

COUNCIL MEETING

SEPTEMBER 6, 2017

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Mel Rapozo at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Wednesday, September 6, 2017 at 8:36 a.m., after which the following Members answered the call of the roll:

Honorable Arthur Brun
Honorable Mason K. Chock
Honorable Ross Kagawa
Honorable Arryl Kaneshiro
Honorable Derek S.K. Kawakami (*excused 9:49 a.m. to 12:06 p.m.*)
Honorable JoAnn A. Yukimura
Honorable Mel Rapozo

APPROVAL OF AGENDA.

Councilmember Chock moved for approval of the agenda as circulated, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Just for the public's information, we will start off with our interview for the Charter Review Commission, and then we will go into Proposed Draft Bill (No. 2666), which is the General Plan Update. That is going to be the order for today. With that, the motion is to approve.

The motion for approval of the agenda as circulated was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

MINUTES of the following meeting of the Council:

July 26, 2017 Council Meeting

JADE K. FOUNTAIN-TANIGAWA, County Clerk: Council Chair Rapozo, we do have a registered speaker.

Councilmember Kagawa moved to approve the Minutes as circulated, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Go ahead.

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

Ms. Fountain-Tanigawa: The speaker is Ana Mohammed DesMarais.

Council Chair Rapozo: Ana. Welcome.

ANA MOHAMMED DESMARAIS: Good morning, Councilmembers. It is so nice to see you all. I know you have not seen my face for a while, but I have seen yours. I am very grateful that you had a nice vacation and are ready to start again. A congratulations is in order, so congratulations. On this day, there were two (2) items discussed, and I might only be able to discuss one (1) of them. For the record, I did not send in any testimony about the dealings that day and I feel that any direct insults or personal attacks are not okay. I do have grievances to air, but I wish to do them respectfully and in person. I have three (3) grievances to air. First, for Councilmember Kaneshiro, congratulations. I feel that your reasons for not voting for the Climate Action Plan of not having enough information when Councilmember Chock had felt comfortable with the amount of information he received, I am not sure if it is that there was not the same information given...

Council Chair Rapozo: Ana, I am sorry.

Ms. Mohammed DesMarais: Yes.

Council Chair Rapozo: You need to direct your testimony to the Chair.

Ms. Mohammed DesMarais: Yes, okay. I just feel that two (2) of the Members' reasons for not voting on the Climate Action Plan are not okay by what I feel is important for the island, not having enough information and waiting four (4) years for a piece of paper that I feel that I can say what would be on the Climate Action Plan without having read the paper. I understand that there is a slow process here and you folks have your own rhythm in how you operate, but four (4) years is just too long. I feel like I am ringing the alarm bells at this point. I understand in January, we have another chance. But if we can work with the Office of Economic Development until then to establish something before January, I would be very grateful. Also, another Councilmember did not know that there was not any County funds that were going to be used, and I feel it was reiterated quite a few times. I was listening live on the webcast and I knew very well that there was no County funds, that is was going to be fifty thousand dollars (\$50,000) from private and another fifty thousand dollars (\$50,000) from another organization. I understand that you have to take phone calls, use the restroom, and be in a flow here, but whatever is happening on the floor is so important that all of the Councilmembers really need to know. The third and final grievance is with the Department Director. One (1) of two (2) things happened; either sat here and knew what the deadline was and did not reveal it or did not know what the deadline was. Either way, it is just very difficult for me to process that because I have so many ideas for the grants that are available that Mary shared to all of you. That is the Department that heads all of the grants of the federal money. I just would like to trust that.

Council Chair Rapozo: Thank you.

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

Council Chair Rapozo: The motion is to approve the Minutes of July 26th.

The motion to approve the Minutes as circulated was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

INTERVIEW:

CHARTER REVIEW COMMISSION:

- Carol E. Suzawa – Term ending 12/31/2017

Council Chair Rapozo: With that, Ms. Suzawa.

CAROL E. SUZAWA: Good morning, Council Chair Rapozo, Vice Chair Kagawa, and Councilmembers.

Council Chair Rapozo: Good morning. You are no stranger to Commissions, but for the benefit of the public and the Members, if you could just give us a brief overview about yourself.

Ms. Suzawa: How long do I have? I was born and raised here on Kaua'i. I am the fourth generation. I have two (2) children. I have a business here on Kaua'i for fifty (50) years. I have served on several Commissions here on Kaua'i; the Board of Water Supply, the Liquor Commission, and the Charter Review Commission in the past, each for two (2) terms. I had been in organizations like the Kaua'i Chamber of Commerce and the Kaua'i Zonta Club. That is about it.

Council Chair Rapozo: There are too many.

Ms. Suzawa: Too many.

Council Chair Rapozo: Thank you. Are there any questions of Ms. Suzawa? Councilmember Yukimura.

Councilmember Yukimura: Actually, unusually from other times, I do not have any question, Ms. Suzawa, because I know your work so well. I am very pleased that you have accepted the nomination for the Charter Review Commission because you performed very well in previous appointments. I just want to thank you for your willingness to work again. I really appreciate your contribution and service.

Ms. Suzawa: Thank you.

Council Chair Rapozo: Thank you. Councilmember Chock.

Councilmember Chock: Thank you, Ms. Suzawa, as well. Thank you for serving again. I appreciate your time and expertise you bring to our County needs.

Are there specific interests or issues that you anticipate looking into for the Charter Review Commission during the duration of your term?

Ms. Suzawa: No. I have never had a personal interest. I have always approached serving on any Commission with mainly commonsense and what you hear from people and what comes before the Board. There are a lot of things that I never agreed on, there were things that I did agree on, but I always felt that the Charter should be an item that we should never feel like we can change just by a few people asking for it to be changed. I think you have to really look at it and treat it almost like a Bible for Kaua'i. I have lived here all my life and I have seen the changes, but when you look at Kaua'i, we are not as populated as the other islands. I think you have to look at our needs and what fits Kaua'i, rather than what fits the rest of the State. So whatever fits. If I feel that it is a good change for Kaua'i, then yes, I would go for it. But if it is not, I would kind of step back, take a look, and hear what other people have to say. I think I can be fair in how I serve.

Councilmember Chock: Thank you.

Council Chair Rapozo: Is that it? Anyone else? If not, thank you very much.

Ms. Suzawa: Thank you.

Council Chair Rapozo: With that, we will proceed, Madam Clerk.

Ms. Fountain-Tanigawa: Council Chair Rapozo, this is the Consent Calendar. We do have a request for C 2017-197, someone would like to speak on that item.

Council Chair Rapozo: Okay. Is that the only item on the Consent Calendar?

Ms. Fountain-Tanigawa: Yes.

Council Chair Rapozo: Do you want to read the item, please?

C 2017-197 Communication (08/30/2017) from Council Chair Rapozo, transmitting for Council consideration, a Resolution Requesting That The Hawai'i State Legislature Amend Chapter 92 Of Hawai'i Revised Statutes To Require Itself To Be Subject To The Sunshine Law.

Council Chair Rapozo: Can I get a motion to receive?

