao nahele* is intact is incorrect. The document only considers groundwater from our groundwater aquifers, but right now, seventy-one percent (71%) of our piped water through the Department of Water is being delivered from the Waiahi Surface Water Treatment Plant, but these numbers are not in the document. The document only bases on groundwater aquifers. I do not know how we plan for the next twenty (20) years if we do not know where our water is coming from. Only twenty-nine percent (29%) is coming from groundwater aquifers now. That needs to be fixed. Why is it not in there? Well, I believe it is because Waiahi Surface Water Treatment Plant has no surface water use permits. So you call (inaudible) right now and try to talk to them about this surface water treatment plant, they do not have records of it because they do not have permits, so it does not exist on their desk. Where are we going to get the extra six million four hundred eighty (6,480,000) gallons of water that we are going to need by 2035? One million (1,000,000) gallons a day, I am sorry.

Mr. Sato:

Three (3) minutes.

Ms. Kallai:

We really need to straighten that up. Housing, seven hundred thirty thousand dollars (\$730,000) is not affordable housing for anybody I know on this island. So we are going to need almost ten thousand (10,000) units by 2035 and six million five hundred thousand (6,500,000) more gallons of water. This is not a sustainable plan. The Department of Water is already having problems with the growth being only focused in Līhu'e. I think we got all of our eggs in a basket. That is not sustainable because the water needs in Līhu'e are at a deficit. Why are we planning all of this development in a place that already does not have enough water? We have to bring it from another *ahupua'a*. The six million five hundred thousand (6,500,000) more gallons of drinking water, to me, is a big concern and seventy-three percent (73%) of the island's population growth is projected to these two (2) sectors only. That is eggs in one (1) basket and there is not enough water for it already. This is a really important chart that we need to focus on. The only thing we have plenty of is wastewater. That is not a good place to be. I will go through these really fast. I am really concerned that the Department of Hawaiian Homelands (DHHL) Wailua plan has been left out of this document. They

have been working on it since 2004. It is not new news. For us as a County to fail to consider the impact of seven hundred (700) potential housing units right at Wailua, is crazy. This is from both of their documents. They have housing community, there is fifty (50) farm lots of two (2) acres each, and there is one hundred (100) acres of potential *lo'i* land. This development is going to happen in the planning life of this document, but it is not in there. That is a problem. The only thing that is considered is moving the wastewater treatment plant to the DHHL lands. In 2004, DHHL was already worried about the stink from Wailua to their *mauka* lands. Now, the County wants to move the wastewater treatment plant right over to the middle of the DHHL lands. Are they going to move it by the *lo'i*, or are they going to move it by the well, or are they going to move it by the middle of the houses? This is not a good plan. We have painted ourselves into a development corner and we need to consider where else we can do wastewater reclamation and not pump it out into the ocean plan. DHHL only needs zero point...

Mr. Sato: Six (6) minutes.

Ms. Kallai: ...six (0.6) million gallons of potable drinking water at full buildout, and...

Committee Chair Chock: Thank you.

Ms. Kallai: ...they are being told there is no water. So right now, the County Department of Water was overflowing eight hundred thousand (800,000) gallons, zero point eight (0.8) million gallons a day, more than DHHL needs at full buildout was being dumped out over the top of the tank while DHHL is told that there is no water.

Committee Chair Chock: Thank you, Hope. Can we get a copy of your testimony?

Ms. Kallai: Yes.

Committee Chair Chock: I appreciate it.

Councilmember Yukimura: I have a question.

Committee Chair Chock: Councilmember Yukimura.

Councilmember Yukimura: Hope, you said that seventy percent (70%) of potable water for this island is coming from surface water.

Ms. Kallai: Well, fifteen thousand (15,000) people are out getting water from the surface water treatment plant out of their pipes. I only find that there are twenty-one thousand (21,000) water meters. So fifteen thousand (15,000) of twenty-one thousand (21,000) are drinking water from the surface water treatment plant. Our water systems are disconnected.

Councilmember Yukimura: But have you really verified that because my understanding is that a portion of Līhu'e is getting the surface water. Everything else that I understand is from underground water sources.

Ms. Kallai: Well, I only read it in the Department of Water minutes, so I can show you where it says that.

Councilmember Yukimura: Does the Planning Department know that? Do you know?

Committee Chair Chock: We can ask that when we have the Planning Department up here for questions and answers.

Councilmember Yukimura: Alright.

Committee Chair Chock: Thank you very much.

Councilmember Yukimura: I just want to make sure that we are working with accurate figures.

Ms. Kallai: Okay.

Committee Chair Chock: Let us not forget that question, and we will make sure we get to it.

Councilmember Yukimura: Okay. Thank you.

Committee Chair Chock: I appreciate it. Thank you.

Mr. Sato: The next speaker is Jan Kimura, followed by Jean Souza.

JAN KIMURA: Good morning. For the record, my name is Jan Kimura. I am here to testify on the North Shore Resort designation in the General Plan. Princeville Phase 2 is located on a Resort designation. We need to leave the North Shore General Plan in place the way it stands. It is a fair balance to allow ten (10) years to resolve the zoning process under the proposed "use it or lose it" policy in the proposed plan. As the former Planning Commission Chair, I know firsthand of the process, as I was on the Commission when this process was launched four (4) years ago. I know the Planning Department has worked diligently on the General Plan for years. They have had numerous public hearings on the General Plan giving the public an opportunity to give those input and the Planning Department has taken into consideration and has implemented a majority of these comments into the General Plan. The focus has been balanced and the "use it or lose it" policy is evidence of that. Please leave the North Shore General Plan in place with the ten (10) year "use it or lose it" timeline. Thank you.

Committee Chair Chock: Thank you. Next.

Mr. Sato:
Greg Crowe.

The next speaker is Jean Souza, followed by

JEAN SOUZA: Good morning, Councilmembers. Jean Souza. I am representing the Hanapēpē/‘Ele‘ele Community Association. We support the draft plan’s recommendation of the need to infill in the Hanapēpē Town area. Second point, we note that there are major errors and omissions in the maps, specifically for Hanapēpē/‘Ele‘ele Figure 5-31, Public Facilities. The legend appears to be for infrastructure, not facilities. That needs to be corrected. Related to the Hanapēpē/‘Ele‘ele infrastructure map, one (1) thing we noticed that is missing is the private water system at Kaumakani, and there is a question about the County wastewater system service area that is designated in that rust-colored area. Another thing related to the Hanapēpē/‘Ele‘ele heritage resource map, there is an area identified in the legend as “traditional cultivated areas” and these are mapped. We are questioning whether this should be historic cultivated areas as a more appropriate designation. Then, for the Hanapēpē/‘Ele‘ele land use map, the Hanapēpē Town Park is missing from the map. My last point is that we have a word of caution. Some of the major new land uses proposed for ‘Ele‘ele are based on false information. Specifically, the Planning Director has stated this summer to the County Planning Commission and the State Land Use Commission that ‘Ele‘ele will be the second urban center after Līhu‘e. One of the drivers for that, he said, is the implementation of the Port Allen Harbor Master Plan by the State of Hawai‘i Department of Transportation. We have fact-checked this statement with the State Department of Transportation. I want to note that the modern commercial shipping vessels today are significantly larger both in terms of length, width, and draft than they were before. The Department of Transportation (DOT) has stated that they are not implementing the Harbor Master Plan, that the costs are extremely high, and they will not redo the breakwater. They are not expanding or upgrading the pier, they are not expanding the harbor basin, and not deepening the draft. Thank you.

Committee Chair Chock: Thank you.

Mr. Sato: Our last...

Councilmember Yukimura: You said that the Planning Director has said that Hanapēpē/‘Ele‘ele will be the second urban center after Līhu‘e?

Ms. Souza: Yes.

Councilmember Yukimura: Is that wording as a disclosure anywhere in the General Plan update?

Ms. Souza: I have not seen it.

Councilmember Yukimura: But that was used during the Land Use Commission as sworn testimony?

Ms. Souza: And the Planning Commission.

- Councilmember Yukimura: And the Planning Commission?
- Ms. Souza: And the Planning Commission.
- Councilmember Yukimura: As justification for the proposed additional land designations in 'Ele'ele?
- Ms. Souza: Yes.
- Councilmember Yukimura: But it is not disclosed in the General Plan as such?
- Ms. Souza: Yes.
- Councilmember Yukimura: Thank you.
- Committee Chair Chock: Thank you.
- Ms. Souza: Thank you.
- Committee Chair Chock: Next, please.
- Mr. Sato: The last registered speaker is Greg Crowe.
- GREG CROWE: Good morning, everyone.
- Committee Chair Chock: Good morning.
- Mr. Crowe: Thank you for your attention and time for all of these pressing matters. My name is Greg Crowe. I first moved here over thirty (30) years ago, so I have seen good and bad things from Kaua'i over that time. Today, I would like to point out a fundamental point about this General Plan draft and make a specific example to illustrate the importance of that point. The fundamental point is that for any plan to successfully deal with complex and dynamically changing issues such as the General Plan must do, the plan must have an overall framework with clear priorities and a system to select and successfully implement solutions and improvements for at least the most critical problems. Here is an example of why a lack of overall framework with priorities and systems for implementation in this plan is a problem that must be corrected. The 2000 General Plan had affordable housing as a top priority, but no clear way to achieve that goal. Since 2000, Kaua'i has lost affordable housing and we have deteriorated from a problem to a crisis. This General Plan must have a better way to address problems and select those that need attention, and then of course, to successfully implement solutions so we do not continue to deteriorate from current problems into future crises and let us instead, create a better Kaua'i for everyone here on the island. Thank you very much.
- Committee Chair Chock: Thank you, Greg.

Committee Chair Chock: Is there anyone else signed up to testify? No. Would anyone who has not testified like to? Mr. Arakawa, please come up. You have to sit in the main seat.

DAVID ARAKAWA: I thought this one was only for Kaua'i residents.

Committee Chair Chock: Oh, that is right. Maui people have to go on the side.

Mr. Arakawa: Good morning, Committee Chair Chock, Committee Vice Chair Yukimura, and Members of the Planning Committee of the Kaua'i County. My name is David Arakawa. I am with the Land Use Research Foundation. I am going to cover four (4) general comments, concerns, and proposed amendments to the Kaua'i General Plan. First before I start that, I wanted to commend the Planning staff, the community, and the Council for working hard on this plan for over one (1) year. Maybe it is a two (2) year planning process. A lot of work has gone into this. Four (4) general comments and concerns. Number one, the General Plan as everyone knows, is the beginning of the land use process. It is visionary. It has policies. It has strategies. Many of the concerns mentioned today, traffic, water, et cetera will be addressed at the Land Use Commission, especially with water and some of the traffic concerns for State highways, the community plans zoning and subdivisions. So this is the very beginning of the process. The second major point we would like to make is that we believe that because there has been substantial reliance on the current General Plan designation by landowners, particularly on the North Shore and putting in community improvements and infrastructure, that the existing General Plan land use map designation and entitlements should be retained and should not be down-designated unless there is a compelling factual and legal justification. There has been reliance by major landowners across Kaua'i on the current General Plan designations and changing them would create loss of opportunities and economic opportunities for affordable housing, economic development, and adverse consequences. The third issue is that the proposed "use it or lose it" policy does not account for potential delays, which are not within the control of the landowner/developer and could jeopardize future planning and financing. I listed in our testimony, the Environmental Impact Statement (EIS) process, State Land Use Commission delays and lawsuits, zoning amendment process, and the County subdivision and building permit process. The second city in Honolulu has taken over twenty-five (25) years to develop and is still developing. Core Ridge has taken eighteen (18) years just to go through the permitting process. Mililani, which is the all-American city, took over forty (40) years to develop. It is a long-term process. The last point we wanted to make is that because of that, we respectfully request that the "use it or lose it" time requirements either be deleted or reasonably extended to a proposed twenty (20) years to match the twenty (20) year planning horizon in this document. This document has a twenty (20) year planning horizon, so maybe extend it. The last point is that the hard deadline time limit of 2027 could have unintended consequences, and we would respectfully recommend that you consider allowing the Planning Director to have discretion to review developments and extend any development deadlines for good cause. Thank you very much.

Committee Chair Chock:
Councilmember Yukimura: Thank you. We have a question here.

Councilmember Yukimura: Hi, Dave.

Mr. Arakawa: Hi.

Councilmember Yukimura: Thank you for being here.

Mr. Arakawa: Good morning.

Councilmember Yukimura: Is it not true that by keeping the General Plan designation of Resort, you obviate the need for the landowner to do an EIS?

Mr. Arakawa: The EIS would be triggered by a number of things.

Councilmember Yukimura: But the only thing in that area would be the need for a County General Plan amendment.

Mr. Arakawa: I am not sure what they need, a shoreline management permit if it is on the *makai* side. Would they be...

Councilmember Yukimura: That does not require an EIS.

Committee Chair Chock: Let us stick to clarifying questions.

Councilmember Yukimura: Okay.

Committee Chair Chock: There are a lot of variables, I believe.

Mr. Arakawa: Right, in the future. If you use any State or County funding, it would trigger an EIS.

Councilmember Yukimura: I hope he is not going to use State or County funding.

Mr. Arakawa: Well, if there is affordable housing, part of it.

Committee Chair Chock: Thank you.

Mr. Arakawa: Okay.

Committee Chair Chock: I appreciate it.

Mr. Arakawa: Thank you.

Mr. Sato: The next speaker is Joan Heller.

JOAN HELLER: Hello, everyone. I am Joan Heller and here is my brief three (3) minutes. Due to the fact that these islands, for three (3) generations, have been indoctrinated to function and operate with the mainland mentality of consumerism, militarism, and urbanization as the main goals of State and local governments. By switching to the host culture's lifestyle, the solutions have always been available and seems reasonable. Just start immediately with educating all residents. With the limitations of an island landscape, an increasing idle workforce who thinks managing and caring about this place is not possible. Within these last two (2) months I have seen more "Help Wanted" signs in the Līhu'e, Kapa'a, and West Side areas. Why? Because millennials know that indentured servitude will not be their norm. They know their efforts need to make a difference where they live. Please stop running government like business as usual and be more open and listen to the *kūpuna* and learn what the host culture already knows about this place. Please support their intentions and govern with their knowledge. The Hōkūle'a has already shown what can be done peacefully. Thank you.

Committee Chair Chock: Thank you very much. Anyone else? That is it. Would anyone who has not testified like to? Mr. Allen.

GREG ALLEN: Hi, Greg Allen.

Committee Chair Chock: Good morning.

Mr. Allen: Good morning. I just wanted to reiterate that the major problem or one of the major problems we have is housing. I was thinking that if a civilization had people, maybe one thousand (1,000) people, then with their combined energy, they could build walk paths and shelter. But the first thing that happens is you have the people. We already have the people. We have been hearing that over and over. Now it is time to build the shelters. I represent Hokua Place, and it is interesting that this last gentleman who talked about the timeframes for developing something, this project has been in the works for well over ten (10) years now. The trigger for an EIS was a piece of sewer pipe that had to change from six (6) inches to eight (8) inches. Other than that, it has no known negative impacts. So I just wanted to let you know that this project has been in the General Plan for over thirty (30) years, and during the General Plan recommendations, the area got reduced by about thirty percent (30%). The number of houses is still supposed to be the same, but due to a five (5) minute walkshed distance, the area got reduced. So we are requesting that the area remain as it was in the 2000 General Plan. The papers that I sent you explain that there is a projected need in Kapa'a for about five thousand (5,000) houses in the next ten (10) to fifteen (15) years. This is an opportunity for eight hundred (800) units in a setting that wrap around the Kapa'a Middle School that are adjacent to a town and that support that town. In addition, it includes the donation of the bypass highway and the new roadway. I guess the final thing to tell you would be that the project's EIS has been through two (2) iterations. It has been published twice. The final publication will be soon. We waited for the County/State traffic study and then matched our study with their study and our commitments to what they need. We have gotten letters from the State and County concurring with our plans and we are working together to provide not only housing, but also infrastructure solutions. I was just hoping that you would put the whole

project, the whole one hundred (100) acres. It is a one hundred sixty (160) acre project. Sixty-six (66) acres of it is already in agricultural use with a solar farm and goats. One hundred (100) acres of it is to become urban and to be affordable mixed-use, all kinds of different housing.

Committee Chair Chock: Thank you, Greg.

Mr. Allen: Does anybody have any questions?

Committee Chair Chock: There are no questions at this time. Thank you.

Mr. Allen: Thank you.

TOM SHIGEMOTO: Good morning. For the record, my name is Tom Shigemoto. I am representing A&B Properties. I would like to clarify some comments that were made by Mr. Souza regarding development that A&B has planned for and land uses that have been designated in the update. First of all, you cannot take the comments from our CEO out of context. It is true that we are changing from a corporation to a REIT, but it does not mean that we are going to be stopping development at all, period. As you know, we are not developing high-rises at all on Kaua'i. So you have to read the entire proclamation or his statements before you make a judgment. Second of all, this Provisional Agricultural designation that is shown on the land use maps, I think is a real innovative way that the Planning Department came up with because the Hanapēpē/Ēle'ele community as well as the Waimea/Kekaha development plans are not done or are about to get started. So it is a way to indicate that if this area is suitable for development, then it should be considered in these community plan updates. It is a placeholder as far as that is concerned. I think that the Council should consider that. The area east of Wahiawa Valley, an area that is about six hundred (600) or seven hundred (700) acres actually was in the South Kaua'i Development Plan because that is part of the planning district. However, because it was so closely tied to the Hanapēpē/Ēle'ele communities, the Planning Department and the Commission felt it should be left in again, as a placeholder for consideration when these community development plans are updated. On that, A&B has proven to be a concerned corporate citizen. We have done a lot of housing. Most of the housing in Hanapēpē has been developed by us and we will continue to do that. Again, just take that for what it is worth. I appreciate the time and efforts that you folks are putting into it. I commend the Planning Department. I sat on the Advisory Committee and we spent almost two (2) years going through it. A lot of the issues that have come up have been vetted. With that, thank you very much for your consideration.

Committee Chair Chock: Thank you. Would anyone who has not testified, like to testify at this time? If not, this will conclude our public testimony session. I want everyone to know that we will be going back into questions and answers from where we were yesterday on Topic 1. Once we complete Topic 1, we will move into Topic 2, which a lot of what the public testimony was focused on today in land use. We are not scheduled for any amendments today or tomorrow, in fact, I think that there was a request from Councilmembers who were absent at this time,

that if there were amendments, they would be informed ahead of time. So what we anticipate is the questions and answers, followed by discussion, meaning our Council discussion, on each of those topics. We will move thoroughly through those. At this time, I would like to call the Special Committee Meeting back to order and open it up for questions.

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

Committee Chair Chock: We have our Planning Director here. We had a presentation also from Ms. Walton yesterday again, focused on growth management, data statistics, and the framework. Are there any questions, Members? No questions? Okay. We will move on to maps. Hold on one (1) second. I have a list here. I just cannot find it. I just do not want to move too far down the road.

Councilmember Yukimura: Wait a minute.

Committee Chair Chock: That is why I am asking for questions and answers right now. Councilmember Yukimura, if you have questions or answers, that was my question.

Councilmember Yukimura: We have not finished statistics or framework.

Committee Chair Chock: That is why I asked if there were questions. Do you have a question?

Councilmember Yukimura: I have both questions and discussion, which I presume we will...

Committee Chair Chock: We are going to do questions and answers right now. So if you have questions for the Planning Department or any presentations done yesterday, now is the time.

Councilmember Yukimura: And then discussion of those questions...

Committee Chair Chock: Yes.

Councilmember Yukimura: ...and answers, data, and everything?

Committee Chair Chock: That is exactly what I said.

Councilmember Yukimura: Thank you. I have lots of questions.

Committee Chair Chock: Okay. Good, so ask them. If I could like to have the Planning Department up as well.

Councilmember Yukimura: Many of the questions were asked on September 17th, and so I would like to get those answers right now so I can discuss them.

Councilmember Kawakami: Yes, they are all here.

Committee Chair Chock: We got these answers now. It will take us a little bit of time. Actually, some of them are good. I think we just might ask on the floor since they are really big questions, I think, that were posed early on. Councilmember Yukimura, if you have a question. If not, I will continue.

There being no objections, the rules were suspended.

Councilmember Yukimura: My questions are from yesterday. I want to go over all of the growth management policies that are in this plan.

MICHAEL A. DAHILIG, Planning Director: As I stated yesterday, Councilmember Yukimura, our reply to your question again, is that all of the policies have to be looked at collectively as balancing towards handling the population growth that we anticipate based on the combination of natural growth, in-migration, and de facto tourism numbers.

Councilmember Yukimura: Okay. So let us start with what you referred me to on – what page was that?

Mr. Dahilig: I believe we started with the goals, which are on page 32.

Councilmember Yukimura: But I am talking about your growth management policy, and I do not see anywhere...since that is the crux of this whole plan, I do not see a coherent discussion about growth management in this plan. You referred me to permitting actions, on what page? Can you refer me it that page again?

Mr. Dahilig: No, I referred you to...

Councilmember Yukimura: That is the problem.

Mr. Dahilig: If you would like me to answer your question, Councilmember Yukimura, what we referred you to was illustrative of an example in the tourism subsector of the economy that talks about how to handle that particular sector's contribution to the overall population growth pressures that we are seeing on the island.

Councilmember Yukimura: Okay. So you referred me to page 160.

Mr. Dahilig: Yes.

Councilmember Yukimura: And these are actually mostly policy statements from what I can tell.

Mr. Dahilig: That is your opinion, Councilmember Yukimura.

Councilmember Yukimura: So number one, revitalize rather than expand the resort areas of Po'ipū, Līhu'e, Wailua, and Princeville. How are you defining "expand"?

Mr. Dahilig: Well, there are two (2) ways to go about this, Councilmember Yukimura. We do have a portion of the Council's time that addresses specifically this particular sector. So if would you like to get into sector actions, I believe it is at the pleasure of Committee Chair Chock whether you would like us to actually go through each one of these or leave it for the scheduled days.

Committee Chair Chock: Only as it is connected to the subject matter, which is growth management.

Councilmember Yukimura: Growth management.

Committee Chair Chock: So I would not like to go deep into the sector. If it is being utilized as an example, I would like to have that opportunity.

Councilmember Yukimura: Okay. Then, let us start with something that I think is of interest to everyone. Where is your "use it or lose it" recommendation?

Mr. Dahilig: That is item A4 as discussed yesterday, Councilmember Yukimura. I would like to get that on the screen, if possible.

Committee Chair Chock: What page is that again?

Councilmember Yukimura: Page 160.

Mr. Dahilig: That is page 160.

Committee Chair Chock: Page 160. Thank you.

Councilmember Yukimura: Allow existing resort entitlements to buildout and require any non-entitled Resort designation, which is Princeville Phase 2 and Kīkīaola, to obtain full County/State zoning approvals by the year 2027 or within ten (10) years of community plan approval if an area is conditionally designated. One of the things is that if you were to give guidance, and that is the purpose of the General Plan, agreed, that we have to understand what guidance this is trying to give. So, I want to understand what this is in relation to the number of units we have already in existence and will go and look at what was on your handout yesterday, handout page 14, what is in the pipeline so that we get a view of how much resort units we have now and we know the existing impacts. We are living it. Then, we know what is entitled and then we know what is not entitled, but is in the pipeline, so to speak, so that we can gage how much growth control this is actually exerting. Okay, go ahead.

Mr. Dahilig: So if I can restate, your question is...

Councilmember Yukimura: No, do not restate. Well, okay go ahead.

Mr. Dahilig:
Councilmember Yukimura.

I am just trying to understand your question,

Committee Chair Chock:
question and get clarity.

I think it is fair that he can restate the

Mr. Dahilig:
statement.

I am trying to surmise the question in your

Councilmember Yukimura:

Okay, good.

Committee Chair Chock:

Be respectful in this process, please.

Mr. Dahilig:
mean in the context of growth management? Is that what you are asking?

I think the question is what does A.4. really

Councilmember Yukimura:

I am asking, first of all, what does it say to do?

Mr. Dahilig:

Okay.

Councilmember Yukimura: What is the intention underlying it because sometimes what is actually stated does not really capture what is intended, and then what are the impacts in the context of the statistics you have provided?

Mr. Dahilig: As explained yesterday, we gave the history to the Council concerning the progression of maps across the island as it related to designation of resort areas. One of the areas that we tried to convey in response to public testimony, was this desire to throttle the amount of potentially adding more units to the already entitled amount of visitor units that we have in slide 14 that you are showing. So what we did in the initial discussion draft that we circulated a year ago, was a proposal to down-designate resort areas that had not moved forward with any type of entitlements related to Resort zoning. So when we proposed that publicly, there was a concern that some of these areas either have not gone through a proper community planning process because we have community plans that have been on the books but have not been updated since the 1970s, well before I was born. In certain cases, you had areas that were recently purchased that were under the premise that they could come in and apply for zoning. In a means to try to strike that balance and also with the concern that when you look at the glut of the amount of entitled resort units that are out there, we wanted to provide a fixed horizon for some type of decision to be made with respect to whether or not land is going to be moved forward through the entitlement process. That is where the synthesis of Section A.4. came out of as a way to balance what you have heard as some of the public testimony that you have heard today that we also got through our community process as well as the public's desire to want to see a down-pressure on the amount of available lands to be upzoned for resort entitlement. That is where the balancing in this particular action item came forth as described yesterday in our discussion, Councilmember Yukimura.

Councilmember Yukimura: Okay. So you are saying allow existing resort entitlements, i.e., areas that are zoned to buildout. Is that basically what the first part of it says?

Mr. Dahilig: That is the first clause, yes.

Councilmember Yukimura: Okay. So that means we go to...I would like to get on slide 27 of yesterday's presentation by the Planning Department. What is in the pipeline? So what you do not have on this sheet is the number of resort units that are existing today on the island. I believe that is eight thousand (8,000).

Mr. Dahilig: Around eight thousand six hundred (8,600).

Councilmember Yukimura: I am sorry.

Mr. Dahilig: Around eight thousand six hundred (8,600).

Councilmember Yukimura: Eight thousand six hundred (8,600)? Eight thousand six hundred (8,600) is existing and that is not on that chart. What is on the chart is projects that are approved that total one thousand seven hundred twenty-seven (1,727) units that are already approved. They have zoning and zoning permits, the ones that in the first group.

Mr. Dahilig: Right. There are four (4) tiers when you look at this particular graphic. Again, as described yesterday in our discussion, we went through this analysis of the various levels of entitlement that certain resort projects across the island have. As we mentioned in a response yesterday also, Councilmember Yukimura, why we made this analysis was a concern about potential litigation that could be launched against the County with respect to whether or not we were to revoke these permits without cause.

Councilmember Yukimura: Yes, okay.

Mr. Dahilig: To answer your question, part of what we wanted to do was be able to articulate through the planning document, if we were trying to down-designate or remove spatial policy on the map that related to resort, what can we do? We posed this out for public information and it has always been out there, and what we felt was most comfortable was looking at the bottom three (3), which is the...

Councilmember Yukimura: Wait. I just asked you one (1) question, Mike, and that was whether the top group was permitted and zoned. Can you just answer that question? I am going to go down the list.

