

COUNCIL MEETING

AUGUST 5, 2020

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Arryl Kaneshiro at the Council Chambers, 4396 Rice Street, Suite 201, Lihu'e, Kaua'i, on Wednesday, August 5, 2020 at 8:48 a.m., after which the following Members answered the call of the roll:

Honorable Mason K. Chock (*via remote technology*)
Honorable Felicia Cowden
Honorable Luke A. Evslin (*via remote technology*)
Honorable Ross Kagawa
Honorable KipuKai Kualii
Honorable Arryl Kaneshiro

Excused: Honorable Arthur Brun*

Council Chair Kaneshiro: Please note that we will run today's meetings pursuant to the Governor's Supplementary Emergency Proclamation dated March 16, 2020, Sixth Supplementary Emergency Proclamation dated April 25, 2020, Seventh Supplementary Emergency Proclamation dated May 5, 2020, Eighth Supplementary Emergency Proclamation dated May 18, 2020, Ninth Supplementary Emergency Proclamation dated June 10, 2020, and Tenth Supplementary Emergency Proclamation dated July 17, 2020.

APPROVAL OF AGENDA.

Councilmember Kualii moved for approval of the agenda, as circulated, seconded by Councilmember Cowden.

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

Council Chair Kaneshiro: Is there any discussion on the agenda from the members?

The motion for approval of the agenda, as circulated, was then put, and carried by a vote of 6:0:1*.

Council Chair Kaneshiro: The motion is carried. Next items are the minutes.

MINUTES of the following meetings of the Council:

July 22, 2020 Council Meeting
July 22, 2020 Public Hearing re: Bill No. 2794

Councilmember Kualii moved to approve the Minutes as circulated, seconded by Councilmember Cowden.

(No written testimony was received and no registered speakers requested to testify regarding these agenda items.)

Council Chair Kaneshiro: Is there any discussion on the Minutes from the members?

The motion to approve the Minutes, as circulated, was then put, and carried by a vote of 6:0:1*.

Council Chair Kaneshiro: The motion is carried.

INTERVIEW:

CIVIL SERVICE COMMISSION:

- Jennifer K. Carter — Term ending 12/31/2022

Council Chair Kaneshiro: Ellen, I am sure you have an entertaining introduction for us.

ELLEN CHING, Boards & Commissions Administrator (*via remote technology*): I hope so. Good morning. Ellen Ching, Administrator for the Boards & Commissions. This morning I am happy to introduce Jennifer Carter. Jennifer earned a Bachelor's Degree in Psychology from Oklahoma Baptist University and her Master's Degree in Family Psychology from Hardins-Simmons University in Texas. After more than ten (10) vacations on Kaua'i, she decided to close her private practice in Houston and move lock, stock, and barrel to Kaua'i where she has been ever since. As the clinical director and counselor at the YWCA, she enjoys Kaua'i's tight-knit community and the beautiful weather. When she is not hiking, she is a prolific stance surfer; enjoying the ocean, beach, and a good book. When asked, "If tomorrow you suddenly won a quabillion dollar sweepstakes, what would you do?" Jennifer immediately said, "Take care of my family and then buy a house on the beach." Jennifer has never served on a board or commission. With her background in health, I look forward to her contributions, particularly in respect to reviewing employee complaints. I am grateful that this active and professional woman is willing to lend her time, energy, and talents to the Civil Service Commission. Thank you.

Council Chair Kaneshiro: Thank you for that. Jennifer, did you want to add anything to that introduction?

JENNIFER CARTER (*via remote technology*): No, just so many thanks to Ellen for making me sound so interesting.

Council Chair Kaneshiro: We have your information. Are there any questions from the Councilmembers? Councilmember Cowden.

Councilmember Cowden: I just have a comment. Can I make a comment?

Council Chair Kaneshiro: Questions first, then we can do comments after. Are there any questions from the Councilmembers? If not, is there any discussion from the Councilmembers? Councilmember Cowden.

Councilmember Cowden: I just want to say, Jennifer, thank you for being willing to do this. Having had experience with you on the Domestic Violence Task Force, I am very pleased with how professional you are, how efficient and succinct, how encouraging, you do a great job, and I have a lot of confidence that you will do a good job in this position. I appreciate your willingness to serve.

Ms. Carter: Thank you very much.

Council Chair Kaneshiro: Is there anyone else? Councilmember Kualii.

Councilmember Kualii: I, too, just want to say *mahalo nui loa*, Jennifer. I am very familiar with your great work at the YWCA and I am excited that you are willing and stepping forward to serve the County as a commissioner. Thank you so much.

Ms. Carter: Thank you.

Council Chair Kaneshiro: Is there anyone else? If not, thank you Jennifer, we will be voting on this at our next meeting. Again, thank you for being willing to serve and volunteer on this commission.

Ms. Carter: Absolutely. Thank you very much, have a great day.

Council Chair Kaneshiro: Thank you.

Councilmember Cowden: Thank you.

Council Chair Kaneshiro: Up next is our Consent Calendar.

CONSENT CALENDAR:

C 2020-190 Communication (07/02/2020) from the Housing Director, transmitting a Resolution To Apply For, Receive, And Expend An Allocation Of Grant Funds From The United States Department Of Housing And Urban Development, Authorized By The Additional Supplemental Appropriations For Disaster Relief Act Of 2019 (Public Law 116-20).

C 2020-191 Communication (07/13/2020) from Chris Donahoe, Deputy County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims filed against the County of Kaua'i from April 1, 2020 through June 30, 2020.

C 2020-192 Communication (07/13/2020) from the Director of Finance, transmitting for Council information, the following reports:

- a. County of Kaua'i Bond Summary of General Long-Term Debt for Fiscal Year 2020;
- b. County of Kaua'i Bond Supplemental Summary of General Long-Term Debt Amount Outstanding as of June 30, 2020; and Excluded County of Kaua'i Bond Supplemental Summary of Long-Term Debt Amount Outstanding as of June 30, 2020: CFD No. 2008-1 (Kukui'ula Development Project) Special Tax Bonds Series 2012 and Series 2019.

C 2020-193 Communication (07/22/2020) from the Director of Finance, transmitting for Council information, the Period 12 Financial Reports – Statement of Revenues, Statement of Expenditures and Encumbrances, Revenue Report, and Detailed Budget Report as of June 30, 2020, pursuant to Section 21 of Ordinance No. B-2019-856, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2019-2020.

Councilmember Kualii moved to receive C 2020-190, C 2020-191, C 2020-192, and C 2020-193 for the record, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: Is there any discussion from the members on the Consent Calendar?

(No written testimony was received and no registered speakers requested to testify regarding these agenda items.)

The motion to receive C 2020-190, C 2020-191, C 2020-192, and C 2020-193 for the record was then put, and carried by a vote of 6:0:1*.

Council Chair Kaneshiro: The motion is carried. Next item, please.

COMMUNICATIONS:

C 2020-194 Communication (07/17/2020) from Ka'āina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to amend Chapter 8, Kaua'i County Code 1987, as amended, Relating to Comprehensive Zoning Ordinance.

Councilmember Kagawa moved to receive C 2020-194 for the record, seconded by Councilmember Kualii.

Council Chair Kaneshiro: Is there any discussion from the members on this item? This item will come up for first reading.

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to receive C 2020-194 for the record was then put, and carried by a vote of 6:0:1*.

Council Chair Kaneshiro: The motion passes. Next item.

C 2020-195 Communication (07/20/2020) from the Acting County Engineer, requesting Council approval to accept a donation from Hawai'i Pacific Health of two (2) used 500kW Caterpillar emergency generators, valued at \$70,000.00, which would provide the Department of Public Works, Wastewater Management Division an added level of reliability for operations and serve as spare emergency generators to power three (3) of the four (4) Wastewater Treatment Plants (WWTPs).

Councilmember Kualii moved to approve C 2020-195 with a thank-you letter to follow, seconded by Councilmember Kagawa.

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

Council Chair Kaneshiro: Is there any discussion from the members?
Councilmember Cowden.

Councilmember Cowden: I do not know if the Department of Public Works is here or not. I am assuming these work fine, that they are in good shape, is that correct? Sometimes they accept buses we cannot use, but these work. That is a "yes"? Okay. That is it.

Council Chair Kaneshiro: Is there anyone else?

The motion to approve C 2020-195 with a thank-you letter to follow was then put, and carried by a vote of 6:0:1*.

Council Chair Kaneshiro: The motion is carried. I will be recusing myself from this next item, so Vice Chair Kagawa, you got it.

Council Chair Kaneshiro, the Presiding Officer, relinquished Chairmanship to Council Vice Chair Kagawa.

(Council Chair Kaneshiro was noted as recused from C 2020-196 and was noted as not present.)

Councilmember Kagawa: Next item, please.

C 2020-196 Communication (07/22/2020) from the Executive on Aging, requesting Council approval to receive and expend gift certificates from Grove Farm Foundation, valued at \$10,000.00, to help Kaua'i's *kūpuna* in need of assistance.

Councilmember Kualii moved to approve C 2020-196 with a thank-you letter to follow, seconded by Councilmember Cowden.

Councilmember Kagawa: Is there any discussion from the members?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to approve C 2020-196 with a thank-you letter to follow was then put, and carried by a vote of 5:0:1*:1. *(Council Chair Kaneshiro was noted as recused.)*

Councilmember Kagawa: The motion is carried. Next item, please.

Council Vice Chair Kagawa returned Chairmanship duties to Council Chair Kaneshiro.

(Council Chair Kaneshiro was noted as present.)