Councilmember Kagawa moved to receive C 2017-197 for the record, seconded by Councilmember Brun.

Council Chair Rapozo: With that, I will suspend the rules. There being no objections, the rules were suspended to take public testimony.

Council Chair Rapozo: Mr. Mickens. Was it Mr. Mickens? Who was the registered speaker?

Ms. Fountain-Tanigawa: Ana Mohammed DesMarais.

Council Chair Rapozo: Oh. Go ahead, Glenn, since you are up there. Ana, you will follow him. Go ahead.

GLENN MICKENS: Thank you, Council Chair Rapozo. For the record, Glenn Mickens. I applaud Council Chair Rapozo for requesting that this Resolution require that our State Legislature be subject to the Sunshine Law just as our Council and Administration are. It makes no sense to me to allow our Legislature to be exempt from this law letting them go behind closed doors to make decisions without public participation being involved. Hopefully, this Resolution will become law and the people will be the beneficiaries. *Mahalo*, Council Chair Rapozo and all of those who have stepped forward to make this happen. I presume all of you. Thank you, Council Chair Rapozo.

Council Chair Rapozo: Thank you. Next speaker, Ana.

Ms. Mohammed DesMarais: My testimony will be just as quick. My name is Ana Mohammed DesMarais, for the record. I am so grateful this is on the agenda for discussion. I feel that it would make a big difference for all of us in the community of Kaua'i for the State to abide by the Sunshine Law. I really appreciate the fact that we are able to connect with you on a weekly basis and understand what is going on here, and I feel the same should happen for the State. I really do hope this goes through and I am very grateful for this effort. *Mahalo*.

Council Chair Rapozo: Thank you. With that, I will call the meeting back to order.

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

Council Chair Rapozo: Is there any further discussion? The Resolution will come up later today, if there is no discussion.

The motion to receive C 2017-197 for the record was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item.

COMMUNICATIONS:

C 2017-198 Communication (08/09/2017) from Michael A. Dahilig, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to amend Chapter 7, Article 1, Kaua'i County Code 1987, as amended, Relating to the Update of the General Plan for the County of Kaua'i: Councilmember Kaneshiro moved to receive C 2017-198 for the record, seconded by Councilmember Kagawa.

Council Chair Rapozo: This is the Communication for the Bill, which will come up later in the afternoon, probably. Your testimony that will be taken for the Communication will be carried over to the Bill so you do not need to have to testify twice. Also, we have a presentation from the Planning Department, which is going to take about ninety (90) minutes. If there is anyone here that cannot stay for ninety (90) minutes and would like to testify now, we will do that. Just know that a lot of your questions could be answered in that presentation, but I want to accommodate those that cannot stay. For those of that you honestly and legitimately cannot stay, I will suspend the rules for your testimony before we take the Planning Department. Is there anybody here that would like to testify before? How many do we have registered to speak? You will have three (3) minutes to testify and depending on...forty (40)? Okay. Being that we have forty (40) testifiers today, we are going to limit the testimony to one (1) time of three (3) minutes knowing that we will have a public hearing following this and we will also have Committee Meetings and it will more than likely take a few Committee Meetings. We will discuss how that is going to happen once get into discussion. So, you will have three (3) minutes. For those of you that have not testified, the green light will go on when you start, the yellow light will let you know that you have thirty (30) seconds, and the red light means that your three (3) minutes are up. With that, if you can state your name for the captioner and you can proceed.

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

ELAINE VALOIS: My name is Elaine Valois.

Council Chair Rapozo: Reset the clock, please.

Ms. Valois: My name is Elaine Valois. I am Professor Emeritus. I have been here eighteen (18) years as a retiree, sort of. I feel privileged to live in a Country where I can exercise my right to speak and to speak out. You have an obligation to listen, really listen. I have a question. Could any of you tell me the dictionary definition of the word "plan?" What is the definition of the word "plan?" Well, Webster says it is a design of action. We state what it is we want to do and we strategize on ways to do it. If this be so, the General Plan is not yet a plan at all.

(Councilmember Kagawa was noted as not present.)

Ms. Valois: But it could be and could have been. After reading the so-called plan, a few intelligent, well-informed, and educated citizens of Kaua'i actually offered to help the Planning Commission revise it. They were ignored. They revised it anyway. They presented it to Michael Dahilig, Director of the Planning Department. It was rejected. I suspect it was never read. A General Plan for Kaua'i, first and foremost, must include the welfare of the land and the people who live here. The plan should not put developers and tourists first. If you think the infrastructure is stressed and the traffic at times unbearable, just wait. There is a veritable explosion about to occur; more hotels, more garbage, more killer contaminants—one (1) new one four hundred (400) times worse than Glyphosate called Dicamba; more homelessness; more homeless residents; more crime; less clean water; less clean air; less space; less *aloha*; fewer homes for our residents; fewer organic

farms; fewer green spaces; and the real collateral damage, a profound change in our climate. We have an opportunity to protect and nurture what we still have. It is not about the Planning Commission versus us. It is about all of us, and all of us need a voice that is seriously listened to and heard. Thank you.

Council Chair Rapozo: Thank you very much. I am going to ask that we hold the applause. We want to get through this in a very civil manner and I appreciate the support. I saw someone do the...I think you all learned that the last time. If you could do that, that would be much appreciated. Thank you. Mr. Rowe.

RUPERT ROWE: My name is Rupert Rowe. I am the *po'o* of Kaneioulouma Heiau. I have some serious views of the General Plan. I believe it is not a plan because if we look five (5) General Plans back, not one (1) of those General Plans was ever completed, and we have the mess right now. We are jumping two (2) decades ahead of time. We will never know how this island will look twenty (20) years down the road and we come up with this "Mickey Mouse" plan. First of all, the Planning Department did not come up with a drainage plan for Po'ipū. Councilmember Kagawa said that you folks should have a plan before any more development can go down there. We still do not have a plan. I am losing some time so you have to add a little bit more. Anyway, we do not have a plan for the drainage plan. This *heiau* will not be used as a catchment basin, first of all. Somehow there is no drainage plan down there. This plan has been going on for a long time. We testified and intervened in the development of that area for a general drainage plan. There is no drainage plan, okay? Secondly, if you look in the future and understand where we are today, we will never have any recreation that we have right now. It will be all gone. It will be just a memory. I will be all gone. When I look back to 1959 to now, we have no plan. None of us here on this island. We are all blinded by our plan. There is no plan. You cannot take care of the rubbish, you cannot take care of the traffic, and you cannot control the tourists coming in. We have more tourists coming in than this island can handle. That is addressed in the General Plan. The Planning Department is just there processing something, which is a piece of paper. That is all it is, a process, but we believe it is the law. The last thing I want to say is that everybody in this County should look at your Warrant Deed versus the Royal Patent and the Allodial Title. I recommend that every one of you go and read it. Section 9 and Section 10 in the Warrant Deed is a subject that all citizens of this County should be very aware of what will take place in the future. I will leave you folks my thought, which I think the General Plan is a plan of a joke.

Council Chair Rapozo: Thank you.