Mr. Dahilig: Okay, sure. Yes.

Councilmember Yukimura: So the top group is permitted?

Mr. Dahilig: Yes.

Councilmember Yukimura: By not only zoning, but by permits?

Mr. Dahilig: Yes.

Councilmember Yukimura: Thank you. But they are not yet built?

Mr. Dahilig: No.

Councilmember Yukimura: So that is...somebody do the math. What percentage increase if all of these are built-out?

Mr. Dahilig: One thousand seven hundred (1,700) divided by eight thousand six hundred (8,600)?

Councilmember Yukimura: Yes. Somebody do that. So the impacts on traffic, water, sewers, beaches, et cetera that is what we are already looking at, and this plan is not even trying to remove that. We are accepting that as existing and it is going to happen at some point in time, correct?

Mr. Dahilig: Well, it is not impossible, but it raises that you can remove these designations, but it comes at...you asked the question, so I am just responding. It is not a "yes" or "no" question because there is always a choice to challenge these permits, but it may come at some degree of risk to the County.

Councilmember Yukimura: Okay. Thank you. Did somebody figure out what percentage increase that is? The next one is VDA Master Plan zoned projects not subdivided, which is Kukui'ula, Princeville Meadows, which is not Phase 2. That is in addition to Phase 2, right?

Mr. Dahilig: Yes.

Councilmember Yukimura: And then Kaua'i Lagoons and Hanalei Ridge. So those are all...I mean, I walk Kaua'i Lagoons. They are coming up right now. They are being built.

Mr. Dahilig: Right.

Councilmember Yukimura: Okay. So that is another one thousand seven hundred twenty-one (1,721). Somebody figure out that percentage. Thank you. So we are looking at without Princeville Phase 2, we are looking at...because you see Princeville Phase 1? That should be Phase 2, right? I am sorry. So that is at the bottom group. We have not even gotten to the third group. So there is a forty percent (40%) increase with the first two (2) groups in the number of resort units that are likely to build-out on this island at some point in the next twenty (20) to fifty (50) years since Mr. Arakawa wants a long timeline.

Councilmember Kagawa: Committee Chair Chock, she needs to tone it down.

Councilmember Yukimura: I am sorry. I will tone it down. I am just wanting people to understand and I feel such resistance that people are just not understanding this. Okay, I will calm down. Then, there is another group VDA zoned projects. So they are in VDAs, that is the third group. No subdivision or final zoning approvals. That is Po'ipū, R-20 parcel with a potential of one hundred fifty (150) units and again, in Po'ipū, another one hundred twenty-six (126) units, a total of two hundred seventy-eight (278) units. It is relatively small. Okay. Then, the final group, which includes the three (3) that are really the subject of the General Plan right now. They do not even have units. The total unknown. So what we can actually count is three thousand seven hundred twenty-six (3,726) units, which is what percent?

(A member from the public responded: Forty three point three percent (43.3%.)

Councilmember Yukimura: Sorry?

(A member from the public responded: Forty three point three percent (43.3%.)

Councilmember Yukimura: Of existing?

(A member from the public responded: Of existing.)

Councilmember Yukimura: Okay. So that is the picture of growth for this island right now without the General Plan Resort zoning, the fourth group. So questions about this fourth group. If we allow the General Plan designation, Princeville Phase 2 and those two (2) others to stay in the General Plan, they can come in tomorrow and ask for zoning, correct?

Mr. Dahilig: Yes. Well, I mean, that includes State Land Use designation.

Councilmember Yukimura: Okay. They have to go to State Land Use and they...

Mr. Dahilig: If the question is, is the current General Plan permissive based on the Section 464 to allow the progression of entitlements for those three (3), the answer is "yes."

Councilmember Yukimura: And then, do they have to do an EIS?

Mr. Dahilig: It depends.

Councilmember Yukimura: On what?

Mr. Dahilig: On whether or not there is a trigger Chapter 343.

Councilmember Yukimura: How many Resort rezonings have you required an EIS when there has already been a General Plan designation Resort?

Mr. Dahilig: Well, during my tenure as Planning Director, I have not handled a zoning change or a Land Use Commission petition related to converting something to Urban for the purpose of resort.

Councilmember Yukimura: Well, I would like to see what the potential triggers are because from my understanding, the biggest trigger for needing an EIS for Resort designation is that it is a General Plan amendment.

Mr. Dahilig: Not necessarily, because these are already in the General Plan, so this does not require a General...

Councilmember Yukimura: That is my point exactly, Mike.

Mr. Dahilig: So in terms of triggers, again, I would refer to you Chapter 343 as it relates to this.

Councilmember Yukimura: Okay. Well, show me what triggers in Chapter 343 would be available for a Resort...

Mr. Dahilig: I am sorry. I am not prepared to discuss Chapter 343 today.

Councilmember Yukimura: Okay. Another question then. If the General Plan designation is removed, they can always come in to ask for a General Plan designation, can they not?

Mr. Dahilig: Yes.

Councilmember Yukimura: At that time, by asking privately as a developer, they would have to do an EIS. That would be a given.

Mr. Dahilig: That is a trigger, to my recollection, under Chapter 343.

Councilmember Yukimura: Right.

Mr. Dahilig: But I would again, refer to you to Counsel to confirm that.

Councilmember Yukimura: Yes. Okay. The point is that it seems to me that when General Plan designations are part of the General Plan, which is a community plan, it is presumed that the community wants it and so you do not have to do a General Plan amendment on it. I mean, you do not have to do an EIS on it, right? If we propose it as part of the General Plan, we do not have to do an EIS, whereas if a developer proposes a General Plan amendment, they have to do an EIS.

Mr. Dahilig: Yes.

Councilmember Yukimura: Okay. If the Planning Department proposes a General Plan amendment, that means that you have said, "We know enough about the environmental impacts and everything that we think that we have done the balancing. We have done this parcel-by-parcel balancing that is done usually when a General Plan amendment is proposed by a developer, and we think it is a great thing."

Mr. Dahilig: "We think it is a great thing". I would not have an opinion on that.

Councilmember Yukimura: But you are proposing it.

Mr. Dahilig: Because that is our responsibility, Councilmember Yukimura. Part of the police power under Chapter 464 is for us to ensure that there is a General Plan, as required by State law, to allow the Council as a body to enact ordinances to zone.

Councilmember Yukimura: I am not questioning that, Mike.

Mr. Dahilig: So whether it is a great thing or not a great thing is our responsibility as professional planners to go through the analyses, in response to your question, to undergo this process. What is clear from the State law is that it does not require a General Plan amendment by the Council and the County in general, in exercise of its police powers to undergo a Chapter 343. I do not make the laws, and so whether it is a great thing or not a great thing, we are simply implementing Chapter 464, and an exercise of police power under Chapter 464 does not require Chapter 343.

Councilmember Yukimura: Okay. Is it required for State land use designation change, a boundary change?

Mr. Dahilig: In most cases because of the scope of a development, they are going to snag a trigger one way or another. But I would be hesitant to actually say that carte blanche, it is required for every single petition that goes before the Land Use Commission.

Councilmember Yukimura: Okay.

Mr. Dahilig: And that is a question that would be better posted to Dan Orodener, who is the Executive Director.

Councilmember Yukimura: Yes, and staff, I would like to send that question because the distinction I am trying to make and understand here is the process for determining whether there should be a General Plan designation change or not. Okay. What I am saying is when a private developer does it under scrutiny of community and public decision-makers, there is an EIS process that discloses and analyzes the impacts of that individual proposed change. When it is done as part of a community plan or as a General Plan, that kind of process is gone.

Committee Chair Chock: Okay.

Mr. Dahilig: I guess I do not know how to respond.

Committee Chair Chock: I would like to move on to another question. I think we get it and we understand the question here.

Councilmember Yukimura: Okay.

Committee Chair Chock: I have a question or Councilmember Kagawa may have one, if you are still on this or would like to move on to another direction?

Councilmember Yukimura: I have more questions about the second half of number four.

Committee Chair Chock: Okay, let us continue on that then.

Councilmember Yukimura: Okay. If we can get number four back up. So the "use it or lose it" provision is in the second half of number four, right?

Mr. Dahilig: Yes.

Councilmember Yukimura: And it says...

Committee Chair Chock: Can I ask a question on the second half?
Mike?

Mr. Dahilig: Yes.

Committee Chair Chock: What are the current designations that would be affected by this?

Mr. Dahilig: Pretty much it is two (2). If you look at the PowerPoint slide that has been at question for the past few minutes, Nukoli'i, Princeville Phase 2, and Kīkīaola were those three (3).

Committee Chair Chock: Right.

Mr. Dahilig: Those are the three (3) that we, as a Department, initially recommended for down-designation.

Committee Chair Chock: Yes, okay.

Mr. Dahilig: When we went out for the community process a second time, we received testimony similar to what you received today, concerning the Princeville plateau and we also got a lot of comments from the Westside communities concerned that because they had not undergone a community planning process since the 1970s, that they do not have a feel of whether or not it is or is not part of their future. So that is where you see it almost kind of broken up into two (2)

further phrases where the first one really relates to...because this is the subresort subsector that really relates to the Princeville Phase 2, the plateau, and the second one related to Kīkīāloa.

Committee Chair Chock: Kīkīāloa?

Mr. Dahilig: Yes, again, as a means of compromise.

Committee Chair Chock: So, those are the two (2)?

Mr. Dahilig: Yes.

Committee Chair Chock: Thank you.

Councilmember Yukimura: What does it mean within ten (10) years of community plan approval if an area is conditionally designated?

Mr. Dahilig: What ends up happening is if we go through the West Kaua'i Plan, as currently is in the Council's proposed list of bond-funded projects, if that community through their planning process does come forward and say, "We want to keep that within the Resort area," then what ends up happening is that aligns with the conditional designation that is currently in the proposed maps. Then, what happens is that comes up to the Planning Commission as well as the Council to endorse that regional plan as policy for the County as it relates to the area, and then from that point on, they would have ten (10) years to come in and apply for the Land Use Commission approvals and whatever subsequent approvals to get zoning. That is what we envision with that second paragraph to have that community plan process proceed.

Councilmember Yukimura: So that would be triggered only if and when the community plans are updated?

Mr. Dahilig: Approved, yes.

Councilmember Yukimura: And the area is conditionally designated in the community plan?

Mr. Dahilig: In the plan because at the end of the day, it has to be endorsed by this body. So once it is endorsed, then that becomes the policy.

Committee Chair Chock: It overrides it.

Councilmember Yukimura: Then you do not need that phrase, "If an area is conditionally designated" because presumably, it will be in the community plan.

Mr. Dahilig: If you feel it is ripe for an amendment, we would not have any objections if you wanted to remove that word.

Councilmember Yukimura: Well, I am just trying to understand the intent.

Mr. Dahilig: Okay, well that is the intent essentially.

Committee Chair Chock: "Use it or lose it."

Mr. Dahilig: Once it is endorsed by the Council as a regional policy, it aligns with the General Plan and therefore, would trigger that ten (10) year time clock.

Councilmember Yukimura: So let us talk a little bit about the "use it or lose it" policy because to me, it has been talked about for forty (40) years and it has never been implemented, that I know of. So if it had been in place say in 1970 when our General Plan was designation to arrive at a population of ninety thousand (90,000) in twenty (20) years. That was the 1970 General Plan. They put in Resort designations in the plan that was going to generate a population of ninety thousand (90,000). That would have been a tripling of the population in 1970. It was thirty thousand (30,000). So to get to a ninety thousand (90,000) population, you would have had to triple it. If we had this "use it or lose it" provision, my guess is that the developers would have developed or they would have found somebody to develop and it would not have been good for market conditions and it would not have been good for the island. I mean, we are fighting that overdevelopment.

Committee Chair Chock: Let us stick to the question that I...

Councilmember Yukimura: But my point is...

Committee Chair Chock: I understand your points, actually.

Councilmember Yukimura: Okay. So have you thought about that in proposing the "use it or lose it" provision, that you may not want to develop in that period that you are giving it?

Mr. Dahilig: Well again, it is a balancing concern that when we got public testimony, what was frustrating for a lot of the public members was as you look in the first set of permits that you were asking on slide 14 and that list of permitted projects, none of them have actually timelines for completion. So it becomes almost like this slow growing...I do not want to make the analogy between Resort and cancer, so let me back up for a second. It is one of these things that you know it is going to become ripe at some point, but you do not know when.

Committee Chair Chock: Mangoes.

Mr. Dahilig: Right. You just do not know when. You are going to pull them off the tree and then you do not know, and then they are going to turn ripe. We put the timeline in there to try to address what we have heard overwhelming, that we have this glut of permitted projects that got entitled in the run-up to the 2008 crash that do not have any timelines for implication and

completion. The reason why we also are putting that in is because when you look at a lot of these projects, they made housing commitments, they made infrastructure commitments, they made park dedication commitments, and they made all of these commitments to the community that are not being realized. The overwhelming question that we got from a lot of community members in the process is where is our park, where is our road, and where is our trail? So the ten (10) year horizon is meant as a certainty to try to provide predictability in the planning process because we have unfortunately, a debt of units that has to be paid at some point.

Councilmember Yukimura: So would a better way not be to not give so much zoning in the first place, which is relevant to keeping or not keeping those General Plan designations in those three (3) areas? Just not even create the problem in the first place. That is one. Number two, where you do put in that you want that growth, then require timelines like we did with Kukui'ula on Koa'e, the development that is coming up. We say, "Whether or not your development moves ahead, you put in this park by a certain time and you put in this housing by a certain time, you put in this housing by a certain time, and so forth. We are going to support you and make whatever process goes really fast for you, but we are also going to have you take care of all of the road improvements at the State." We are going to have a really good impact law, which we have not ever implemented. Say that, "If you, Princeville, create the traffic between Kapa'a and Princeville with all of these jobs, you pay for those highway improvements at the State level." If you had a really good impact assessment law and then you said, "This is where we want to grow," and then we help them through the Land Use Commission and help them through our own process to make it happen. But you have said this is a glut. We do not want this growth. We do not want it. It is not good. We are trying to get rid of it now, so "use it or lose it."

Mr. Dahilig: Again...

Councilmember Yukimura: But the market forces are just going to make them all happen. They are going to give it to another developer who is going to sell it so another developer can come in quick. It is going to be badly planned developments and it is going to be an overload because...

Committee Chair Chock: Councilmember Yukimura...

Councilmember Yukimura: ...we do not want it. We do not need it. The impacts are going to be too great and in the beginning, we did not figure out what we really wanted and what we did not want.

Committee Chair Chock: Are you moving on further questions in regards to this item?

Councilmember Yukimura: I am talking about a system that would solve this problem.

Committee Chair Chock: We understand that. If it is your discussion, then that is where it should be.

Councilmember Yukimura: But that is my question. Would it not be better if we did it that way?

Mr. Dahilig: Well, I think if you look at action item A.5. we try to address some of that where we are looking at again, short duration expiration dates. Again, what I am hearing from you and can be characterized as a lot of public testimony that we got through the process was the lack of predictability in our permitting. I cannot un-ring the bell once an entitlement has been given unless there is due process. Once that bell has been rung, it becomes a takings discussion that frankly falls into a discussion with the County Attorney in term of what risk it poses to the County. So we are pregnant with them. I think that...

Councilmember Yukimura: No...

Committee Chair Chock: Okay, hold on. We have answered that question before...

Councilmember Yukimura: No, he...

Committee Chair Chock: ...already this morning.

Councilmember Yukimura: Committee Chair Chock...

Committee Chair Chock: Let us get to more specific questions if that is the case.

Councilmember Yukimura: I am talking about the reason why people are protesting the growth is because we have not made the growth pay for its impacts, and the reason why the developers/landowners are protesting is because we have dragged them through a long process. I am talking about creating a planning system that gives predictability because in the analysis process, you are making them figure out what their impacts are and you are making them pay for those impacts. In the process of doing that, the community will be more open and available to support it. So I am talking about a new system because this system does not work.

Mr. Dahilig: As it relates to growth management?

Councilmember Yukimura: Correct.

Mr. Dahilig: When we put the plan together, we also had to include information as a community that we have to be honest with ourselves. This unfortunately, is one of these situations where decisions in the past are still leaving us with this headache and unknown that you feel from the community pressure that you are hearing from testimonies as well as what you are articulating, Councilmember Yukimura. So whether or not a new planning process is appropriate is solely within the province of whether we overhaul our Comprehensive Zoning Ordinance. There are a litany of Code changes and permitting actions that we are proposing throughout the whole plan that try to make adjustments to our current Chapter 8, but the whole process of whether or not somebody pays for something or

does not, really has to fall in line with what our constitutionally established principles are under Federal law. That is where I would just caution that blanket statements about who has to pay for what has to also be evaluated at the time of permitting with respect to the nexus of impact that it creates.

Councilmember Yukimura: I am just talking about doing it in a way that very much correlates with impacts, so that would be legally permissible. My last question on A.4. is, I am suggesting that the "use it or lose it" proposition is a very poor and unworkable way to address what needs to be addressed by a system change in how we permit development. Would it not be advisable to not allow, as you proposed in the beginning, any more Resort designations, which do not give entitlements and therefore, it is easier to remove because they can come back at any time. They can come back at any time to ask for it, and in the meantime, we put in place a good planning process so when they come back for General Plan and zoning, we have a really good way of vetting them and deciding with the community whether they should be allow or not.

Mr. Dahilig: Well again, let me be clear, that our position from a departmental standpoint was not to add any more Resort designated lands in this plan above and beyond what is proposed in the 2000 plan. I just want to be clear about that, that we already have made that decision as a recommendation on behalf of our Department to not add anymore spatial policy to expand the Resort footprint.

Councilmember Yukimura: And...

Mr. Dahilig: So, if I could just respond to the latter half of your question. What we would suggest is that our public process led us to try to find the balance between total removal and non-removal, so this was essentially the compromise we could come up. Now, if it is not palatable to the body, then certainly something else can be tried or either remove it or not remove are also options for the body. All I can surmise from the public testimony is that there was a desire on both ends to try to find some kind of balance here, and this is what our Department came up with. So if it is not acceptable to the Council, then by all means, it can be something else.

Councilmember Yukimura: So that means if we allow those, that is going to put us far over fifty percent (50%) growth of existing resorts. We are going to increase the number of resort units by fifty percent (50%) what is allowed if we do that, correct? I mean, we are already at forty-three percent (43%) with the first three (3) groups.

Mr. Dahilig: At some point in time, that is the potential.

Councilmember Yukimura: Thank you.

Committee Chair Chock: Do you have a question?

Councilmember Kawakami: No.

Committee Chair Chock: Now is your chance. I have a question on your responses actually, that we just got today, particularly the implementation. A big question that has come up to us at the Council has been around priority and accountability measures and the best framework to do that, question number 2.

Councilmember Yukimura: Committee Chair Chock, can you pass out the answers to everybody?

Committee Chair Chock: Let me read this one here and maybe we can put them up so that it would be quicker for us to get to. You suggest the following: performance measure reporting, draft measures connected to all objectives are identified in Table 4-1, tracking of action implementation in Appendix G...

Councilmember Yukimura: What number?

Committee Chair Chock: Question number 2. Including the action matrix and then the Kākou Committee evaluation, which is the two (2) year...it is its own process of an update on the plan, is that correct?

Mr. Dahilig: Yes.

Committee Chair Chock: And then it talks about the Council choosing. If we choose to prioritize actions to take on two (2) different items, and that is prioritize actions by identifying a priority policy, all actions connected to the policy could be developed in a short to mid-range action plan; and then identifying a priority implementation tool such as a substantive update to the Comprehensive Zoning Ordinance. So I just wanted to get a sense. These are great, I think, first steps into moving into the direction of that respond to that question. I guess part of what I am wanting to get clearer on is who is going to do it is really what it comes down to. I know that question has been brought up between the two (2) bodies. It is like is it the Planning Department's job or is it the legislative body's job? I certainly, if wanting to take this on, cannot do this on my own because I am not a planner. So how would you anticipate or envision us moving forward on this, if possible?

Mr. Dahilig: What we have presented to the Council has been again, a philosophy of balance. So the notion that one (1) policy is a priority over another or one (1) goal is a priority over another, I think, was something that we steered from because it does not reflect what we have gotten through the community process, which was a slew of different perspective across the whole island. So the notion has always been to try to balance all of these things to try to create a situation where a rising tide solves both. However, understanding that the Council does have within its province, the ability to focus on maybe elements or want prioritize a goal or prioritize an action, it is going to be incumbent upon that implementation measure to have not only our Department, but all of the range of agencies including our State and Federal partners to also buy into what the plan says. I think that is why we specifically created a fourth section in our action template because there are things that we simply cannot do alone, as you described. So whether this plan becomes a self-implementing mechanism or is a document that guides, I think it is more the latter than the former where it is meant as a guiding tool. We certainly can get to

even more detail and I think that has been the tension between what you have heard in a lot of testimony today, that people want action, specificity, and detail. But on the flipside, they want broad policy and they want a specific direction. So we are constantly in the tension where the two (2) are diametrically opposite with each other, and that is why in a sense that we came up with the philosophy that everything should be in balance. Again, I leave it up to the Council to determine whether it wants to steer towards prioritizing a goal or prioritizing an action and certainly, we can try to look at what would be needed if a goal or action would be identified. But it is difficult for us to say who and what because it depends on the subject matter that would be...

Committee Chair Chock: I think it is difficult also this late in the stage of the process to start to have us be solely responsible when there has been significant community vetting in the process throughout it without understanding what the priorities are. I mean, I guess what I am trying to get is what can we commit to moving forward and an understanding of what this plan is representing. Are we committing to amending the CZO? Are we committing to this short to mid-range action plan? If that is true, is that clearly stated as the objectives of this plan moving forward?

Mr. Dahilig: Again currently, we do not have a short-range or mid-range action plan, but if one were to be identified, we could definitely go through the analysis given the present structure of the plan to try to articulate what would be necessary to do so. For instance, if the focus was on affordable housing as being a priority policy that would want to be implemented in a short or mid-range timeline, we certainly could go through the range of actions throughout the plan and try to say, "Okay, what would be necessary to do so?" Just as an example, right?

Committee Chair Chock: Okay. I just to get clear on what I am hearing. Does that mean that that would be a suggestion that we would undergo through this process in existence or thereafter the plan is accepted and then move towards this short to mid-range action plan?

Mr. Dahilig: I think it is either/or, Committee Chair Chock, because the plan is meant to be flexible that whenever a policymaker wants to push a button, these things should necessarily fall in place. So it leaves that level of priority and policy discretion to whoever is an engaged as the policy decision-maker at any different time. We were writing a document that is going be used for ten (10) to twenty (20) years, so the reality of providing specific direction at time-point zero and expect it to carry through all the way through the 2035 timeline may not necessarily provide the flexibility for future policymakers to the year of 2035.

Committee Chair Chock: Would the Kākou Committee evaluation be sort of an adjunct to the need for this plan to be worked on?

Mr. Dahilig: The Kākou Committee was also a manifestation of the public wanting again, a degree of communication and accountability. So what has been a hallmark of trying to get that fair feedback from where the County is at any given time, the Kākou Committee was meant to be an

independent body to say, "Okay, where are you right now and where are we going?" The items that are listed in Chapter 4 are really meant as a way to be consistent with Policy #19, which is relating to communicating with *aloha*. I think what you are hearing based off of a lot of discourse thus far has been what are the statistics, what are the numbers, and where are we going? Chapter 4 articulates many of the benchmarks and numbers that, I think, as a Department we are willing to take on as a responsibility to at least compile that information and almost in a dashboard format on an annual basis, to try to provide regular updates to our decision-makers or policymakers and our partner agencies on where each of these statistics are in relation to where we were back in, let us say the plan passes in 2018 or 2017.

Committee Chair Chock: Okay. So, I just want to make reference and I know we are not in discussion, but my interest to be to get from Members when we do move into discussion, about where we are on this or if there is even the interest of this Committee to move towards identifying specific actions, and if that is something that you want to do here maybe identify as a step thereafter after the plan, but have that discussion later. That is all I have for now. I am going to turn it back over for more questions, but I just wanted to take a moment. We have a guest here, a County Commissioner from Laramie, Wyoming. Mr. Ron Kylie. Thank you for being here and joining us this morning. I appreciate it.

Council Chair Rapozo: He is the one with the tie.

Committee Chair Chock: Yes. Fancy tie there. Welcome to Kaua'i. Are there any other questions here, Members, as we move on? We are on Topic 1. Oh, is it time? I have to take a caption break. Sorry. Let us take a ten (10) minute caption break. We will come back and we can say our *aloha* to Ron.

There being no objections, the meeting recessed at 10:30 a.m.

The meeting reconvened at 10:45 a.m., and proceeded as follows:

Committee Chair Chock: *Aloha*, welcome back from our caption break. We are on a questions and answers. Councilmember Kawakami has the floor for a question.

Councilmember Kawakami: Thank you, Committee Chair Chock. Thank you to the Planning Department for your work. I think we are all trying to navigate this process. It is going to be a lengthy process, which is good. It gives us a chance to sit through how we got to this place. My question, we are here wrestling with these entitlements, these what I would say legacy entitlements that have transferred from Administration to Administration, and here we are today, trying to lay out this very broad foundation of moving forward. So all of these Resort designations and entitlements, when were they approved? Question number 1, when were these Resort developments approved?

Mr. Dahilig: The base zoning for a lot of these Resort developments was enacted mostly in the mid to late 1980s and early 1990s, and then you had another stretch after 2000 leading up to the 2008 crash. So there are two (2)

distinct periods where we have seen zoning amendments come through the Council where again, it was from the mid to late 1980s, early 1990s, and then leading to the mid-2000s as that period. Then, the slew of permitting that you saw recently was from 2000 up to the 2008 crash.

Councilmember Kawakami: Okay. Back then, was there a “use it or lose it” kind of language put on with these approvals?

Mr. Dahilig: If there was, I would have certainly wanted it, especially if we could hold some of these things accountable. So I am not aware of hard deadlines for completion that have been included in many of these zoning amendments.

Councilmember Kawakami: Okay. Then, I just want to clarify that a lot of what is in the General Plan is part of the three (3) year process where community members got input and you took input because I think a lot of the concerns that we have heard and we saw the boom in the Po‘ipū area when all of these developments started happening at the same time. There were dust issues. They had to create a dust hotline and some of the talk back then was because there were no clear-cut tangible deadlines put on these projects that they all came up at once. So people were saying, “Hey, we need predictability. When you folks are giving these approvals, we need some kind of assurances that these projects will be happening so that we do not end up in this situation again,” correct?

Mr. Dahilig: Correct.

Councilmember Kawakami: Based on the last exchange of communication that we just had, I think what we are trying to figure out is what exactly are we looking at? We are discussing “use it or lose it” and whether or not we want it in. It sounded almost like, and we could get some clarification now that we are here that should we have it removed?

Mr. Dahilig: I think that is a point of decision,
Councilmember Kawakami.

Councilmember Kawakami: Okay. Thank you, Committee Chair Chock.

Committee Chair Chock: Thank you. Go ahead, you have a follow-up.

Councilmember Yukimura: We do not have any “use it or lose it” provision in place now, do we?