C 2020-197 Communication (07/23/2020) from Ka'āina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to amend the West Kaua'i Community Plan:

- A Bill For An Ordinance Establishing Regulations, Procedures, Zoning, Development Plans, And Future Growth Areas For The Hanapēpē-'Ele'ele Planning District And The Waimea-Kekaha Planning District In Chapter 10, Kaua'i County Code 1987, As Amended, And Establishing Exceptions, Modifications, And Additions To Chapter 8 And Chapter 9, Kaua'i County Code 1987, As Amended, And Amending Zoning Maps ZM-K100 (Kekaha),

- ZM-W100 (Waimea), And ZM-H200 (Hanapēpē) (West Kaua'i Community Plan) (ZA-2020-07);
- A Bill For An Ordinance Amending "Kaua'i Kākou – Kaua'i County General Plan" (2018) Land Use Maps And Other Provisions Relating To The West Kaua'i Community Plan (ZA-2020-08);
 - A Bill For An Ordinance Amending Chapter 8, Kaua'i County Code 1987, As Amended, By Establishing A New Special Treatment Coastal Edge (ST-CE) District And Amending Zoning Maps ZM-K100 (Kekaha), ZM-W100 (Waimea), ZM-200, And ZM-H200 (Hanapēpē) (ZA-2020-09);
 - A Bill For An Ordinance Amending Chapter 8, Kaua'i County Code 1987, As Amended, By Establishing A New Plantation Camp (PC) District And Amending Zoning Map ZM-200 (ZA-2020-10);
 - A Bill For An Ordinance To Overlay The Special Treatment Public Facilities District (ST-P) On A Portion Of Zoning Map ZM-H200 (Hanapēpē) (ZA-2020-11);
 - A Bill For An Ordinance Amending Zoning Map ZM-200 (ZA-2020-12)

Council Chair Kaneshiro: We will be taking them later.

Councilmember Kaneshiro moved to receive C 2020-197 for the record, seconded by Councilmember Kualii.

Council Chair Kaneshiro: Is there any discussion from the members? Again, we will be taking this up later.

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to receive C 2020-197 for the record was then put, and carried by a vote of 6:0:1*.

Council Chair Kaneshiro: The motion is carried. Next item.

C 2020-198 Communication (07/23/2020) from the Prosecuting Attorney, requesting Council approval to revise the contract date for the awarded Fiscal Year (FY) 2018 Project Safe Neighborhood grant to the period July 1, 2020 through June 30, 2021.

Councilmember Kualii moved to approve C 2020-198, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: Is there any discussion from the members on this item? Councilmember Cowden.

Councilmember Cowden: I am just confirming that this is a reoccurring grant, correct?

Council Chair Kaneshiro: Yes, this is a grant that we received and they are revising the date.

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to approve C 2020-198 was then put, and carried by a vote of 6:0:1*.

Council Chair Kaneshiro: The motion is carried. Next item.

C 2020-199 Communication (07/23/2020) from the Prosecuting Attorney, requesting Council approval to receive and expend Federal funds for the Fiscal Year (FY) 2020 Coronavirus Emergency Supplemental Funding (CESF) Program in the amount of \$8,305.00, and approval to indemnify the State of Hawai'i, Department of the Attorney General to purchase the Protexus Electrostatic spraying system, face shields, face masks, isolation gowns, gloves, and touchless light switches for the Office of the Prosecuting Attorney from August 1, 2020 to December 30, 2020.

Councilmember Kualii moved to approve C 2020-199, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: Are there any questions or discussion from the members? Councilmember Kagawa.

Councilmember Kagawa: First of all, I want to thank Justin for all of his work. I think he is doing a good job working with our new Chief of Police and applying for these items to be granted to take care of his office, I think, is commendable because COVID-19 is scary. Whatever measures we can take especially in utilizing outside funds is a wise decision. Again, I want to thank Justin for all of his service and congratulate him on his future years as being our Prosecuting Attorney for the next four (4) years.

Council Chair Kaneshiro: Is there anyone else?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to approve C 2020-199 was then put, and carried by a vote of 6:0:1*.

Council Chair Kaneshiro: The motion is carried. Next item.

COMMITTEE REPORT:

COMMITTEE OF THE WHOLE:

A report (No. CR-COW 2020-17) submitted by the Committee of the Whole, recommending that the following be Received for the Record:

“COW 2020-06 – Communication (07/08/2020) from Councilmember Cowden, requesting the presence of the Managing Director, to provide a briefing on the 417 acres of land in Waimea recently purchased by the County, the briefing should include, but not be limited to, what activities are occurring by the lessees utilizing this parcel of land,”

Councilmember Kualii moved for approval of the report, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Is there any discussion from the members on this item?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion for approval of the report was then put, and carried by a vote of 6:0:1*.

Council Chair Kaneshiro: The motion is carried. Next item.

RESOLUTION:

Resolution No. 2020-32 – RESOLUTION TO APPLY FOR, RECEIVE, AND EXPEND AN ALLOCATION OF GRANT FUNDS FROM THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, AUTHORIZED BY THE ADDITIONAL SUPPLEMENTAL APPROPRIATIONS FOR DISASTER RELIEF ACT OF 2019 (PUBLIC LAW 116-20)

Councilmember Kualii moved for adoption of Resolution No. 2020-32, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: Are there any questions from the members on this item?

Councilmember Cowden: Is Adam here?

Council Chair Kaneshiro: Yes, Scott will get him set up. Welcome, Adam. Councilmember Cowden, do you have a question?

Councilmember Cowden: I am really happy to see this nine million one hundred seventy-six thousand dollars (\$9,176,000). Can you tell us about it?

(Councilmember Kagawa was noted as not present.)

There being no objections, the rules were suspended.

ADAM P. ROVERSI, Housing Director *(via remote technology)*: I apologize, can you repeat your question?

Councilmember Cowden: I appreciate that you have received this nine million one hundred seventy-six thousand dollars (\$9,176,000). I thought you could give us an explanation of what it is. I could read it, but I would prefer you to describe it.

Mr. Roversi: Sure, no problem. Broadly the funds are connected to the 2018 floods. This is special Community Development Block Grant (CDBG) allocation of disaster relief funding designed to help with projects that fulfil unmet needs relating to the flood. United States Department of Housing and Urban Development (HUD) prioritizes housing and shelter-related projects for these funds, but they are not strictly speaking limited to only housing, but that is one of our primary focuses. It can also be used for things like flood mitigation work, similar to the levee improvement projects in Waimea. One of the catches for this pool of funding is it has to be utilized in the area that was designated in the Federal Emergency Management Agency (FEMA) emergency declaration, which as a practical matter is the north shore, so these funds have to be dedicated to a north shore project. We are exploring several housing-related projects; we have not yet identified the best one, but we are exploring multiple different opportunities for affordable housing projects to serve the flood-impacted community, in particular people who themselves were impacted by flooding in their current living situations.

Councilmember Cowden: In the Keapana area on the east side, north of Kapa'a; I know some of that had damage too, but this has been earmarked to the north, I am assuming Hanalei and the end or maybe Kalihiwai. Where are we going to put it? Are we going to build something to help people?

Mr. Roversi: The designated flood area was particularly Hanalei, which also encompassed Wainiha and Hā'ena. We all know that there were other areas on Kaua'i that were impacted, including Kōloa and as you mentioned, some area in Kapa'a, but those were not officially designated by FEMA.

Councilmember Cowden: Okay.

Mr. Roversi: For better or worse, it is earmarked for the greater Hanalei area.

Councilmember Cowden: Alright, thank you very much. I am happy to hear that and I really applaud finding more money and more caches to handle this very important issue. Definitely, there was housing displacement related to the floods, so I appreciate this.

Mr. Roversi: As we move forward exploring possible projects, there will be additional community outreach, as well as communication with the Council as we try to finalize options, but we are several months away from needing to do that with the funding stream.

(Councilmember Kagawa was noted as present.)

Councilmember Cowden: Thank you.

Council Chair Kaneshiro: Thank you. Are there any other questions from the Councilmembers? If not, is there any final discussion? I just want to say thank you Adam, it is always good to get money like this coming in. I think we always fight for CDBG money and I think this shows why it is so important. This is money coming in from the Federal government that is going to help our island. Nine million dollars (\$9,000,000) is a lot of money for a small island like us. Thank you. With that, roll call vote.

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion for adoption of Resolution No. 2020-32 was then put, and carried by the following vote:

FOR ADOPTION:	Chock, Cowden, Evslin, Kagawa, Kuali'i, Kaneshiro	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun	TOTAL – 1*,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Kaneshiro: The motion is carried. Next item.

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2796) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8 OF THE KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO COMPREHENSIVE ZONING ORDINANCE (CZO) *(County of Kaua'i Planning Department, Applicant) (ZA-2020-16)*

Councilmember Kualii moved for passage of Proposed Draft Bill (No. 2796) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for September 9, 2020, and referred to the Planning Committee, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: We do have an amendment, Councilmember Chock, you are not here but you can say “as circulated.”

Councilmember Chock moved to amend Proposed Draft Bill (No. 2796) as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment, seconded by Councilmember Kualii.

Council Chair Kaneshiro: Ka’aina, the amendment seems like just a housekeeping amendment, but if you or Jodi want to explain the amendment.

There being no objections, the rules were suspended.

JODI A. HIGUCHI SAYEGUSA, Deputy Planning Director (*via remote technology*): Sure. I am Jodi Higuchi Sayegusa, Deputy Director of the Planning Department. Subsequent to a lot of the discussion that was had at the Planning Commission, we discussed in-house some of the testimony that we received at the Planning Commission hearing and with the Office of the County Attorney and we agreed that further amending the amendment of “owner” to take out the word “equitable” definition would further carryout the purpose of the Bill, which was to make sure that the department is accepting processing and approving applications for the owners or those who have full authorization of the owner. So taking out “equitable” would eliminate any issue on whether or not that would mean future owners of life estates, for instance. That is the basis of this amendment.

Council Chair Kaneshiro: Are there any questions on the amendment from the members? If not, is there any discussion from the members? Councilmember Chock.

Councilmember Chock: Thank you, Chair. I just wanted to thank the Planning Department and the Finance Department on all their hard work on this. I know it is something they have been looking at for some time. I am looking forward to getting this on the Committee and out to help our residents.

Council Chair Kaneshiro: Thank you. Is there anyone else? If not, roll call vote on the amendment.

(No registered speakers requested to testify regarding the floor amendment.)