Mr. Rowe: *Aloha.*

Council Chair Rapozo: Hang on, Rupert. Councilmember Yukimura.

Councilmember Yukimura: Thank you. I have a quick clarifying question. Thank you for your testimony. When you say not one (1) of our plans was completed, do you mean that it was not implemented and there was no follow through?

Mr. Rowe: If we look to the last five (5) General Plans on growth and everything on how we are going to manage the plan, each plan does not cover the other plan because you never corrected the first plan you came out with. So there is a problem. The same problem that was on the first plan, we carried it over to the second plan. But on the way going over, you altered the plan the first time so the second plan really cannot work because the first plan never worked fifty (50) years down the road. That is fifty (50) years. Now, we are going to jump twenty (20) years ahead of time.

Councilmember Yukimura: Okay.

Mr. Rowe: Why can we not correct the plan?

Councilmember Yukimura: Thank you.

Council Chair Rapozo: Thank you.

Councilmember Yukimura: I think it is only three (3) plans, right, that we have had? Two (2) plans and this third update. Thank you.

Council Chair Rapozo: Next. Go ahead.

RAYMOND CATANIA: Chair Council Chair Rapozo and fellow Councilmembers.

Council Chair Rapozo: Good morning.

Mr. Catania: My name is Raymond Catania and I live in Puhi. The draft General Plan drawn up by our Kaua'i County Planning Commission is a wish-list for developers, large landowners, and the captains of Kaua'i's tourist industry. I know middleclass workers who make anywhere from twenty to twenty-five dollars (\$20-\$25) an hour who are forced to live with their parents or other family members because there is no affordable housing that their incomes can handle to either rent or even own. Those workers earning minimum wages of ten to thirteen dollars (\$10-\$13) an hour are completely left out of the picture. The draft plan as it stands, is a testimony to income inequality. Those folks that work and live here, many working two (2) jobs or more, are not even aware of what is planned for them. What about our Native Hawaiian brothers and sisters? Public Trust Law states that water from the stream systems should go to taro farmers, *kuleana* landowners, Department of Hawaiian Homelands (DHHL) recipients, and for ordinary domestic house use first. It should go to these purposes first. Public Trust users have priority over commercial business interests. If anyone here needs more information about the water situation as it relates to the streams, they should talk to experts in the field that we have on Kaua'i like taro farmer Adam Asquith. My recommendation is to reject this plan so we can fix it. We have to start all over again. Thank you.

Council Chair Rapozo: Thank you. Next. Good morning.

LA ILUMINACION UNIVERSAL: *Hā* means air.

Council Chair Rapozo: I need you to state your name for our captioner, please.

Mr. Universal: La Iluminacion Universal. *Hā* means air, *wai* means water, and *oi*, the best. No continent nor island can eternally sustain development and growth. It is our duty to clean, restore, and return Kaua'i to its pristine people and the time is now. In Lak'ech.

Council Chair Rapozo: Thank you.

LANCE KAMUELA GOMES: *Aloha* County Council. I am Lance Kamuela Gomes. I just want to briefly share something that Uncle Rupert stated already. The bottom line is the County or the State of Hawai'i has no clear title. All of you folks probably have a Warranty Deed yourselves for your own home. Now, the legal definition of a "Warranty Deed" is the color of title not recognized by law. All of these things have been cleared up in court in the United States of America (USA), but that is what we are struggling here with the State of Hawai'i and District Courts over here. They are not recognizing Royal Patents, the original land deed, or they decide to recognize a Warranty Deed over the original patent. The bottom line is all of this development Alexander & Baldwin and Grove Farm Company, LLC, all of their historical tax data and reference to their property states our families land commission awards. They not have descent. They do not have heirship. None of this. What we do have is protection under Hawai'i Revised Statutes (HRS) and different Codes to perpetuate their fraud and illegally sell off our family lands. I say "our," not just the *kanaka maoli*, but people without the blood. If anybody could understand that us as *kanaka maoli* and what we are being recognized as Native Hawaiians, Native Hawaiians are descendants from Hawaiians. Kamehameha III clarified that in his Royal Decree. He said, "Let it be known to all Nations that in my kingdom, I have people of all races and they shall be known as Hawaiian. Their offspring will be known as Native Hawaiian." Okay? Now as my people, the *kanaka maoli* (inaudible), which means mirror image to himself, Kamehameha III, royal to these lands. My point being, since the beginning of time, it has been divide and conquer, divide the people. They do not recognize *kanaka maoli* after the overthrow for nothing. Finally they do as Native Hawaiians. We are not Native Hawaiians. You, Councilmember Yukimura, is Native Hawaiian. Whoever does not have *kanaka maoli* blood is a Native Hawaiian. The bottom line is the title is no good here. Like the gentleman before me said, the time is now and we are the people, all of us together, not just the *kanaka maoli* blood. That is what I came here to stress besides the main fact of the land titles, is that we are moving forward with this with intentions not just for *kanaka maoli*. We are not racist. We are all the people of this places, all of us; Japanese, Portuguese, and Filipino. I have all of those bloods, but also have *kanaka maoli*. Anyway, the bottom line is we are filing original titles and affidavits of heirship and descent for all of these lands because we have the right intention and the right spirit to do what is good for the people and for the land to heal everything, not to make money and profit so that you can sit on the top for a little while, then you die, and then what? The next generation does not have anything. No. We are doing this now for the next one thousand (1,000) generations so they do not have to worry. Let me

tell you folks this, a lot of people worry, "Oh, what about this? What will happen?" I can tell you one (1) thing, the things that will change is everything that we see wrong. How come this? How come that?

Council Chair Rapozo: Lance, you have to wrap it up. Your time is up.

Mr. Gomes: Okay. Thank you very much, Council Chair Rapozo.

Council Chair Rapozo: No, thank you, for the education.

Mr. Gomes: Let me say this, I love all of you folks as human beings. What we are moving towards is Kamakua's work, we will never stop, and we will succeed. *Aloha*.

Council Chair Rapozo: Thank you.

Mr. Gomes: *Mahalo*.

MARJ DENTE: Thank you, Council. First of all...

Council Chair Rapozo: Could you state...

Ms. Dente: ...I would like to say for everyone who testifies here...

Council Chair Rapozo: Can you state your name for the record?

Ms. Dente: Marj Dente, Olohena *ahupua'a*.

Council Chair Rapozo: Reset her time.

Ms. Dente: I would like to say for everyone who testifies here, to speak up. I sit in the third row and I can hardly hear anyone, as well as you Council people. If you have questions, please speak up. I am going to be leaving because I will not be able to hear anybody. I suggest that you have your next meeting on this subject in a much larger venue so that microphones can be placed around the room for speakers to be heard as well as you Council people. I appreciate you being here to hear this testimony. There are about eighty (80) people in this room and about thirty (30) outside. That is not good policy. Please correct that next time. I want you to return the General Plan to the Planning Commission or the Planning Department, whoever it goes to. There seems to be confusion about that and it must be followed up. One of the first meetings I went to two (2) years ago on this plan, I asked the Chairperson of the Planning Commission, what happens? Nothing happened to the 2000 plan. What is going to happen to this one? Will the Planning Commission actually review every page before they make a decision? The answer was "No. It is too long. It is too complicated." So what difference is it going to make with this plan? You have to put some teeth into it. When a decision is made by the Planning

Commission or the Planning Department, it has to be referenced to this General Plan otherwise, why are we wasting our time? We have to make a definite text in this plan to have teeth in it, and if it does not, we are just wasting our time. It is important that water be put first. If this amount of visitors are increased on this island, the water supply is going to go way down. We already know the trades are leaving, which means that water does not get dumped here by the clouds.