Mr. Dahilig: The only mechanism you have for “use it or lost it” type of things would be through the zoning process or the permitting process, there are hard deadlines that are prescribed and that is why in Section A.5. of the actions, we clearly state that when permitting actions or Code changes go forward, it requires short-duration expiration dates to address the situation that Councilmember Kawakami described where there is just an open-end permissive

ability to build instead of something that needs to evolve as conditions change over time.

Councilmember Yukimura: Where there has been "use it or lost it" provisions, has there been any place that they have lost it?

Mr. Dahilig: Well again, this was a unique circumstance where we were looking at trying to balance the community input from many different perspectives. So what we fell back upon is the State requirement under Chapter 464 that requires any zoning action by the County has to be consistent with the General Plan. That fundamental requirement, if this were to be employed with let us say a zoning amendment that comes before the Council well after that ten (10) year period, we would say from an analysis standpoint at the Planning Commission before it gets here, that it is not consistent with the plan. So the zoning authority from the State is limited essentially by this document that we can produce ourselves, and so that is what we are resting on as the trigger mechanism for enforcing the plan, is consistency.

Councilmember Yukimura: But do they not usually come in with both a General Plan amendment and zoning amendment?

Mr. Dahilig: Again as I have stated, during my tenure as Director, I have not had any type of Resort zoning amendment type of application before our body that I could base an experience off.

Councilmember Yukimura: Well that is because in 1970, there was so much Resort land designated in the General Plan that most of them did not have to come in for a General Plan amendment except at Nukoli'i, which was a two (2) step process, and I do not know a few more. We had enough Resort designations for a population of ninety thousand (90,000) and I do not know that that has decreased in any way. All it has done is been expanded by various individual applications. Somebody should do an historic look at how that whole Resort zoning has evolved.

Mr. Dahilig: We did that, and that is why our recommendation to the Council has been to look at one, not adding any more Resort designated areas and expanding the footprint of Resort development on the island and two, looking at areas that are not entitled and looking at whether or not there needs to be some kind of throttle of full down-designation as in Nukoli'i as you mentioned, where we are essentially trying to reduce the Resort footprint than what has already been entitled.

Councilmember Yukimura: And you are doing it in the context of what we know and what our values are in this time versus 1970 when we had so little knowledge about impacts and things like that?

Mr. Dahilig: I would agree with that statement.

Councilmember Yukimura: Okay. Thank you.

Committee Chair Chock: I have a question about your response to question number 5 on the growth management. You responded to the two (2) questions, not so much concerned about the response to question number 1, but question number 2 in terms of best practices. Yesterday, there was a presentation on this new model by Anne Walton. I just wanted to maybe get a response from you because I kind of want to wrap my head around are we very far off from what it is that is being said here as opposed to the best practices that you have identified here, or is it just verbiage that might be amended to some degree? Now, let me just finish the thought real quick here because when I read sort of Section 2 of this here, what I get in terms of the moratorium that is suggested...it is kind of a heavy word, but actually, it is not a true moratorium because there are suggestions of what kind of growth should be supported. For instance, when you say best practice for plan for multimodal transportation, I see here under the future specific reference to multimodal transportation is incentivized. So I guess my question is more about integration in terms of what these two (2) mindsets are tracks are talking about, and if there is more work to be done in terms of validating them.

Mr. Dahilig: I would say this, I think I mentioned briefly after Ms. Walton's presentation to the Council yesterday, the big distinction between where the plan structure is and what they are proposing has to do with what goal they are prioritizing rather than balancing. So I think that is just again, she can correct me if she feels that my statement is not what is reflective of what that is, but if I interpret what the proposal is, that they are looking at resilience and sustainability...

Committee Chair Chock: Versus a balanced approach.

Mr. Dahilig: Versus a balanced approach. So that is the way I would read it. I think what is key again you mentioned the word "moratorium." The word "moratorium" implies zero (0) growth.

Committee Chair Chock: Yes.

Mr. Dahilig: I think there may be some exceptions that they are proposing, but the notion of whether or not to go to an overarching policy across the board that discusses limitation on growth from that standpoint is something that we are concerned about.

Committee Chair Chock: Okay. Councilmember Kagawa.

Councilmember Kagawa: I have a follow-up. We talk about moratoriums and zero (0) growth, and for me, it is kind of hypocritical to hear that a lot of people who moved here recently are saying, "No growth." It is like saying, "Oh, all you local families who have been living here all your lives do not have kids." We are going to have growth. We have seventy thousand (70,000) people and they are going to have children in next twenty (20) years, a lot. I cannot figure it out. What is low growth? Is it that kind of policy? Are we going to tell your residents, "Do not have children. We do not have room for you"?

Mr. Dahilig: I think that when we look at that diagram, that tends to be the prioritization. Again, I do not want to put words in their mouth because they certainly can explain...

Committee Chair Chock: We can have them up if people have questions.

Mr. Dahilig: But when I interpret as being said, if you look at the overarching moniker on the top of diagram, it says "Resilience and sustainability." We have resilience and sustainability as a goal, but it needs to be tempered like you are mentioning, Council Vice Chair Kagawa, the concerns of what is the natural population growth on the island? How do we provide for our kids and so on and so forth? I do not know that the proposal that they are setting forth balances those competing priorities that are public collectively are bringing to the table.

Councilmember Kagawa: I have one (1) more follow-up. If you look at the last General Plan, twenty (20) years ago, what was our population then?

Ms. Williams: It was about fifty-six thousand (56,000).

Councilmember Kagawa: It was fifty-six thousand (56,000) and today, we have how much?

Mr. Dahilig: Seventy-three thousand (73,000).

Ms. Williams: Between seventy-two thousand (72,000) and seventy-three thousand (73,000).

Councilmember Kagawa: So is that seventeen thousand (17,000) more?

Mr. Dahilig: Yes, about.

Councilmember Kagawa: How much of those are offspring of existing people who lived there twenty (20) years ago and how much were newcomers that moved here?

Mr. Dahilig: I guess...

Councilmember Kagawa: I mean, I think that is number is really important that we gauge that.

Mr. Dahilig: We are not able to dissect that information given the census information that comes in.

Councilmember Kagawa: The census does not prove that?

Mr. Dahilig: We do not get to that level of detail, but what we do have and I think it is the chart we can definitely provide, Council Vice Chair

Kagawa, is this that shows the comparison between natural growth and in-migration and outmigration. So it is in ten (10) year increments. The last one we have was between 2010.

Ms. Williams: 2010 and 2012.

Councilmember Kagawa: Mike, I think what we have here is that if you have existing inventory of houses and people from the mainland are buying it at prices that local residents cannot afford, they are going to come and they are going to move here. I mean, it is a free enterprise. You cannot control what the market will pay to different individuals. I do not know. If you do not have any growth, then you are saying that we will have no houses for local people. I have trouble with the balance. Is there a vehicle to prevent it?

Mr. Dahilig: That is where, I think, some of the again, the constitutional limitations that we run into with respect to the right to travel and these types of thing has there come into play where we have I understand the desire to say let the people that are living here have the first crack at affordable housing. I hear that constantly but again, we have to be very cognizant of some of the Federal limitations to that. What I do notice from the statistics and Marie can correct me if I am wrong on this, but what we do see as I mentioned during first reading, is a graying where people are getting older. Even though we have a growth rate that is coming up, the in-migration we can tell by the increase in the proportion of the population that is getting older is that the people who are leaving must be younger than these people that are coming in. That is what we can deduce. Now, we do not have hard, tangible numbers on that, but knowing and looking at the trend that we are getting older and older and older even though our population is increasing and increasing and increasing, we can deduce that there is an effect of the ability to live on the island and actually sustain themselves. There is some truth to it, but as we state in the response, we cannot get you specific numbers on that. All we can do is identify a trend.

Councilmember Kagawa: If there is some type of analysis you can do where you have a multiplier effect on the existing population twenty (20) years ago and come up with some type of mathematical estimation, I think I would appreciate it because if we are talking zero (0) growth plus sustainability, then I want a way to prevent newcomers from buying up properties because that is the only way to match the zero (0) growth sustainability plan because I am not going to tell my kids not to have children and not to live here. If people are going to say, "I live here now and that is why and where I want you to live," then I am going to say, "Forget it." I do not even want to discuss these kind of amendments.

Committee Chair Chock: Thank you. I appreciate that. That is kind of why I wanted to get clear on the exemptions and details of this proposal that is being discussed. Councilmember Yukimura, I see your hand up. I just want to just finish this part, but if it is a follow-up, I will just go to you now.

Councilmember Yukimura: It is a follow-up.

Committee Chair Chock: Then, I will have Anne come up for the explanation. Go ahead.

Councilmember Yukimura: Thank you. A moratorium depends on where you draw the line for a moratorium. In the proposed framework from Anne, the moratorium is on all non-entitled projects, so it is not a no growth scenario. If we can get the pipeline chart back up on the screen, you will see that a moratorium on non-entitled projects still allows for three thousand seven hundred twenty-six (3,726) resort units. If you take the premise of the 1970 General Plan and the Planning Department's concurrence with the relationship between resort units and growth of the island's population, you will see that it is not a no-growth scenario at all and also, the moratorium exempts affordable housing. So that is not a no-growth scenario either.

Mr. Dahilig: Not to get too deep into why these things have a cause-and-effect, but by simply saying that you are having a moratorium not including affordable housing and that is allowed, you then have to look at the current structure that we have at the County where affordable housing stock is largely subsidized on the premise of market development. So if there is a situation where we are saying, "Okay, we want a moratorium on market development," the subsidy that trickles down as a consequence of the existing laws to provide that subsidy for affordable housing then also cuts that off as well. So these things are not simply onions that can be peeled one way or the other. There is a cause-and-effect that if you do say, "No growth in this sector," the current structure other than can have a cause-and-effect where you essentially have no growth across the board. I raise the caution on moratoriums not simply being siloed, but they do have a cause-and-effect given the variety of development that is out there.

Committee Chair Chock: I would really like to have Anne respond, if possible.

Council Chair Rapozo: Can I just ask something really quickly?

Committee Chair Chock: Yes.

Council Chair Rapozo: It is probably for Mauna Kea, more than Mike, because I think the legal question has to go to our Attorney. This Council has discussed moratoriums numerous times over the last fourteen (14) years that I have been here. The moratorium cannot be infinite moratorium. We cannot just place a moratorium because we feel like it. I am just curious as it relates to this discussion, Mauna Kea and Mike, I have to rely on my legal team here. I appreciate Anne being here, but this for you Mauna Kea. Based on the discussion and what is in the plan, the moratorium, where is the legal tie? Do we not need to tie it to a study or some other nexus that provides an ending point of the moratorium? We just cannot create an open-ended moratorium.

MAUNA KEA TRASK, County Attorney: For the record, Mauna Kea Trask, County Attorney. That is essentially correct. "Moratorium" is a very strong word and I have heard it kind of being characterized differently by the community

right now. So, if that is the true case, we have to identify what the concept is because if it is not a moratorium, we should not call it as such.

Council Chair Rapozo: And I think that is why I want that question answered because we are using that word like it is a timeout that we have the ability to say, "Timeout." Although we do have the authority to initiate or do a moratorium, it has to be tied to an end.

Mr. Trask: Correct. Real briefly on that, Ms. Walton mentioned some cases yesterday or I was under the impression that she had cases to back up her situation. I spoke with her briefly after yesterday's meeting and I have been informed that she has no cases for it, but she is aware of a body of case law regarding regulatory takings and so are we. Honestly, if moratorium was a possibility, it would be at play in this General Plan. But the definitive case on moratoriums is the Tahoe-Sierra case that was decided a decade or so ago. In that one, it was two (2) temporary moratoriums, one (1) for twenty-four (24) months and one (1) for eight (8) months, specifically because Lake Tahoe was suffering from ill environmental effects from shoreline development. That was contested and the Supreme Court at that time, had stated it was a short specific time. It was tied to various scientific and objective quantifiable issues in that case. However, I do want to say that in looking at the chart from yesterday, this would be a temporary five (5) year moratorium. There is no basis in law for something like that.

Council Chair Rapozo: Again, it is a timeout for five (5) years because we feel like it, and whether or not I agree with a moratorium, we have to state that purpose. Typically, because we went through this a while back and I forget what the issue was, but it has to be tied to...let us say we are going to do a population study or in the case of the case you referenced, I believe they also did a case on the effects of the coastal development.

Mr. Trask: It was ongoing. They were doing the study. It was actually happening. I want to say too, I am born and raised on Kaua'i. I have to give you the legal advice as it stands regardless of my opinions, too. I know what it is like to try to buy a house. I was living with my in-laws as the County Attorney. I tried to get a house in Wailua Houselots. Cash came in from the mainland and bought that house up. This is a real problem. I do not know how some of my peers are doing it because I have a pretty good job that pays. I am not contesting my salary. I can barely make it. Also, too, you have to look at the trend of juris prudence. The Supreme Court has changed since Tahoe-Sierra was decided. If you look at the trends of it whether you agree with it or not, the Supreme Court is favoring private property rights over the government's right to develop. So if we do any changes in the CZO, which was discussed this morning, we have to be real tight because it is Hawai'i cases that have distinguished a lot of this. You have the Kaiser Aetna case. It is famous that dealt with a fishpond and 'Aina Haina Development opened the fishpond and made it so people could go in and out. The Federal government tried to say that was then navigable waters and Supreme Court said, "No, fishponds are lots in Hawai'i that is a private property." You cannot just say it is navigable waters. They kicked the Federal government out. So anything we do, we have to be aware of the

composition of the Supreme Court and where the law has been going, which is not in the way of what may or may not be a moratorium.

Council Chair Rapozo: I guess that is where I am asking you to advise this Council that if we are talking about a moratorium, that we need to make sure we know what we are talking about and that, in fact, it is not as simple as passing an ordinance or a resolution, that in fact, I am looking to you for advice if this body chooses to proceed with a moratorium. What nexus could we use? What is available for us to use? I do not want to go to court. I do not want to do something to try. I think you know or you can do the research to figure out what options that we do have, if we choose to go down that road.

Mr. Trask: Yes. I want to say that I am thankful to Ms. Walton. She has agreed to share all of her materials that she does have with me. We will review that to see what they are trying to get at and how to characterize it. Of course, we will do our job and advise you folks accordingly. Thank you.

Council Chair Rapozo: Thank you. Thank you, Committee Chair Chock. I just wanted to clarify that.

Committee Chair Chock: Thank you for that. We did pose the question yesterday afternoon because it was the first thing that came up in terms of what was presented. I would like to hear the nuances of this particular, and maybe "moratorium" is a little strong, but perhaps Anne, if you can shed light on the column of which stated the change. Please state your name for the record as well.

ANNE WALTON: Thank you. For the record, my name is Anne Walton. I just want to make a couple of statements upfront for purposes of clarity. We want to feel like we are working together with the County Council and this Committee. We are doing this in the spirit of trying to find some solutions to exactly what we saw this morning, we have runaway entitlements on this island, we have no clear growth plan in the General Plan as it is proposed right now, and we are trying to find some solutions just as you are. I hope you will take this in that spirit. We are not lawyers, but in this room alone, there are four (4) people who have probably each twenty-five (25) or more years of planning background. So there is a lot of expertise in this community. I should also say that we have retained legal counsel who will help us to identify the case law that could support or not support some of the recommendations that we have made from the outside. As expected, there were certain key words that were picked up on yesterday and became the flags. I think that if you look at the intent behind that as Mauna Kea just mentioned, it would be much better in terms of finding resolutions rather than getting hung up on term like "resilience" and "sustainable communities." I have to say that from all of the public input that I have heard and I have been participating in this entire process as part of the public and I have read the written testimony online, people do support growth controls. So I have to contradict Mike's referral to the fact there another segment of the population here who thinks differently. I have yet to see that. So rather than get hung up on that, I think we tried to elaborate in the right-hand column, the change. Some of the tools that we had seen other places from other County plans, State plans, and other growth management plans and General Plans as to some of the tools that

we saw as a bundle of tools might be appropriate. Maybe the use of the word "moratorium" is unfortunate. I do not know. But it is "a timeout" as Council Chair Rapozo asked. It is intended to be a timeout and has been used other places. It is time-restricted in the way that we wrote it here and it does have a series of qualifiers as to what we are trying to achieve during that timeout. I have to go back to the presentation this morning as case in point of we do not really have a good handle on the numbers and what we are obligated to already. We only looked at resort numbers. We have not even begun to look at other types of development on this island and you cannot look at them in isolation. They have to be looked at cumulatively and collectively. That is part of the problem here, is really getting the data clear on what we are obligated to at this time. The other thing is getting it clear what our priorities are, and that is why we created this whole growth management framework. We felt there were not clearly articulated priorities. You have to be very careful with balance. That is a slippery slope. It means that you are trying to please everybody and you accomplish nothing by doing so. You have to have some clear leadership and vision in terms of growth. That is the problem that we are dealing with, and that is what we do not see articulated. That is what we tried to articulate. This is draft. We did this Monday. This was our first meeting on it, so even though it is put into this format for easy to read purposes, we are still working on this. This is a work in progress.

To answer Committee Chair Chock's question, there are these four (4) qualifiers that go along with this five (5) year timeout period or whatever you want to call it. We did, as I explained yesterday, that one of those exceptions is what we call "affordable housing." For us, we are working on the definition. There was actually four (4) parts to that so-called "affordable housing." As I said yesterday, there is a term that I actually like better that is in the plan than "affordable housing." It is called "burdened households." Those four (4) areas that were the exception are low-income housing, worker housing or middle-income housing, farmworker housing, and then elderly housing. So there were four (4) areas that were exceptions. If you put that together with what our entitlements are, it will look like there is no slowdown in building on this island at all if you look at sheer numbers of what could happen here if it all starts to happen in the next five (5) years. I do not think it is going to slow the pace of the economy in terms of the building economy around it. But it was meant to do a recalibration on first of all, where are we, what is the data that give us a clear picture of exactly where we are, and some of the questioning that happened this morning, but even broader to other developments as well. Those have implications for those population numbers. It has implications for future housing numbers and job needs as well. Those are all linked pieces of data that run throughout the plan that we do not have a clear picture on. That is one thing that we need to have clarified. The second is getting the entitlements straight. The other is getting an accurate and spatialized inventory of housing and visitor units made available to us. In other words, let us get a really clear understanding of the geographic distribution of entitlements. The infrastructure needs and requirements for the current built environment that we have right now and then for all of those pipeline projects. I do not see anything in the plan that really gives us a clear picture of what all of those requirements are going to be. How could with consider building more or adding more entitlement projects if we do not have a clear picture of what our current obligations are and pressures will be on the infrastructure? That of

course I already talked about the exceptions for these four (4) categories of what we call affordable housing units, which is defined.

Then once the moratorium is lifted, there is sort of a part two. Then, there are some requirements that go with that; a limit on the new dwelling units to be constructed each year, and that is in our search of General Plans and growth management models. In other places, we found there are two (2) ways that can be restricted. This is above and beyond affordable housing and that can either be done by acreage, or amount of acreage, or a number of units, or a combination thereof. So in our search of the literature and the plans that are in place, we just assembled this. I would say everything in column three in this proposed sort of action component of the growth plan is a complimentary package that you cannot pull one (1) piece out, and we do not feel like you can have it adequately covered. There is the question of takings, and we found that there are some other ways to look at takings issues; transferable development rights and transferable development credits. So there are other tools that there help you. Of course, I am not a legal expert on this, but certainly they are being used as ways to offset the potential liabilities and costs of takings. We took those into consideration as well. This needs a legal interpretation, no question about it. But from looking at from a policy and a planning standpoint, which is the only thing I have to offer, it made sense as a bundle as a first start, a first look at what the possibilities are for tools that have been used elsewhere that might be appropriate here.

Committee Chair Chock: Thank you. Councilmember Kagawa and then Councilmember Yukimura.

Councilmember Kagawa: Anne, I did legal research on you. You are saying that you worked years in planning.

Ms. Walton: Yes. I worked for twenty-five (25) years in planning.

Councilmember Kagawa: It said that you worked for the National Oceanic and Atmospheric Administration (NOAA).

Ms. Walton: Yes.

Councilmember Kagawa: Were you a planner for NOAA?

Ms. Walton: Yes, a Natural Resource Management Planner.

Councilmember Kagawa: Oh, okay.

Ms. Walton: And I spent the last twelve (12) years training people in planning.

Councilmember Kagawa: Okay.

Ms. Walton: That is why I do everything visually.

Councilmember Kagawa: So you must know Jean from NOAA.

Ms. Walton: Yes. Jean is my buddy.

Councilmember Kagawa: The other question I have was I do not know if are you familiar with Bill No. 2491, the seed corn bill, the anti-Genetically Modified Organisms (GMO)?

Ms. Walton: Yes.

Councilmember Kagawa: At that time, the supporters of Bill No. 2491 said they had many attorneys who read Mauna Kea's opinion, disagreed with it, said that we are going to go to court, and said that they would offer their fees to support the County pro bono. So when you say you have attorneys who support the things that you support, for me, I do not know whether to believe you because during Bill No. 2491, they said the same thing and they were wrong, by two (2) courts, not just one (1) court.

Ms. Walton: I do not want you to misunderstand. This is not positioning. This is not intended to end up in court. It is strictly advised so that we can understand the case law better behind these types of proposals and if there are better tools to use than these. We are just seeking advice. This is not a red-flag for you and it is not intended to be a basis for a lawsuit by any means. We want what you want, too, but I am not a lawyer and I do not have access to legal advice in any other way. So we have received interest in review of this and looking at other options of these are not the best options.

Councilmember Kagawa: I just gathered that when Mauna Kea said what he said. You kind of said, "Well, we have attorneys that may differ with..."

Ms. Walton: No, we are not looking for that.

Councilmember Kagawa: "...what he just offered." I kind of trust Mauna Kea's opinion. He was right on Bill No. 249 and I do not want to doubt him again. Thank you.

Ms. Walton: We are looking for imagination about what is possible legally in terms of addressing some of our issues.

Councilmember Kagawa: Thank you.

Councilmember Yukimura: Thank you. Committee Chair Chock has stepped out for a minute. So as Committee Vice Chair, I will be conducting it. I think Councilmember Kawakami has a question.

Councilmember Kawakami: Thank you, Committee Vice Chair Yukimura, and thank you for your presentation. Following up on that, there is going to be a

conflict because we have our attorneys and we have a position as a County, and then you are coming in with an alternative. So you just said that you do not have access to attorneys to give you a legal check on these statements on takings and some innovative ways to get around that. Would your group be willing to go get a legal opinion to verify your statements?

Ms. Walton: That is what our intention is, yes.

Councilmember Kawakami: Okay. So until we can get that, we are kind of stuck in the middle as taking what you are saying with a grain of salt because I think around the table, the only one with any kind of legal experience is Committee Vice Chair Yukimura here. So for us, we are stuck in a rut because we are getting information and at the end of the day, this type of legal expertise is very valuable to the statements that you are making. Please go and get some kind of legal opinion to verify what you are saying because we are taking some of these ideas into consideration, but I think at the end of the day, when we get our legal advice...an opinion is an opinion, but we would like to get a legal opinion. Thank you.

Councilmember Yukimura: Thank you.

Mr. Trask: I am sorry. If I can just add real briefly to what Councilmember Kawakami said.

Councilmember Yukimura: I will. I want to say something first.

Councilmember Kawakami: Could I hear from the County Attorney because he sounds like he is going to respond to some of the statements I made?

Councilmember Yukimura: Okay. Go ahead.

Councilmember Kawakami: Thank you.

Mr. Trask: Just real briefly. To Councilmember Kawakami and Councilmember Kagawa's point, what the Office of the County Attorney did in Bill No. 2491 is we acknowledged that there were differing opinions on it so we invited written opinions from Margery Bronster, Paul Alston, as well as Paul Achitoff on that issue. Although we definitely appreciate the vote of confidence from Councilmember Kagawa, we acknowledged that we are humans, too. We are not perfect. So we would extend the same invitation and consideration. I am glad that you brought that up because of course, we like to learn, we like to be creative, and Kaua'i is advising you in the betterment of the County is our goal.

Councilmember Kawakami: Yes because I would to say this is about risk mitigation. It is easy for us to say, "Hey, yes, let us go to court," until it is our own money that is going to court. So we have to be mindful of that. In essence, it is easy to say, "Yes, let us go. Let us fight it out in court. Let us see who the victor." But when it is the public's money at risk, we have to do whatever we can to mitigate all of those risks. Thank you.

Councilmember Yukimura: Thank you.

Ms. Walton: I just want to say that I appreciate that. But I think you have to understand this is in the spirit of finding some workable answers.

Councilmember Kawakami: And I am not disagreeing with that. I hope you understand that, I think we are on the same page when it comes to that statement.

Ms. Walton: Thank you.

Councilmember Yukimura: Actually, the issue of a moratorium could be moot because a moratorium on all non-entitlement projects actually has another option, and I want to ask the County Attorney and the Planning Director about this option. Is it not an option within legal means to just remove the General Plan designations as was initially proposed in the first planning draft?

Mr. Trask: Just to be clear, you mean for Princeville?

Councilmember Yukimura: Can we get that back up again? The three (3) non-entitlements. The three (3) non-entitled areas. You do not need it because as a policy decision, we could just...as was proposed in the first draft, the Planning Department's draft, just remove those as part of the General Plan update taking into account what we know about growth, what we know about existing entitlements, and how much...without the General Plan Resort designation down below, we are going to have three thousand seven hundred twenty-six (3,726) resort units that are not yet built that are already entitled, which could increase our visitor resort inventory by forty percent (40%). Our infrastructure cannot even handle the existing resorts. That is why we have traffic congestion. That is why our parks are crowded. So there is say huge rationale from a planning standpoint to do that. So you do not really need a moratorium, you just need a policy decision.

Mr. Trask: To that, moratoriums and the communities or the proposed draft growth management framework aside, your policy decision as to how to address zoning designations in the General Plan is yours to make.

Councilmember Yukimura: It is not zoning. It is General Plan.

Mr. Trask: Yes, General Plan designations is yours to make, so we would agree.

Councilmember Yukimura: So you do not really need a moratorium, which was only proposed for non-entitled projects.

Mr. Trask: Ms. Walton said you cannot take away any of this. If you look after the entitlement is done, all new development would have to comply with certain things and some of these are very concerning from a jurisdictional and regulatory takings perspective.

Councilmember Yukimura: Well, that is not the moratorium issue. The moratorium issue is stopping and saying, "No more non-entitled projects," so you could just do it by the General Plan amendment process. The question of insufficient requirements on development, which is of grave concern and what I was trying to drive at in terms of the potential impact of Princeville Phase 2 on traffic and having the developer pay for the cost of the impacts. That is the planning process decision. We need to have a transportation system that would support that kind of growth and then we have to know what share of that transportation system should be paid for by the developer.

Mr. Trask: Yes, within...

Councilmember Yukimura: When those zoning applications come in, that is when we would say, "You pay for your share. You at least offset your impacts," but in order to know what the offset is, you have to know the cost of the transportation system that is going to take to support that kind of growth. That is where planning comes in.

Mr. Trask: And the law.

Ms. Walton: Could I just add two (2) points to that discussion real quickly?