The motion to amend Proposed Draft Bill (No. 2796) as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment was then put, and carried by the following vote:

FOR AMENDMENT:	Chock, Cowden, Evslin, Kagawa, Kualii, Kaneshiro	TOTAL – 6,
AGAINST AMENDMENT:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun	TOTAL – 1*,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Kaneshiro: Are there any questions or discussion on the Bill as amended from the Councilmembers? Councilmember Kagawa.

Councilmember Kagawa: The plan is we are going to discuss it more in detail at the Committee Meeting. I think all of these Bills relate to the West Kauai Plan, right?

Council Chair Kaneshiro: This one is a separate one. This one actually came up earlier, it was received for some changes, and then it went through the Planning Department and came back up.

Councilmember Kagawa: Oh, this is not the West Kauai Plan.

Council Chair Kaneshiro: The West Kauai Plan would be the next items.

Councilmember Kagawa: Okay, thanks.

Council Chair Kaneshiro: Are there any further questions from the members on the Bill as amended? Is there any final discussion from the members? Councilmember Evslin.

Councilmember Evslin: Thank you, Chair. First off, I just want to thank the Planning Department for working on this Bill and for coming up with this revised draft. I will say that I still have some great concerns about the implications here regarding Condominium Property Regime (CPR) properties, in that it would require one hundred percent (100%) of owners to sign-off on a zoning permit. My understanding is—we have talked about this earlier in meetings with the Planning Department—for the most part any CPR post-2005 this would not be an issue, because they have power of attorney. In theory, one (1) owner can get a zoning permit because they have power of attorney, but as I understand there are about three hundred (300) or so CPRs that are dated before that that likely do not have that provision and what it would mean is that a single owner could have veto power over his neighbor for any reason or if they are unable to get in contact with them, they could hold up the process. With that said, after discussing it with the Planning Department, when we are trying to weigh, on the one hand, the County getting

dragged through cases and having to spend significant amounts of County Attorney time and money versus the possibility of this interfering with someone's ability to get a zoning permit; I do not think there is a clear answer here and I know we do have to choose basically, between fifty percent (50%) plus one (1) or one hundred percent (100%) to make this legal. Ultimately, I have come down and decided one hundred percent (100%) is probably the right call going forward, but I say that with some reservations and I have an ideological holdup with the idea of giving any owner on Kaua'i, whether it is a CPR or owner association, veto power over the owner. Sorry, this would not change homeowner associations, but I am saying in general, I have concerns. Anyway, with all that said is to say, I support this with reservations and I will just briefly say, we explored our ideas with Planning and with the County Attorney the idea of doing one hundred percent (100%) minus one (1), to give someone the option of not signing-off, so a neighbor would not have veto power; that would cause potential issues. Anyway, I support this Bill.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: Thank you, Councilmember Evslin for highlighting that challenge and I hope at the Committee Meeting that we can really discuss that deeply. I will try and make a meeting prior with Planning. I want to acknowledge that there are a number of properties where people who got onto the land first and maybe built a second house and two (2) of them do that, then someone else who has bought in and did not have enough money cannot build. So there are a lot of properties, not a lot, but a handful on the upper eastside with that problem that I am aware of, so I want to look at this closer for that reason, too. So thank you for highlighting that.

Council Chair Kaneshiro: Thank you. Again, the intent of this Bill was to move the fight out of the County's hands and back into the owners' hands, because at this point, when the owners were not able to agree and it was at the County, we were the ones ending up fighting on it and costing the County a lot of money.

Councilmember Cowden: Yes, and mediating the fight. So I just want to learn a little more about that. I do know that it has been a deep problem and usually the least-funded person is the one who is left without a house site.

Council Chair Kaneshiro: This item will be going to public hearing and Committee, so roll call vote.

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion for passage of Proposed Draft Bill (No. 2796), as amended, on first reading, that it be ordered to print, that a public hearing thereon be scheduled for September 9, 2020, and it be referred to the Planning Committee was then put, and carried by the following vote:

FOR PASSAGE:	Chock, Cowden, Evslin, Kagawa, Kualī'i, Kaneshiro	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun	TOTAL – 1*,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Kaneshiro: The motion passed. Next item.

Proposed Draft Bill (No. 2797) – A BILL FOR AN ORDINANCE ESTABLISHING REGULATIONS, PROCEDURES, ZONING, DEVELOPMENT PLANS, AND FUTURE GROWTH AREAS FOR THE HANAPĒPĒ-ELE'ELE PLANNING DISTRICT AND THE WAIMEA-KEKAHA PLANNING DISTRICT IN CHAPTER 10, KAUAI COUNTY CODE 1987, AS AMENDED, AND ESTABLISHING EXCEPTIONS, MODIFICATIONS, AND ADDITIONS TO CHAPTER 8 AND CHAPTER 9, KAUAI COUNTY CODE 1987, AS AMENDED, AND AMENDING ZONING MAPS ZM-K100 (KEKAHA), ZM-W100 (WAIMEA), AND ZM-H200 (HANAPĒPĒ) (WEST KAUAI COMMUNITY PLAN) (ZA-2020-07)

Councilmember Kualī'i moved for passage of Proposed Draft Bill (No. 2797) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for September 9, 2020, and referred to the Planning Committee, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: Ka'āina, I will give you the floor, if you want to do your presentation on the West Kaua'i Community Plan.

There being no objections, the rules were suspended.

KA'ĀINA S. HULL, Planning Director (*via remote technology*): Thank you, Chair and members of the Council. Ka'āina Hull on behalf of the Planning Department. I am going to turn this over to Marie and her staff to get to the depth of the presentation, but just as a primer, the Planning Department two (2) years ago embarked on the process of updating the West Kaua'i Community Plan. The respective plans for these areas were well over forty (40) years old, much older than some of our own staff, quite honestly. Therefore the need for the update was definitely there and dire. It has been about a two (2) year process, a fairly robust public and community engagement process. This is also the first plan that the County of Kaua'i as well as in the State, that the department is actually running point, as far as the main agency actually implementing. Generally, Planning Departments will hire a firm to run point as a contractor to do the plan in consultation with the department. In this scenario, the long-range team has been honing their skills, building their capacity, and decided to "really take the bull by the horns" and run this whole plan in-house; one we can save a lot of money, without contracting, but as well

as really allowing the department to engage with the frontline of the community here. So I really appreciate the long-range team and all their efforts in this. Before Marie gets to the process, I will also give some warning, I guess if you will, in how some of this is set up because as Vice Chair Kagawa pointed out, there are a lot of Bills attached to this plan. It is standard for a regional plan to be adopted and the planning horizon to be ten (10) to twenty (20) years. In that ten (10) to twenty (20) years, the Planning Department or the Administration, or the County Council, or the public will take that plan and start to initiate those policies formulated via Ordinance. Being that there has been such a time lag when the last plan was done and the urgency of certain implementation policies to be moved on and taken action now is why we actually bundled the package of Bills that are germane to specific issues that are either: one, low-hanging fruit and relatively easy to adopt, or two, the situation demands urgent action after consulting with the community. We will be giving a presentation on the plan, then again, attached to it are series of actual ordinances that implement the plan via regulations. That is kind of in a framework of how we set this up, but for now I will turn it over to Marie and her team to give a presentation and overview of the process on the plan itself.

MARIE WILLIAMS, Program Manager (*via remote technology*): Thank you, everyone. Thank you, Ka'āina. Can you see my screen?

SCOTT K. SATO, Deputy County Clerk: Marie, if you want to say, "Next slide," I will switch the slides for you.

Ms. Williams: Okay. Do you have the PowerPoint up?

Mr. Sato: Yes, it is up.

Ms. Williams: Okay, great. Thanks for that. What we have here is our long-range team. This was definitely a Planning Department-wide effort and everyone in our department touched the plan in some way, but several members of our long-range team will be presenting a brief overview today. Lee Steinmetz, our Transportation Planner, will begin.

LEE STEINMETZ, Transportation Planner (*via remote technology*): Can everyone hear me okay?

Council Chair Kaneshiro: Yes. Lee, if you can see the slides just tell us "next," when you are ready for the next slide.

Mr. Steinmetz: Thank you. Good morning, Chair and members of the Council. My name is Lee Steinmetz and I am the Transportation Planner with the Planning Department. First of all, I am not going to go through all the names on this slide and obviously the team does not include everyone who

participated or who contributed to this plan, so first of all, I want to acknowledge the residents of west Kaua'i who really participated from *keiki* to *kūpuna* and will be discussing a little later in this presentation, what the efforts were for public involvement. I also want to acknowledge the many County, State, and Federal agencies that assisted the Planning Department and collaborated on this plan; between the public outreach and all of the various agencies that were involved, this was a collaborative effort. There are consultants listed on this plan and as Ka'āina mentioned in his opening remarks, these consultants served as sub-consultants that helped to prepare some of the technical studies that informed the plan and as Ka'āina mentioned, the Planning Department itself served as the prime consultant. I also want to acknowledge the focus group of west Kaua'i citizens who provided their expertise in a number of different areas, as well as their history and experience of living and working on the west side. The focus group did not approve any of the policies or aspects of the plan, their job was to assist the Planning Department to help frame issues and discussions with the broader community and they also assisted the Planning Department to make sure that the details, the history, the maps, and the data that provided background of the plan were accurate. Next slide, please.

I wanted to provide a little bit of a context of how the West Kaua'i Community Plan fits into the County's overall planning process and planning documents and we have to start by looking at what I would call the highest altitude plan for the County and that is our County General Plan, which was approved by County Council in 2018. This plan provides an overall Countywide vision, policies, and actions—again, I mention that this is at a high altitude level—all other plans within the County should be consistent with and help to implement the General Plan. At the next level of altitude are community plans, which set more specific visions, policies, actions, and land-use for specific regions within our County. In addition to community plans there are also functional plans, which layout implementation for specific operations or infrastructure. Some examples of infrastructure plans are the Parks & Recreation Master Plan, the short-range transit plan, and the water plan. So recommended projects that are in both the community plans and the functional plans help to inform the County's Capital Improvement Program (CIP) and land-use recommendations in the community plan are implemented through amendments to the Comprehensive Zoning Ordinance (CZO), which as Ka'āina mentioned you also have before you, in addition to the plan itself. Next slide, please.