(Councilmember Kagawa was noted as present.)

Ms. Dente: This is serious, you folks. Think about it before you make any kind of decision here or in the Planning Commission. Putting valued agricultural land into high income housing will deplete our water supply. Take a look at the tiny houses in Anahola. This is a good plan for the entire island, but there has to be a restriction. If wealthy people come here and can rent these tiny houses, that is not going to do any good. There has to be a residential requirement for any kind of low-income housing otherwise, we are going to be flooded. Again, thank you, Council. I am going to give my seat up to somebody in the hall because I cannot hear very well. Thank you.

Council Chair Rapozo: Thank you, Marj. Staff, I would suggest that for public hearing, we do secure—I would like the Kauaʻi War Memorial Convention Hall because it is air-conditioned.

KEOHOKUI KAUIHANA: *Aloha.*

Councilmember Yukimura: *Aloha.*

Council Chair Rapozo: *Aloha.*

Mr. Kauihana: My name is Keohokui Kauihana. I am a noble for the law for Hawaiian government. I am here to talk about the genocide of the *kanaka maoli* people. They have not been heard of since the overthrow. It makes me believe that it is the State's wishes to not recognize *kanaka maoli*. I have a problem with you folks developing the Hawaiian kingdom because there is no Treaty of Annexation. The Queen never agreed to exercise United States (US) law here, and your General Plan does not address *kanaka maoli* people that was reinstated March 13, 1999 down here at a convention in Anahola. We reinstated the Hawaiian Constitution. That is why there are efforts in reclaiming the land, because the Hawaiian Constitution is back. All we ask is recognition for our people. For instance, the Hawaiian government developed license plates and driver's licenses for its people. Today, they are getting in trouble. The State does not want to recognize those. This is the only State in the union that does not recognize indigenous people. What do you have to say about that? There is no category here recognizing the first people here, the *kanaka maoli*. Are you continuing that? We all here have that same blood. Why make a foreign law supersede our laws? It does not belong here. It is a foreign constitution. Maui recognizes us as *kanaka maoli*. I wish you would do the same thing. They have a Resolution on Maui. I would like to leave it with you.

Council Chair Rapozo: Staff, can you grab that?

Mr. Kauihana: Please consider this. It is making a lot of trouble. I just did thirty (30) days in jail because I am a *kanaka maoli* using my license plates that we have lived this through the Legislature just like this.

Council Chair Rapozo: Thank you.

Councilmember Kagawa: I have a clarifying question.

Mr. Kauihana: Yes.

Councilmember Kagawa: What privileges on Maui do the *kanaka maoli* have that they do not have on Kaua'i?

Mr. Kauihana: They are not getting ticketed for using their license plates because it is being recognized as lawful.

Councilmember Kagawa: On Maui, the Hawaiian...

Mr. Kauihana: The Maui County Council.

Councilmember Kagawa: The Hawaiian license plates are legal?

Mr. Kauihana: They are not getting ticketed.

Councilmember Kagawa: Okay.

Mr. Kauihana: They are recognized.

Councilmember Kagawa: Thank you.

Council Chair Rapozo: Thank you.

Mr. Kauihana: That is all I ask for here.

Council Chair Rapozo: Next.

DR. B. BLACKWELL: *Aloha kākou.* My name is Dr. B. Blackwell and I have been a resident of Kaua'i for seventeen (17) years. Thank you for the opportunity to testify on the General Plan. I am still teaching at the University of Hawai'i (UH) at Mānoa as I have done since 2003. I am also working endlessly to bring an innovative school, Alaka'i o Kaua'i Public Charter School, to Kaua'i that will be free for all Kaua'i *keiki*. I did help start the Statewide Teacher Education Program for the university because I saw the need for neighboring islands. As you may know, I was co-founder of Growing Our Own Teachers on Kaua'i in 2007, ten (10) years ago. To this date, we have assisted seventy-five (75) teachers here on Kaua'i and ninety-five percent (95%) of them are still here. Nowhere in the State of Hawai'i is there such a retention rate for teachers. That was planning ahead. It was planning ahead for the future and for Kaua'i. I did not say education is a State problem. That is ludicrous. The education of our youth is a local concern and it needs to be addressed

for the next twenty (20) years. I read the three hundred sixty-seven (367) pages of the General Plan and could only find the word “education” mentioned five (5) times. The words that came out first were, “education is a State problem.” Our elementary schools are doing a good job, but all kids do not learn the same. We need to plan for alternative ways of learning and supporting innovation. If we continue to teach the same things the same way, we are robbing students of what tomorrow might bring. There will be jobs that we cannot even imagine ten (10) years from now. We must have a plan to teach the kids to think, to problem solve, to be creative, to work collaboratively, and know communications. I am going to end with a quote I dreamed up or borrowed from someone. I do not know. In a few words, it explains my whole message. What is a master General Plan without preparing adequately for the future and the future are our children? Please send this plan back and make education as important as traffic, housing, and development. *Mahalo*.

Council Chair Rapozo: Thank you very much.

Councilmember Yukimura: Council Chair Rapozo.

Council Chair Rapozo: Oh, I am sorry. Go ahead, Councilmember Yukimura.

Councilmember Yukimura: I just want is to say thank you for your work on Growing Our Own Teachers. Thank you for speaking loudly so people could hear, and future speakers, please do the same.

Ms. Blackwell: Okay. *Mahalo*.

Councilmember Yukimura: Thank you.

Council Chair Rapozo: Thank you. Next speaker. Thank you, Dr. B.