Committee Chair Chock: Sure, I am not sure where the question is.

Councilmember Yukimura: Committee Chair Chock, let me just repeat. I said that the question about a moratorium is actually moot because the moratorium here is proposed on non-entitled projects.

Committee Chair Chock: Right.

Councilmember Yukimura: And we do not need a moratorium. We can, from a policy General Plan amendment...

Committee Chair Chock: Okay, I heard that part.

Councilmember Yukimura: ...just remove that.

Committee Chair Chock: Thank you. So there are responses to what it is. Planning Department, then Anne, and then I would like to move to any additional questions on this Topic 1.

Councilmember Kagawa: Committee Chair Chock?

Committee Chair Chock: Yes.

Councilmember Kagawa: To answer Councilmember Yukimura's question, I think she was asking him a question that basically we all know the answer, right? With four (4) votes, she can remove Princeville, right?

Committee Chair Chock: Yes.

Councilmember Kagawa: With four (4) votes?

Councilmember Yukimura: Yes, you do not need a moratorium.

Committee Chair Chock: Three (3) actually.

Councilmember Kagawa: Yes, you can remove it at Committee with three (3) votes. I do not know what the question was about. Any Councilmember can remove whatever they want with three (3) votes at the Committee.

Committee Chair Chock: Thank you.

Councilmember Yukimura: Mauna Kea talked about providing options to a moratorium...

Committee Chair Chock: Way to get to the point.

Councilmember Yukimura: ...and I was asking him is that not an option to an alternative to a moratorium, would be just be our public policy voting.

Committee Chair Chock: That is what I thought the question was, a moratorium. Let us get through this already on planning and answer the question.

Mr. Dahilig: Committee Chair Chock, that is where the topic bridges these questions concerning statistics, framework, and accountability, right?

Committee Chair Chock: Yes.

Mr. Dahilig: Inasmuch as it could be narrowed in a circumstance as being described with respect to Princeville, I go back to my initial evaluation as to the comments on the framework reflect prioritization on sustainability. What is clear is when you look at the future and specifically bullet point number 3, there is an emphasis on prioritizing and implementing the precautionary principle. The precautionary principle, as many of you know, is a well-founded environmental principle by which you do not take action until you are absolutely sure. So these things give us cause to evaluate the proposed framework that is being put forward as one that does prioritize sustainability, resilience, and environmental principles as a baseline for the framework. So that would be our interpretation given what is the materials in here, and that surely again, is within the province of the Council to make the decision to build a framework around that goal as being a priority. But again, just to reiterate what our perception was through our community process was that there were not one (1), but four (4) distinct goals out there were out there that essentially formed the *piko* of our framework.

Committee Chair Chock: Okay. Thank you. Do you have a response as well?

Ms. Walton: Yes.

Committee Chair Chock: It is your moratorium.

Ms. Walton: That is a misinterpretation of the precautionary principal that has a defined, accepted definition, but I am not going to go there. I just want to say something that in this discussion about using zoning as a way or not up-zoning as a way to default approach to doing a moratorium, and that is something that we have not talked about. We were just talking about resort developments and we were not talking about housing developments. That needs to be a part of the equation, too. It is important because there is another piece we have not talked about, and that is and cumulative impacts. When you look collectively at all of the resort ones in the pipeline, this has not even been considered. You have to look across all of these and say, "What is the cumulative impact of moving forward on all of those even at separate times," and then put together with the residential ones. Cumulative impacts, if you get involve in an EIS, if you trigger an EIS, you have cumulative impacts requirements. We ought to be doing that regardless of triggering an EIS. That is why one of the first pieces in here is we need to inventory everything, all our obligations, not just the resort ones. I do a cumulative impact study. Look across a spatialized data set to understand what the impacts that we are creating for ourselves before we add anything new to the inventory.

Committee Chair Chock: Okay. Thank you. We have a new question.
Council Chair Rapozo.

Council Chair Rapozo: Just real quick to just to clarify. Are you suggesting, and I will not use the word "moratorium." But are you suggesting a timeout on all construction including residential projects? I am just trying to make sure I understand you properly and correctly.

Ms. Walton: Yes. So we are working on the definition of this. There are two (2) pieces to it. One is the exception, which are four (4) categories of affordable housing, would be an exception to that.

Council Chair Rapozo: Just to be real, I think Mike talked about it earlier, if you stop any development, we are not going to get any affordable housing. It is a built-in...in other words, we cannot get affordable housing. This County is in no position to create affordable housing unless, and I see people shaking their heads, but that is the reality. We do not have the money. We do not have the land. But my point is this, unfortunately, I wish it was not so.

Ms. Walton: Yes, I understand.

Council Chair Rapozo: But that is the truth.

Ms. Walton: Right.

Council Chair Rapozo: No one wants to believe it, but it is the truth. In other words, if there is no other development, it really impacts the ability to create affordable housing, but that is just my take on it. Now...

Ms. Walton: And we discussed that in our group. We knew that would be one of the first comebacks, but as it indicates in the General Plan itself under the affordable housing section, there are lots of different vehicles from Federal to State to County for development of affordable housing.

Council Chair Rapozo: And Ms. Walton, we have gone through this.

Ms. Walton: I know.

Council Chair Rapozo: We live it every day of our lives. Our Housing Agency works on it and we are trying our best. But a lot of it comes with land from developments...

Ms. Walton: And baggage.

Council Chair Rapozo: But anyway, beyond just skipping that part of it, you are asking for the timeout on even residential developments?

Ms. Walton: That is correct. We talked about that, and the other thing that we talked about was residential developments that are within a certain amount of acreage limitation and/or number of units being built.

Council Chair Rapozo: Okay. Thank you.

Committee Chair Chock: Just a follow-up because again, this was brought up at the Housing Task Force. Mauna Kea, it is really about the case law and Harvard law Review article on the inclusionary zoning development. Is that what we need to be looking towards and for? What do we need to separate or segregate in terms of trying to get the outcome that we are looking for?

Mr. Trask: I think that you cannot engage in these discussions without acknowledging the law. Everything that you do here and all of these issues, because it affects real property, so you have to understand those rights. Inclusionary zoning is the next big issue whereby Associate Justice Thomas had indicated last year that they are going to review this shortly. I just want to note, the court split in Tahoe-Sierra was six (6) in the majority; Stevens, O'Connor, Kennedy, Souter, Ginsburg, and Breyer. Out of those, Stevens, O'Connor, Souter have retired. They were replaced by Alito, Kagan, Sotomayor, and Gorsuch.

Committee Chair Chock: Okay.

Mr. Trask: If you look at where they are coming from, it looks like the composition of the Supreme Court has flipped. That is concerning for many reasons. If you look at where everything is going and we are aware of that. Second, too, I do not want to engage in equivocation regarding the use of moratorium

and what I mean by that is I do want to define that in multiple series throughout this process, which would lead to any kind of improper or false conclusions. We have to understand what is being said, but you are right. Our whole housing program is predicated upon on allowing development. But also, too, think about this and the way I have conceptualized this is this plan, we are almost twenty (20) years later. We should have had one seven (7) years ago. So we are seventeen (17) years. In this planning knowledge, one of the good things of knowledge is that it is not perfect. For all of its content, it acknowledges that is set out and we should review it every two (2) years. When you climb a mountain, it is not in one (1) leap. You have to plug your stakes in and make your way up methodically. I think to get something in at this point, because no plan is not an option. To really revisit it in two (2) years, really look at the action plans, really take it in, and I am confident this Council will do this. I have seen you do this in multiple instances and issues. Put the Administration to the task and the Planning Department to the task and to see how they are complying with their own plan. They are advocating for it right now, hold them to it. But we need to start.

Committee Chair Chock: Thank you. Are there any more questions on Topic 1 before we move to Topic 2?

Councilmember Yukimura: Yes.

Committee Chair Chock: I mean, discussion on Topic 1? Yes.

Councilmember Yukimura: First of all on the affordable housing issue, I think Council Chair Rapozo has pointed out a very important thing. Most of our affordable housing has been done through inclusionary zoning, that is requiring developers to put aside or build a certain amount of affordable units. We have failed in our job by allowing those units to go into the market within ten (10) to thirty (30) years and that is a policy that we could include that I do not see in our affordable housing sector policy, which probably should be included. But because otherwise, we are always playing catch-up. The other thing, I hope our legal department and our Planning Department will advocate for the absolute constitutionality of inclusionary zoning because our planning framework, CZO, says we do not give permits unless the developments are in the public interest and for the public welfare, and all second home development that is far beyond our ability of our residents to afford is not for the public well-being of this community. So unless it has some housing that is really what we need, it should not be given a permit. I think it is a very legitimate thing to require some affordable housing from every proposal. So that needs to be included. I presume we will take that up when we talk about our affordable housing policy.

Committee Chair Chock: Yes.

Councilmember Yukimura: I just want to come back to Committee Chair Chock's question...

Committee Chair Chock: There is no question.

Councilmember Yukimura: Under question number five where we talk about best practices. The best practice is a sustainable practice, is plan for multimodal transportation. So that means that you will not have objections to adding in the policy on transportation, Policy #7, page 41, build a balanced multimodal transportation system. Would you mind just adding that word to the key policy title?

Mr. Dahilig: With respect to that question, Councilmember Yukimura, I think we had raised this in our one-on-one meeting with you. We do acknowledge that there was a bundle amendment that Commissioner Ahuna did put forward to add that word to it. I believe that what we will do is we will highlight that information and give it to Jenelle because I think that was a proposal you gave to Commissioner Ahuna, and that was included in the slew of amendments that she wanted to have added. Whether or not the Council wants to affirmatively add it, then we can...

Councilmember Yukimura: I believe Commissioner Ahuna's motion passed.

Mr. Dahilig: That is what I am acknowledging.

Councilmember Yukimura: So it should already be in here.

Mr. Dahilig: Right. So you raised that question to us previously. We did an early review of the minutes and we do need to transmit that over to Jenelle, that there was one that did not get caught up. So we will let that be sorted out how it needs to be sorted out in terms of transmittal.

Council Chair Rapozo: Was that a "yes" or a "no"? The question was a "yes" or a "no."

Mr. Dahilig: Well, we purposely left it as a broader statement than just build a balanced transportation system. So we acknowledge there is a Multimodal Transportation Plan. The will of the Commission, I can acknowledge, was to add the word "multimodal," but we wanted something broader than the word "multimodal" in there.

Councilmember Yukimura: Well, does the word "balanced" actually refer to multimodal?

Mr. Dahilig: I think it ultimately talks about everything.

Councilmember Yukimura: Never mind, thank you.

Council Chair Rapozo: I think you have the vote for that, Councilmember Yukimura. I do not think you will have a problem adding that.

Committee Chair Chock: Okay.

Councilmember Yukimura: Well, I cannot believe it has taken this much effort, and it is something...

Committee Chair Chock: Next question, please.

Councilmember Yukimura: I want to talk about questions 7 and 8.

Committee Chair Chock: On the response?

Councilmember Yukimura: Yes.

Committee Chair Chock: Okay. It is a land use question, if you would like to wait until we get into that section.

Councilmember Yukimura: It is a statistics question, if you do not mind.

Committee Chair Chock: Okay. If you can refer it to a statistic, that is great.

Councilmember Yukimura: So I asked and I would like to get the map of the Hanapēpē -'Ele'ele land use map on the...

Mr. Dahilig: Again, is it a statistics question or is this...

Committee Chair Chock: That is what I heard.

Councilmember Yukimura: yes, it is.

Mr. Dahilig: Because we are prepared to have this discussion with a land use map.

Committee Chair Chock: Councilmember Yukimura, they do have a presentation on land use that we hoped to get to today as well, if you would like to defer this question and come back to it.

Councilmember Yukimura: Well, what I do not want to do is get to Friday and not have a discussion about it and it is a statistic, so does it matter whether we bring it up here?

Committee Chair Chock: If you believe it is a statistic, then we are going to move forward on it.

Councilmember Yukimura: It is about the numbers of acres.

Mr. Dahilig: We talk about that in the context of the land use.

Committee Chair Chock: Would you be willing to defer that then so they can have a response within their presentation?

Councilmember Yukimura: So you are going to address it in your presentation?

Mr. Dahilig: We are going to go over every map before the Council. Marisa and Lea can highlight these areas that are being designated as questions number 7 and 8.

Councilmember Yukimura: Okay.

Committee Chair Chock: Okay.

Councilmember Yukimura: I have other questions.

Committee Chair Chock: Okay. Sure.

Councilmember Yukimura: On questions number 10 and 11 on the average daily visitor census. So slide 13 is referring to your presentation at first reading?

Mr. Dahilig: Right.

Ms. Williams: Yes.

Mr. Dahilig: I understand. I think as described when we had Mr. Nāho'opi'i come yesterday, the question was premised upon some of the questions and testimony that came up at first reading. We acknowledged at that first reading we were taking a second look at the Average Daily Visitor Count (ADVC) numbers. As Mr. Nāho'opi'i had described to you in his presentation yesterday, there is an adjustment upward concerning that. I think in response to saying please explain when it reflects some of the visitor industry saying we are at that twenty-five thousand (25,000) today, I believe Mr. Nāho'opi'i discussed the elements of his evaluation of the new information that had transpired since the five (5) years of the General Plan as a technical study and then what new information was put into the hopper. So again, we will probably be suggesting a further clarification based on the new information you got from Mr. Nāho'opi'i based off the questions in number 10 and number 11.

Councilmember Yukimura: So then, I would like to know based on whatever the new ADVC is, the new average daily visitor census based on Mr. Nāho'opi'i's revisions. I would like to know what the ADVC would be predicted to be if we add three thousand seven hundred twenty-six (3,726) new resort units, which is what is already entitled, and what would be the predicted ADVC in the twenty (20) year span of this plan?

Mr. Dahilig: What we can do and again, that is why we brought Mr. Nāho'opi'i down yesterday to try to articulate what goes into his calculus. What we can do is if there is a written question to that effect, we can send it over to Mr. Nāho'opi'i to ask him what effect does that number have on his projections and whether to adjust it further. That is why we brought him yesterday to try to explain

what goes into it. I cannot, in good conscience, be able to answer that given my expertise because I am not a statistics person. So if we can be given leave to at least ask that question to Mr. Nāho'opi'i, that would be appreciated.

Councilmember Yukimura: Okay. It is like a regular planning parameter that we are looking at, so I would presume that it should be part of the statistics available as we deliberate over this plan.

Mr. Dahilig: We can clarify that for you.

Committee Chair Chock: Thank you.

Councilmember Yukimura: Now, I think we are not looking for what is predicted if we are talking sustainability, but even if we are talking resiliency and protecting our unique, beautiful island, what should be the optimum level of tourism on this island? That to me we should be putting in the plan. At what level of tourism do things work for everyone, including the tourists, because if it gets so overloaded like I saw at the Waimea Canyon lookout the other day where people could not use the bathrooms, or people get stuck in traffic, or local resentment grows too much, it is not going to be good for tourism. So we are looking for not just a sustainable environment, but for sustainable tourism, right? We all want our tourism industry to be thriving. To me, what would that level be or has the Planning Department, in the development of this plan, asked that question and answered it.

Mr. Dahilig: I think the response would be that an acceptable level of tourism is a qualitative standard. If you look at cities like New York, which have millions and millions of tourists every day in that city, there is lots of traffic, there is not enough capacity on the roads, but they welcome it and people go and are attracted to that. Obviously, that is not the case here. So the notion that we can statistically derive what is the optimum tourism experience in the amount of tourists that are on-island, we have to look to what the public is telling us. We hear them clearly that we are overburdened on infrastructure, we are overburdened in our sacred places, and we are overburdened when it comes to just general needs. So what we looked at in response to that and what we heard since you asked is we looked at what is within our control as fundamentally is a land use plan. As we described yesterday in our presentation and in follow-up questions, we employed as many action statements as possible to try to limit the amount of unit growth given that is the primary throttle that we have within our toolkit. So, I want to reiterate again, that we did not add any additional Resort zoning potential and actually down-designated Resort designations in the plan. We have called for no expansion of the VDA. We have called for many of these items that were within our province to try to address the question of what is the optimum visitor experience that is in harmony with our residents. We know it is out of balance. We know that there is concern. We know we have a liability out there with the three thousand seven hundred (3,700) units, but what we are able to do is what we have employed to the maximum extent possible short of discussions like moratoriums and no development.

Councilmember Yukimura: So your point about acceptable level of tourism is not a mathematical formula, I agree with, and the visitor industry in their

strategic plan has defined that level as twenty-five thousand (25,000) average daily visitor census. So it is the industry themselves saying this is what we can handle and we see the island is not even able to handle. It gets pretty gnarly at twenty-five thousand (25,000) at Christmas time and we heard Sue Kanoho yesterday say that this year, we reached twenty-eight thousand (28,000) or twenty-nine thousand (29,000), I think she mentioned.

Mr. Dahilig: I would agree it is gnarly.

Councilmember Yukimura: So to me, that might be grounds for putting a "use it or lose it" condition on the ones that are entitled...

Mr. Dahilig: Well, and that is...

Councilmember Yukimura: ...or a transfer of development rights model saying, you would not have any more General Plan amendments, you would not entertain any more General Plan amendments, unless they are doing it through a transfer of development rights.

Mr. Dahilig: Well, the notion with transfer of development rights and because it is in the proposal that the Kaua'i Community Coalition does put forth, the concern with transfer of development rights is that you actually have to send the development somewhere. It does not erase it.

Councilmember Yukimura: Correct.

Mr. Dahilig: So the notion that you can throttle down the three thousand seven hundred (3,700) units that are entitled through some means of transfer development rights or through trying to revoke the permits again, as I mentioned previously, revoking the permits does include a degree of liability for the County. So that is one (1) issue. Then, the other one...

Councilmember Yukimura: No. Instead of revoking, you would transfer the development rights and they would be paying for it.

Mr. Dahilig: But again, it presupposes that you can take the development and send it somewhere.

Councilmember Yukimura: Correct.

Mr. Dahilig: So you are still left with the units.

Councilmember Yukimura: No, so you would not...

Mr. Dahilig: So I cannot...

Committee Chair Chock: Hold on. Let him respond.

Mr. Dahilig: For instance, we could not take the three thousand seven hundred (3,700) units and send it to O'ahu. It is going still be

on-island because it is a right that has been entitled to develop and if we were to transfer it somewhere, we would have to still have that on the island.

Councilmember Yukimura: I am well aware of that.

Mr. Dahilig: I think the concern that we have heard from the public and why you have heard this tension between islandwide and regional designations is that some believe any resort development anywhere on the island is a problem. But you do hear these regional discussions that say maybe not. So that is where the "use it or lose it" policy comes into play because we are hearing the tension between the islandwide effects, which we heard broadly and are very valid, but also the regional voices that are saying, "Hey, we need to talk about this before we foreclose ourselves from any potential economic development." We particularly heard that discussion on the Westside where there was one (1) potential for down designation.

Councilmember Yukimura: That is why I said you need a sending zone so there would be no application for Resort designation amendments to create another resort area unless they bought development rights. Then, you would consider where they will transfer those development rights to. So, one of the concerns about the Kīkīaola, Waimea Plantation Cottages expansion, is that there are already the Kapalawai or the Gay & Robinson that has been entitled, correct?

Mr. Dahilig: That is entitled.

Councilmember Yukimura: I do not know how many units. Was it three hundred (300)?

Ms. Williams: Two hundred fifty (250), approximately.

Councilmember Yukimura: Two hundred fifty (250) units, plus if you give it to Waimea Plantation Cottages, that may be another five hundred (500) units maybe. So, that is a total of maybe seven hundred (700) resort units on the Westside. The question is, what will that do to the Westside if you have that many resort units? Maybe the Westside amount is two hundred fifty (250) for the whole Waimea/Kekaha, so then, you say, "Okay Kīkīaola, if you want to have a Resort designation, we are not going to give it to you as an automatic outright. You show us an appropriate spot and everything," and then, they go Kapalawai and say, "Hey, we will pay you for your development rights and we will move it from Kapalawai to Waimea." That all has to be on an agreement. Nobody is being forced to do anything, but...

Committee Chair Chock: Councilmember Yukimura, I just want to remind you that what we are focused on is getting clarity around the plan. I feel like you are moving directly into the discussion and taking everyone prisoner on that discussion right now. I understand that you might have amendments or want to move in the direction, but I am just saying it because you are trying to make points here.

Councilmember Yukimura: I am trying to get all of us to see what options are.

Committee Chair Chock: I understand, but you are not doing that, truly. What you are doing is you are taking everyone prisoner in the process.

Councilmember Yukimura: Well, if people object to this, then let them say so.

Committee Chair Chock: My point is this...

Councilmember Yukimura: I am talking about how we manage growth on the island, which is the subject of today's discussion.

Committee Chair Chock: I understand that and the focus of this portion of the meeting is to get clarity from the Planning Department and anyone else about this.

Councilmember Yukimura: Yes.

Committee Chair Chock: So that would be in the form of a question, not a point that you are making.

Councilmember Yukimura: I am asking about how Transient of Development Rights could apply to...

Committee Chair Chock: I think he has responded to it. So if you have another question to it...

Councilmember Yukimura: But he did not understand that I was talking about creating a sending zone.

Committee Chair Chock: I do not know if that is true because you have not truly allowed him to respond to it. So make the question and let him respond to the sending zone if that is what you want to do.

Councilmember Yukimura: So, could the Transfer of Development Rights (TDR) not work in that way to not increase the number of resort units on this island, but still allow for a change in where they would be located?

Committee Chair Chock: That is how it is done.

Mr. Dahilig: I guess, maybe I misunderstood the initial question because I thought the question that was asked was for those already entitled, how do you amortize those as a consequence of TDR? That typically is what TDR is meant to do. My response, if that is the question, the difference between Kikīaola and what the existing permitted projects are, they are apples and oranges. We can remove Kikīaola with no consequence because it is not entitled. So it is not a situation where you are actually taking units out of the balance owed and actually moving it somewhere. That is a send-zone type of situation. But if the question is as you have confirmed, is can you take the three thousand seven hundred (3,700) units

and use TDR to reduce them, the answer would be no, because you still have to send them somewhere and...

Councilmember Yukimura: That is not my question.

Mr. Dahilig: Okay.

Committee Chair Chock: Let her restate the question, please.

Councilmember Yukimura: I already stated it. Instead of giving resort zoning as an automatic part of the General Plan, if we allow them to come back as a private developer proposal having made some arrangements to buy, in fact, making all of our resort units on the island viable as sending zones, then that would give an option for private developers who want to do resort development while others are languishing for whatever reason, they cannot build or whatever, they could get compensated for the resort rights that they do have and they could be moved, and we could have movement and everybody would be satisfied.

Mr. Dahilig: Again, understanding your question regarding creating sending zones and sending units that are entitled over to that place, yes that is a possibility. But to facilitate the process of that in the process of our land use permitting, you would still have to designate these areas as consistent with the General Plan because the Charter requires a graphical policy and textural policy.

Councilmember Yukimura: Absolutely, I agree.

Mr. Dahilig: So you would actually, in fact, to facilitate something like that would have to unequivocally leave all of the areas as-is versus...

Councilmember Yukimura: No.

Mr. Dahilig: And then by law, have to create the construct where they are designated as send-zones by ordinance. So...

Councilmember Yukimura: You would need an enabling ordinance for TDR.

Mr. Dahilig: I think we are saying the same thing, right?

Councilmember Yukimura: Yes. We are.

Mr. Dahilig: But the level is that you have to go through a Land Use Commission process, and in order for the Land Use Commission process to actually be effectuated, you have to have it consistent with the General Plan. Because the General Plan is...

Councilmember Yukimura: So they come to us first to ask for a General Plan designation.

Mr. Dahilig: Well, and that is where it is...

Committee Chair Chock: Okay. We have no quorum. Recess, five (5) minutes.

There being no objections, the meeting recessed at 12:03 p.m.

The meeting reconvened at 12:13 p.m., and proceeded as follows:

There being no objections, the rules were suspended.

Committee Chair Chock: Councilmember Yukimura.

Councilmember Yukimura: Committee Chair Chock, knowing that there are people in public who are interested of the Hanapēpē 'Ele'ele statistics, I am going to want to talk about it today, right now. But just one (1) more question about the Resort and that is, we can require affordable housing of resorts, right? In fact, it is in our ordinance right now.

Mr. Dahilig: That is the law.

Councilmember Yukimura: It is in our ordinance?

Mr. Dahilig: That is the law.

Councilmember Yukimura: Yes. Okay. Can we go to questions 7 and 8 and maybe put the maps up, too? The question that was asked on September 17th and we got the answer today is, "Please provide the number of acres of Neighborhood General that is being proposed in the Hanapēpē 'Ele'ele land use map, and the number of acres currently zoned General Commercial or Neighborhood Commercial in the same district." Let us see, maybe you can guide us in terms of the colors on the map.

Mr. Dahilig: I guess the difficulty is we were going to go through this as part of the land use.

Committee Chair Chock: That is what I said. Again, if the question is around statistics and what we are looking for is to incorporate a resource here from the community, then Councilmember Yukimura, that is what I would ask of.

Councilmember Yukimura: Okay, alright. Let me just verify, are you saying that the number designated Neighborhood Commercial in the existing land use map, right, the existing plan is three hundred ninety-five (395) acres? No, is forty-five point six (45.6) acres and in the new plan, it is three hundred ninety-five (395) acres. Is that correct? Is that my understanding?

Ms. Williams: Just to clarify, what you see in the response under 7 and 8 is just a pure Geographic Information System (GIS) analysis. We

overlaid our shape file from our future land use map with our zoning district map. So the analysis you see here is the kind of raw result of that, but it kind of seems to me that perhaps you are trying to compare or assume that what is currently zoned would increase by the amount of acres shown in as what it could possibly be designated through the future land map.

Councilmember Yukimura: I am trying to understand the difference in categories and the implications thereof.

Ms. Williams: Then, I need to be very clear and we will go over this with the future land use map presentation as well, that the future land use map is not a zoning map nor does it mean that a certain type of zoning will be applied based on what you see in the future land use map, too, that a lot more analysis has to be done. That is why we have a community planning process where we rely on these community plans to get to the level where we actually in some cases, goes parcel-by-parcel and see what would be appropriate as well if rezoning is to occur. So I just want that to be considered when you look at these raw numbers.

Councilmember Yukimura: Well, the growth potential that is implied in the acreage looks like one hundred (100) times bigger. So I guess my question is what is the rationale for such growth in an area where incremental change is the textural policy of the area because it does not seem like it is incremental change?

Mr. Dahilig: Again, as Marie had mentioned and we can get into this in terms of what Neighborhood General means, that the place typing exercise that we will undergo as part of a community plan process provides the appropriate scale for an area. So inasmuch as it may have a certain spatial footprint, the process of going through that regional planning process defines the scale and form of what actually ends up getting developed. So we can explain what these different designations mean with respect to what discussion the community will undergo as part of the planning process, but as she mentioned, it should not again, be interpreted as zoning. These are not zoning areas. These are areas that can be looked at for ordinance enactment by this Council to change the zoning maps.

Councilmember Yukimura: Well, is the underlying rationale that it is going to be the second urban center for the island?