The West Kaua'i Community Plan is one (1) of five (5) plans as Ka'āina mentioned. Many of these plans, with the exception of ones that were recently completed and approved by Council—the Līhu'e Community Plan and the South Kaua'i Community Plan—but most of these plans have not been updated since the 70s, which is far beyond their planning timeframe of twenty (20) years, so now the Planning Department is being diligent in working through the rest of the County to update these plans and the plan is to update these plans more frequently, such as every ten (10) years and not wait until the 20-year timeframe has occurred, as you

know things frequently and plans should reflect that. I also wanted to mention, the West Kaua'i Community Plan actually includes two (2) planning areas: the Hanapēpē-'Ele'ele planning area and the Waimea-Kekaha development area. So this plan combines these two (2) planning areas and we used to call these "Development Plans" and I believe that is how they are called in the Charter, but we decided that calling them "Community Plans" is more accurate, because there are so much more to these plans than just development. They are intended to reflect the vision of each community. Next slide, please.

This slide I am actually not going to speak to, because Marie will be speaking to this later on in the presentation. If you could move to the next slide, Marisa will be talking more about our community involvement process. Thank you.

(Councilmember Kagawa was noted as not present.)

MARISA VALENCIANO, Planner (*via remote technology*): Thank you, Lee. Can everyone hear me? Aloha Chair and members of the Council. Marisa Valenciano, for the record. For this portion of the presentation, Lea and I will present a summary of our community outreach process. Next slide, please.

This timeline provides a snapshot of our entire process to-date. As you can see, over the last two (2) years we have had over fifty (50) events and reached out to about one thousand (1,000) people. Our community outreach process was designed with the west side in mind, including multiple phases with the diverse range of events. Most of our activities were interactive and typically included food and refreshments. We also wanted to highlight brand new events, such as our historic photo contest, and a story map as a creative way to encourage new participants. The community input we collected through the public process contributed to our discussion draft, departmental draft, and the Planning Commission draft, which is before you today. So now, Lea and I will go into more detail on some of these events. Next slide, please.

Prior to our official launch, we wanted to conduct informal talk-story meetings with community groups on the west side. Between May to September 2018, we met with about seventeen (17) west Kaua'i community organizations, which included business groups, neighborhood associations, and churches; again, these were informal talk-story sessions meant to encourage members to participate in the process and to provide an opportunity for members to voice their ideas, issues, and concerns about the west side. In addition, early in the process, we also hired consultants to develop technical studies to help inform the West Kaua'i Community Plan. This slide shows all of the technical studies that we have, which are available on our project website. Next slide, please.

As Lee mentioned earlier the focus group represented a cross-section of different stakeholders, such as community leaders, landowners, and residents. The

focus group met monthly about nine (9) times and served as a sounding board to help guide the department in developing the public process. Next slide, please.

In August 2018, the Department formally launched the public process. During this discovery phase, we did several events to help raise awareness about the launch of the West Kaua'i Community Plan. We created a video, we passed out flyers, we established a project website, and drove our car around the west side to help spread the word. Next slide.

A major component of our discovery phase was the initial round of open houses that took place between August and September 2018. We held open houses at Kekaha, Waimea, Kaumakani, and Hanapēpē, where we invited the public to informally drop-in and talk-story with us. There was no formal meeting or presentation, but we displayed boards with data. Next slide.

We also displayed draft maps for people to post their comments. We setup a vision wall and we had Legos for the kids. At every open house we made sure we provided food as a way to draw people to our events. Next slide, please.

We received over three hundred (300) comments during our initial open house. We summarized the major themes in an open house report, which can be found in our project website. Next slide, please.

We then moved on through a dialogue phase by hosting community designed workshops that were scheduled for Hanapēpē-ʻEleʻele, Waimea, and Kekaha. These were each diverse in the design in the form and character of the West Kaua'i Town vendors, including issues related to housing, shared spaces, connectivity, and traffic circulation. Next slide, please.

In total, the week featured nineteen (19) different events such as, walk audit, opening and closing presentations, and opening designs studio, and ground break presentations. The community design workshops provided by the County of Kaua'i Planning Department in partnership with our sales and optical design. I will now pass it off to Lea to finish summarizing the public process.

LEANORA KAI'AOKAMĀLIE, Planner (*via remote technology*): Thank you, Marisa. Aloha Councilmembers. Lea Kai'aokamālie, Planner, for the record. After the community design workshops, we facilitated ten (10) sector workshops between November 13, 2018 and March 28, 2019. About two hundred fifty (250) members of the community attended these workshops. Next.

The first series of meetings focused on shared spaces. These are places that the community often gather such as parks, beaches, and even streets or store fronts. A cool or cooling off place in Kekaha was brought up at every meeting. Next.

Housing in west Kaua'i was discussed such as expanding upon housing types and incentivizing infill, while continuing to preserve the historic and rural character of each home. Next.

Heritage resources was reviewed in January 2019, in particular protection and management of *wahi pana* throughout west Kaua'i. Next. Sorry for the echo.

Regional- and town-specific transportation and circulation issues were examined. Safety, impact of climate change to the highway, and mobility improvements were priority topics of discussion. Next.

The last in the series focused on existing economic sectors while encouraging new business opportunities. Next.

After this the team took a few months to prepare a draft plan based on the year-long community process. Then, during September of 2019, we had four (4) open houses in Hanapēpē, Kaumakani, Waimea, and Kekaha to share draft policies and thoughts with the community and to gather their feedback. About three hundred (300) community members attended these meetings. Next.

Throughout the process we reached out to schools all over west Kaua'i to engage the students there. An art contest was held for *keiki* Kindergarten through Eighth grade, and an essay contest for high school students. Winners were honored during the 2019 Waimea Town Celebration. Members of our team also visited Waimea High School to chat with teachers and students about the plan and encouraged them to bring their *'ohana* to meetings. Next.

All of our events were advertised on social media. Information and pictures from the process were posted, as well. Our Facebook posts have received over one thousand (1,000) likes and have been shared more than four hundred fifty (450) times. We have received over two thousand six hundred (2,600) likes on our Instagram posts. In addition to the student contests, we held a community-wide historic photo contest. *Mahalo* to everyone who sent in pictures. Special thanks to Chris Faye, who posted most of the pictures. Pictures can still be viewed on our social media pages or on our project website. The picture on this slide received the most likes. The one on the left-hand side, shows the flooding event of Waimea Town in 1940, the next is a snap-shot of Kekaha pool, where I spent a lot of my weekend and summer days actually, and a picnic in Polihale in 1899. Next.

Lastly, if you have not done so yet, please visit our project website. The website provides access to studies, including a comprehensive culture assessment that was prepared by cultural surveys. All our meeting reports are posted on the website, as well. You can even access an interactive story map and future land use map. The story map summarizes the process in maps and shows interactive versions of the

maps that is within Planning. The future land use map features the proposed form-based code and community plan designations that we will go over, in addition to parcel zoning information for west Kaua'i and anyone can go on these sites. Now, I will turn it over to Marie to finish up. Thank you.

Ms. Williams: Thank you, Lea. Marie Williams, Planning Department. I will wrap-up the presentation by explaining the plan framework and also explain how to read and use the plan. Next slide.

Our plan available at westkauaiplan.org the project website has six (6) parts. The introduction Part I includes the plan purpose, our planning system, and provides background information about the planning area. Next slide.

Parts II and III of the plan are the "meat" of the plan. Part II are the region-wide policies organized by the priority areas determined to the community process. For each policy there is a "why" statement and a "how" statement. These policies are high levels similar to those in the General Plan and they mostly are implemented in the town plans or Part III. Next slide.

Part III includes the visions, goals, and objectives for each town. This is different from previous community plans that largely have a regional focus. The regional focus is important, but we also want to acknowledge the unique nature of each westside town. So Part III is essentially four (4) town plans, each with more specific actions organized by the same priority areas determined in Part II. For each town plan there is an accompanying of maps and these are in Part VI of the plan. Next slide.

Part IV covers the other communities and areas outside the towns, such as, Pacific Missile Range Facility (PMRF) and Waimea Canyon State Park; we treat these areas differently in the plan because the County has less control or land use authority here. They typically are under the jurisdiction of the Federal or State government or a large landowner, so the focus is on partnership action and how we can work with the landowner towards shared use. Next slide.

Our implementation section, which is Part V, is divided into short-term implementation and mid-range implementation. Short-term implementation are the zoning amendments that can be implemented now, to ensure that all development following plan adoption will be consistent with the plan. To effectuate this, we are proposing a package of zoning amendments, all up for first reading today. Ka'aina will provide a primer on those zoning amendments as they come up, following this presentation. Next slide.

Mid-range implementation refers to the County projects and investments that will be guided by this plan; this includes the roadway projects, parks projects, and

other infrastructure projects, which are mostly embedded in Part III of the plan. This chart illustrates projects conceptualized in our West Kaua'i Plan and other community-specific plans. Ultimately, our hope is these are prioritized and funded and become what you see that shape our communities and towns. Next slide.

That is our overview of the West Kaua'i Community Plan and planning process. We look forward to diving deeper into the plan and specific topics over the next few weeks and months. Again, the plan is available at westkauaiplan.org. We encourage people to download the plan and read it or experience the plan using this story-map, as well. Thank you for your time and we can answer any questions you may have.

Council Chair Kaneshiro: Thank you everyone for that presentation. Again, we will be seeing this in Committee also, this is just first reading, but do we have any questions from the Councilmembers on the plan? Councilmember Evslin.

Councilmember Evslin: Are we okay asking questions on any of the Proposed Draft Bills?

Council Chair Kaneshiro: Yes.