ISMAEL SAM TABALNO: Good morning, Council Chair Rapozo, Councilmembers, and the listening audience. My name is Ismael Sam Tabalno. I was born at Wilcox Medical Center right down the road, and raised in Kōloa, the oldest plantation town in Hawai‘i. I attended Kōloa Elementary School, Kaua‘i High School, and Kaua‘i Community College (KCC). I worked in the plantation sugarcane fields and I picked pineapple. I also worked in the tourist hotels. After twenty-one (21) years in the Marines, as a career, I retired and I came back to Kaua‘i. I am here today to look at giving testimony. I think I went through the test, so it is testimony. When I was growing up, number one was sugarcane, number two was pineapple, and number three was tourism. I come back and now tourism is number one. I look at the plan and there are so many issues there, but I only want to pick one (1) because I only have three (3) minutes. The one I am going to talk about is noise pollution. I am getting old. Specifically, I am not talking about chicken noise. I am talking about noise that is a byproduct of tourism, our number one industry. I am not saying that tourist is bad and it is going away. In fact, it is going to get better. But two (2) areas in the noise pollution that I am talking about is entertainment. The other one is airport noise. The first one, entertainment, I am going choose one (1) area and this especially affects people in Puhī, Līhu‘e, Hanamā‘ulu, and of course

some other places as far as entertainment. Specifically, the place called Kilohana, Gaylord's place. People in Puhi are part of the working class. They have students there. They have to sleep. Why are they playing Tahitian music at 11:00 p.m. or 12:00 midnight? It does not make sense. People have to go to work. Students have to go to school. They have to be productive, and to be productive, you have to get a good night's rest. All of you folks here and in back of me too. We need a good night's rest. Without rest, we cannot be productive. Excuse me, it is my first time here. You folks make me nervous, but that is alright. How can we schedule this? Go to Kilohana and tell the people that we like the tourists, but stop the *luau* or start it early. Do not start it at 7:30 p.m. Start it at 5:30 p.m. and you folks can finish at 10:00 p.m. That is one (1) way, or take the *luau* and put them in the big Kua'i War Memorial Convention Hall here where there are acoustics. Do not make all of that noise. Let the locals sleep. Really fast.

Council Chair Rapozo: Go ahead and wrap it up really quickly.

Mr. Tabalno: The second place I wanted to talk about was the airport. We have the airport here and we can reschedule flights. We can tell them to go to Honolulu. Honolulu is ten (10) minutes away. The airplanes are making too much noise. That is all I wanted to say. Thank you.

Council Chair Rapozo: Thank you, Mr. Tabalno. Thank you for your service in the Marine Corps.

Mr. Tabalno: Thank you.

[Note: A member in the audience stated: The testimony that is supposed to happen is only for people that have scheduled flights or serious work issues. Those are the people that need to be testifying now, please. We want to hear the plan and then have public testimony.]

Council Chair Rapozo: That was the request, but I am not going to be the referee.

Ms. Mohammed DesMarais: I have to pick up my kids.

Council Chair Rapozo: I am asking you all to just be courteous. If you have to leave, please testify. If you are going to testify and stay, then that is not really courteous.

Ms. Mohammed DesMarais: For the record...

Council Chair Rapozo: This is not meant for you.

Ms. Mohammed DesMarais: No, I know.

Council Chair Rapozo: I am addressing the gentleman's comments.

Ms. Mohammed DesMarais: I was going to say, and my three (3) minutes can start, that I have to go pick up my kids.

Council Chair Rapozo: Yes, that is fine.

Ms. Mohammed DesMarais: I hope to come back with them because there are other items on the agenda besides the General Plan that I would like to testify on.

Council Chair Rapozo: That was not meant for you. I am just asking for the courtesy from everyone else here.

Ms. Mohammed DesMarais: Of course.

Council Chair Rapozo: Thank you very much. Restart her clock, please.

Ms. Mohammed DesMarais: My name is Ana Mohammed DesMarais, for the record. I wanted to testify on the Communication from the Planning Department and specifically, the minutes that were brought in.

(Councilmember Kawakami was noted as not present.)

Ms. Mohammed DesMarais: What I would like to see, and it is very important for me for the public to be heard, the people that are sitting in these chairs that have no other agenda besides the desire for the island. Some people are sitting in these chairs that have valid points, but they are receiving paychecks for stating what it is that they are stating. I noticed during the Planning Commission meeting that I really would appreciate it not happen here for I noticed there was a Commissioner that was persuading for the vote in defense of a corporate interest. I would like for all of you to really listen to the community's desires for what they would like to see for the island, specifically, the Native Hawaiians' needs, because to move forward, it needs to be in a positive and fair way with everyone on equal footing. The main point that I feel would be a huge change is to advocate a limit on the tourism, which I have stated a few times in the General Plan with the amount of airplanes that are entering the island. It can be very easily controlled and it would help so much in so many ways. So that is my big point to advocate, to limit the amount of tourism. I do believe that tourism is positive for the island and I feel that we can do it in a very sustainable way and also allow for small businesses to thrive that would hopefully be owned by plantation-era families and Hawaiian natives as actual small business owners. We need to see a lot more of that instead of just mainlanders coming in and starting up, which would be so easy to do. We need to find a way to create the avenues of success for the people that have been here for generations so that we can move forward in a positive way and that we all feel good establishing businesses here, that we feel it is *pono* to move in this direction. So that is my big comment for you all to truly listen to what the community has to say and take it into consideration. The General Plan is going to have to be created all over again, I believe. I will testify more in the Committee Meetings, but that is what I wanted to say in regards to the General Plan today.

Council Chair Rapozo: Thank you. Next. Mr. Mickens.

Mr. Mickens: Thank you, Council Chair Rapozo. For the record, Glenn Mickens. There is no doubt that immediate action must be taken with the General Plan update to stop the multitude of problems that is confronting Kaua'i. But as with past General Plans, we fail to listen to experienced people like Anne Walton, who is a professional planner, and along with dedicated members from the public who has put together pages of plans that we need. We find our Planning Department already has their own plans made up and with that, other suggestions are but an exercise in futility. Even by making this huge mistake of not at least listening to Ms. Walton and the people involved, why is it that those making the decisions cannot learn from past plans, eliminate the issues that do not work, and activate the plans that do? The many problems on our island does not take a genius to see them. Each one of you in a position of power can see that the same problems that your constituents are complaining about, but instead of pointing the finger back and forth, an Administration problem or a Council problem, why not try getting together and act as one (1) body to get something solved? It took a policeman to figure out a way to keep traffic flowing on Kūhiō Highway at the Hanamā'ulu intersection, no signal stoppage in the northbound lane. It was not even his job, but we listened to him and it made driving a lot easier for everyone. As well as forum writers, Larry Arruda, Gabriella Taylor, and others who have written and said that our island is past the population tipping point for the infrastructure that we have. Why are we following Smart Streets' plans by adding more bike lanes along our roads when these seldom used lanes are only narrowing our roads and exacerbating our traffic problems? Even the General Plan done by the County shows that by 2035, over eighty percent (80%) of our people will still be using their vehicles. No one in the foreseeable future is going to abandon their vehicles, so why push for more bikes, busses, shuttles, and walking. It is a huge waste of money and time that should be spent on wider and alternate roads to move around our island. Contraflow and the Kapa'a bypass have proven to work, so expand them, our cane haul roads, and live in the real world. Other good ideas that have been suggested by people are putting a higher tax on rental cars and getting Hawai'i Tourism Authority (HTA) and Kaua'i Visitors Bureau (KVB) to give the County more money to defray the usage given to our roads in recreation areas. Yes, we need tourism, but first, we have to put our infrastructure in place to handle them or we will kill the goose that lays the golden egg with traffic jams and overused recreational areas. Please listen to the voices of the mass of the people as well as all of the people here today giving you some outstanding ideas of what should and can be done. I appreciate it. Thank you.

(Councilmember Kawakami was noted as present.)

Council Chair Rapozo: Thank you, Glenn. Is there anyone else that wishes to testify that cannot be here?