Mr. Dahilig: I would like the opportunity to explain that because I believe that I have been characterized at a Land Use Commission hearing as discussing this area as a secondary urban center. If I could turn over to Committee Chair Chock, the transcript of the July 7th Land Use Commission meeting minutes. This is the transcript, verbatim. At no time in there, did I ever say this would be a second urban center. If you look at page 83, I believe it said that understanding what at the time was the port plan between the Department of Transportation Harbors Division, that they looked at Port Allen as a secondary port. I did not at any time say "secondary urban center." So I would like to just make that clear because there has been some misinformation about what I have been saying. I know my words mean something and I always approach my job with that in mind, that my words mean

something, that at no time did I ever say that we intended for Hanapēpē/‘Ele‘ele to be a secondary urban center.

Councilmember Yukimura: Are these land uses, based on your understanding that this was going to be a secondary port?

Mr. Dahilig: That was part of our understanding, was that what we understood is a desire to want to direct growth that we know into areas that are close to jobs. The current area before this map came into play and we can do a comparison, and that is what is going to be discussed in our next plan, was that this area was actually urban center.

Councilmember Yukimura: What area?

Mr. Dahilig: The area around the port. Now, not all of it, but the area around the port was designated urban center. So, the 2000 plan already had it designated as Urban. So what we have tried to do in the approach of trying to scale and be very cognizant of what competing demands we have for housing and all of these different things, we have split up our range of place types to better reflect the scale and form of development that our communities through our planning process told us they wanted. They did not want things that would allow for just broad urban development. Because this is a secondary port that is operated by the Department of Transportation and in concert with what our smart growth principles, you want to have the jobs close to where the commerce is going to be generated. What we have heard and statistically we know throughout the island is that we have a deficit of industrial land. So it makes sense to put the industrial land next to the port, and if you are going to have industrial land next to the port, that is going to generate jobs. If you have jobs, you want the housing next to the jobs so you do not have traffic. At no point did I ever say this was intended to be a secondary urban center. No. Rather, it was premised upon the understanding that we have this facility and it is operated by the State. We have a need for industrial land. We want the housing close to the jobs, which the industrial land will generate, and so that is the premise behind what the land use map is being designed against. We can more so articulate that and go through each of the place type more properly with you, but if you are specifically concerned about Hanapēpē and ‘Ele‘ele, at no time did we ever through our planning process, come out a say this was a secondary urban center.

Councilmember Yukimura: So why...

Committee Chair Chock: Councilmember Yukimura, I just wanted to make reference, too. You have made a request that I am trying to actually honor and that is the resource person is here for questions. I do have to break our staff for lunch, so I want to urge us to do move in that direction to allow the appropriate questions to be asked, if that is your intention.

Councilmember Kagawa: Just get back to Mike later.

Committee Chair Chock: Yes.

Councilmember Yukimura: I am fine. I wanted Jean to be able to hear the discussion.

Committee Chair Chock: Oh, okay.

Councilmember Yukimura: But if Jean wants to be a resource person also, that is fine.

Committee Chair Chock: You have the floor on this question,
Councilmember Yukimura.

Councilmember Yukimura: Jean, do you want to say anything?

Ms. Souza: Hi, Jean Souza. What was the question? Did you have a question?

Committee Chair Chock: Yes.

Councilmember Yukimura: Based on your planning background, what are your concerns about the mapping as proposed in the General Plan update?

Ms. Souza: I voiced several concerns about the maps, but I am assuming you are talking about the land use maps specifically.

Councilmember Yukimura: Yes.

Ms. Souza: The concern is that there were certain assumptions provided to land use decision-makers about some expectations, and that seemed to be driving some of the proposals. Will you allow me to show you an aerial photo for orientation? Would that be good?

Committee Chair Chock: Sure.

Ms. Souza: I have one (1) to use for reference, and I have two (2) here that you can share if you do not mind.

Committee Chair Chock: Is it the same?

Ms. Souza: It is generally the same.

Councilmember Yukimura: Can we hold one (1) up on this side so the public can see?

Ms. Souza: They generally are the same. It is just that one is not as clear. When I had it done, the location of the end frame was moved over slightly, but it shows the same thing. So here is Pola Point and the airfield. Here is Hanapēpē River. This is the town. Here is Hanapēpē Heights. Here is 'Ele'ele. Here is the shopping center. Here is the commercial harbor and here is the small boat harbor. The land use designations in the General Plan update show a lot of change

projected for this area, and Hawaiian Homelands to develop some residential development here next to Hanapēpē Heights. The Lima Ola project, which is the County project that just received its State Land Use Commission approval on the East side of 'Ele'ele. Then, the General Plan also has the following changes. To the east of the Lima Ola would be a Provisional Agriculture designation, which we understand to be...if you want a placeholder for urban development between Lima Ola and Wahiawa Gulch, here. There is another Provisional Agriculture designation again, projected for urban development possibly, between Numila and Wahiawa Gulch here, *makai* of Halewili Road. In addition, there is a proposal for Neighborhood General, which is mixed-use, proposed *makai* of Halewili Road between Wahiawa Gulch and Port Allen, here.

Councilmember Yukimura: Is that the big yellow spot on the map?

Ms. Souza: It is that big yellow spot, kind of the apple-green color. Oh, thank you. Yes. This is this one right here. What this does not show you is that you see this green here, this is the Provisional Agriculture next to Lima Ola and this map does not show you that this here between Numila and Wahiawa Gulch is also Provisional Agriculture. The reason it is not here is that it is showing on the Kōloa map, not the Hanapēpē -'Ele'ele map. So here it is. Here is Numila, here is Halewili Road, and here is the gulch.

Councilmember Kagawa: I have a question. So that is why we got some E-mails from the Hanapēpē -'Ele'ele group, that they are saying why did you pull that section into the Kōloa map? Is that what the request was?

Ms. Souza: Two (2) things are driving it. So a lot of folks that have lived there for a long time.

Councilmember Kagawa: I lived there all my life, too.

Ms. Souza: Right. So you remember probably when the folks in Numila identified themselves as having close ties to 'Ele'ele and were concerned about this area more so because of the extensive and type of development proposed in that area. So there are many folks in our area that are concerned about the development. Now at one time, the planning district boundary went to Kalāheo Gulch, which is...here is Numila, here is Halewili Road, and here is Kalāheo, so somewhere in this area here. But I do not know how many years ago the boundary was moved from here to here. So those of us who identify with Numila as being part of 'Ele'ele feel, "Hey, can you consider moving it back to where it was?" Certainly, you want to consider avoiding Brydeswood and Brydeswood Ranch, which I think, identify with Kalāheo more than our side. So kind of joggling it a little bit on the top.

Councilmember Kagawa: Okay. So basically, the western edge of Brydeswood would be in Hanapēpē -'Ele'ele and Brydeswood east would all be in the Kōloa district?

Ms. Souza: Yes.

Councilmember Kagawa: Okay. Thank you.

Ms. Souza: The reason for showing you the aerial photo is to get a sense of the scale of development that is proposed for our area in the next seventeen (17) years. If you look at this and you figure how much more is proposed within the seventeen (17) years, we think that it is a lot. I think if you ask folks, "Is that what I want? Is this scale of development what you want," we think it is actually transformational. We view it as negative. We like the idea of it being incremental and smaller scale.

Councilmember Kagawa: I have a question.

Committee Chair Chock: Please.

Councilmember Kagawa: Jean, back in the 1960s and 1970s, I think you recall that Hanapēpē -'Ele'ele was the biggest town or second biggest, next to Līhu'e. We had two (2) theaters. I do not know how many bars we had. About five (5).

Ms. Souza: And a lot of pool halls.

Councilmember Kagawa: A lot of pool halls. We had many eating places, and maybe in the 1980s, it started to die.

Ms. Souza: Yes.

Councilmember Kagawa: Now, the town is kind of reviving again. I think way back, it was a big town that never really expanded. It shrank. So now that they are proposing to revitalize it, is that really unreasonable?

Ms. Souza: We support the continued revitalization of Hanapēpē Town, certainly, and we certainly support the proposals to infill because as you know, there are many underutilized and vacant properties in that area. So if we talk about what makes it a more viable town center, we certainly want to see or encourage that kind of infill and development.

Councilmember Kagawa: Okay.

Ms. Souza: But what we are talking about is not that, and what we are talking about is potentially detrimental to that because this is going to be mixed-use. All of this apple-green is mixed-use. This is a huge property, *makai* of Halewili Road between Port Allen and Wahiawa Gulch. In addition, the increase in Neighborhood General that is in the data that the Planning Department put in was because of this big chunk, but also if you take a look at Halewili Road, there are many currently residential properties. Excuse me, not Halewili Road. This is Kaumuali'i Highway. So *makai* of Kaumuali'i Highway in the town area, these are residential properties. The church is here. The library is here. The armory is here. Here is the Hanapēpē Stadium. So this concept shows that being mixed-use, mixed-use meaning commercial and higher density residential use. If you have commercial uses

potentially in this area, how does it affect the town? Should we not be directing that kind of use in the town? We are concerned about all of that Neighborhood General.

Councilmember Kagawa: I understand. I guess the way I am looking at it is Lima Ola already got approved for Phase 1.

Ms. Souza: Yes. No, the whole thing, not Phase 1. The whole thing got approved.

Councilmember Kagawa: But where are all of these young people going to work if we do not create more jobs and opportunities? Are we going to just say, "Well, you live there, but you have to work in Līhu'e"? Anyway, thank you.

Committee Chair Chock: Thank you. We are going to break for lunch now. We will be back at 1:40 p.m. and wrap this topic up first before actually getting to your presentation. Thank you.

There being no objections, the meeting recessed at 12:35 p.m.

The meeting reconvened at 1:40 p.m., and proceeded as follows:

Committee Chair Chock: Welcome back from lunch. We are on questions and answers on growth, statistics, data, and framework. Are there any questions regarding this topic before we move to discussion?

Councilmember Kagawa: I have one (1).

Committee Chair Chock: Okay.

There being no objections, the rules were suspended.

Councilmember Kagawa: Mike, I was just talking to Jean during the break and of course, her husband, Wayne. The amendment that they are asking for, the boundary movement, why is the Planning Department in support of keeping it to the new boundary?

Mr. Dahilig: To be honest, we are kind of indifferent about it.

Councilmember Kagawa: Okay.

Mr. Dahilig: Here is what has kind of transpired since we went through the South Kaua'i Community Plan, and it will become apparent when we do that land use discussion.

Councilmember Kagawa: Okay. If this is not the appropriate discussion, we can hold off on that question now.

Committee Chair Chock: I mean, it is part of land use, but we have brought it up already.

Councilmember Kagawa: I just want to know if you folks are in support if I make an amendment, or are you against it.

Mr. Dahilig: I think if you want to move the boundary, there is support going back to even the South Kaua'i Community Plan that the Provisional Agriculture area that was included in the South Kaua'i Community Plan really came as a result of that community feeling uncomfortable planning that area. So, they felt it was more appropriate to be part of the Hanapēpē -'Ele'ele plan. Now that we have gone through this process, too, the people of Hanapēpē -'Ele'ele want to affirmatively do that. These planning districts, as Marie has done some research, was actually drawn by Keith Nitta back in the day. There is probably a rhyme and reason why, but they are not jurisdictional. It is definitely something that if you need the support from our Department to redraw the line someway or somehow, we can definitely try to work on that for you.

Councilmember Kagawa: Yes. For me, I think that going back to again, when we were a plantation and we had the Wahiawa/Olokele extending all the way to Brydeswood, that was just like part of the Westside community and Brydeswood east would be Kalāheo.

Mr. Dahilig: Yes.

Councilmember Kagawa: If that is what South Kaua'i wants and that is what Hanapēpē -'Ele'ele wants, then let us work on that amendment.

Mr. Dahilig: Sure.

Councilmember Kagawa: I would be happy to support it, I would especially support an amendment that both sides want.

Mr. Dahilig: Okay.

Councilmember Kagawa: Okay. Thank you.

Committee Chair Chock: Perfect. Thank you. Are there any further questions on Topic 1?

Councilmember Yukimura: Committee Chair Chock.

Committee Chair Chock: Yes?

Councilmember Yukimura: I have some questions on some of the answers that we just received today. It is regarding affordable housing. I do not mind holding off until affordable housing as long as I get to ask them then.

Committee Chair Chock: Yes, let us make note of it, everyone, about the affordable housing question as it relates to the responses that came from the Planning Department. We will definitely get to those.

Councilmember Yukimura: Okay. I just want to make sure our staff has heard that.

Committee Chair Chock: There are some questions regarding the response on affordable housing that we will get to, if you can just help us. Thank you.

Councilmember Yukimura: Thank you. Then, I have one (1) question about going back to that on page 160, A.7. It says, "As part of your growth management policy, do not allow spot amendments, which expand already designated resort areas." What exactly are "spot amendments"?

Mr. Dahilig: It is synonymous to "spot zoning" and that is actually a technical term. But because we used zoning amendments as a phrase here, we want to be clear that we do not want amendments to our zoning code maps that reflect spot zoning to expand a resort area. So even if it is one (1) acre, or two (2) acres, or these types of things, we want to make sure that it is limited. Again, in concert with our desire to keep the resort footprint fixed and actually reduced, that is why we are saying that.

Councilmember Yukimura: But if you allow resorts adjacent to resort units, so you are including amendments that would be immediately adjacent to a resort area that would expand the footprint. Are you also including that, because spot zoning is usually something that is not at all attached...

Mr. Dahilig: Right.

Councilmember Yukimura: ...to the area like if there is an urban core, there is a spot zoning outside in the middle of agricultural land. Actually, Kahalani is a spot zoning that I recall...

Mr. Dahilig: Right.

Councilmember Yukimura: ...before I was in office. I just want to make clear that it is also adjacent and attached, too, because in our growth management you say "only allow adjacent additions" they can be forever adjacent. Do you know what I mean?

Mr. Dahilig: I understand. If you feel stronger language is appropriate as an amendment, you understand what we are trying to articulate here, that we just want to make sure and be very clear when you get to permitting actions and code changes, we are not looking at expansion of the graphical footprint.

Councilmember Yukimura: What if we were to say, "Do not allow amendments which expand already-designated resort areas"? Would that cover what your intention is?

Mr. Dahilig: I do not think our Department would have objections to that.

Councilmember Yukimura: Okay. So spot zoning could be interpreted to mean only those that are not adjacent.

Mr. Dahilig: I understand.

Councilmember Yukimura: Okay. Thank you. I still want to know, and maybe can you come back to us and identify all of the text that are supposed to make up the growth management policies for this plan because right now, they seem scattered all over. I mean, there are no policies that says, "This is our growth management policy." Then, when I asked you where they are, you point to page 160, but that is only one (1) of them, right?

Mr. Dahilig: As we stated at the beginning this morning as a follow-up to this of yesterday's conversation, page 160 again, was meant for me to point to as illustrative of what the overall growth management approach is. We know that we have statistical drivers with natural growth, in-migration, and tourism. So essentially humans are, as you mentioned yesterday with calories and those types of things, consumers. So how we with population consume, is the management approach and it is broad amongst all sectors. So that is where, again, we are not pointing to one (1) specific strategy for growth management. Growth management is involved in all sectors based off of what types of things we are recommending as permitting, actions and code changes, partnership needs, et cetera. It may be just a point of disagreement that we may have, Councilmember Yukimura, but I think what our intent has always been is that all of the policies and the actions work towards accommodating what is driven by the fundamental statistical growth items that are related with tourism, natural growth, and in-migration.

Councilmember Yukimura: Transfer of development rights is a way to keep one of the main growth generators from growing, and we have talked about that prior to lunch, but I have seen no discussion about TDR as a possible tool for growth management.

Mr. Dahilig: To be clear, our Department does not see transfer Development Rights as a viable tool without expanding the spatial footprint of certain types of uses. My only caution to the Council is that if TDR is something that would like to be employed, there also has to be an accompanying spatial analysis on the land use maps whether there would be an appropriate send-zone. That is an involved discussion. That would be my only caution. We hesitate to recommend TDRs without recommending a send-zone and that is why we did not go down that path, because a send-zone would have to be identified in the plan.

Councilmember Yukimura: But those details would be involved in an enabling ordinance. If it looks like a viable way to control resort growth or other kinds of growth that you do not want, such as urban uses on agricultural lands, you could say that one of the implementing actions would be to create an enabling transfer Development Rights ordinance.

Mr. Dahilig: But for the ordinance to work, again as I have indicated, you would have to have a send-zone, and in order for the send-zone to receive?

Councilmember Yukimura: An ordinance would create send-zones and tell you how to create them.

Mr. Dahilig: It technically could not because you would need to go to the State Land Use Commission and have that identified in the General Plan for the Land Use Commission to then say, "Okay, we are going to change the State land use designation of an area to accommodate the identified send-zone."

Councilmember Yukimura: Well, that can be incorporated into the ordinance, and you said the General Plan is supposed to be the guiding development even guiding tools even for the State Land Use Commission. So if you do it in the General Plan...

Committee Chair Chock: Can I just ask, I mean, I do not want to go too far down the life of an ordinance, but is it feasible to say that with the caveat of a send-zone, that this process be established or be available as a tool that is outlined in the General Plan or is that something that you are suggesting against?

Mr. Dahilig: The difficulty in suggesting something like that in the plan is that we are at a juncture where all of the maps are being discussed now. To find a viable send-zone really should be an island-wide discussion as it pertains to where you want certain uses to go. If it is the pleasure of the Council to include such language, I think it is again, our strong recommendation that a send-zone be put in because in effect, it does not efficiently effectuate what we are trying to do.

Committee Chair Chock: I get what you are saying.

Councilmember Yukimura: Actually, you could just make all resort zones as send-zones. Actually, what you need are receiving zones and that can be determined by a General Plan amendment process.

Committee Chair Chock: Is that all of the questions that you have?

Councilmember Yukimura: No. On page 38, Policy #1, manage growth to preserve rural character. The first line is, "Preserve Kauai's rural character by limiting the supply of developable land to an amount adequate for future needs." So what is the guidance for determining future needs?

Mr. Dahilig: Again, it is based off of the qualitative and quantitative information we received as part of the technical advisory committee process and our community process.

Councilmember Yukimura: How much developable land do we have right now in the current General Plan, how much additional developable lands are being recommended by the General Plan, and for what amount?

Mr. Dahilig: We have a technical study produced by PBR Hawai'i that was included as part of the transmittal information that looked at that specific question you are asking me. We do have that information. It is a report that was paid for quite a while ago that actually looked at what was built versus what could be built. So I can get that information. First, I would refer you to that study. I do not know off the top of my head, but we can probably get further...

Councilmember Yukimura: Well, I want basically three (3) figures, right?

Mr. Dahilig: Okay.

Councilmember Yukimura: The amount of developable land that is in the current General Plan and the amount that we are adding to it. So I want to know what the percentage increase is in developable land that the General Plan update is proposing.

Mr. Dahilig: And the third one is?

Councilmember Yukimura: That would be just the total or the percentage increase.

Mr. Dahilig: So amount and percentage increase? Okay.

Council Chair Rapozo: I think she also asked what has been developed.

Mr. Dahilig: Okay. What I can characterize and again, qualitatively I can respond, Council Chair Rapozo, that at least with the housing element that I know off the top of my head, we have been underbuilding the zoning. What has been happening is you are seeing things that is for R-6 built at a R-3.7 or R-4. So what that indicates is that the product that is being built is bigger and more expensive versus things that are more mixed-use in nature. We will highlight that information for you and transmit it.

Councilmember Yukimura: Well then I think the Planning Department, maybe three (3) or four (4) years ago, recommended approval of Grove Farm Company's request in their new Pikake et cetera, to down-zone an area from R-10 to R-4. So that is what has been happening. I am just confirming that.

Mr. Dahilig: Well, that is not what is on the table now. So, I think we have recognized, based on this information that we are underbuilding.

Councilmember Yukimura: And then it says. "Prohibit development not adjacent to towns." I am wondering if that is an adequate policy because as I mentioned, you could add a piece of land, "whether it is" Lima Ola or whatever, that

is adjacent and then you are creating another adjacent boundary so you could add another adjacent and another adjacent, and not really have any limits.

Mr. Dahilig: Again as required by Charter, the policies and text in this plan also have to be read in concert with the maps, and we can get into the discussion in the land use map discussion, that we have made an effort to move the spatial designations or the graphical designations closer to what we have identified as urban cores. That is the hand-in-hand effectuation of what you are asking the question on and where it is. So that is really is articulated in the maps as such.

Councilmember Yukimura: Well, I agree that the map and the policy text should concur. I see the maps being adjusted...no. Yes, the maps being adjusted to somehow fit so that the urban core gets bigger so that you can have more adjacent area outside.

Mr. Dahilig: Well, that is your opinion.

Councilmember Yukimura: And so I do not know. But how then, do you reconcile it with the next statement, "ensure new development occurs inside growth boundaries and is compact and walkable"? You are assuming your urban boundaries are at least adjacent urban areas around the town and you are saying, "Oh, you can only grow by having it adjacent," but then you are saying, "But you have to stay within the boundary." To me, those are two (2) contradictory statements.

Mr. Dahilig: What I would articulate is that harkening back to your overarching question of where is the growth management policies or actions, when you look at what happens within these urban growth boundaries, there is a myriad of things that happen. Not all of them are just housing or not all of them are just roads. There are a bunch of things that happen. So that is why when you look at the action statements, the action statements are meant to further facilitate that fitting in, as you say, within the urban growth boundaries. So it relates to roads, where your water, where you place your sewer, where you place your schools, and all of these different things. We want to make these things more compact and tight. Again, it is not limited to a neat box where I can point to one (1) set of items that are going to further this desire to want to create more compact development footprints on the island. You will have to look throughout the various sectors and action statements for where they are aligned to try to do that.

Councilmember Yukimura: Well, that is the problem with the General Plan, that there is no one place where you can look and see what the policy is, and there is no internal reconciliation of the various statements that are here, then there, and here and there, and you do not even know what objective or what the statement here relates to. So it is just a bunch of confused statements that anybody can point to depending on whether it supports their position and therefore, does not give you any real guidance.

Mr. Dahilig: That has been the fear. I understand that is how the 2000 plan has been criticized through the public process on having conflicting

statements. What we have been focusing on is not conflicting, but elements that cross-cut because if you look at page 96, what it shows is that these sectors have different means of achieving the goals and that is what we are trying to articulate, that these things are a system. It is like a tapestry. It is not a neat box, and so when we are looking at trying to achieve sustainability, it has to be done through all of the sectors, not just one (1) sector. The best way we can try to articulate that is through the best practice of graphically allowing the public to understand where their topic of interest may be found and to understand how it fits into the lattice of the overall plan.

Councilmember Yukimura: Well, if you want to start getting into this chart, I am more than happy to. You say, "Transportation, decrease..."

Committee Chair Chock: I do not...

Councilmember Yukimura: I know, but let me just – decrease vehicle miles traveled to reduce carbon emissions," and the multimodal plan says, "Keep vehicle miles traveled equivalent to 2010 levels." They are two (2) very contradictory statements. You cannot do policy by sound bites, which is what this chart tries to do. So let us not go there. Just answer my question. How do you reconcile "prohibit development not adjacent to towns," which suggests that you can have development adjacent to towns, and then "ensure new development occurs inside growth boundaries and is compact and walkable?" How do you tell somebody on the Planning Commission? How do they know how to follow these two (2) directives?

Mr. Dahilig: Well, again, as I described, these have to be read in concert with what the maps show.

Councilmember Yukimura: Okay, tell me where else should I read?

Mr. Dahilig: Again, I would refer you to the maps, but to have an understanding of how the maps were put together it is probably appropriate to have the land use map discussion to understand the spatial design behind where we are looking at land use designation.

Councilmember Yukimura: Okay. I will wait until after your land use map presentation to ask my question and to get an answer.

Mr. Dahilig: Okay.

Committee Chair Chock: Are there any further questions?
Councilmember Kagawa.

Councilmember Kagawa: I think it is difficult to tie both where we want to go and where we actually are and what people actually do. I mean, the fact of the matter is that I think the Planning Department has done a great job in moving forward with multimodal initiatives over the past years. Look how much more bike lanes and walking paths we have, and look at Līhu'e. But on the same token, you cannot force people to walk and bike. That is why I think you folks have both alternatives, right? You are trying to set a goal for the future to shift mode and

accommodate mode shifts, but the reality is not everybody is going to shift, right? So you have to have both languages in there. That is why you have it.

Mr. Dahilig: Right.

Councilmember Kagawa: That is why it is not a perfect answer that you have that we are going to make everybody mode shift because that is not going to happen, right?

Mr. Dahilig: I think we have heard that from the public that we know that the tool is mode shift, but there is also that element of choice. Do we want to be compulsory or do we want to be supportive? I think the latter is what we have been steering the plan towards, is providing those opportunities where they make sense to engage in that type of street design.

Councilmember Kagawa: Yes, and it all depends as well on funding, right?

Mr. Dahilig: Right.

Councilmember Kagawa: If we do not have the funding in the future, then it is hard to support a General Plan that says we have to mode shift because if you do not have the money and resources, then you have to live with existing modes of travel that you have, right?

Mr. Dahilig: Right.

Councilmember Kagawa: I appreciate the flexibility on that end.

Mr. Dahilig: Okay.

Councilmember Kagawa: Thank you.

Committee Chair Chock: I was not really going to go there, but I think Councilmember Kagawa brings up a good point. It depends on money. It depends on our budget. I struggle with a plan that gives no direction in terms of what we can truly prioritize financially. The closest thing that I have been able to look at is the six (6) year Capital Improvement Project (CIP) budget that I am hearing has no indication or connection, or maybe not directly. It should not be utilized as such. So I just wanted to get an understanding from the Planning Department in terms of how it is that we intend to move forward on the priorities even having a discussion on prioritization without clear budgeting financial projections included.

Mr. Dahilig: Right. I think that is where we start to get into those jurisdictional discussions on what is the Department's role, what is the role of the plan, and what should the plan include? What has always from a philosophical standpoint been, at least my approach to this plan and on our community plans, has not been to weigh too much into what I believe is the province and authority of the Council to appropriate. When you do appropriate, there is a different set of discussion

and prioritization that does need to occur. Now, what we have done in the six (6) year CIP plan, which this is based off of and required by Charter, is to look at sequencing. For instance, if you are looking at building a development, do you have the water? Do you have the sewer? Before you put in the road, do you put in the connections, et cetera, right? So that is as so far as you would go in terms of recommending a pattern.

Committee Chair Chock: Can I have...I am sorry...

Mr. Dahilig: But we would not necessarily say that this project has to be funded first over these other projects because we believe that is a right and part authority of the Council to weigh in on the appropriations process. So we try not to wade into making those value judgments and putting them on paper in advance of the appropriations process.

Committee Chair Chock: I think what would be helpful is if there is an interest in moving that direction now or in the future, you may be able to provide a model of what that would look like.

Mr. Dahilig: Yes.

Committee Chair Chock: As an example of how would this body be able to clearly participate in that prioritization process.

Mr. Dahilig: So in terms of evaluative method in looking at how to approach CIP appropriations? Okay.

Committee Chair Chock: I appreciate that. Are there any further questions?