Councilmember Evslin: First off, thank you folks. You are all "rock-stars" here, the plan is amazing. I love the cover, you folks did great job doing this on your own without a consultant. Reading through it, I think everything looks...I read through most of it last night. I have a question...

Council Chair Kaneshiro: Actually, Councilmember Evslin, if you have a question on one (1) of the following Bills, I was going to have our Planning Director Ka'āina Hull, just give a quick overview of it when it comes up. Then maybe that might be a better time to ask a question on it.

Councilmember Evslin: Yes, I will do that.

Council Chair Kaneshiro: Okay.

Councilmember Cowden: I have a general statement.

Council Chair Kaneshiro: If there are no questions, then we will do our final discussion on it. Are there any other questions from the members? Councilmember Chock.

Councilmember Chock: Thank you, Chair. Thank you, Planning Department. Another great job here and we appreciate you being able to do this

in-house. I think it set the precedent for all other efforts moving forward. I think the best results would be (inaudible).

Council Chair Kaneshiro: Councilmember Chock, you may have to sit further back.

Councilmember Chock: Is this better?

Council Chair Kaneshiro: Yes, much better.

Councilmember Chock: It is how we might be moving forward and taking this plan to heart and represent well all the (inaudible).

Council Chair Kaneshiro: It is still breaking up a little bit.

Councilmember Chock: Anyways, I will just reserve my questions. I talked to Planning about it and I will pass.

Council Chair Kaneshiro: Sorry, Councilmember Chock. It was breaking up a little bit. Is there any further discussion from the members? Councilmember Kagawa.

Councilmember Kagawa: Councilmember Chock, we could not hear you, if you had questions. Maybe we need to read your lips when you talk. I just want to thank Planning and all the staff that put this plan together. The make up of the focus group, at least of the names, it looks like a good variety that you have included. I am sure there was a lot more that you did not include on that list, but I thank you for doing that and updating the plan as best as you folks see fit, right now. I think I am the only Councilmember born and raised in Hanapēpē and attended Waimea High School and for the west side when the sugar plantations closed, there was a reason why the plan was not updated, because we chose to keep it slow and keeping things the way they were over developing and creating a lot of jobs that could have been an option, but the community as a whole made it tough for expansion. We chose to either work on base or work in Līhu'e, that was basically the options for us, but we like our way of life there being slow and not having all the development like you see in Kapa'a and Hanalei and what have you; those are the folks grumbling now about the development there, but on the other hand they have jobs there for their communities there and that is the benefit. With everything you have "give and take" and I think for the west side the choice was made back then and now, like you folks said, twenty (20) years or thirty (30) years later, now we need to re-evaluate whether we need some things or something that will accommodate tourist jobs. Maybe now is the time, but I do not know. When you have a wide variety of individuals like you folks have, I think we can try to feel it out, because certainly change is inevitable, but how fast and how much is what we can control. I thank you folks for your work. I am in

full support of the plan as you have worked on with the community and I look forward to discussing the Bills separately and make sure the ones with controversy, we will take our time and make sure we do it right. Thank you, Chair.

Council Chair Kaneshiro: Is there anyone else? Councilmember Cowden.

Councilmember Cowden: I also want to thank you folks for a job well done. I have been going to General Plan meetings since the mid 90s and I think this is one of the best processes I have watched. I appreciated all the people coming were a variety of people. I went to a lot of these, maybe about twenty (20) of the open houses and the walkabouts, so I also appreciate the conversation that we had yesterday, where I was able to put in some ideas, I know that you are taking that time with the individual Councilmembers, so I want to acknowledge that to the public that this is not being done very quickly. What I would like to ask, as we move through this process, maybe before the Committee Meetings, maybe we can get comments from the different regional community organizations, because as I have called them, most of them were not aware that the draft was almost finished. They were very happy with the effort that had been to the outreach to them; they have blamed it on COVID-19, not on the Planning Department, but it would make me feel a lot more comfortable if I was hearing or seeing testimony where they are saying, "Yes, we are good with this" or "We want this piece." I did not receive anything that I could think of from anyone on such an important element before this is on our agenda, so that is why I did call them and it happened to whoever I did call or went to their house, was unaware that this was done. Thank you for a great job so far.

Council Chair Kaneshiro: Is there anyone else? Councilmember Kualii.

Councilmember Kualii: I, too, want to say thank you. Just looking at all of the work and hearing the overview in your presentation, it is very obvious how thorough it is and how much you have engaged with the community, which is so important. I love that in the binders you have included the hand written notes from people with post-its, flip chart sheets, and everything. It is amazing. I am looking forward to digging in it further in the next few weeks and months, and working with you folks further on doing anything we can for the west side and realizing some of their goals, dreams, and objectives, over the next several years. Thank you so much.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: I will just finish up my comment from earlier and I think my question is relative to the plan. It is also in one of the Bills. Just to finish off the comment, I did go to one of the open houses at the Waimea Theater, it looked like there was a movie playing; there was a line all the way down the sidewalk waiting to get in. I think I stood in-line for twenty-five (25) minutes to get in, then

once you are in and the room was packed with people—obviously that was a huge credit to you folks—what other community to you go to that there is an open house on a planning document and there is a line out the door? So that is all of your folks work with the community for years before that got everyone excited to come out for that. My one question, again, the plan is great and there are a lot of amazing things in there, could you talk a little bit about the change from provisional resort to resort? I know this came up in the General Plan and the need for more economic opportunity on the west side, but if you could talk a little bit of the community outreach process for that and some of the thoughts around that, and what that would enable.

Mr. Hull: Thank you, Councilmember Evslin. Good morning again, Council. Concerning the provisional resort condition is as...am I echoing?

Council Chair Kaneshiro: You are good.

Mr. Hull: Okay. As many of you recall, because you were on the Council, when we went through the General Plan process, one of the resounding comments that we received pertained to resort development and the idea that the island had hit its capacity. No further resort development. There are permits that have not been acted upon, there are zoning districts that have resort zoning, but areas where the General Plan was guiding to say, “additional resort places should be sprung up,” there was an overwhelming response islandwide to a certain degree, that we should take those away; no further resort development. So in our first draft of the General Plan, any General Plan resort designation that had not been entitled, we were recommending reverting it back to agriculture or whatever its former designation was. For the most part the island applauded that move, with one exception—the resort designation adjacent to Waimea Plantation Cottages. There was a fair amount of public from west Kaua‘i that came out and said, “No, that might be okay for East Kaua‘i or north shore, but we would still like the ability to have some resort capacity here in West Kaua‘i for jobs.” So then we put it back and said, okay let us keep it. Then we received more testimony and input from community members saying, “No, we do not want more resort designation either.” So it was kind of a mixture, if you will, from West Kaua‘i with residents saying, “We want it.” Some saying, “We do not want it.” What Council ultimately decided to do at that time was to say, “The West Kaua‘i Community Plan is on the books to be spun up when the General Plan is done. Let us defer this particular issue to that process.” Therefore a “provisional resort” designation was created in the General Plan. After spending a year in West Kaua‘i, we have come up with a recommendation for you folks, the Planning Commission has adopted the recommendation and that recommendation is indeed, let us look at expanding or keeping the resort provision to allow more resort development to happen within Waimea. Again, this is the area that is near the Waimea Plantation Cottages, but with the provision that it not necessarily be allowed at a full resort or a standard, traditional, like the Marriott or large-scale resorts, but

that the resort be done at the scale that Waimea Plantation Cottages is at. So that recommendation is before you folks, we can say that this is one of the areas where there is not one hundred percent (100%) consensus in West Kaua'i, there are some people that really desire and there are some that are adamantly against. This is the provision we are recommending, again this is the General Plan designation, it is not the actual zoning district itself. Sorry, Councilmember Evslin, that is part of one of the Bills, the first Bill after this one, concerning the General Plan designations.

Councilmember Evslin: Thank you, Ka'āina. I know in the community plan it clearly says in there, "Built at this scale and style of Waimea Plantation Cottages." How does that get effectuated in practice to make sure no one comes in to build a Hyatt out there?

Mr. Hull: Yes, the only thing that is being recommended is the General Plan designation. That General Plan designation, as Lee has referred to before, is that highest-altitude level of policy recommendation. Should the Council ultimately agree that some type of resort designation should happen out there, and it should perhaps be at the scale of Waimea Plantation Cottages, it just adopts the General Plan designation and is now incumbent upon the landowner to now go to the Land Use Commission and petition the Commission for State land use Urban designation, if the Land Use Commission agrees with them, then the Land Use Commission grants the Urban designation, and that takes two (2), three (3), sometimes four (4) or five (5) years. After they are done with that, then the landowner needs to come back to the Planning Commission, then the County Council to ask for the zoning district. Now, the County Council could agree to a straight out resort R-10 or R-20 zoning district that is traditional throughout the island or it could look at a much more nuanced approach of say having perhaps a form-based code approach to the resort designation that will regulate the form and character that the resort designation would have. Again, it is going to be a five (5), possibly 10-year process to even get to the area where they would be entitled to resort designation, this just initiates the landowner being able to open up that door.

Councilmember Evslin: Thank you, that all sounds good and reasonable. As far as the form-based code aspect, is there anything comparable out there now, like a resort transect, that you folks can plug in there or would that require you to do a whole lot of leg work to try and develop what the form-based code would look like?

Mr. Hull: Form-based code is how you dictate the form and character (inaudible), so there are ways to style it up off of transects, but ultimately it would behoove the property owner to go through that process to propose into that County. The Planning Department would end up working with them, but I think something at that level, at least with our department right now, we would not be bearing the brunt or playing lead on that process.

Councilmember Evslin: Thanks, Ka'āina.