VIREN OLSON: Hi.

Council Chair Rapozo: Hi.

Ms. Olson: My name is Viren Olson. I was born and raised here. My parents came over from California and they met over here. My father is a Wastewater Conservation Specialist. I grew up very concerned with wastewater, which is a big problem on our island. I am sure you know a lot of the sewer systems are very outdated and leaching into the ocean. Anyway, I am just very concerned about our future for our children. The way the plan is now, it just does not seem sustainable at all. I mean, our island can only handle so much. It can only handle so much people and so much trash. All of the tourists come and they go to Costco. There are tons of single-use plastics that go straight into the landfill. Our recycling system is crap. We only recycle 1 and 2 plastics. It is ridiculous. Oh, sorry. Anyway, I am just very concerned. I am sure you have noticed our resources are exhausted, our water supply is not what it should be, and bringing in tons more people and more development just does not seem sustainable for our future. That is my main point. I live at the bottom of Makaleha Mountain, and I grew up there in our family home. I have noticed in the past couple of years that the waterfalls are dry and the river is always extremely low, even in the wintertime. That is very concerning to me just seeing it happen, seeing it with my own eyes, watching it, and noticing it. Why is the top of Makaleha Mountain brown when it used to be green? Our environment is changing, and I just feel like more development is not the answer. I know growth is inevitable, but it needs to happen in a sustainable way just mainly for our kids, for our future generations. I am sure you folks have kids, grandkids, or great grandkids maybe. I am not sure. It is one thing to have money and to be stable in a home, but we do not want our grandkids growing up not being able to enjoy the things that we did as kids; the beaches, the waterfalls, and the rivers. I mean, a lot of the places that I grew up going to are either closed down or just overrun with people and it is not even fun anymore. Anyway, that is all I have to say. Thank you for your time.

Council Chair Rapozo: Thank you very much. Is there anyone else that wants to testify because you have to leave? If not, we are going to have the Planning Department come up, but we are going to take a caption break here. We will do our ten (10) minutes so that we can go right through and do not have to take a break in the middle of their presentation. With that, ten (10) minutes. We will be back at 9:40 a.m.

There being no objections, the meeting recessed at 9:30 a.m.

The meeting reconvened at 9:42 a.m., and proceeded as follows:

(Councilmembers Brun and Kaneshiro were noted as not present.)

Council Chair Rapozo: Before we proceed, I want to make sure, someone mentioned that some people were turned away from testifying downstairs. Is that a true statement? Yes? I want to make sure. Staff, go out there, do a sweep, and make sure everybody here—I do not want to be accused later that we turned people away because that is not what we do. I am going to ask staff. Staff, go out there and see if anyone down there wants to be up, because I do not believe we turned anybody away.

Councilmember Yukimura: Council Chair Rapozo. Can you reiterate that there will be a public hearing?

Council Chair Rapozo: We are going to go forward with the Planning Department's presentation. Also, keep in mind that this will be set for a public hearing. The Clerk has assured me it will be at the Kaua'i War Memorial Convention Hall in the auditorium, and then will have Committee Meetings subsequent to that.

(Councilmember Kaneshiro was noted as present.)

Council Chair Rapozo: So there is going to be a lot of opportunities to testify should this body decide to move it forward today. We will see how that goes at the end of today's hearing. With that, I will suspend the rules. Mr. Dahilig.

There being no objections, the rules were suspended.

MICHAEL A. DAHILIG, Planning Director: Good morning, Council Chair Rapozo and Members of the Council. We are Mike Dahilig, Marie Williams, Lea Kai'aokamālie, and Marisa Valenciano, for the record. It is rare honor and a privilege as planning professionals to have the opportunity to steer and present a General Plan for the County. This is an activity that happens by ordinance only once every ten (10) years and in this case, the last plan was adopted back in 2000. So it is one of these unique opportunities where the County has the ability to look back and forward, and set the course for the next twenty (20) years.

(Councilmember Brun was noted as present.)

Mr. Dahilig: It is a responsibility that we have taken since the inception of the planning process back in 2012. So for the past five (5) years, our Department has diligently been working towards encapsulating as much of the hopes, dreams, and desires of our community in an attempt to provide goals, solutions, and visions in a context that is realistic within the perspective of our land use planning system here in the County. I have been privileged to have such great minds to work with in this journey, and here we are at the culmination of the work asking for your review and ultimate action on this plan. I am not the most brilliant mind when it comes to this particular plan. I am going to turn over the presentation to our Chief Community Planning Officer, Marie Williams, to lead our Department in the presentation. But I would be remised to not thank her and her team as well as the other countless County agencies that have participated in the process; the community at-large, who has been honest with this journey; as well as many of the community members that you will see throughout the presentation that have, in one way or another, touched this process and shared their *mana'o*. What is clear is that our community desires some type of change, and that is what is clear. But what is not clear is the direction, and that was what our Department was tasked to do, to figure out how to provide something that is balanced that collectively takes the desires and dreams of everybody and looks at an opportunity for moving forward in a fashion that everybody can at least build a consensus around. With that, I would like to turn it over to Marie to start the presentation.

MARIE WILLIAMS, Long-Range Planner: Thank you, Mike. Thank you, Council Chair Rapozo and Members of the County Council, for allowing us to present today. Again, I just want to reiterate what Mike said, that as Planners, we feel very lucky to be working on this plan. We took our job guiding this plan very seriously. We are very proud today to present the work that has been done thus far at the same time, acknowledging that perhaps not everything that is been addressed, and we do need to relook at certain issues as well. With that start, let me get into our presentation and very quickly explain who the project team was. Of course the General Plan is a function of the Planning Department and the Planning Commission. We definitely were guided by Mike, our Planning Director, and Ka'aina Hull, our Deputy Planning Department. The staff primarily working on this plan was our Long-Range Division staff. All of our names, E-mails, and direct phone numbers are there as well. I really wanted to have that information there because this plan is complex. It is comprehensive. It is large. If anybody has a question about what in this plan or where can I find a topic that is important to me, or how does the plan address it, you can call us at any time and we will be happy to point you in the right direction and explain the plan to you. We invite you to do that. I also want to acknowledge that we were very lucky to have on our team, Ruby Pap, who is our UH Sea Grant Program agent. She played a critical role in bringing in the science related to climate change, coastal hazards, and sea level rise in helping us figure out how we address those issues in our comprehensive plan. We did hire a consultant team to assist us with this task. Our lead consultant was SSFM International. On their side, their team was led by Dr. Cheryl Soon and Melissa White. We would like to thank them for their hard work and dedication. They assembled a team of experts of professionals in more specific fields. Opticos Design, Inc. helped us look at the Land Use Map and how we can possibly change that map. Charlier & Associates are a transportation planning firm, SMS, PBR-Hawai'i, and Collaborative Economics.

(Councilmember Kawakami was noted as excused.)