Councilmember Kagawa: Yes.

Committee Chair Chock: Councilmember Kagawa.

Councilmember Kagawa: Committee Chair Chock, I wanted to ask a question on Princeville, but if it is not the appropriate time or you rather have the other two (2) Members be here. My general question is what are the factors that come into us deciding to leave it in or take it out? The reason I say this is that I was an observer, actually, I just got on the Council and I remember Michele Shortman and the rest of the group taking it out to the community and they just got hammered. The project later got pulled. My thought process was that if it is headed for the same direction, then what would be the value of leaving it in or taking it out because I sense that should it go to a public hearing, it would go through a similar process. A public meeting, I do not think necessarily here. I think here, too, as well. But either a venue here or in the community, that you would hear a lot of flak from the community about overdevelopment, lack of infrastructure, and what have you. So I do not know when the appropriate time is and maybe we need to wait until the other two (2) voting Members are here.

Committee Chair Chock: I think you are right, to kind of get a sense of who, at least on the Committee, and what direction they are headed in. This, to me, is one of the land use map questions that we should be discussing coming up. So if possible, maybe we can get a few more in the door and continue where you are leading off because I think it is important.

Councilmember Kagawa: So should we wait for now?

Committee Chair Chock: So let us wait for now. Again, are there any more questions on this, because if not, I just want to get through discussion on this item?

Councilmember Yukimura: I do. Mine is just a formal request that the Planning Department identify all the growth management text in this plan including policies, discussions, and actions.

Committee Chair Chock: Okay.

Council Chair Rapozo: Do you understand the question, because I do not? I just want to make sure.

Committee Chair Chock: Me, too, but I was like did you get that?

Council Chair Rapozo: Well, do not take my questions as being for or against.

Mr. Dahilig: No.

Council Chair Rapozo: I do not know what she meant. I want to make sure you know because no sense you go off and come back with something that she did not ask for.

Committee Chair Chock: Is that not an Appendix thing?

Councilmember Yukimura: No, it is for me. It is somebody who wants to see what the County's growth management policy is. He says, "Look at this whole plan," but that is the dilemma. It is not clear what the growth management policy is because it is scattered all over the plan. You say, "Well, you have to modify your understanding of Policy #1 by looking at the other things," and I am going, "Well what other things are you talking about?" If you just identify the other things that anybody who wants to see what the growth management plan would look at, that would be very helpful. It is a really legitimate question because if you want to know what County's growth management plan is, you have to know what to look at if it is the scattered around, which you have said it is.

Mr. Dahilig: I guess, that is the fundamental question. Just to kind of respond to Council Chair Rapozo's question that I struggled with because as we started the discussion yesterday, the phrase "growth management" is relative. If there is not an understanding as to what "growth management" in your

context, Councilmember Yukimura, really means, then it is hard for me to kind of understand it. What I will say is that the driver in the plan is the growth numbers we see in our residential population and in the tourism population. When you say "growth management," we are trying to manage what we know is coming down the pipeline. So whether we agree or disagree with that definition, that may just be a fundamental disagreement that I may not be able to satisfactorily answer your question if we do not agree what growth management means.

Councilmember Yukimura: Exactly. So when you say what the drivers are, I do not have disagreement. I want to know how you are going to manage those drivers, and I think that is supposed to be in the plan. Give us guidance about how to do that.

Mr. Dahilig: Right, and as I have articulated a few times, humans consume. You brought that up in the discussion concerning calories yesterday. Humans consume, they leave a footprint, they have needs, and they are scattered amongst many sectors on the island. So how you accommodate that need from what humans do on the land is where every sector has a way to try to adjust for that based on the shared values and policies that are coming through the community planning process. But if you looking for something that says zero (0) growth, I will say that...

Councilmember Yukimura: I did not say that.

Mr. Dahilig: Again, I am just being illustrative. For something that says we want to ratchet down growth in a certain area or we want to not do this, then it is hard for me to throw out a satisfactory question unless I understand what you mean by "growth management."

Councilmember Yukimura: Well, you are the ones who are saying there is a growth management policy in this plan. I am just wanting to know where it is and what I am supposed to look at in order to know where it is.

Mr. Dahilig: And what I have said is...

Councilmember Yukimura: Okay.

Mr. Dahilig: ...the whole...

Councilmember Yukimura: So your answer is no, you will not do it.

Mr. Dahilig: Well, if you send the question over in written form, I will tell you that the response is going to be that the whole plan is premised upon accommodating the population growth that is contributed by these sectors. That would be my response.

Councilmember Kagawa: Can I ask a question of Mike?

Committee Chair Chock: Sure, you may.

Councilmember Kagawa: Mike, what is the number that we have twenty (20) years ago? Was it fifty-six thousand (56,000)? Two hundred seventy-three thousand (273,000)? Would you say that in the next plan, you just project another seventeen thousand (17,000)? Like you said, people are going to have children. If you have more people, then you are going to have more children, right? People are going to have children and then we are still going to have people from the mainland, especially in California, they have all kinds of problems. I am sure if they have a lot of money in stocks, they are going to look to get out of there because Kaua'i is a beautiful place to live. They are going to come. Now I mean, growth management right there, you are now planning for eighty-seven thousand (87,000) twenty (20) years from now if you add another seventeen thousand (17,000), and that is being, I think, kind of conservative. I think looking probably at ninety thousand plus (90,000+), just residents. You can say that, "Oh, no, we do not have to stop it." Where else did they stop it? Did Big Island stop it? Did Maui stop it? Did Honolulu stop it? This is paradise. We all have to be real here. People are going to have babies. What are you going to do? Are you going to tell them that we are going to be like China and say, "You cannot have babies"? Come on. I mean, growth management, let us plan for it, and in all areas. But then, we do not have to plan for it like crazy as well. But we have to have some growth management, right, in all areas?

Mr. Dahilig: If we could employ things like you mentioned like China or do things like what Bhutan does, that is a method of growth management, but we cannot propose those because that is illegal.

Councilmember Kagawa: It is illegal. Thank you.

Mr. Dahilig: We have to be cognizant of some of those constraints that we do have for us to be able to say, "You can or cannot come here."

Committee Chair Chock: I feel we are naturally moving into discussion.

Council Chair Rapozo: I thought we were in discussion all this time.

Committee Chair Chock: Oh, yes, me, too. I would like to transition to that, if possible, and get a sense of where this body is.

Councilmember Kagawa: I was just trying to make it easy for Mike on that answer to growth management, that the numbers do not lie wherever you look. In the whole State, it is all going to grow. We cannot fault Kaua'i for being a beautiful place and it sells itself. I am sorry.

Committee Chair Chock: I agree.

Councilmember Yukimura: I appreciate Council Vice Chair Kagawa's question and I think it is true. We are not going to stop growth. We are just not wanting to accelerate it more than it would happen naturally. We know that resort units, because if you allow the creation of them, they need to fill it up with people, with jobs. They also advertise to get more people to come and if we have a lot of

inventory and there is a downturn, it is harder because...well, first of all, if you add more units, as Sue Kanoho told me, just recently the addition of...

Mr. Dahilig:

Southwest Airlines.

Councilmember Yukimura: ...Kōloa Landing starting affecting the occupancies in other existing hotels. So if you overbuild and then all the hotels are having a smaller share of the people who come, then their occupancies are all lower. Then, you have to advertise more so then you get more people and they sell real estate as part of tourism. People come in and they are exposed to it, so they want to move here. The question is how we do not artificially accelerate the natural growth that is happening, number one. Number two, what is the form and design of growth on this island, which I really acknowledge that the Planning Department has tried to address, because if we spread out in a suburb Southern California style, it is so expensive to service and our taxes will go up. So we are trying to do it more compact. How do we address traffic congestion that is going to grow if the growth grows? Those are all parts of planning and the reason for doing a General Plan. The question is not only how do we stabilize or at least just deal with our natural growth rather than artificially influenced growth that we do not want and cannot handle, and the other question is what kind of growth? Is it going to be all the rich people coming in and buying up land and all our local families moving out? How do we address that issue because we all do not want that? So that gets into the discussion on affordable housing and we will go there. But that has to be how do we support the right kind of growth and not artificially accelerate the wrong kind of growth that we do not want that affects us adversely?

Committee Chair Chock: What I would like to do, I see Council Chair Rapozo would like some discussion as well so I will turn it over to him in a second. What I would like to get out and I wish we had more Committee Members here, is to get a sense of what this body can act on. What are we willing to act on? We have heard different ideas already presented from the community, from testimonies, and even from the Planning Department in terms of where they would like to go or what they would support. Also, some Councilmembers have explicitly expressed about those things as it relates to growth management and as it relates to the framework. I feel like this is a very important discussion for us to at least come to some agreement if we are to move forward on this plan. If we cannot, then everything else we talk about starts to unravel more and we will be going in circles. So, that is how I would like to address this initial discussion, and then if you have final thoughts, that is great. That is fine. We can end it that way. Council Chair Rapozo.

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

Council Chair Rapozo: I guess it is more of a process question. I am a non-voting member. I am what they call an "ex-officio" so I cannot vote and I cannot be counted for quorum. So, it is just the three (3) of you. Nobody can even go to the bathroom without stopping the meeting.

Councilmember Yukimura: That is the truth.

Council Chair Rapozo: This is really for Committee Chair Chock and how we are going to move forward. I have not said anything and I have listened, but if we continue on this track, it will be the next Council that is going to be voting on it. I am not saying that to be funny, but I am telling you that we just started on Topic 1 and we have not even gotten to Topic 2, Topic 3, or Topic 4. All of them actually, are going to get more intense as the days go on because we will talk about something tomorrow that is going to trigger discussion on what we talked about today. So I guess what I am suggesting is that we have to do this in a way that the Councilmembers will have an opportunity to ask questions and then we have discussion because what I heard today was a lot of discussion, a lot of debate, and really, the disagreements between the Councilmembers and the Department in the questions and answers period. At end of the day, the Members of this Committee will make the decisions of what gets amended or not. They have submitted their plan. The plan is with us. We have the community here and we have the concerns if we have clarification questions. I think a lot of questions are very good questions, but at the end of the day, we decide what is going to stay, what is going to go, or what is going to change. But we cannot continue on this track is my point. I think we have to be able to ask the questions that we need to ask to clarify what is in the plan, then have the discussion, and then, the amendments need to be drafted because otherwise, we will never see the end of this. Trust me, I have been around long enough to know that is what will happen. We have to go through these blocks and we got to be able to get our questions answered, no doubt, but we cannot continue like this. It is going to be very difficult to get through.

Committee Chair Chock: I totally agree. First of all, just in this discussion, I actually do think we made some progress because this is the biggest topic, Topic 1. I think it will set the precedent. I actually think the other topics will not take as much time once we can start to figure out and obviously, there are philosophical differences on how we approach this plan. I would like to acknowledge definitely, that I think that what we have is a process of questions and answers followed by discussion, and that we have veered from that significantly today. We need to acknowledge that and clean it up. That is why we planned for three (3) days on this, so we need to get to Topic 2 as well. But if it does continue as you said, Council Chair Rapozo, with the questions and answers leading to pointed discussion, then we will not get there. Again, my interest in this period is to understand where you are on certain things because that will determine whether or not I will let the discussion continue because if there is no interest in it, then there is no reason to discuss it. If you are trying to make a point, then that point may fall upon deaf ears moving forward. So that is what I would like to do. In the context of this growth item, please. I will just state that my interest is obviously, in the implementation and accountability of it and whether this body wants to move on it. If they do not, then I am going to look for an alternative way to be accountable for this in moving forward if it is not through this body.

Council Chair Rapozo: I just think we just have to recognize and accept the fact that we are going to have a difference in philosophical views. I think that is idealistic. Councilmember Kagawa just brought up a very realistic view, which is our families are going to have kids and those kids are going to be have to be accommodated somehow. My two (2) left. They are in Oregon. They do not live here.

They will not be Hawai'i residents. They have changed their identification cards. They are done. But that does not have to happen for everyone. Idealistically, yes, we can say, "Hey, zero (0) growth. None." But there is some collateral damage to that. I know someone said balance was a kind of scary word, but the reality is we have to find that balance. I do not have a problem. I wish you could lock the airport gate today. We cannot. Trust me, I work at the hotel. I see these people come, and I have seen it firsthand. They have come for vacation and they do not leave. I am telling you. You think I am kidding or exaggerating. They come for seven (7) days, they go out, and guess what? They extend their vacation. Oh, really? "Yes, we bought a place. We are having our things shipped." I have seen it firsthand. These people have money. My kids do not have money. They have to go to Oregon. As Mauna Kea said earlier, we all have some personal gripes that we have. But at the end of the day, we as this body, have to look at the law. We have to look at the legality of what we want to do. We cannot just say, "Hey, cut them because we want to." Yes, we have some laws we have to follow. Where is that balance? That is what I want to get out of discussion when we have the questions. Not to debate how you did, what you did, or why? That is what you did. You went through the process and now it is ours. It is up to us. If I do not like what you did, I make an amendment and I convince three (3) others that my way is the right way, not to debate you and convince the public that you are wrong. The only ones that vote are here. So if I do not like what you did, and there are some things in here I am concerned with, I will make an amendment. That is the process, I think, Committee Chair Chock, that we have to kind of focus on. Focus energies on convincing three (3) other Members of the Council that your way is the right way versus trying to convince Mike that he was wrong. That is all I am suggesting.

Committee Chair Chock: I acknowledge that and I actually believe the same thing, so what are your amendments? Go ahead.

Councilmember Kagawa: First of all, I want to apologize to you and the public if I drifted off the questions with debate. I am one that actually calls point of order and stopped other Members on other issues when they drifted off asking questions during that period. It is hypocritical for me to do the same. However, I think the reason why I maybe have done some of that is that we have received tons of E-mails and those E-mails frankly really did not sound too nice. I would say that it kind of seemed, to me, overly critical of the Planning Department and allegations of taking care of developers and what have you. I know that is not true. I know that we have a Planning Department and staff that has high integrity. A lot of them are family members that I grew up with and it is not that way. But on the other hand, I think this plan is not foolproof as well. That is why it is here. That is the check and balance. The Administration has proposed the plan. They even went through a double-check through the Planning Commission and the Planning Commission is a solid group as well, but now it is our turn. I want to acknowledge that I think in any issue like this, you are the perfect Chair for it, Councilmember Chock. I want to thank you for your leadership. Hopefully, I can stay more on track going forward, but I do not think it has been a waste. I think we have discussed some of the tough issues. We came up with one (1) amendment that I believe has the votes to move the boundary and that already pleases some of the members of the public. So it has not been a waste. As far as I think the other two (2) that we need to address and I do not

know when we are going to address it, is the issue about water and water rights, whether we want to return water flow back to how it was since plantations are not in service as we were before and what direction we want to go with that, and Princeville. That needs to be discussed as well. I would prefer that the two (2) other Members are here because certainly, once we put that issue to rest, I think we can move forward. That issue is huge. It needs to be decided by this Council and not be as Council Chair Rapozo said, not told to the Planning Department as to why they put it in. They put in based on their knowledge of growth and what have you, that it belonged there. Now it is our decision and we need to make that decision once and for all, and do you know what? If it is still in like I said the last time, the community shot it down anyway. It is not the end of that issue. Certainly, the General Plan is not the end of that issue. Thank you.

Committee Chair Chock: Thank you. We are officially in discussion, so we will continue on our interests. I appreciate you being very specific about what it is your interests are. Councilmember Yukimura.

Councilmember Yukimura: I agree with everything that has been said. I want to also second Council Vice Chair Kagawa comments is about you, Committee Chair Chock, because I do think you are the perfect person to facilitate these discussions. I appreciate all of the work you have put into it and the effort you have taken to include everybody and make sure that everybody's input is considered. In terms of the implementation and accountability piece, I feel strongly, too, that needs to be in there. But in order to know what we are going implement and what we are going to hold people accountable for, you need really clear policies, and that is why I am asking questions about what exactly the policy is the policy is and what exactly the guidance is. I am not assuming that I do not like this right off the bat. I am trying to understand what rationale was behind what is in here. It is sort of like seek to understand before you seek to be understood. Understand what the rationale was for the Planning Department initially recommending taking Princeville Phase 2 out, am I correct? Yes. Then based on the discussion, they recommended putting it back in, right? So I want to understand what the thought processes are, not assuming that either one is correct, but knowing that there is desire on both sides of the issue to either remove it or to keep it so that I can make a decision myself. That is why I am asking the questions. I really agree that what we have done up to now has not been wasted. I think it has increased all of our understanding about what is in the plan, what might be lacking, and some of it might be really small changes because there are a lot of good things. Just reorganizing it or just adding a word like "multimodal" can add clarity and consistency to the plan. Without consistency, you cannot get guidance. If one part of the plan says, "Do this" and the other part of the plan says, "Do this," how do you know which way to go? Both sides are going to say, "I am complying with the plan." How do we know what the plan really intended? So that is why I think some of these discussions are necessary. I am really glad for the discussions. I am glad for the work that has been done. I am glad for all the community input. I think we just need to go through this pretty difficult process. But if we all stay on the subject matter, which is how we can make this plan clear, how we can make sure it gives good guidance to the future, and then how we can implement the good guidance, I think, we will get there.

Committee Chair Chock: Just a clarification, Councilmember Yukimura, I hear your interest in working on policy statements. Is that true? Are you thinking about submitting amendments towards policy?

Councilmember Yukimura: Yes.

Committee Chair Chock: Addressing the policy statements?

Councilmember Yukimura: Yes, and policy statements are not like one (1) or two (2) lines. They are not sound bites or icons. They are really thoughtful. First of all, you cannot do policy statements without understanding the problem. So it really takes a really good understanding of the very complex problems and then you have to write it up and you have to show the relationships and so forth.

Committee Chair Chock: Okay. Understood.

Councilmember Yukimura: I do have a very short piece about the enabling law.

Committee Chair Chock: Okay. We will end with that in final discussion. I just wanted to hear any more discussion.

Councilmember Kagawa: Is it possible, Councilmember Yukimura, for you to draft amendments that you feel that have a good chance of passing separately?

Councilmember Yukimura: I have already...

Councilmember Kagawa: I think what I am trying to say is that if you have amendments that you have discussed and they are okay with, of course, that is going to be easy to pass. But if you passing amendments that the Planning Department disagrees with, then you are probably going to end up with a closer vote. So, I would say make those amendments in a separate amendment. I am just trying to think of a cleaner way. I do not want to see us amending amendments.

Councilmember Yukimura: Well, so...

Councilmember Kagawa: I want to see amendments pass or fail and then move to the next one.

Councilmember Yukimura: That is how I see it, too.

Councilmember Kagawa: Okay. Great.

Councilmember Yukimura: But as you said, it is not in the Planning Department anymore or in the Planning Commission. It is here. So I am not going to limit myself to what the Planning Department agrees to, and even in terms of votes because...

Councilmember Kagawa: You said you agree and now you contradicted it.

Councilmember Yukimura: No, I do not think it is contradictory.

Councilmember Kagawa: No, you agreed with what I said first and then...

Councilmember Yukimura: I agreed with what you said before, not just now.

Councilmember Kagawa: Oh, my gosh. I am really confused.

Committee Chair Chock: So we will have to vet them and my hope is that you can work with the Planning Department on those things and review them so that there is clarity about what they might support, and then we can decipher what they do not so we can have it on the floor.

Councilmember Yukimura: I have already requested at least four (4) amendments, which includes the boundary change. Some of them are simple and others are far more complex, partly they will be drafted after a have a discussion and understand what is trying to be said here.

Committee Chair Chock: Understood. Council Chair Rapozo, I know you had some concerns and that is why we put it upfront on data and statistics. I just wanted to be sure if you thinking of anything along the lines of growth management.

Council Chair Rapozo: I think my concern is everybody's concerns with the numbers. The tourism numbers were way off. I think that was a problem. I have met with Mike folks and based on Sue's response yesterday, it is in line with what the Kaua'i Economic Development Board (KEDB) is predicting. So, I am a lot better. I do not think I ever said we had wasted today. I guess, for me, if we can get into discussions so we can all participate...

Committee Chair Chock: Yes.

Council Chair Rapozo: ...versus one (1) Member having a discussion with the Planning Department, which I think is important for to us have that discussion together so we can all participate. It is tough to sit here on a question and answer between one (1) Member and it is not even a question and answer. It is a real debate and I am here. I would like to jump in, but the rules are the rules. She has the floor. He has the floor. I would much rather get the clarification, then come back, and we can all have the discussion. That is all I am asking for.

Committee Chair Chock: Thank you. I appreciate that. Offline, I did have a conversation with Councilmember Yukimura. I do not want to pinpoint this about Councilmember Yukimura...

Councilmember Yukimura: You might as well.

Committee Chair Chock: But it is about all of us participating and engaging, and that was my request. I think it was heard and I hope that in Topic 2, we can move through it in a much smoother process.

Council Chair Rapozo: It is great when she asks the right questions.

Committee Chair Chock: Right, of course.

Council Chair Rapozo: But I do want to say, too, and where do I agree with Councilmember Yukimura, that I think the amendments that are proposed, although it should be run through the Planning Department, I do not think that it needs to be approved by the Planning Department. I think one (1) of your questions earlier today, he did not answer "yes" or "no." I do not think he would support it, but I think we would support that. I think we should run it and try to see, and hopefully we can get some support from the Planning Department. I am hoping that we get their support more times than not.

Committee Chair Chock: Yes. My only interest would be if there is, that we know that upfront so then it becomes less contentious and at least we know where they are. It is really our decision here.

Council Chair Rapozo: Yes.

Committee Chair Chock: Thank you.

Council Chair Rapozo: I think that we just have to accept it and not argue. If they do not want it, they do not want it. Tough. We are not obligated to do what they want. I think that is what we have understand. We do what we want, the people want, and it is not what the Planning Department wants.

Committee Chair Chock: Councilmember Kagawa.

Councilmember Kagawa: Actually for me, it does the matter what they say and I want to hear the reason why because they are planners. I am a teacher. What they say matters because they were trained in this, they deal with the public, they deal with developers, and what have you. I am a teacher. I deal with students. I need to know what they say and why they object, not to say that I am going agree all the time. But I want to know why this amendment is good or bad. I want to hear. On every single amendment, I am going to ask them. You may get tired of me asking them, but I am going to ask them on the amendments.

Council Chair Rapozo: No, I am not disagreeing with you. I think we definitely have to get their input, is what I was saying. What I am saying is that if they say, "No, we do not support it," I do not think that is reason enough not to introduce it. That is all I am saying. But the technical things, I am not going to argue with the Planner. It is like I am not going to argue with Councilmember Kagawa about...what do you teach? Biology?

Councilmember Kagawa: Geometry.

Council Chair Rapozo: Geometry. But on policy issues, that is something that we deal with, not the Administration. Anyway, now we are wasting time.

Committee Chair Chock: I just wanted to get to final discussion on this because Councilmember Yukimura has asked for that discussion time, specifically. I guess she has a presentation. She has five (5) minutes. Is there any last discussion on this topic here from anyone before we get to that last piece?

Councilmember Yukimura: I, too, want to know where the Planning Department stands. One, because I want to understand their rationale for their position. I will even agree with it as long as it is grounded in sound planning principles. So I think it is a dialogue that we have to have and I will try to create spaces in my questioning so that others can be involved.

Committee Chair Chock: Okay. Final discussion? If not, Councilmember Yukimura, I know you wanted a little time to finish this off.

Councilmember Yukimura: Yes, thank you. I just want to show the basis of my expectations for what the General Plan is, and this is the enabling law for the General Plan of the County of Kaua'i, Chapter 7. Basically, the purpose is what I think we need to look at. Pursuant to the provisions of the Charter, so it is grounded in the Charter, the General Plan sets forth in graphics and text, so two (2) ways of setting forth, graphics and text. Policies to govern the future physical development of the County. So it is policies basically, is what the General Plan is. It is policies in the form of graphics and text. The General Plan is intended one, to improve the physical environment of the County, and to improve the health, safety, and general welfare of Kaua'i's people. To me, whatever we put in the General Plan, we say, "Will it improve the physical environment and will it improve the health, safety, and general welfare of Kaua'i's people?" So going further, the General Plan states that the County's vision and it has to be first and foremost where we want to be and where we want to go in twenty (20) years. As I said before, the General Plan deserves an A+ for the overarching vision, four (4) things: a unique and beautiful environment, a sustainable community, a place with healthy and resilient people, and a place of equity and fairness where everybody has a chance to pursue happiness. Then, it states the vision and it establishes strategies for achieving that vision. So the strategies are expressed in terms of policies and implementing actions, and they may be augmented or changed.

Then, we go on to C and D, under purpose. The General Plan is a direction setting policy document. Again, this is a policy document and it sets a direction. It gives guidance. It is not intended to be regulatory. However, it is a guide for future amendments to land regulations. So it does have an impact on future land regulations and on future zoning amendments and development applications. It influences the regulatory process. So it is very important. Then, the visions, maps, text policies, and the implementing actions are intended to guide County actions and decisions. So in addition, the map and text policies are intended to guide the County in specific

types of actions. What are those specific types of actions? Revisions to land use and land development regulations, zoning changes, development plans and public facility plans, and preparing and adopting the capital improvements plan. This concludes my presentation, but this is, for me, the framework for the General Plan and that is why I am looking for clear policies in agriculture, housing, transportation, natural resources protection, and infrastructure. That is what I am looking for, clear policies and implementing actions that implement those policies.

Committee Chair Chock: Thank you. My only comment would be what we were planning to do is on a few topics and entertain amendments. It seems to me that framework, amendments, anything of that nature, or policy work would need to, I guess, be adhered to or talked about early on, I think, as it would relate to changes in other areas of the plan perhaps. So I just would request that if we are moving in that direction, to change the framework. Now, we have to make a decision because changing the framework could essentially mean significantly changing the plan. I have not heard any indication from this body so far, that they are willing to do something such as that.

Councilmember Yukimura: I do not know how much work it will take because I have not...I mean, I certainly have done a lot of work in affordable housing and I think I could come up using what is in here, but also adding in things like addressing the limited affordability of our County housing projects and of our inclusionary zoning housing projects, which has, I think, diminishes the inventory of affordable housing when we have to be expanding the inventory of affordable housing for an expanding population. So there are some missing pieces that I would like to propose to put back in the policy, but I do not know how much work it will take. But I will tell you Policy #2, provide affordable housing, the whole text is only a description of the problem. It is not a description of the solutions, and this plan is supposed to have a coherent policy about how we are going to achieve affordable housing in the next twenty (20) years, a really critical thing.

Committee Chair Chock: Okay. We will see that amendment as soon as you have some verbiage to it. Councilmember Kawakami.

Councilmember Kawakami: Thank you, Committee Chair Chock. I view this as a foundation of a house. This is the foundation and then policymakers, we can do the policy-making brick by brick through ordinances. So why can we not work through that vehicle instead of redefining the whole document? This is what our job is. You read the description of what the General Plan is, the foundation, and we are the builders, brick by brick, by enacting ordinances to be consistent with this document. I am trying to figure out what is the most efficient way of moving forward. This document has been worked on for three (3) years and we are going through the process, but to say that we are going to now go back to square one, it just concerns me as far as how long that process is now going to take. It took us seventeen (17) years to get here, and here we are. Thank you, Committee Chair Chock.