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

Council Chair Kaneshiro: Are there any further questions from the members? If not, is there any final discussion from the members? For me, I just want to say as always I really appreciate the outreach that you have done. I do not think anyone can say they have not had a chance to voice their opinion. Again, if they have not, they still have an opportunity now in front of Council to voice any opinion they have about the West Kaua'i Community Plan, but I think as far as outreach goes, no one can say you did not do enough and on that part I really appreciate it, because through all of the community plans and the General Plan that you folks have passed, there was a ton of outreach. I think it is helpful for the community to have their fair share at...it is a community plan, it really is an island plan, and you do the best you can to get the communities input on it, which I really appreciate. I am always impressed and cannot fathom how you are able to put everyone's comments into a plan, but you folks do a very good job of it and incorporating everyone's opinions, and trying to come up with a plan that maybe not one hundred percent (100%) of the people are agreeable on, but for the most part everyone is in agreement on the plan in general. They may not like certain parts of it, but in general, I think a lot of people understand that it is a twenty (20) year plan, and appreciate the direction that it goes in. I just want to say thanks for all your hard work and this will be going into Committee for further discussion. Is there anyone else? Councilmember Chock.

Councilmember Chock: I will try this again, can you hear me okay?

Council Chair Kaneshiro: Yes, you are coming in real clear now.

Councilmember Chock: First, thank you everyone. I am looking forward for this going to Committee. I, too, would like to hear even more testimony from the community, especially on the hot topic issues, this is certainly one of them that Councilmember Evslin has brought up, but there are other areas; the landfill is certainly an issue, a skate park has been brought up; what we can do with the mill, so many of the little pieces that I think we need to hear within more back from the community, as this is its final iteration of the plan, so what we propose forward with what we pass in its final form. I am looking forward to that and thank you for putting a great plan together.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: Just so it is on the record, we did talk about this yesterday, but I want to acknowledge the Department of Hawaiian Home Lands (DHHL) plan in Hanapēpē and I would like to see it reflected in the plan to

whatever degree is appropriate, perhaps the different stages, but at least to acknowledge the SSFM plan that was completed this summer. Ending date for public comment, by the way, is this Saturday, to have that reflected there. We have already discussed that, but just for the sake of everyone else to know, that the County wants to acknowledge the DHHL plans for the significant area to the west of Moi Road; a big parcel/property. Thank you.

Council Chair Kaneshiro: Is there anyone else? If not, roll call vote.

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion for passage of Proposed Draft Bill (No. 2797) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for September 9, 2020, and it be referred to the Planning Committee was then put, and carried by the following vote:

FOR PASSAGE:	Chock, Cowden, Evslin, Kagawa, Kualii, Kaneshiro	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun	TOTAL – 1*,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Kaneshiro: Next item.

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

Councilmember Kualii moved for passage of Proposed Draft Bill (No. 2798) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for September 9, 2020, and referred to the Planning Committee, seconded by Councilmember Cowden.

Council Chair Kaneshiro: I will suspend the rules. Ka’āina, if you just want to give us a brief description of this item.

There being no objections, the rules were suspended.

Mr. Hull: Thank you again, Chair and members of the Council. Ka’āina Hull, for the record. This is actually in reference to what Councilmember Evslin brought up concerning the resort designation. In the General Plan process, in addition to that resort designation that was given a provisional status,

there was also a considerable amount of discussion during the General Plan concerning land near 'Ele'ele that was given provisional agricultural status and that was their desire to expand it further for urban or housing needs. Considerable amount of controversy with the General Plan discussion, and ultimately the Council decided at that time, in agreement with the department, to let the West Kaua'i Community Plan go into more detail and depth to figure out exactly what is out there. We did take that and had a considerable amount of discussion with the community and at this time felt it was not appropriate to expand those urban uses beyond what was originally allowed at the agricultural designation they kept in agriculture. That was in discussions with the community, as well as in consultation with the landowner's representative at the time, so we have consensus on both sides to remove this other provisional status and return it back to "agriculture." So you have a provisional resort being moved into full resort, the provisional agriculture being moved back to agriculture, and then there is actual discussion on this plantation camp issue in recognizing that there are communities in these plantation camps, like Kaumakani and Pākalā, that are communities that should remain there, that should have policies that are currently in place to amortize to a certain degree, move those communities out. So we are recommending that plantation camp designation should be given, so that those communities can remain in perpetuity in place. That is the gist of it.

Council Chair Kaneshiro: Are there any questions? Councilmember Cowden.

Councilmember Cowden: Director Hull, can you go just a little bit deeper into the plantation camp element? I feel like it is a great thing. What I have seen in social media is resistance with wrongful information, that it is misinformation that is out there, so there is a negative reaction that I think is almost one hundred eighty (180) degrees from accuracy in what is really laid out there. If you could just describe it really clearly for a moment, so that people can understand it.

Mr. Hull: Thank you, Councilmember Cowden. We will get into that Bill subsequent to this, but it is part of this General Plan proposal. There has been a fair amount of misinformation on social media, even to a certain degree on the radio, about what "plantation camp" is proposing and the two (2) social media posts that I have been seeing is: one, the Planning Department is attempting to establish new plantation camps to subdivide agricultural land and send all this development there; that is not true. The second one is that somehow the Planning Department is recommending a conversion or return to the antebellum south, that so much of what is politically going on on the mainland is what we are attempting to install; some type of antebellum south plantation here; that is not at all true. Ultimately, what the plantation camp zoning district proposal is is that places like Kaumakani, Pākalā, and Numila, those have existing housing and communities there, right now they are currently zoned agriculture. Agricultural land, you technically only qualify for five (5) dwelling units, so those hundreds of dwelling units that we have established as

plantation homes and have families living in them, they are not allowed to rebuild those things or repair them beyond fifty percent (50%) of what their assessed value is. Some of these homes are close to one hundred (100) years old, if not older, and the assessed value is very small, so the ability to repair them at standard prices today, is not even permissible and having them as a nonconforming structure on agricultural land is essentially is all in a policy that the County...not doing it purposely, but nonconforming structures...the policy intent for those structures to eventually be phased out and no longer occur in this place. What we are trying to say is plantation camps should not have a nonconforming status, they are not only housing inventory in the middle of a housing crisis, but they have communities that existed for decades of generations. We should provide these people and the landowner opportunity to rebuild and maintain those homes as they have existed there before. That is all the plantation camp is, we are trying to keep and allow these people to rebuild these homes and to make sure these homes can be maintained.

Councilmember Cowden: Thank you for that clarification, because the two (2) examples you gave is what I am seeing, so that helps to really make that correction on record. If you have another time in your presentation today, where you would be discussing wetlands, otherwise the wetland piece does come up here in Bill No. 2799, can you speak a moment what is meant by that?

Council Chair Kaneshiro: Where?

Councilmember Cowden: Maybe I am on the wrong page, sorry.

Council Chair Kaneshiro: What are you looking at, as far as the wetland?
Sorry.

Councilmember Cowden: I think I skipped ahead a couple of pages. It is in the next one. Thank you.

Council Chair Kaneshiro: The coastal edge?

Councilmember Cowden: At the coastal edge, we talk about a coastal edge, but there are portions in these areas that were wetlands, then how we are going to allow them to possibly return to wetland as opposed to developing them where they will become problematic in the future. We have already built on wetlands. I saw that in here, I will find it.

Council Chair Kaneshiro: You can always bring that question up at Committee. Councilmember Kagawa, then Councilmember Evslin.

Councilmember Kagawa: I was just going to say, the detailed questions, we have time. We can work with the Planning Department, we can wait for Committee

to ask it. I think we had the overview, we have a lot of other topics that are really important in Committee, as well. This is important, but what I am saying is we have time on this and the other ones we do not have time, it is now.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Maybe I will hold my question until Committee. Real quick, I think the plantation camp designation is great. I think the industrial designation that you have here is good also. Just a quick question on Section 2.9, for the General Plan amendment, it removes the language "and would not be considered future areas of potential growth." What is the mitigation or rationale with that?

Mr. Hull: Sorry, Councilmember Evslin, what section is that?

Councilmember Evslin: Section 2.9 on the plantation camp amended language in the General Plan.

Mr. Hull: Essentially, for the plantation camp, what we are saying is what is there right now can exist in perpetuity, you will be allowed to rebuild it to the footprint that is there. It also allows for some movement of those structures, should they be subject to hazards like coastal erosion or sea level rise, to move those structures out of the path of the hazard, but they also will still be kept at the same footprint. That is somewhat of an acknowledgement that we are not sending more code there, it is just to say what is existing is what is allowed to be repaired or rebuilt, outside of that, we are not going to be looking at plantation camps to send more development.

Councilmember Evslin: I believe it looks like, from the General Plan the removing language that says, "...and would not be considered future areas of potential growth."

Mr. Hull: Where are you looking?

Councilmember Evslin: The fourth sentence of SECTION 2 of the Bill, item 9.

Council Chair Kaneshiro: I am sorry, Councilmember Evslin, I do not see Section 2.9 in this Bill.

Councilmember Evslin: Am I looking at...

Council Chair Kaneshiro: Bill No. 2798.

Councilmember Evslin: Yes, Section 2, page 3, amend pages 63 and 64, says types as follows: plantation camp, in the middle of that paragraph on plantation camp.

Council Chair Kaneshiro: Just the part that...

Councilmember Kualii: Plantation camp coloring on the land.

Council Chair Kaneshiro: The plantation camp coloring of the land use maps, then these places still provide workforce housing and some commercial uses.

Mr. Hull: Sorry, so that is essentially acknowledging that the previous plan would be right that those should technically be there. What we are saying is that we can still accommodate for housing in what is there. There will be some discussion, I will be quite honest, the Planning Department is working with the landowner on certain aspects on whether or not this place should be form-based coded, but at this time we are not approving that, we are just saying let us preserve what is there and any future discussions about master planning the site...because indeed recognizing that it is a community, should that community be allowed the opportunity to expand a bit to have a little bit more commercial aspects to it, that definitely is a discussion that needs to take place, but that is not part of this plan.

Councilmember Evslin: Okay, thank you.