Ms. Williams: So what we are going to do today is give an overview slideshow and unfortunately, we will not be able to get into every single detail and topic. We think a lot of this will be flushed out over the next few months and again, we welcome people to call us or contact us directly if you do want more information. What we want you to walk away from today is the understanding of the purpose of a General Plan, our process, what the framework is, the sectors, the Land Use Map, and then take you through our drafting process—how did we arrive at the draft that we have before you today, and then finally, do a quick dive into some of the hot topics that are out there and that we definitely will need more dialogue on.

What is a General Plan? Well, as it is name states, it is a General Plan, meaning it is high-level, it is a policy document, and it is also comprehensive. In fact, some jurisdictions call their General Plan a Comprehensive Plan, meaning that because it deals with growth and how we grow and manage growth, it looks at all of the issues related to growth, which are a lot from traffic, to housing, to land use, and it guides our future growth and development on that high-level.

(Councilmembers Kagawa and Yukimura were noted as not present.)

Ms. Williams: As Mike mentioned, it is meant to be updated every ten (10) years. In reality, that does not quite occur. It has been seventeen (17) years since the last update. That being said, it is often referred to as the twenty (20) year plan because that is how we think. We are thinking in the long-range. What are the long-range impacts and what are the long-range trends? But it is not necessarily a twenty (20) year plan. It is more of our action plan for the next ten (10) years. The General Plan is not just something we just do because we think it is a good idea. It is actually require by State and County law. As many of you know, we do have a very complex land use system here in Hawai'i. It is kind of top-down. It starts at the State, and our State Planning Act really controls how the system runs. Our County General Plans, all of the Counties are meant to have a General Plan, and this is stated in Hawai'i Revised Statutes. It is also connected to our authority to zone, that we are given the zoning authority and it is meant not to control development however we want, but in the context of this high-level vision, which is a General Plan.

(Councilmember Yukimura was noted as present.)

Ms. Williams: It is a key component of how our County runs according to our County Charter, and then finally, it is our law. In the Kaua'i County Code, the entire Chapter 7 is the General Plan. It should also to be clear that the General Plan has a specific purpose prescribed by law. This is what the law says, that it sets graphic and text policies to govern the future physical development of the County, and it actually states that it is not intended to be a regulatory plan, that there are actions that have to follow. There are zoning amendments that will have to follow and budgets that will have to follow this plan. It is a guiding document and it guides very important things; revisions to our land use changes, it guides how we change our zoning maps, on how we prepare and adopt our community plans and public facilities plans, and also how we prepare and adopt our capital improvement plans.

That being said, I think it is really important to clarify what this plan is not. It is not a zoning map, it is not a permit or a master plan, it is not a budget, and it is definitely not set in stone. Through our laws, there are ways to amend the General Plan. Again, as I mentioned, it is meant to be updated on a regular basis as well. It is not an entitlement as well.

By now, hopefully you understand the key role that the General Plan plays in our County planning system, that it really provides the general guidance and the long-range thinking that will ultimately inform the specific actions that have impacted on our lives today.

Even though it is a mandate, it is something that we have to do, of course it is also a great opportunity. That is how we, as the project team, saw this as well. In fact, as many people in the community have mentioned, they see this plan as an opportunity to do these things as well, to capture the hopes and concerns of our community at-large and to confront emerging issues and trends—a lot has happened and changed since 2000, educate people about the importance of planning and getting

involved, to test new ideas and solutions, and to get buy-in from our agencies and partners as well.

With that, let us go into the process. We feel that there are two (2) phases to the process that led us to development of this plan. Phase 1 is the technical studies phase. In 2011, the Council gave us funding to conduct several technical reports to have the technical base. We really wanted to do this separately and independently of the policy development process. We thought it was important that we hire experts in these various fields and they do their own professional and independent analysis of the trends impacting us. What we ultimately resulted with are reports for socioeconomic projections. SMS was our consultant. We hired a consultant, PBR-Hawai'i, to do a land use buildout analysis. They actually looked at our zoning and using Geography Information Systems (GIS), was able to do an analysis of what the potential buildout and scenarios could be. We did an infrastructure assessment of our major infrastructure systems by R.M. Towill Corporation. We asked UH Sea Grant to do a climate change and coastal hazards report where they actually developed sea level rise maps for one (1), three (3), and six (6) foot sea level rise scenarios. Ruby Pap helped lead that. We looked at new things that perhaps we did not think about looking at twenty (20) years ago, such as public health. What is the situation with our community health and what is the impact of our built environment and on that health? Even though our Important Agricultural Land study was not funded through this, we did consider it an important resource and wanted to bring that analysis into this as well. At the same time, we wanted to honor and respect the good planning work that had been done already and approved by Council, such as our Multimodal Transportation Plan and our Community Plan updates; the South Kaua'i Community Plan, the Līhu'e Community Plan, and the Kīlauea Town Plan, which was done in 2005.

Phase 1 was really an opportunity to integrate all of this work and of course given the importance of that process, we did have a Technical Advisory Committee assist us. What they did is they reviewed the work of our consultant teams working on the different reports. Also, they sat, observed, and they were there for transparency as well. We wanted to make sure that this process was as open as it could be, but unbiased as well. We would like to thank our Technical Advisory Committee for their work over the two (2) years of developing our studies.

Very quickly, I am going to get into some of the big projections that we had starting the process. Our existing General Plan does have what it calls the set of 2020 Planning Projections. Just to be clear, it says that they are not targets or limits for growth, but they were intended to be used in forecasting land supply needs. It expressed the projections in a range with a high and a low end, and it instructed the Department to—okay, if you are going to forecast, use high-end. ADVC stands for Average Daily Visitor Census. What this is the number of visitor arrivals multiplied by the average length of stay, divided by three hundred sixty-five (365) days. So it is basically an average of how many visitors might be on the island at any given time, but of course, there are certain months where our visitor population is very high. In reality, the average daily visitor count on any given day could be higher or lower than what we state as the average. The resident population, of course, is our local population. Then, when you add the average daily visitor count with our resident

population, that gives us total population, also known as de facto population, and then of course, the number of jobs.

Looking at our population growth, what we found was that right off the bat, it seems that our population growth had been trending at the high end of that range, about one point two percent (1.2%) to one point three percent (1.3%), some years was one point five percent (1.5%) average, average annual rate of growth over the past seventeen (17) years. If you see the red dot, that is where we are now at about seventy-one thousand (71,000). What our consultant did is he looked at the projections, the trends, and assessed that it is likely that you are going to continue with this growth rate. In fact, he projected that it would be a little bit lower at about one percent (1%) to one point one percent (1.1%), and where we would end up in the year 2035 is at about eighty-eight thousand (88,000).

We asked him to take it one (1) step further. One (1) issue we had with our existing General Plan is that it looked at population growth from the island wide perspective, but when it came down to our towns and planning districts, it did not provide any guidance for us at all. It was very difficult to do community plans or help other agencies with their long-range planning needs as well. What he did is he looked at historic growth trends and also looked at our existing General Plan's policy to really try to focus future growth in Līhu'e. He did develop population allocations based on our forecasted twenty (20) year population growth to our six (6) planning districts, and those numbers are shown here.