Committee Chair Chock: Thank you. Are there any final comments?

Councilmember Kagawa: The other one I forget to mention was of course, I should not have left it out, was Hokua. We have to discuss...

Councilmember Yukimura: Should not have what?

Councilmember Kagawa: The other item that we need to, I think, decide on, a big one, is Hokua Place. Is that the name?

Councilmember Yukimura: Yes.

Councilmember Kagawa: That is the affordable housing subdivision being proposed. A lot of the comments in the testimony that I received was mainly because of the traffic congestion, that it is going to be adding to the Kapa'a traffic, which is already gnarly. But the thing that I need to know is what the prices are going to be at Hokua Place because there is limited affordable housing in the Kapa'a area. I teach there, so I know. There are so much families living there that have so much people packed in one (1) house. For me, I believe that if you have these families already living in Kapa'a that would be buying into this Hokua Place, then you are not adding to traffic. They already live there and drive now. All they are going to do is they are going to buy a house and they are going to be living in a different part of Kapa'a. So, you are not adding to traffic. I need to know that projection and of course, the price because if the price is going to be affordable at five hundred thousand dollars (\$500,000), then these people that I am talking about are not going to be able to afford that. I need to know those things before I can pull it out. I do not know if we know those answers. Then, I might be tempted to leave it in. I do not know. We have to have some kind of plan. Again, that is another big one that we need to discuss along with Princeville and the water flow. Thank you.

Committee Chair Chock: Thank you. Councilmember Yukimura.

Councilmember Yukimura: On those specific land proposals, we should be able to use the General Plan policies to see if they are aligned with the General Plan policy. So it would be good practice. In response to what Councilmember Kawakami was saying, you will not know how to do the ordinances without clear policies about where and how we are going to grow, et cetera. You do not want to build a house without a good foundation. If there is not good clear guidance and navigation or integration of how we are going to do this, you will not be able to develop good ordinances, and good ordinances are not the only way to implement either. It applies to all actions and as I think as Mr. Crowe pointed out at the hearing in the Kāua'i War Memorial Convention Hall, there is actually language in the State plan law that says all of the State agencies should look at the General Plan so it can go beyond. But you have to be clear guidance, otherwise, everybody is going every which way.

Committee Chair Chock: Okay. I do not think it was mentioned. I think the concern is starting over, which is what I clearly heard. Anyways, thank you for the final comments on this first topic. I would like for us, if there are no objections, to move into the second topic today and at least get the presentation out of the way. If there are no objections, I will suspend the rules and call the Planning Department back up.

Councilmember Kagawa: I thought we were done.

Committee Chair Chock: Me too. That is why we have three (3) days.

Council Chair Rapozo: A week.

Committee Chair Chock: Every other week. We are going into land use which is exactly...I do not know how long it is going to take because we actually did some overlap in our discussions. But I do want to give the time for our Planning Department because they created a presentation based on what their work was, so we will take care of that. Lea said it was about ten (10) minutes.

There being no objections, the rules were suspended.

LEANORA KAI'AOKAMĀLIE, Long-Range Planner: Good afternoon Planning Committee Chair Chock, Council Chair Rapozo, and Members of the County Council. A lot of what you are going to hear now from us is...I apologize, it has been repeated already throughout the day's discussion, so kindly bear with me as I go through it. This is the other part of the text. Here comes the map. The part that we would really like to see consistency, as you had discussed earlier, between what we have so far as policy and what the spatial representation is showing is directing us to do. Again, this is a little bit of a repeat from what Councilmember Yukimura had just showed us earlier. Just to remind everybody, the purpose of the land use maps and here we are calling it the "Future Land Use Maps" just to distinguish it from what is currently the existing maps that came from the 2000 General Plan. But they depict spatial representation of both existing and envisioned land uses on Kaua'i. These are areas that are appropriate for development as well as those areas where development should be limited or kept natural and preserved. It supports the policies within the General Plan and are intended to be used when considering land use proposals and policies. Again, just as a reminder because we have been still getting some questions on this, they are not zoning maps. In other words, the General Plan designations reflect existing and envisioned land uses and do not provide entitlement. The General Plan maps do not approve permits for development whether of land or resources, and the maps alone may not be used to prohibit lands that are currently allowed by CZO by permit.

The objectives of the maps are as follows: to provide opportunities for range of housing types and to strengthen town centers. We talked about town centers earlier. Efficiently use land and resources by promoting infill, and again, infill is development that happens within the existing towns and urban areas; to create and support compact walkable neighborhoods and to locate housing near jobs. I am going to turn it over to Marisa right now. She is going to go over the process that was used to update the maps.

MARISA VALENCIANO, Planner: *Aloha*, Council Chair Rapozo, Committee Chair Chock, and Members of the Council. Lea talked about why we need the land use maps and I am going to get into how the land use maps were basically developed. Before we started anything, we wanted to go back and take a good look at the 2000 General Plan land use map. We found that many areas that were identified

on the map did not move forward in obtaining their State Land Use District boundary amendment or County zoning. We also recognized that there were areas on the map that supported new areas of growth that needed to go back to the community to be tested to see if they still made sense. Then, we also took a good look at land use designations in the 2000 General Plan and asked ourselves, "Are these designations accurate" and "Are we missing any designations?" So that was the 2000 General Plan. We also looked at our community plans such as the Kilauea Town Plan, Līhu'e Town Core Urban Design Plan, and our recently adopted Līhu'e Community Plan and South Kaua'i Community Plan.

We also conducted six (6) technical studies to understand the trends that are impacting us. So the technical studies were done by experts in the field who provided that baseline information that we felt could be helpful in informing the land use maps. We did a socioeconomic analysis, which forecasted population, housing, and job growth to provide guidance on where future growth could be allocated across the island. We also did a Land Use Buildout Study, which looked at our existing zoning through GIS and provided a spatial build out analysis and growth scenarios. We did infrastructure assessment, which analyzed our major infrastructure systems, and we did a climate change and coastal hazards assessment identifying areas across the island that would be vulnerable under a one (1), three (3), and six (6) foot sea level rise. Then, we also did a public health assessment, which helped us understand how the current built environment impacts our health. We looked at an Important Agricultural Lands (IAL) study, which identified areas designated as Important Agricultural Lands to be preserved for agricultural production.

Over the last two (2) years before any maps were drafted, we invited the public to participate in visioning exercises to get a better sense of the community's vision for their community. We held many community meetings and open house events across the island and posted draft vision statements and other materials on our website for public comment. Based on the hundreds of comments we received during the visioning exercise, we were able to apply the community's vision to conceptual land use maps. To create an inclusive and transparent process, we made sure that all iterations of the draft land use maps were posted online, rolled out at community meeting and open house events, and taken to neighborhood association meeting groups across the island. The thousands of comments and testimonies we received during that visioning exercise, administrative draft, discussion draft, departmental draft, and Planning Commission process were all very critical in shaping the future land use map that you see before you today. These are just pictures showing some of the events that we conducted throughout the last few years.

It was also important for us to reach out to landowners for information about anticipated projects during the planning horizon. In 2015 and 2016, we mailed letters to landowners to inform them about the General Plan update and to encourage them to meet with us about the land holdings. Within that two (2) year period, we had over twenty (20) meetings with landowners.

We also had numerous meetings with many County and State agencies for updates on ongoing and anticipated projects during the planning horizon. The

information they shared with us would be helpful in forming possible changes to the future land use map.

During the South Kaua'i Community Plan update, the community's desire was to respect the unique identity of each town. However, this was at odds with the 2000 General Plan (GP) land use map, which applied the same land use designation to existing towns. To implement the community's desire, the South Kaua'i and Līhu'e Community Plan processes used place-types, which is simply a design tool to help the community facilitate the conversation on future growth and what that looks like. As a tool, place-types can help reinforce the importance of place. So if we look at the natural pattern of the built environment, which is this slide right here, we recognize that there exists a range of places from Natural to Urban that human settlement depends on. Each type of place is important and has its own role to play for the built environment to function. Similarly, the *ahupua'a* contains places from *mauka* to *makai* that each have a different purpose. Some areas, for example, may be more appropriate for growing food while other areas may be more appropriate for housing. But together, all of the components within an *ahupua'a* system need to function together in order to maintain a healthy system.

How do place-types shape the future land use map? Well, the community's identification of place-types can help to update the existing land use maps contained in our 2000 General Plan by reexamining the town center boundaries and the location and extent of neighborhood center and neighborhood general designations. Just for reference, I have an example from the 2000 General Plan land use map and an example of after once the place-types are applied and what that looks like. I will go into more detail on this specific example in a few more slides.

So because the other planning districts aside from Līhu'e and South Kaua'i had community plans that were over forty (40) years old, we needed to go back to the planning districts of East Kaua'i, North Shore, Hanapēpē, 'Ele'ele, Waimea, and Kekaha to understand the community's vision for the town. Each place-type visioning workshop included an opening presentation where we did a visioning workshop asking people to describe their vision for their community in one (1) word and to actually write a vision statement for their community. Then, we went on a bus and toured areas that were designated on the 2000 General Plan land use map and discussed whether these areas made sense and the community's vision. After lunch, we came back and we broke into several groups. This is where we laid out the maps and allowed people to determine the degree of change on the form, scale, and function of their community. Finally, based on all of the comments that we heard throughout the day through the tours and based on our discussions, we took all of this information and began drawing conceptual maps that we later shared with the public at the closing presentation.

Through the recently adopted community plans and the work done through the place-types, the community five (5) place-types appropriate to Kaua'i. So, they are following: the Crossroads, Village, Small Town and Large Town, and then something new that was added was the Plantation Camps. This was just meant to be descriptive and to call out areas for like Kaumakani and Pākālā for what they are.

Then to go back to illustrate how place-types inform the land use map, I bring up this example again of Kapahi. This is Kawaihau Road for reference. In the 2000 General Plan land use map, you can see that this designated area over here was designated as one (1) type, which was Residential Community. But based on what we heard through the community plan updates on the place-type workshops, we strengthened town cores. So as you can see in the red outline, we identified the natural town center and then from there, we added dashed line to represent a five (5) minute walk from the center and areas where we could encourage more housing and commercial uses. This is this area right here up by where the Kaua'i Athletic Club and the Food Mart up there.

Just to summarize, as you know, we have had many drafts of this General Plan update. Every step along the way, the map-making process has been very inclusive, transparent, and community-driven. So we just wanted to remind and show you some of the pictures from all of the different events. The creation of the maps has been a two (2) year process, so we just want to leave you with that. I am going to pass it off to Lea now.

Ms. Kai'aokamālie: Thank you, Marisa. Now, I will be reviewing the land use maps. Just going through them quickly as far as what the revisions to them are and then leave it to you for questions. Since this question has come up, and I guess it is timely, what are planning districts? Well, they represent the six (6) regions on Kaua'i. They district delineations are the lines that you see and are figurative and are not enacted by any legislation or ordinance. Really, the purpose of the district boundary delineations are to identify geographic areas for data analysis. For example, when you are trying to compare population, traffic, or that type of information to a particular district, you need to know where it is you are talking about so that you can draw a line as to how you are analyzing data. They are also meant to identify geographic areas for planning purposes, specifically for our community plan updates and our General Plans. When we say that we are talking about Waimea-Kekaha, this is where we mean.

The draft future land use maps also included, as Marisa talked about, new and revised designations. For example, we now use Natural. This updates and replaces the Open designation. The reason for this is through our decision with community and so on, the word "open" would get confused a lot with "open zoning," or "open space," or just no development. The call was to change the word to Natural. This also includes those places that should be limited in development and are not suitable for development based on topography, hazards, streams, et cetera. We also included Homesteads, and these are not places that have homestead exemptions. These are places that reflect the existing low density and rural residential communities that were created under the 1895 Land Act. You will see some of those as I go through the maps. We also included Neighborhood Center. This updates and replaces the town center boundaries that we had previously. Then surrounding that, as Marisa was explaining, we have Neighborhood General. This replaces the previous urban center and includes Neighborhood Center and Residential communities. These are areas that are closest to your commercial or your town center. We also added a University zone. It obviously applies to Kaua'i Community College. We added Parks and Recreation, and the reason for this is it recognizes existing County and State

parks and distinguishes these areas from agriculture. In the previous plan, parks and recreation and as you can see, the bottom one, golf courses, were included in the agricultural designation. What we wanted to do was identify these as separate types of designations.

I am going to start with Waimea-Kekaha, and this is the existing designation. As you can see, note that the residential community designations and the middle of the Agriculture in the Waimea area. Here. Keep your eye on that. Then also, this Resort designation more *mauka*. In the proposed future land use map, the Residential community was reduced and moved closer to the current urban uses and again, to reinforce the ability for connectivity and to basically locate it closer to the current urban footprint. I wanted to point out, before we go further, that this area should not be hatched. Thank you, Council Chair Rapozo, for pointing that out. We also did see that. So that was a printing error that should be amended. Obviously, it is currently Resort zone and has been built out. This is where the Waimea Cottages are. This is the area now that is currently zoned for agriculture that is in the provisional resort designation. Provisional identifies specific areas that will need to be further discussed during the community plan update process.

Moving on to Hanapēpē -'Ele'ele. Note the Residential designation on the left in Hanapēpē, this is this one here, and on the right at Port Allen, here. This is the current. On this one, the residential community designation to the west was revised to reflect the current master plan from the Department of Hawaiian Home Lands, here. Again, we met with staff members of DHHL both on-island and also those from the main planning office on O'ahu, and they were able to share with us not just their current plans, but also discussed with us where they are and where they might be in the future. So this reflects that. The area to the right reflects, here, a portion of it is where the Habitat for Humanity project is and also where the Lima Ola Affordable Housing Project will be located, and a new neighborhood general here. The green hatched area is identified here as Provisional Agriculture, and like the provisional resort in Waimea/Kekaha, this area will be further discussed during the community plan update process.

I included this slide just to give you a timeline of the discussion that happened relating to this area that was also discussed earlier today. So again in the 2000 General Plan, the designation is Agriculture. The Lima Ola Housing Project included a residential community. It is included as residential community in the General Plan discussion and the departmental draft with the area adjacent to Port Allen as Neighborhood General. Then April of this year, the Planning Commission designated the plateau of east of Port Allen to Wahiawa Gulch as Neighborhood General and Provisional Agriculture. Here are the votes here. Then in May of this year, there was a motion to remove the Provisional Agriculture designation, but that motion failed. So it remains.

Moving on to the South Kaua'i Planning District. Note the areas circled showing the current designations as residential community here in Kalāheo, here in Kōloa, and along the bypass road. Then also down over here, the agriculture and open area. The land use map now reflects new designations of Neighborhood Center and General identifying the town centers and adjacent neighborhoods. That is the

change here around Kalāheo. There is orange and then Neighborhood General around it. Along the Ala Kinoiki Bypass Road here, the residential community was removed and replaced with an Agricultural designation. Then also in Po'ipū, a new town area was designated to encourage workforce residential housing opportunities near hotels and other businesses in the area. The existing golf course is identified. That is why the color is different from before, and separated from the existing agriculture and natural areas adjacent to it.

Here is the Līhu'e Planning District. Again, the plan was adopted in 2015, but the land use map is still before you. So, the Līhu'e General Plan land use map shows an urban center designation on majority of the town center here. Then, also notice the resort designation here on the upper right hand side. This is where Nukoli'i is and then the circle around a portion of it. Then also, keep your eye on this residential community designation here.

Now in the draft map, a portion of the resort designation has been removed. On the top, that is where the existing hotel is. The residential community here has been removed and now it is agriculture. Then also, a University zone designation has been applied to Kaua'i Community College and also around Island School.

Moving on to East Kaua'i. The current General Plan designation also reflects here, agriculture, residential community, a whole bunch of residential community here, and urban centers. The proposed plan, as I previously mentioned, we are now identifying Homestead as homesteads. This area up here reflects the Department of Hawaiian Homelands' Master Plan. We identified the town center and the adjacent Neighborhood General around it. Also here, it is no longer urban center, and then the area here, let me move to the next one, where it was previously urban center has been reduced and revised to Neighborhood General. So this is what Councilmember Kagawa had just brought up previously. In the 2000 General Plan, it was designated urban center, as I just said. It was removed in the November 2016 Discussion Draft and January 2017 Departmental Draft. In May of this year, the Planning Commission voted to designate the area or a portion of the area back into Neighborhood General and this was the vote, and the remaining balance is now Agriculture.

The last area we are going to go over is The North Shore, and so keep your eyes here on this residential community pod, which this is what the map looks like now and this is the change. Let me go back. Here, again, the resort is in the previous 2000 General Plan, residential community here, and now the residential community has been removed, but the resort is still within the proposed plan. Again, the 2000 General Plan designated this area Resort, it was removed in the 2016 Discussion Draft, it was returned to the Resort in the Departmental Draft, and then May of this year, the Planning Commission voted to remove the Resort designation. Here is the votes. Then in June of this year, the Commission voted again, to remove the Resort and that failed once again, and that is the vote. That is really all I have for my presentation. Do you have any questions?

Committee Chair Chock: Thank you so much for the presentation, Lea and Marisa. Just for the general public, the presentation we be made available online

as well. At this time, we will take questions on the land use maps. Are there any questions? We will go right around the table. Council Chair Rapozo, do you have any questions?

Council Chair Rapozo: No.

Committee Chair Chock: Councilmember Yukimura, do you have any questions?

Councilmember Yukimura: I do.

Committee Chair Chock: Okay. Councilmember Yukimura.

Councilmember Yukimura: Thank you for your presentation. In your slide 3, I guess, they are not zoning maps, but they influence zoning maps, right?

Ms. Kai'aokamālie: Yes. At the time, that zoning (inaudible).

Councilmember Yukimura: Someone like a landowner would not be able to make an application for zoning unless it has a supportive General Plan designation.

Mr. Dahilig: Yes. Under State law and the description of what the plan entails, the graphical policy has to align before an amendment can be entertained.

Councilmember Yukimura: Okay. Then, on slide 7 on your technical study, you do not have the transportation study. Is there a reason or is it combined in something else?

Mr. Dahilig: Because the Multimodal Transportation Plan was a study that was approved by the Council, those were in addition to the six (6) studies we commissioned. So these are studies that we commissioned specifically.

Councilmember Yukimura: I believe there was a transportation study separate from the multimodal study that was commissioned as a specific requirement of the General Plan update process, the Charlier report.

Mr. Dahilig: Yes. What we did is we took the Charlier report that was produced and it was not part of the General Plan technical studies that we produced. It was a white paper that was done as part of our general process. So nevertheless, it was still incorporated in our analysis. I think this slide is just meant to illustrate what was paid for through the technical studies process before we launched the General Plan process, and the Charlier study was part of the General Plan process.

Councilmember Yukimura: So your technical studies were done preparation for the General Plan update, right?

Mr. Dahilig: Right.

Councilmember Yukimura: And so was the Charlier study in preparation for the General Plan?

Mr. Dahilig: I think we are saying the same thing, but ultimately, these six (6) were the ones that were paid for out of an appropriation for technical studies.

Ms. Kai'aokamālie: Except for the Important Agricultural Lands.

Mr. Dahilig: Except for IALs.

Ms. Kai'aokamālie: I just wanted to point that out.

Councilmember Yukimura: Thank you.

Ms. Kai'aokamālie: That was a separate one.

Councilmember Yukimura: Yes, so it is different. Same thing with the Charlier study, it is different, but it is still all the basis for your plan. On the water, which I presume was addressed in your infrastructure assessment, I would like to just clarify the question I asked this morning about seventy percent (70%) of our potable water supplies comes from surface water sources. Do you know what the fact is about that?

Mr. Dahilig: I think it may be helpful for us to understand where that figure is coming from so we...

Councilmember Yukimura: I do not need to know where it came from. I just need to know what the fact is in terms of how much of our potable water is from wells and groundwater, and how much of our potable water is from surface water.

Mr. Dahilig: Okay.

Councilmember Kawakami: But that was not a statistic that came from the Department. That was somebody that just came to testify.

Councilmember Yukimura: That is why I am asking for what the Department's statistic is.

Councilmember Kawakami: And I am just clarifying that.

Councilmember Yukimura: So if it jives, then that is what the fact is. If there is a different number, I just need to know that.

Mr. Dahilig: We can review the infrastructure assessment and see what the information in there says.

Councilmember Yukimura: So you will follow-up with an answer?

Mr. Dahilig: Yes.

Councilmember Yukimura: So we will do that as a follow-up question.
Thank you.

Committee Chair Chock: Are there any more questions?

Councilmember Yukimura: I have others, but if someone else has, please
go ahead.

Committee Chair Chock: All you.

Councilmember Yukimura: Thank you. On your new and revised
designations, page 10 of the presentation. I am sorry. I lost track of the slide
numbers. Can you tell us what zoning would be accommodated under these
designations, and if it is very complicated, maybe you can send that to us later? But
Neighborhood Center, would that accommodate a rezoning application for residences
for commercial or general commercial? I am just trying to understand the
transition...

Mr. Dahilig: Okay.

Councilmember Yukimura: ...which these are kind of form-based codes,
right?

Mr. Dahilig: Yes.

Councilmember Yukimura: And if they are the foundation in our Code for
zoning designations, I would like to know what the correspondence is.

Mr. Dahilig: Okay. Maybe if we can have a chance to
create a matrix for you based off of this so we can provide that. You did touch upon
form-based code and you are on the right track with the questioning that a lot of this
is meant to facilitate that home rule further charrette of form-based code. So the code
is going to be generated by that process, not necessarily fitting into a specific rubric.
What we will do is we will identify what areas under this would be ripe for form-based
coding.

Councilmember Yukimura: Okay, that would be helpful because I have a
hard time understanding what kind of densities or numbers are generated from these
General Plan designations. When you have your nine thousand (9,000) housing units
and you have allocated them to districts, I kind of want to know what the match is
between the maps and the numerical allocations.

Mr. Dahilig: Okay.

Councilmember Yukimura: Thank you. It gets harder with General Commercial and Neighborhood Commercial and what you are going to allow. Are you going to allow a Safeway in something that is called Neighborhood General? I am really asking questions. I am not making any assumptions. I do not know what they are.

Mr. Dahilig: Okay. If it would be helpful, Councilmember Yukimura, and I leave this up to the discretion of Committee Chair Chock or if you want to take it offline to explain how form-based coding works. We did go through this in the South Kaua'i Community Plan and the purpose is to take the information from a public process and right-size things like density, right-size things like form, and right-size things like character. We can definitely go through that explanation either individually or if you would like a supplemental presentation, we certainly can. The intention is to have it like how we are currently regulating South Kaua'i's form-based coding districts in Kōloa, North Po'ipū, I guess you would call it, and in Kalāheo.

Committee Chair Chock: But as far as the matrix that you are talking about, (inaudible). I am interested in it as well. Maybe together, we can get a more in-depth briefing on it.

Mr. Dahilig: On form-based coding?

Committee Chair Chock: On form-based coding.

Mr. Dahilig: Okay. Marie is my expert on that.

Committee Chair Chock: Okay.

Councilmember Yukimura: Well, will you not need implementing ordinances in order to actually go from these General Plan designations to zoning?

Mr. Dahilig: Yes.

Councilmember Yukimura: So we are creating the General Plan designations so if somebody the day after we approve the plan comes in with a zoning application, what are you going to do if you do not have an implementing...

Mr. Dahilig: The way we would approach it is to explain to them that the purpose, as articulated in the plan, is to have form and character addressed in the zoning regulations. Unless they come to the table with something that addresses that and shows evidence of a public process, our Department would have difficulty moving forward with a recommendations should it not be aligned with it. The place-typing discussion that Marisa talked about becomes activated as a consequence of these maps changing these designations because that is what the place-typing is meant to do.

Councilmember Yukimura: So basically you are going to reject a zoning request unless and until you have an enabling ordinance for these areas because my

understanding is passing the South Kaua'i Community Plan, you actually incorporated it, but it was only for that district?

Mr. Dahilig: That is correct.

Councilmember Yukimura: So for other districts, I mean, that is why it may be better to do some of these changes in the community plan when you can do it all together instead of doing it in the General Plan without the guidance of an enabling ordinance.

Mr. Dahilig: I think that is our intent if the bond appropriation list does stick to what has been discussed thus far. Our intention with the West Kaua'i Plan is to do exactly as you are describing.

Councilmember Yukimura: Yes, so it might be premature to put in these designations without the enabling legislation.

Mr. Dahilig: The difficulty with it, again, is we have to have ordinances that are consistent with the General Plan. So simply changing a community plan in the hierarchy of planning documents does not effectuate the ability to, I guess, pass an enabling ordinance. That is why we went through and made the investment with the consultant to come in and do the place-typing as what is, I guess, the entry-level method of starting a form-based code. So that is what we did. But it did not actually go through the whole charrette process of creating the Code. So that is why these things are essentially like stubouts for that implementation.

Councilmember Yukimura: Well...sorry, I lost my thought. In doing the community plan, will you not make amendments to the General Plan? That is what you did with South Kaua'i.

Mr. Dahilig: No, we did not. That is why if you look at the maps that are being proposed here, we are having to do an alignment with the General...

Councilmember Yukimura: But urban...

Mr. Dahilig: So if you look at what has been going on with the maps for South Kaua'i, we actually are having it to align what has been passed in the community plan in the General Plan to actually fully effectuate what was passed in 2015.

Councilmember Yukimura: But you could do it though.

Mr. Dahilig: Again, we would have to go through a process of having to amend the General Plan as well. So what we did is islandwide, what we did in the form-based coding process, we did the first step, which was place-typing. As Marisa described, that neatly plugs - in to a community planning process.

Councilmember Yukimura: To me, you could not have issued any permits if the South Kaua'i Community Plan was not aligned with the community plan.

Mr. Dahilig: Well, its alignment...

Councilmember Yukimura: Based on what you said about how you made General Plan designations.

Mr. Dahilig: We can in a sense, because what ended up happening if you look at some of these areas, is that the broader set of descriptions for land use still enabled the ability to enact these ordinances for certain areas. So the spatial policy does align with the 2000 plan. However, given the desire to provide more specificity in what exactly does these things mean, that is why you are seeing the set of descriptions expand because we want to be more specific as to what these things mean. So that is why we have eliminated urban center, we have eliminated certain areas as being residential community and broadening that. It is not unusual for a residential community to have some element neighborhood commercial, but we want to be able to call that out and try to limit the neighborhood commercial in areas that are aligned with form-based code. So that is why there are portions of the 2015 South Kaua'i Community Plan that can be put into effect by ordinance. But there are other areas, like for instance, the "gateway," that is if you look at the next slide. The gateway that is there, we did not do a form-based coding process for the South Kaua'i Community Plan. If one were to be conducted, it would have to be enacted through a separate enabling ordinance. The three (3) areas that we did in South Kaua'i were Kōloa, Kalāheo, and the area near the roundabout near Kukui'ula because those were the only areas that we had alignment with the General Plan. We did not make an investment in some of the other areas like the Po'ipū Gateway because we did not have General Plan alignment.

