

MINUTES

PLANNING COMMITTEE

March 16, 2016

A meeting of the Planning Committee of the Council of the County of Kaua'i, State of Hawai'i, was called to order by Mason K. Chock, Chair, at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Wednesday, March 16, 2016, at 11:43 a.m., after which the following Members answered the call of the roll:

Honorable Gary L. Hooser
Honorable Ross Kagawa
Honorable Arryl Kaneshiro
Honorable KipuKai Kualī'i
Honorable Mason K. Chock
Honorable JoAnn A. Yukimura, Ex-Officio Member
Honorable Mel Rapozo, Ex-Officio Member

Minutes of the February 3, 2016 Planning Committee Meeting.

Upon motion duly made by Councilmember Kualī'i, seconded by Councilmember Kaneshiro, unanimously carried, the Minutes of the February 3, 2016 Planning Committee Meeting was approved.

The Committee proceeded on its agenda item as follows:

Bill No. 2601, Draft 1 A BILL FOR AN ORDINANCE AMENDING
SUBSECTION 8-15.1(d), KAUAI COUNTY CODE 1987,
AS AMENDED, RELATING TO ADDITIONAL
DWELLING UNIT ON OTHER THAN RESIDENTIALLY
ZONED LOTS (This item was Deferred to the
June 8, 2016 Planning Committee Meeting.)

Committee Chair Chock: Thank you. Just to get us back up to speed, we did defer this. I know that the attorney's opinions have gone out. I will not go in that direction. I think that most members are clear on what the options are first to move on this Bill. In addition, we have also had one (1) meeting with our Planning Director and Councilmember Yukimura who had an interest in the transfer of development rights as a potential additional option to look into. There has been a request for the Administration who has started the work on this research for more time. If it pleases the Committee to have this option looked at further, in the end, we would have to either receive or approve this Bill to move forward. But then you would also have additional options to consider on the transfer of development rights. If you would like to hear from our Administration, they are here today as well. What pleases the Committee? Councilmember Kagawa.

Councilmember Kagawa: Again, my suggestion is that even more so than the Plumbing Code and Electrical Code, there is no rush on this on. But at some point, I think it would be nice for the Additional Dwelling Unit (ADU) people to know whether this Council believes and supports the Planning Commission's decision to

extend indefinitely. It would be good to have all of the opinions because there are other options, and Councilmember Yukimura is looking at that option. I think Councilmember Kualii looked at another option. If it is time we need, I think it is time we have. If it is a month or two (2) months, I would be supportive of that action. Thank you, Chair.

Committee Chair Chock: Thank you. Any further discussion or questions of the Administration? We are in agreement to move this? What I was asked for is for a month and a half. So June 8th would be the next Committee Meeting that we would look towards. Any comments on that? Councilmember Yukimura.

Councilmember Yukimura: I am not a Committee member, but just a question. Does the Planning Department think it can have some progress report by then?

Committee Chair Chock: Why do I not suspend the rules if possible since Director Dahilig is here? He can give us a brief synopsis of where he is on that so what we can expect. Councilmember Kagawa.

Councilmember Kagawa: I am just wondering if we are going to give the public time to testify.

Committee Chair Chock: Absolutely.

Councilmember Kagawa: He has been waiting for a while.

Committee Chair Chock: I know he has been waiting here as well.

Councilmember Kagawa: Thank you, Chair.

There being no objections, the rules were suspended.

Committee Chair Chock: Mr. Dahilig, thank you for being here.

MICHAEL A. DAHILIG, Planning Director: Thank you. Good morning Councilmembers. I am Mike Dahilig, for the record.

Committee Chair Chock: I think the question was more along the lines of the Transient Vacation Rentals (TVR) proposal and how this might fit into it.

Mr. Dahilig: As a follow-up to the last Committee Meeting that we had on the Bill, one of the inquiries to our Department was to have a follow-up conversation concerning the ability to temper the proposed extension or elimination of the date with the potential for a transfer of development rights program. We have had the discussion and as part of a follow-up with the Council to provide that information, I have tasked my Geographic Information System (GIS) Specialist, Lea Kaiakamalie, to actually try to do the analysis. I will just couch it very simply. Transfer development rights are you take the rights from one place and you move it to another. What is best practiced within the realm of the American Planning Association is they prescribe that there has to be a proper receive zone if you are sending entitlements from one place to another. So what we are doing through GIS right now is analyzing whether this is possible and we expect that analysis once we are done with the GIS information, to be followed up with the other stakeholder

agencies like Water, Sewer, Department of Health, et cetera, to see whether or not there are viable receive zones to implement such a program. Until we get that information and do the due diligence, I do not believe I am prepared at this point to say that we could amend the Bill as such to actually identify a proper receive zone.

Committee Chair Chock: If the stars are aligned and a receive zone is in order for us to proceed, you believe that the ADU might be the properties that we are currently in discussion with this current Bill would be an option for us to look at as, I guess, a pilot test? Is that correct?

Mr. Dahilig: It definitely would be a pilot. I believe that given the recommendations of the Planning Commission, that we continue to stand by it. It does temper one (1) of the policy options, which is to eliminate the extension of time. I believe give the array of options before the Council, that may be a viable option. But at this juncture, I do not have the information to say otherwise that even as a pilot program, it would be viable.

Committee Chair Chock: I did identify June 8th as a potential month and a half, but is that too far? I do not want to delay this as well. Is there an appropriate date?

Mr. Dahilig: I think we are working on it right now after that meeting that we had a couple weeks ago. We already started working on the GIS element of it. It is more the consultation with the other agencies because we want to ensure that if we are going to identify a receive zone, that is also aligned with the current set of entitlements that already have been proffer and locked in with the current certificate. So we would not want to be in the situation where we say, "Okay, you want to move to this area, but there is no water for you even though you are guaranteed water where you are right now." Those types of discussions are what we have to go through. I think June 8th is an ample amount of time. If it was pushed earlier, I think that is even reasonable as well. I think at this point, June 8th if that is what the Council is looking for, that could definitely be achieved.

Committee Chair Chock: Thank you very much. Additional questions?
No. Thank you very much.

Mr. Dahilig: Thank you.

Committee Chair Chock: Since we have the rules suspended, I would like to take public testimony at this time. Do we have anyone signed up for public testimony? Anyone in the audience would like to testify on this item? No.

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

Committee Chair Chock: Members, we only have one (1) Committee Meeting in May, and that is May 11th. I just as well keep it in June if that is okay with the members. Okay. I will entertain that motion then.

Councilmember Kualii moved to defer Bill No. 2601, Draft 1 to the June 8, 2016 Planning Committee Meeting, seconded by Councilmember Kagawa, and unanimously carried.

There being no further business, the meeting was adjourned at 11:51 a.m.

Respectfully submitted,



Allison S. Arakaki
Council Services Assistant I

APPROVED at the Committee Meeting held on April 13, 2016:



MASON K. CHOCK, PL Committee