Council Chair Kaneshiro: Are there any further questions? Is there any final discussion from the members? For me, I just want to say thank you for this. I know there is a lot of conversation on provisional agriculture and provisional resort in the General Plan and there was a big fight on using that word "provisional," but I think this worked out exactly as it was supposed to. We said in the General Plan, let us leave it up to the community to decide when the west Kaua'i community does their community plan on what they want in those two (2) areas, because on the General Plan forty thousand (40,000) foot view, we did not want to make the decision on ourselves here at Council, we wanted the community to make the plan, so we decided to put "provisional" in there so that in the lower twenty thousand (20,000) foot view, the west Kaua'i community could actually decide what they wanted and I think that is exactly what happened, so thank you for that. With that, roll call vote.

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion for passage of Proposed Draft Bill (No. 2798) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for September 9, 2020, and it be referred to the Planning Committee was then put, and carried by the following vote:

FOR PASSAGE:	Chock, Cowden, Evslin, Kagawa, Kualii, Kaneshiro	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun	TOTAL – 1*,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Proposed Draft Bill (No. 2799) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, BY ESTABLISHING A NEW SPECIAL TREATMENT COASTAL EDGE (ST-CE) DISTRICT AND AMENDING ZONING MAPS ZM-K100 (KEKAHA), ZM-W100 (WAIMEA), ZM-200, AND ZM-H200 (HANAPĒPĒ) (ZA-2020-09)

Councilmember Kualii moved for passage of Proposed Draft Bill (No. 2799) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for September 9, 2020, and referred to the Planning Committee, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Planning Director Hull, if you want to give a brief description of this item.

There being no objections, the rules were suspended.

Mr. Hull: This is concerning the creation of a new special treatment coastal edge district and this coastal edge district is identifying those properties that are particularly susceptible and vulnerable to hazards. Originally when we looked at the idea and this was a huge community concern on sending more development into these hazardous areas, we actually did propose a down zone, to be quite honest and quite truthful and blunt with you folks, we propose that these properties be down zoned to only have one (1) house per acre. We identified all the property owners to have that discussion with them and of course many were opposed that decision. Ultimately, after discussing with the property owner's we decided it is appropriate to say that you can keep your development rights in these properties, however, you are going to have to go through a process to ensure that whatever hazard your respective property is vulnerable, whether it be coastal flooding, highway run-up, or coastal erosion, you will have to address that through a public hearing process, so it does not take their rights away anymore, it just looks at saying you are going to have additional standards to ensure that you are able to mitigate these hazards. That is it in a nutshell.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I appreciate that this will have focus, most of these questions will go into the Committee time. I will just state the type of question,

so you do not have to take the time to answer it in respect to Vice Chair Kagawa's concerns. I am wondering if this also is being utilized in some of these riparian areas, then if it flows back to building code that might create a lot of scouring when we have these foundations of houses that are hard-built surfaces that have concrete that really does impact the neighbors and the downstream people substantially. I think this special treatment, Coastal "and Riparian" Edge, I feel it belongs in there; something we need to look at. We are seeing heavy community tension, particularly when newer houses are built to much more modern standards that then deeply impact more simple wood houses around them. That is just a suggestion to think about in the Committee time.

Mr. Hull: Thank you, Councilmember.

Council Chair Kaneshiro: Is there anyone else?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

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

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: I just want to say good job with this. I think you folks went out and as always did a great job listening to the community trying to figure out something that worked, yet is still going to have similar end results here in trying to ensure that we are not building inappropriately on our coastline. I appreciate all the creative work here.

Council Chair Kaneshiro: Councilmember Kagawa.

Councilmember Kagawa: I want to say too, that if you know the old community, they are very humble folk. A lot of them are not vocal and want to attend meetings and want to be the face of big statements against things or for things. In the old times, if they had a westside concern they are going to call Rich Tsuchiya, they are going to call Keith Nitta. That is how west side old time people operate, they are not vocal, they do not step on other people's toes, they rely on the expertise of planning, so when we say people on the focus group, they said this, it does not mean the community wants that. Most community members on the west side are humble folk, they do not want to be known to be vocal about things. They rely on experts and rely on personal contacts that work in there to get their messages across, and their elected officials like us. We are the voice of the people when it comes to Bills and these types of things. It is our job to go out there and ask the people, not ask the Planning Department, "Did you ask the people?" A lot of people on the west side are

not a brash and vocal, so I think we need to watch what we say when we say the group said this, because it does not mean that the whole community supports that, too. In defense of the Planning Department, we need to be the ears, we need to be the mouth of issues like Pākalā Camp and Kaumakani Camp. The Planning Department is not going to hear all the people, some do not speak good English, they do not want to be the ones to talk, but it does not mean that they are not a big part of the voice of who we are supposed to represent. It is multi-complex, it is bigger than just, "Did you talk to this group?" Or "Did you talk to this person?" No. I hope that we can go forward even with the future Council and think about the west side in those terms, because the west side is not Kīlauea, it is not Kapa'a, it is not Līhu'e, the west side is very different and I know because I grew up there.

Council Chair Kaneshiro: Is there anyone else? If not, roll call vote.

The motion for passage of Proposed Draft Bill (No. 2799) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for September 9, 2020, and it be referred to the Planning Committee was then put, and carried by the following vote:

FOR PASSAGE:	Chock, Cowden, Evslin, Kagawa, Kualī'i, Kaneshiro	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun	TOTAL – 1*,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Kaneshiro: Next item.

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

Councilmember Kualī'i moved for passage of Proposed Draft Bill (No. 2800) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for September 9, 2020, and referred to the Planning Committee, seconded by Councilmember Cowden.

Council Chair Kaneshiro: I think you touched upon this already, Ka'āina, but just briefly.

There being no objections, the rules were suspended.

Mr. Hull: Thank you, Chair. Again, like I said in the General Plan amendment discussion, this is essentially to allow for the existing

plantation camps to be able to maintain their structures and not have to amortize and phase those structured uses off of the property.

Council Chair Kaneshiro: Are there any questions from the members?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

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

Council Chair Kaneshiro: Is there any final discussion from the members? If not, roll call vote.

The motion for passage of Proposed Draft Bill (No. 2800) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for September 9, 2020, and it be referred to the Planning Committee was then put, and carried by the following vote:

FOR PASSAGE:	Chock, Cowden, Evslin, Kagawa, Kualī'i, Kaneshiro	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun	TOTAL – 1*,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

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

Councilmember Kualī'i moved for passage of Proposed Draft Bill (No. 2801) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for September 9, 2020, and referred to the Planning Committee, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: Ka'āina, if you want to give us a brief description on this.

There being no objections, the rules were suspended.

Mr. Hull: Thank you, again, Chair and members of the Council. The special treatment public facilities overlay is an oversight that the Planning Department essentially caught, in that the vast majority of public facilities—particularly State and County public facilities have to avail themselves to

a much more thorough public screening process and have what is called a special treatment public overlay on them. It is standard and one of these State facilities are assets out in West Kaua'i actually does not have that overlay on it and that is the Burns Field Airstrip, so we are treating them equally to our other State and County assets.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: This is not deciding what might happen with that area, it is almost like a housekeeping piece to put this overlay on it so it can be discussed later?

Mr. Hull: I would not necessarily say "later," it is an overlay that government agencies gently avail themselves to and this is one that has not. It does ensure that should anything be proposed out there, that necessitates a public process.

Councilmember Cowden: Okay, because there are a number of public areas in here including the salt ponds and the graveyards, and a number of different areas on there. I am saying this is giving it a special treatment without discussing what is going to happen there.

Mr. Hull: Correct. There is no intention of...the plan does not recommend that this site be increased for further development for airport purposes. It recognizes that it is a State asset out there and it should be treated as the other government asset in having to avail itself to public scrutiny, should any proposals arise.

Councilmember Cowden: Thank you.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: Ka'aina, do you have any idea why it was not included in the past? Was it just an oversight?

Mr. Hull: In our research, we were not able to find anything. I believe with the information that we have, it was just an oversight.

Councilmember Kualii: Okay, thank you.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Thank you, Ka‘āina. When you say, “Avail itself to public scrutiny,” what exactly does that mean, if someone was trying to get a permit?

Mr. Hull: For public agencies with this overlay, if you propose any three-dimensional alteration of the land, you have to go through a public hearing process. Almost all public agency assets have this overlay on it, this one does not, so technically, if a proposal is made for this site, it may not require a public hearing.

Councilmember Evslin: It currently does not require a public hearing, if this passes, it will and that means that the Planning Commission has discretion over any zoning permit.

Mr. Hull: Correct.

Councilmember Evslin: Okay, thank you.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: Thank you, Chair. Ka‘āina, again this will ensure that any activity in that area that is being proposed with the overlay would require a process for a permit.

Mr. Hull: Any three-dimensional alteration of the land, yes. Currently the land does employ a nonconforming airport status, so there are certain airport uses that are permissible out there, but should any infrastructure at a three-dimensional level be proposed, right now, public hearing is not necessary, this would make it a requirement should that structure or structures be proposed out there.

Councilmember Chock: To clarify, it does not have bearing on the use of the property as it is now as you mentioned airport...

Mr. Hull: Yes, it is not stressed on the use, as it is on further development of it.

Councilmember Chock: Thank you very much.

Council Chair Kaneshiro: Councilmember Kagawa.

Councilmember Kagawa: Was the airport up for discussion? The feeling I had out there, the airport is not necessary to be there anymore. There are way more people against it than for it. I know it is a State or Federal government, but the

helicopter can fly out of Līhu'e and reach Hanapēpē in no time. I just feel like we are putting off something for too long. Is there a chance in this...

Mr. Hull: I will say there is no considerable amount of testimony that we received that had concern about the airport and expansion of it. There indeed, Vice Chair Kagawa, there was discussion about possibly looking at proposing removing the airport. The department's proposal at this point is to put this overlay on it, so at the very least any expansion has to go through a public hearing process.

Councilmember Kagawa: Okay, so it does not deal with the current...

Mr. Hull: The plan does not specifically address whether or not the airport should be moved out, but I can say that it is a point of discussion we had a lot on internally within the department because of how much public testimony we had, so if the Council is looking at proposing an amendment to that effect, I think the department would be definitely open to it.

