

MINUTES

PLANNING COMMITTEE

June 5, 2019

A meeting of the Planning Committee of the Council of the County of Kaua'i, State of Hawai'i, was called to order by Luke A. Evslin, Committee Vice Chair, at the Council Chambers, 4396 Rice Street, Suite 201, Lihu'e, Kaua'i, on Wednesday, June 5, 2019, at 8:52 a.m., after which the following Members answered the call of the roll:

Honorable Arthur Brun
Honorable Ross Kagawa
Honorable Luke A. Evslin
Honorable Arryl Kaneshiro, Ex-Officio Member

Excused: Honorable KipuKai Kualii
Honorable Mason K. Chock
Honorable Felicia Cowden, Ex- Officio Member

The Committee proceeded on its agenda item as follows:

Bill No. 2746 A BILL FOR AN ORDINANCE AMENDING CHAPTER 8 AND CHAPTER 10 OF THE KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO ENFORCEMENT, LEGAL PROCEDURES, AND PENALTIES (This item was deferred.)

Councilmember Kagawa moved to approve Bill No. 2746, seconded by Councilmember Brun.

Committee Vice Chair Evslin: For the public, this is a bill that is meant to strengthen existing mechanisms to assist the Planning Department with its enforcement of the codes, statutes, regulations, and to have the authority to enforce. Councilmember Cowden and Councilmember Chock had a few questions for the Planning Department, so instead of reliving this item twice, I would prefer to take care of what I believe is a housekeeping amendment, take public testimony, and defer until the other Committee members are present to ask questions. If that is okay with the Committee, could I get a motion to amend the bill as circulated and a second?

Councilmember Kagawa moved to amend Bill No. 2746, as circulated, as shown in the Floor Amendment which is attached hereto as Attachment 1, seconded by Councilmember Brun.

Committee Vice Chair Evslin: The amendment is a housekeeping measure to properly number Section 1 and change the word "of" to "on" in Section 2. The remaining portions were new sections, though it is underlined, it is not new language to the original bill. Do we have any questions from the members? If not, I would like to suspend the rules to take public testimony on the amendment and the bill. Before

we take public testimony, I want to clarify one thing. We have received a lot of testimony in opposition of the ten thousand dollar (\$10,000) fine. I believe this has been in place since 2013. This bill does not have any change to that ten thousand dollar (\$10,000) fine structure. The changes are regarding the lien and the expansion of the enforcement account. I want to clarify that the Planning Department gives ample time to come into compliance before they actually issue the fine. There would be a notice of violation and a number of other measures before anyone would receive the fine. Do we have any registered speakers today?

KARLYN SUKEHIRA, Council Services Assistant I: We have no registered speakers.

Committee Vice Chair Evslin: Is there anyone in the public wishing to testify?

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

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

Committee Vice Chair Evslin: Do we have any discussion from the members?

The motion to amend Bill No. 2746, as circulated, as shown in the Floor Amendment which is attached hereto as Attachment 1 was then put, and carried by a vote of 3:0:2 (*Councilmember Kualii and Committee Chair Chock were excused*).

Councilmember Kagawa moved to defer Bill No. 2746, as amended to Bill No. 2746, Draft 1, seconded by Councilmember Brun, and carried by a vote of 3:0:2 (*Councilmember Kualii and Committee Chair Chock were excused*).

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

CR-PL 2019-04: on Bill No. 2747

A BILL FOR AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 14, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND (**Approved as Amended.**)

There being no further business, the meeting was adjourned at 9:16 a.m.

Respectfully submitted,



KarLyn Sukehira
Council Services Assistant I

APPROVED at the Committee Meeting held on July 10, 2019:



LUKE EVSLIN

Vice Chair, PL Committee