Councilmember Yukimura: Okay. On your page 15 in the Līhu'e...oh, wait, before we go there. I am sorry. Page 12 in the proposed Hanapēpē 'Ele'ele planning district, how many acres is that proposed provisional agriculture, which is actually...

Mr. Dahilig: I believe it is...

Councilmember Yukimura: ...provisional urban?

Mr. Dahilig: I believe it is the response to question number...I am sorry. What we can do is we can do a GIS clip on that and try to get you a number. This is the provisional agriculture.

Councilmember Yukimura: Do you not have that number?

Mr. Dahilig: No, we do not, but we can generate it for you.

Councilmember Yukimura: Okay. Thank you. On your page 15, proposed Līhu'e Plan, you have that area on Hanamā'ulu Bay. Is that not a major change in designation? It looks like it is going from agriculture to something else.

Mr. Dahilig: Do you mean this?

Councilmember Yukimura: Yes.

Mr. Dahilig: This?

Councilmember Yukimura: Yes.

Mr. Dahilig: That is in recognition of some of the odd...because the County is subject to a dual planning system with the State, that ring around Hanamā'ulu Bay is actually Urban. So that is State Land Use Urban. Now, I have my own personal feelings about whether that should be or should not be there, but it is a vestige of some of the previous State land use actions from well ago. That is why we have run into an issue concerning what can or cannot be prohibited along that rim, and that is why you are seeing that reflective of the State land use designation.

Councilmember Yukimura: But it is reflecting Residential Community, and is it not the previous plan Agriculture in County designation?

Mr. Dahilig: The difficulty with that State Land Use Urban designation is even with the County overlay, because of the requirement in State Code, because it is Urban, there is a potential for up to two hundred (200) units of density because of that designation alone. That is why rather than having it...

Councilmember Yukimura: But is it not...oh, sorry.

Mr. Dahilig: Rather than having it reflect what we want, it is a real condition that needs to be planned around because of that State land use boundary designation of Urban. Personally, if I had my druthers about the State land use designation in that area, I probably would not agree with it. But that again, is a relic of a very old pervious action by the Land Use Commission (LUC).

Councilmember Yukimura: I do not understand because do we not have to have both? We have a two-tiered process of land use designation that has to be both Urban at the State level and then General Plan, an Urban category?

Mr. Dahilig: Right, but...

Councilmember Yukimura: But they have not come in as an application for Resort or Residential.

Mr. Dahilig: Just like the Homestead coloration, let me find the specific section within Hawai'i Revised Statutes (HRS) 205 and explain why this condition is like this. I can better articulate it that way. I do not have it in front of me now, but what it does provide is that when something is Urban, there is a certain allowance for development based off of that State land use designation. So let me get the Codeinformation over to you.

Councilmember Yukimura: Okay. I appreciate that. It may even require a County Attorney analysis.

Mr. Dahilig: Sure.

Councilmember Yukimura: And then what is this orange along Kapule Highway? Is that in addition to a Neighborhood center on the *makai* side of Kapule Highway, right tangential to that?

Mr. Dahilig: Please go back one?

Councilmember Yukimura: Yes. Is that new?

Mr. Dahilig: Yes, that is new.

Councilmember Yukimura: Sorry.

Mr. Dahilig: If we move forward, the Līhu'e Community Plan called for more workforce housing along and adjacent to the Hanamā'ulu triangle that is currently under construction. So because that intersection is a natural center based off of the crossing of two (2) major highways, it made sense to look at providing for, at the time of the discussion with the Līhu'e Community Plan, was to provide for more housing close to infrastructure. So that is why you will see that there and you will also see the removal of residential in the very bottom of the screen because of the distance from the current spine infrastructure that is there. So what we did not want was a tract development that was not available to have walkable/bikeable types of connections to the main core.

Councilmember Yukimura: Well, is the designation Neighborhood center?

Mr. Dahilig: Yes.

Councilmember Yukimura: Will it allow commercial in there?

Mr. Dahilig: Yes.

Councilmember Yukimura: Could it go all commercial?

Mr. Dahilig: But it is also, again, subject to a coding process that we would undertake as part of the form-based code. Līhu'e did not undertake a form-based coding process. So again, these designations are meant as stubouts in the event in the future, we can either fund a form-based coding process, undertake one in-house, or have a landowner undertake their own process with community input.

Councilmember Yukimura: And they will probably not have to do an EIS?

Mr. Dahilig: Well in the indication of, let us say that area right next to Hanamā'ulu, it is likely that would probably trigger an EIS because it

is over fifteen (15) acres. So before it goes through the Land Use Commission process, they would have to conduct a Chapter 343 evaluation.

Councilmember Yukimura: But it is already not Agriculture anymore.

Mr. Dahilig: But it is Agriculture under State Land Use Commission designation.

Councilmember Yukimura: Okay.

Mr. Dahilig: If we are talking about the orange to the left, yes. To the right, no. That is that weird legal technically that we are going to get you more information on.

Councilmember Yukimura: But we do not have, as a County, if say they go before the Land Use Commission, we do not even have our own recommendations about how much should be Commercial and how much should be Residential if we do not have guidance or guidelines for all of these different form-based code areas. I mean, it is really hard for the public or those of us who are still only schooled in the conventional zoning to understand the implications of this land category.

Mr. Dahilig: Well again, the form-based coding process is meant to be organic and community driven. So no one Code is meant to be applied islandwide. It is meant to empower regional planning. When you look at what has been done in South Kaua'i, those three (3) communities that went through the form-based coding process have a Code that is tailor-made to their desires and perspectives on scale and form. We cannot, in effect, specify what the coding would turn out to be other than commit to say that it would have to go through, again, a community driven process that would generate the Code and then bring it to Council for its approval.

Committee Chair Chock: Okay. We have to take a ten (10) minute caption break. We will come back in ten (10) minutes and finish up our questions and get into our discussion hopefully. Caption break, ten (10) minutes.

There being no objections, the meeting recessed at 3:40 p.m.

The meeting reconvened at 3:51 p.m., and proceeded as follows:

Committee Chair Chock: Welcome back. I think our goal here is to finish up with questions and get to discussion. It could be that we could complete all of it by today, just depending on how far we get with discussion. Councilmember Yukimura has the floor for questions at this time.

There being no objections, the rules were suspended.

Councilmember Yukimura: Thank you. I want to know what the meaning of the purple designations is for Plantation Camp in terms of what kind of zonings or rezonings they enable.

Ms. Kai'aokamālie: The plantation camps essentially were identified during the place-typing exercise. They are not necessarily designations as Marisa explained in her presentation. They are to identify that they are plantation camps at this point.

Councilmember Yukimura: What if they come in and say, "I want a zoning for residential subdivision of so many units," Are you going to accept it? Is that a General Plan basis for a zoning application because right now, they are just Agriculture right? I am all in favor of agricultural housing, but I do not know if we want to start urban nodules. I mean, a separate new town and we are doing that inadvertently by designating them...

Mr. Dahilig: I understand the caution. In looking at the land use designations under 2.2, we do not have anything that further describes what...

Councilmember Yukimura: 2.2?

Mr. Dahilig: Yes, on Page 54 of the plan, Councilmember Yukimura. We do not have anything that specifically creates or encapsulates what that could be. Our intention is more for historical recognition of these things.

Councilmember Yukimura: Well, somewhere it has to be made clear that is the case, otherwise, you might be starting a new town center.

Mr. Dahilig: So I acknowledge that. I think what we could do is propose or we could help develop a proposal or an amendment that adds an additional land use designation just so that we are clear from a textual policy what exactly these mean.

Councilmember Yukimura: Okay. Thank you.

Committee Chair Chock: Are there any further questions?

Councilmember Yukimura: My question with all of these provisional categories is why could you not leave that for the community planning process?

Mr. Dahilig: It is a catch-22 when you approach provisional because there is obviously a community tension with wanting things implemented sooner than later. So if the result is having to go through a community process and come back to a General Plan process to get the ball moving, what we want to do is be able to one, facilitate that a lot sooner. That is where that word "provisional" comes in. What we reached as a conclusion is that our planning process was not able to delineate a regional impact to an area without further community planning process. So that is why we called it "provisional" because we clearly acknowledge in the plan that it should be left up to the community to decide what to do with it. But it is also meant to align the General Plan so we are not left in a

situation like South Kaua'i where we have to wait for a General Plan cycle to come in and align the plans.

Councilmember Yukimura: So the Provisional Agriculture proposed for Hanapēpē -'Ele'ele, which is on page 13, that plus the Provisional Agriculture that is in the South Kaua'i Community Plan, how much of Kaua'i Coffee's land will that remove?

Mr. Dahilig: Again, we will have to do a GIS analysis for you on that.

Councilmember Yukimura: You do not know that?

Mr. Dahilig: Well, because these areas are meant as spatial and not zoning, we have to go through a GIS process of defining areas. So I do not know that. I think we can get that information for you.

Councilmember Yukimura: But you are proposing it.

Mr. Dahilig: The Provisional Agriculture?

Councilmember Yukimura: Yes.

Mr. Dahilig: Well, the reason why with the Provisional Agriculture is there, again, is not to change the land use designation, but to purely highlight that there are planning issues that need to be discussed in a future planning process.

Councilmember Yukimura: You could do it textually without showing it on the map.

Mr. Dahilig: Well, we think that by having it in the graphical form, it does align with what policy we need to articulate as required by the Charter.

Councilmember Yukimura: Okay. How does it align? What kind of growth will it support or induce?

Mr. Dahilig: It could induce no growth.

Councilmember Yukimura: No, that is not true. If it becomes a General Plan designation, as it is moving towards, how many houses are going to be allowed there?

Mr. Dahilig: Again, I want to be clear that right now, it is zero (0) because...

Councilmember Yukimura: I know it is zero (0) right now.

Mr. Dahilig: Well, even with the proposal, it is zero (0) because what we fundamentally have reached as a conclusion is that more community discussion is needed. Now with respect to the Provisional Agriculture designation, what we are clear on is that with the passage of, let us say in this example, with the passage of Lima Ola and the existence of a natural feature, which is Wahiawa Stream and that embankment, what we are concerned about is that there is this splotch of land that needs to be discussed in the community whether or not you want to harden the boundary around Lima Ola or you want to allow for some spread. We think that by having it memorialized in the General Plan and having the community go through the process, which we proposed on the table as one of the bond issuance items to be appropriated, that there can be a final determination whether or not a boundary should be drawn around Lima Ola or that should be looked at for future community designation. So we are not being dipositive on anything.

Councilmember Yukimura: Well, if you are proposing it, you should know what its implications will be. To me, with the Neighborhood General, Lima Ola, the Provisional Agriculture is doubling the urban area of Hanapēpē and that does not reconcile with your textual policy of incremental growth.

Mr. Dahilig: Well, that is why ultimately, the discussion we have to have is with the community because our ability to gain an understanding of huge spatial decision implications like this really should be left to a proper community planning process that is intensive. The General Plan process is an islandwide process, so our ability to actually get in there and go through a very intensive process is limited. That is why it is important for to us flag this as an issue and then go through a proper planning process.

Councilmember Yukimura: Well, but you could have flagged along Moi Road where there is not as I understand it, actual agricultural cultivation. Why do you flag here and not somewhere else as a choice for the community? It seems to me, that you are setting a choice direction already just by doing this before you go through a real community process.

Mr. Dahilig: That is your perspective. I can only articulate the reason why we put it in there.

Councilmember Yukimura: Okay. So then going to your question 7 and 8, you have already said that I am comparing apples and oranges. Well, then help me compare apples and apples. The question, so everybody is on the same page, is provide the number of acres of Neighborhood General that is being proposed and that is a form-based code, so it is a new designation that we did not understand the implications of, that is being proposed for the Hanapēpē -'Ele'ele land use map and the number of acres currently zoned General Commercial or Neighborhood Commercial in the Hanapēpē -'Ele'ele area. Your answer is Neighborhood General, so in the proposed plan is three hundred ninety-five (395) acres. In the current plan, General Commercial and Neighborhood Commercial is forty-six (46) acres. You are telling me that I am comparing apples and oranges, so I am asking you to help me compare apples and apples.

Mr. Dahilig: When it comes to zoning?

Councilmember Yukimura: To population growth, urban area, and implications. We need to know what we are voting for or against.

Mr. Dahilig: Well, again, as described, these designations are meant as stubouts for a form-based code process and that process goes through the determination on the appropriate form and scale of what can be developed. Mixed-use can be very loose in scale. It can be very tight in scale. It can be tall. The reality is that it is incumbent on a discussion with the community as to what type of density they would like to see, what it should reflect, and how it should be developed. Again, I have offered to have a discussion on what form-based coding is and can only describe it as being synonymous with what has been passed by the Council in the South Kaua'i Plan already in 2015. In each of those cases, the density is a varying element as it goes by each small town. We are trying to, in effect, when we look at Neighborhood General, when you look at Neighborhood Commercial, and you look at Residential Community, these have stubout implications for how an area is form-based coded.

Councilmember Yukimura: Basically, you are asking for us to approve a blank check. We do not know what we are voting for and, in fact, you do not know either until there is a tailored form-based code process that really says what happens to these designations in Hanapēpē -'Ele'ele.

Committee Chair Chock: I am not going to ask him to repeat himself for the fourth time.

Councilmember Yukimura: I am asking if that is correct. Is my interpretation of what I just said, which is an interpretation of what you just said, is that correct? If not, please correct me.

Mr. Dahilig: I would disagree with the statement that we are asking the Council to pass a blank check.

Councilmember Yukimura: But you cannot tell me what I am voting for.

Mr. Dahilig: If I could refer you to pages 55 and 56 of the land use designations, similar to what you were raising as a concern regarding the Plantation Camp designation. There are descriptors in the land use designations relating to Neighborhood Center, Neighborhood Commercial, and Residential Community. I would refer you to the descriptors.

Councilmember Yukimura: But they are not implemented in terms of numbers and density, so therefore, anything could happen. If you are no longer the Planning Director or some people retire, whatever, and then somebody comes in, how do we know what is going to be approved?

Mr. Dahilig: Well, again, if the intent of the Council is to want to move back towards a Euclidian form of zoning, then that is the current regime

that we have had since the 1970s. It is not in aligned with the Smart Growth principles and form-based code that we have been implementing and trying to progress to provide for more...

Councilmember Yukimura: We are not suggesting that.

Committee Chair Chock: Let me...

Councilmember Yukimura: I am just trying to ask you to explain how the form-based code would work.

Committee Chair Chock: I think he tried to explain it, but I think if there is anything in terms of an amendment, in terms of an action that we might consider that would more clearly explain how the process will be taken on or even the concept of form-based code that may inform the future planning of these areas, is that a consideration?

Mr. Dahilig: Certainly.

Committee Chair Chock: I do not want to continue this conversation any longer because it is going in a circle. So if we want to, we are going to ask what the original question, which was to work on more clearly identifying what it is that you asked for. See, I am going in circles myself. Then, also to meet to discuss the form-based code aspects that are unclear at this point for Members around this table.

Mr. Dahilig: Sure. I understand.

Committee Chair Chock: Councilmember Yukimura, is that sufficient for you?

Councilmember Yukimura: Yes.

Committee Chair Chock: If not, would you please ask a different question?

Councilmember Yukimura: No, it is sufficient for me. But I think it is not just a discussion for you, me, and the Planning Department. I think everybody who is around this table needs to understand what we will be voting for.

Committee Chair Chock: That is a personal choice.

Councilmember Yukimura: So you are saying it will be an off the record discussion?

Committee Chair Chock: Here is what I asked for, I asked for a specific update to answer to the question, that would be the matrix we can review as it relates to this discussion and that if there are specific questions on form-based code that need to be done in a training exercise between Councilmembers and the Planning

Department, that would happen as an option. So far, I have agreed to it and I believe you have as well.

Councilmember Yukimura: Okay. I have one (1) question on question number 8.

Committee Chair Chock: Sure.

Councilmember Yukimura: I would like to have the same answers to my question...because question number 8 is not about commercial. It is now about residential. According to your answer, the proposed residential community acreage in the General Plan update is five hundred fifty-five (555) acres, whereas the currently zoned residential in Hanapēpē -'Ele'ele is three hundred eighty-three (383) acres. So that is over a fifty percent (50%) increase in residential capacity. Neighborhood General areas is three hundred ninety-five (395), almost four hundred (400) acres will allow residential. I want to know what kind of potential residential densities there will be in this Hanapēpē -'Ele'ele area.

Mr. Dahilig: I will say that as Lea explained earlier, much of this is accommodating the addition of Lima Ola and the Habitat for Humanity construction that is going to be going on *makai* of the highway, but *mauka* of Halewili Road. So the increase is really more a reflection of what has been going on with those two (2) developments along with the addition of the areas designated by the Department of Hawaiian Home lands as a potential for more residential development. So it is not an expansion per se, but it is reflective of real-time conditions and what the Department of Hawaiian Home lands is intending to put in.

Councilmember Yukimura: If you could go to the Hanapēpē -'Ele'ele land use map. It is on page 13. Did you not take away...yes, you have taken away – if you look at the existing map...

Councilmember Kawakami: Page 12 or 13?

Councilmember Yukimura: Actually, page 12. We have to start with the existing. You have actually reduced or reconfigured the growth that is in the existing because you show existing and then show the proposed. You have taken away a lot of the growth and the Residential designation along Moi Road, right? Have you taken that off?

Mr. Dahilig: Yes.

Councilmember Yukimura: And then now, it is more spread out. Is that a gulch or gully between the two (2) Hawaiian Home lands? It is not contiguous. It is a gulch. Is that really going to be a good way to expand 'Ele'ele? I mean, you cannot use Moi Road, so you are going to have to create a lot more roads and actually go through...is that State land or Gay & Robinson land?

Mr. Dahilig: Again, this is a decision made by the Department of Hawaiian Home lands. Our Department and the County, in general,

has no zoning authority over the Department of Hawaiian Home lands. So because this is a trust asset, it is within their province to be able to decide what to do with it. Why we included it as information is because nevertheless, it still is an impact on the neighborhood and it should be called out as information when we are discussing items like this. So whether it is good or it is bad, I think we are kind of ambivalent about how to...

Councilmember Yukimura: Well, just like you talk about negotiating with the resort developers to maybe downsize their units, why would you not talk to DHHL because their development costs could be less, and same thing in Wailua if they got closer to the infrastructure and were more in a more developable configuration.

Mr. Dahilig: Councilmember Yukimura, it is a trust decision that the Department of Hawaiian Home lands and the Hawaiian Homes Commission needs to make. It is not, in my mind, something that involves whether something is good planning or bad planning. What it is, is a mechanism to try to provide a right to people that have been entitled to it since the 1920s. I understand the implications of a development like this, but in reality, the Hawaiian Homes Commission is really vested with that trust right and obligation to be able to provide, to their beneficiaries, what they feel is needed.

Councilmember Yukimura: I expect them to act in trust of the lands, but it might be a way for them to actually develop faster and easier. It might work better with land use planning and everything. So I am just asking if you are going to negotiate with developers, why you would not try to work with them to actually give them a better way to develop. But that is alright if you do not want to do planning like that, that is fine.

Mr. Dahilig: Okay.

Committee Chair Chock: Councilmember Kawakami.

Councilmember Kawakami: Committee Chair Chock, I just have to say this is not productive. We are here to have some productive discussion and that kind of statement is just, to me, it is out of line.

Committee Chair Chock: Yes.

Councilmember Kawakami: It does not help with the process, so please.

Committee Chair Chock: I would agree. Councilmember Yukimura, I think that we have been patient in going through your questions. I would like for your questions to at least be productive in the sense that it allows their response to be heard and acknowledged without criticism. Again, if you do not agree with them, I understand. But I think that what we need to do is get to specifics that will lead to actions that are definitely within our purview as this Council.

Councilmember Yukimura: I apologize for that last comment.

Mr. Dahilig: Apology accepted.

Councilmember Yukimura: It was not necessary.

Mr. Dahilig: Thank you.

Councilmember Yukimura: But I do not apologize for asking the question because I think it is part of planning, just like we should be working within Wailua to make their Wailua land development more possible. I think that is a role of the Planning Department to be leaders and not to ask them to do anything that is going to hurt them, but that might find a win-win that might actually develop land easily for the beneficiaries of the land and make it good for the larger community as well.

Committee Chair Chock: Your question, please.

Councilmember Yukimura: What Council Chair Rapozo asked you to do for number 7, I also want to ask you to do for number 8.

Mr. Dahilig: Sure.

Councilmember Yukimura: Thank you.

Committee Chair Chock: Does that conclude your questions for the land use map?

Councilmember Yukimura: Yes.

Committee Chair Chock: Members, it is 4:15 p.m. right now and we have discussion still on this item. I would like to entertain the fact that we might be able to get through this discussion and not have to come back tomorrow to finish up. That would be until 4:30 p.m. unless of course, there is more time that you need. So I want to get a sense of what you would like to do.

Councilmember Kawakami: Committee Chair Chock, this process is quite a new process for all of us, so I do have questions. I am going submit it over in writing because quite frankly, it has been hard to digest. I feel at times it has been disruptive. So I have been taking notes on specific questions that I will share with you folks. But I will take some time to get them down and submit it over to the Department so we can have some meaningful dialogue. I think in the future, if we are allowed to come back to some of these topics for clarification, it would allow for some flexibility. I would be very grateful for that. Thank you.

Committee Chair Chock: Absolutely. Councilmember Kawakami, we are talking about specifics to the General Plan and not so much the process.

Councilmember Kawakami: Yes, not to the process, but specifically to these topics that we have covered.

Committee Chair Chock: Okay.

Councilmember Kawakami: There are specific questions. I think for me to formulate them on paper is easier, at least for me on my part.

Committee Chair Chock: I appreciate that. I think that is what the agreement was, that if there outstanding questions after this period and opportunity, that those would come in writing. They are going to come up when we start to make amendments as well.

Councilmember Kawakami: Then for the spirit of transparency and for the public's personal edification, at some point when these questions come out, I will make sure to put them out there in the public realm in one of our presentations or meetings when we loop back so they will not be kept in the dark. They know exactly what questions I had and the responses to the questions that I have gotten.

Committee Chair Chock: Okay.

Councilmember Kawakami: Thank you.

Committee Chair Chock: We have discussed a little bit of hotspots or concerns on the land use maps. Certainly, Councilmember Kagawa has expressed certain areas that he would like to bring up and discuss moving forward. I would like to have any more discussion on what was presented and then your final thoughts before we close out the day. Is there any discussion?

Council Chair Rapozo: I will just say that I know for the general public that is here and watching on television or on the stream, that we all had opportunities to meet with the Planning Department prior to today. So the fact that some of the Members are not asking questions may seem like we just do not care, but the reality is the Planning Department made themselves available to every Member. I know they did for me and we went over a lot of questions at that point. I am excited to get to the point where we can have the discussion amongst the Councilmembers and get to the "meat and potatoes." I appreciate the questions being asked because it helps all of us as we move forward. The fact that I am not asking questions is just because I did have lengthy discussions with the Planning Department and went over this plan with them. Again, I think it is important to get to the discussion points so we can actually start looking at these individual components and working on the amendments, having discussions, and then taking the vote. Thank you.

Committee Chair Chock: Just for clarification for the Members, we had planned to go through a few topic areas every other week and then head to amendments. I just want to confirm that that is feasible for you folks. That would move us to December for the first round of amendments and that would include everything that we have discussed up to then, including land use maps, which obviously, we have some amendments, I think brewing. Is that sufficient for you or do we have any other comments on it? Councilmember Yukimura.

Councilmember Yukimura: For me, the most important thing is that the public has sufficient notice of when we are going to make the decision. A six (6) day notice in the midst of all of this would be difficult. I like it with enough notice and a definite date, and that is why I envision it short of like budget decision-making. We go through all the discussion week after week and then say, "This is when we are going to make decisions."

Committee Chair Chock: So we will aim for December then, as the first round of amendments. Okay.

Council Chair Rapozo: I think it is vital that we check with the other Committee Members and make sure that they are available. I think some of these discussions are pretty important.

Councilmember Yukimura: That is true.

Council Chair Rapozo: To run with a three (3) person quorum is kind of counterproductive.

Committee Chair Chock: It is tough.

Council Chair Rapozo: So I think we have to be realistic with the Members, that if they cannot be here, they cannot be here. Then we have to look at the possibility of rearranging the schedule because when one (1) person leaves and one (1) person is sick, that meeting is over. You cannot have the meeting. It is unfortunate, or we will take Councilmember Kawakami's suggestion, which I think we should, in fact, we should do it.

Councilmember Kawakami: Council Chair Rapozo, I have to tell you that I could foresee some quorum issues. It is still open.

Council Chair Rapozo: Well, why do we not...

Committee Chair Chock: We had the discussion at first reading to consider, but no one was like, "yes, let us jump on that Committee with Councilmember Chock."

Council Chair Rapozo: I will tell you what, because of today, staff, why do we not prepare the Resolution to reorganize the Planning Committee to include all seven (7) Members.

Committee Chair Chock: For this, right?

Council Chair Rapozo: For this Committee, and that is it. I will introduce it if they do not want to vote for it. It is just not fair. I know people are busy and I know today there is a funeral for a person very close to many of the Councilmembers. I know that is the reason for some absences. But going forward, life gets in the way all the time and I do not want to hold this up any longer than we really have to. So let us go down with that Resolution, we will have the discussion, and we will take the vote.

Committee Chair Chock: Just for the record, Councilmember Brun did call in. I know his excuse is extended because of his illness. So hopefully he feels better and we can get him back in the room.

Council Chair Rapozo: I think November 1st is the next Council Meeting, so unfortunately, we have to wait until November 1st.

Committee Chair Chock: Okay. We will see how far we can get with it. Is there any final discussion on land use maps? Going once, going twice. I will only say that the items that came up in regards to the presentation today so far were Princeville, the boundary of Hanapēpē 'Ele'ele Hoku Place, and I think that is it. So we can expect that those will come up as discussion items and potential amendments moving forward along with other amendments that were discussed a bit or maybe not as important or just more clarification and verbiage changes that we can expect. We will be working in the meantime in the weeks to come on all of what was discussed into a matrix of amendments that will be introduced either by individual Councilmembers and/or if we all agree with the Planning Department on introducing a matrix. If there is no more discussion, I think what we are going to do is adjourn or defer. What is the date that we will defer to? What I will need, Committee Members, is a deferral to October 25th in order to continue our discussion.

Councilmember Kawakami moved to defer Bill No. 2666 to the October 25, 2017 Special Planning Committee Meeting.

Committee Chair Chock: Can I have a second, Councilmember Yukimura?

Councilmember Yukimura seconded the motion, and was carried by a vote of 4*:0:1 (**Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative vote for the motion; Councilmember Brun was excused*).

Committee Chair Chock: Motion passes. Everyone, we will come back to this October 25th. I believe the topic item is transportation. Is that right? I do not have my paper. It will be posted. We are going to work on the next topic and you will see it on our Council page. Thank you. This adjourns our meeting for today.

There being no further business, the meeting was adjourned at 4:22 p.m.

Respectfully submitted,



for Allison S. Arakaki
Council Services Assistant I

APPROVED at the Committee Meeting held on November 29, 2017:



MASON K. CHOCK
Chair, Planning Committee