Councilmember Kagawa: Okay, thank you.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: To follow up on Councilmember Kagawa's question, an amendment to remove the airstrip in the community plan, what would that actually mean? Is that what you are referring to?

Mr. Hull: Essentially, the Bill itself is for the overlay, but in how the plan functions, Councilmember, is there policy recommendations on moving forward, so essentially, if in the plan there was a recommendation that the Department of Transportation (DOT)—Airports Division consider relocating that airstrip or no longer using it, that can happen as a policy. That does not necessarily mean DOT State Airports is going to automatically relocate or move it, but it will stand as a policy recommendation.

Councilmember Evslin: Okay, thanks.

Council Chair Kaneshiro: Is there anyone else?

Council Chair Kaneshiro: Is there any final discussion on this?

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

Councilmember Kagawa: I want to clarify my statements on the airport—that is a fishing and recreation ground and I would feel bad for the local employees that have worked there and continue to work there; shutting down any employment opportunities on the west side definitely is going to hurt, but that is a fishing area, it is a recreation area, it is a sacred Hawaiian area, there are local people of all generations that complain about the noise, pollution, et cetera. We already have the tour boats going out of Port Allen to get to the Nā Pali; to get to those scenic areas and I think that is okay. I do not hear complaints about those and it supports the businesses by Port Allen. For me, I think the heliport is a recreational thing, I know it supported civil air patrol, but we are a small rural island, we have Līhu‘e, I think it was a luxury to have that Hanapēpē area as a heliport, but we had a crash there, some negative things happen there, let us move it to where crash fire is that is somewhere safer, we have the support systems in Līhu‘e and I think if this Council or future Councils can look at seeing how we can revoke that heliport at Hanapēpē it will really benefit the community. I think for the old folks that have been asking for it for many years, they can die peacefully.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: I want to thank the Planning Department for recognizing this oversight and providing an avenue for more public scrutiny to occur through this special district. I want to concur with Vice Chair Kagawa, if there is a willingness for this need to consider how that discussion (inaudible) is for the community. Thank you.

Council Chair Kaneshiro: Is there anyone else? Councilmember Kualī‘i.

Councilmember Kualī‘i: I will add and say that I think this is important and that I am happy that both Ku‘ulei Santos and Malia Nobrega-Olivera, two (2) of our leaders with the *pa‘akai* and salt makers in Hanapēpē were part of the discussions and I think that it is really important that we preserve and protect a one-of-a-kind cultural site that we have with the *pa‘akai* and salt making, so reducing or eliminating any commercial activity that potentially harms our ability to make salt is really important. I am sure this will be continued, but it is good that we are at least making sure at a minimum, like you said Ka‘āina, that anything would come through a public process.

Council Chair Kaneshiro: Is there anyone else? Councilmember Evslin.

Councilmember Evslin: Yes, just to second everything that has been said, the overlay is critical. I think ensuring the Planning Commission discretion on any future activity or development in the area is important and to second Councilmember Kagawa’s direction here in saying that, I also believe the airport use

is inappropriate for the area and it will be good to continue exploring that in Committee.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I also recognize the sensitivity relative to the airport use and I just want to also acknowledge the ongoing interest in the graveyards there being something that is continued in a way that is managed in alignment with the people groups that are utilizing those areas. There have been requests for help in that area, maybe the special treatment plan would make it easy to address that as a County on the State land.

Council Chair Kaneshiro: Okay, with that, roll call vote.

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion for passage of Proposed Draft Bill (No. 2801) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for September 9, 2020, and it be referred to the Planning Committee was then put, and carried by the following vote:

FOR PASSAGE:	Chock, Cowden, Evslin, Kagawa, Kualii, Kaneshiro	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun	TOTAL – 1*,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Proposed Draft Bill (No. 2802) – A BILL FOR AN ORDINANCE AMENDING ZONING MAP ZM-200 (ZA-2020-12)

Councilmember Kualii moved for passage of Proposed Draft Bill (No. 2802) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for September 9, 2020, and referred to the Planning Committee, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Ka’aina, a brief description.

There being no objections, the rules were suspended.

Mr. Hull: Thank you, Council Chair and Councilmembers, this is the last West Kauai Community Plan Bill of the day, not for planning, but for West Kauai. This one is one that we thought was a no-brainer low-hanging fruit; the Olokele Mill and its surrounding uses is technically still zoned

agriculture, so these are all nonconforming uses, we are saying we need to recognize that this industrial site has existed for decades and can still be used for industrial purposes, let us not take that away from this area, so we are recognizing and we are recommending that this area receive industrial zoning district status.

Council Chair Kaneshiro: Okay. Are there any questions from the members? Is there any final discussion? Roll call vote.

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

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion for passage of Proposed Draft Bill (No. 2802) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for September 9, 2020, and it be referred to the Planning Committee was then put, and carried by the following vote:

FOR PASSAGE:	Chock, Cowden, Evslin, Kagawa, Kualii, Kaneshiro	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun	TOTAL – 1*,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Kaneshiro: With that, Clerk, can you read us into Executive Session? We will read it in now, but take it at the end of our meeting today.

EXECUTIVE SESSION:

ES-1031 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing, discussion, and consultation regarding the Quarterly Report on Pending and Denied claims. This briefing and consultation involves the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

Councilmember Kagawa moved to convene in Executive Session for ES-1031, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Is there any discussion on these items, members?

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

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to convene in Executive Session for ES-1031 was then put, and carried by a vote of 6:0:1*.

Council Chair Kaneshiro: The motion is carried. That concludes our business on our Council Meeting Agenda. Seeing no further business and hearing no objections, this Council Meeting is now adjourned.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 10:35 a.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA
County Clerk

:jy

*Beginning with the March 11, 2020 Council Meeting and until further notice, Councilmember Arthur Brun will not be present due to U.S. v. Arthur Brun et al., Cr. No. 20-00024-DKW (United States District Court), and therefore will be noted as excused (i.e., not present).

(August 5, 2020)

FLOOR AMENDMENT

Proposed Draft Bill (No. 2796), Relating to Comprehensive Zoning Ordinance (CZO)

Introduced by: MASON K. CHOCK, Councilmember (By Request)

Amend Proposed Draft Bill (No. 2796) in its entirety as follows:

“SECTION 1. Chapter 8, Section 1.5 of the Kaua‘i County Code 1987, as amended, shall be amended as follows:

““**Applicant**” means [any person having a controlling interest (seventy-five percent (75%) or more of the equitable and legal title) of a lot; any person leasing the land of another under a recorded lease having a stated term of not less than five (5) years;] an owner or any person who has full written authorization of [another having the controlling interest or recorded lease for a stated term of not less than five (5) years.] the owner.”

SECTION 2. Chapter 8, Section 1.5 of the Kaua‘i County Code 1987, as amended, shall be amended as follows:

““**Owner**” means the holders of [at least seventy-five percent (75%) of the equitable and] legal title of [a lot.] land in fee simple.”

SECTION 3. Chapter 8, Section 3.1(b) of the Kaua‘i County Code 1987, as amended, shall be amended as follows:

“(b) Applications. [The owner or lessee (holding under recorded lease the unexpired term of which is more than five (5) years from the date of filing the application), or any person duly authorized by the owner or lessee of the property affected, or any utility company possessing the power of eminent domain,] Applicants may file a written application with the Planning Department for a zoning permit of the required type on a form prescribed by the Planning Department. The application shall contain or be accompanied by:

(1) A non-refundable filing and processing fee in the amount indicated in Subsections (c)(1), (d)(1), (e)(1) or (f)(1), as applicable.

(2) A description of the property in sufficient detail to determine its precise location.

(3) A plot plan of the property, drawn to scale, showing all existing and proposed structures and any other information necessary:

(A) To show conformity with the standards established in this Chapter; and

(B) To a proper determination relative to the specific request.

(4) Any other plans and information required by the Planning Department.”

SECTION 4. Chapter 8, Section 3.1(c) of the Kaua‘i County Code 1987, as amended, shall be amended as follows:

“(c) Class I Zoning Permits.

(1) The filing and processing fee is thirty dollars (\$30.00).

(2) The Planning Director or designee shall check the application to determine whether the construction, development, activity, or use conforms to the standards established by this Chapter and may require additional information if necessary to make the determination.

(3) A Class I Zoning Permit shall be issued with or without conditions or denied by the Planning Director or by any member of the Planning Department to whom the Planning Director has delegated authority.

(4) If the Planning Director or designee fails to take action on a completed application within [twenty-one (21)] thirty (30) days of its filing, unless the applicant assents to a delay, the application shall be deemed approved.

(5) An applicant who is denied a Class I Zoning Permit or who disagrees with the conditions that have been imposed on its issuance may appeal the decision to the Planning Commission in accordance with Subsection (g).”

SECTION 5. Chapter 8, Section 3.1(g) of the Kaua‘i County Code 1987, as amended, shall be amended as follows:

“(g) Appeal. An applicant who seeks to appeal from an adverse decision of the Planning Director or designee shall file a notice of appeal with the Planning Director and the Planning Commission within [twenty-one (21)] thirty (30) days after the adverse decision. If the appeal is from the denial of

a Class III Zoning Permit, the Planning Director shall make the notice public and shall notify any persons who have duly requested notice of appeals. The Planning Commission shall consider the appeal within sixty (60) days of the filing of the notice at a public session and shall render its decision within that period.”

SECTION 6. If any provision of this Ordinance or application thereof to any person, or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 7. [This Ordinance shall take effective upon approval.]
Ordinance material to be repealed is bracketed. New material is underscored. When revising, compiling, or printing this Ordinance for inclusion in the Kaua'i County Code 1987, as amended, the brackets, bracketed material, and underscoring need not be included.

SECTION 8. This Ordinance shall take effective upon approval.”

(Material to be deleted is bracketed. Material to be added is underscored. Highlighted material reflects amended language.)

V:\AMENDMENTS\2020\FA Bill 2796 - Plng App Owner def (8-5-20) MC_CNT_jy.doc