To do that, of course when you are developing population growth, you have to look at how we are growing, and that is related to our components of population change, which is of course, births and deaths. So, births minus death rates equals what we call our natural increase, and then of course, migration as well. There is also international migration and domestic migration, which is not just mainland migration, but from other Counties as well. You add that together, and what you have the net migration. Together, the natural increase and migration, you add it up and that is the amount of people we are adding to our island every year. What was interesting is that through this work, we found that close to fifty percent (50%) of our growth in many years is actually from our own natural increase. Many people think that we are growing primarily because of people moving here from the mainland, and that was not necessarily true. It was mostly our own natural increase and then international migration from Asia as well.

Then, we translated that population growth to household growth, and then we kept our people per household rate the same, and thus we developed our housing unit forecast. Based on that, if we are to meet the housing needs of our forecasted resident population growth, we would have to produce nine thousand (9,000) more homes over the next twenty (20) years to meet those needs.

Of course we also looked at others tools available to us and everyone, in fact. Anyone can access the American Community Survey via americanfactfinder.gov. We do not necessarily have to say this. This is very obvious for all of us. We live this, but it was overwhelmingly that the numbers show that we have a housing crisis, that many of us pay over thirty percent (30%) of our household income to either our

mortgage or even worse, we pay over thirty percent (30%) of our household income to our rent, which means that we have basically no extra money to save up for a down payment for a house. Across the island, forty-four percent (44%) of all households are experiencing this stress.

Then, when we looked at how our housing stock is growing and how our housing inventory is increasing to meet our housing demands, we found some interesting trends as well. Since 1969, we had been adding approximately six thousand (6,000) to seven thousand (7,000) homes, and this is not just development. I am talking about homes for local people, our workforce live to the island. It is pretty consistent, as you see. In 2000 to 2009, we only added four thousand (4,000) homes. Then what is even scarier, and I think we are going to need a few more years of the American Community Survey to really get a better number, but it actually shows we only added two hundred twenty-five (225) occupied housing units to our island inventory since 2010.

The Land Use Inventory is really important. At the heart, this is a Land Use Plan. What we looked at is our State Land Use District, which of course is controlled through the State and any amendments to our State Land Use District (SLUD), as we call it, has to go through the Land Use Commission, which a nine (9) body appointed Commission at the State level. There are representatives from all of the Counties who sit on that. Our island is divided into four (4) districts. Our Conservation District is fifty-five percent (55%) of Kaua'i. Our Agricultural District is forty percent (40%). Our Urban District, which is really where we live. It is our towns where we have residential zoning, our parks and our town centers, that is four percent (4%). Then, the Rural District, which is kind of the larger lots; R-1 and R-2, meaning that you can build one (1) or two (2) homes an acre, is less than one percent (1%) of our acreage. Looking at that, we assessed how much we have of each zoning district as well. Then what we did was using GIS, because each of those zoning districts has a series of constraints, we were able to do a parcel level buildout to see if we are underzoned, do we need more zoned lands, or maybe look at new zoning categories as well when we are thinking about growth. We also pulled all of the building permits information from, I believe it was 1999, and all of this information is in our land use analyses that is online. We assessed where we have grown. We know that we have produced x amount of housing units, but where has this growth occurred? Has it occurred where our existing General Plan calls for growth to go? Each of those red parcels represents a parcel where a home has been built, a single-family home. We were a little shocked to find that most development has occurred in the North Shore, East Kaua'i, and South Kaua'i as well. In fact, there was not substantial growth in the Lihue District. When we contrasted that with zoning, forty percent (40%) of these homes had actually been constructed in Agricultural zoning or Open zoning as well. Another thirty percent (30%) had been built in R-4 or R-6 zoning districts, which is not really dense, and a nominal amount had actually been built on our multi-family zoned parcels. What we were overwhelmingly seeing is that we were kind of sprawling out, we were not growing in a dense way, and we were producing single-family homes and not a range of housing types. Then, when we used GIS to project this out twenty (20) years, we found that if this status quo trend was to continue, this is what our development pattern could look like. I am going to contrast it now with a different scenario where we tasked our

GIS system to look at focusing growth within our towns, even if it meant to change the infrastructure or zoning within these towns. That is the scenario where growth is directed to our towns. I will just contrast it. It was quite clear that having our growth directed to our towns was a big opportunity that we wanted to look at through this plan.

I will just summarize the challenges that we had before us when we started the public planning process, that we knew we had a housing crisis yet, we had slow inventory growth and yet, where we were growing was not necessarily where we wanted to grow. It was predominantly single-family homes leading to a sprawling land use pattern and creating less jobs and housing imbalance as well where we were not producing housing near our job centers.

With that, we will go into the public process, Phase 2. This really began in 2005. I just want to mention some of the additional studies we did in our public process. We felt that we needed a little more policy analyses, and these are some white papers and studies that our consultants conducted for us. They are available online as well. I will also mention that of course we looked at best practices for General Plans and comprehensive planning as well. We, of course, want the best for Kaua'i and there is a lot to learn from other Counties from the good work that they have done. Just a quick shout-out to some of the really amazing General Plans out there that inspired us. If you go to any of these General Plans, you might recognize certain elements of those plans in this plan. But at the same time, I want to be very clear that it is a best practice, that there is no template for General Plan, that every single one of these best practice plans look very different, they are not the same, and that the public has to play a key role in developing the framework and format of the plan. With that, we will go into the public process.

MARISA VALENCIANO, Planner: Our public process started about two (2) years ago. From the very beginning, our goal was to reach out and collect input from as many people as possible. As Marie said, because the General Plan is our island wide plan that gets updated between every ten to fifteen (10-15) years, we wanted to go you all out on this public process. So over the last two (2) years, we did just that and we reached out to thousands of people across the island. As of May 2017, we had reached over to one hundred thousand (100,000) people through advertising in newspapers, radio, and Facebook. We had over six thousand (6,000) Facebook users, we had received over one thousand (1,000) comments and testimony on the draft plan, and we had over five hundred (500) meeting attendees and six hundred (600) youth participants. This is just highlighting some of the significant things as part of our process.

Here are some pictures of the many people that participated in our public process. We just wanted to highlight the fact that here on Kaua'i, we have a diversity of viewpoints. We wanted to provide a lot of opportunities to capture and make sure that everyone's voices were heard throughout this process.

I just wanted to note that our public process was very inclusive and collaborative in that we have reached out to multiple stakeholders multiple times. We had over ten (10) agency consultations with the County and State agencies, we

had over twenty (20) landowner outreach meetings, we met with neighborhood associations multiple times, and we also met with about thirty-six (36) community organizations. As you know, this was not enough for us. We wanted to do more to reach out to new people who maybe have not been involved with our process. We did new things like digital platforms, youth outreach, pop-up events, place type workshops, and open house meetings. I am going to briefly go over a little bit of each new feature.

Starting with the digital platforms, this was a way for us to reach out to a lot of people. We created a website in 2015, and this was a way for us to centralize a lot of our information and provide a convenient and easy way for people to obtain information about upcoming events and to download the recent copy of the plan. We also created an Instagram account and had several Instagram contests, as well as had a Facebook page. These were ways for us to sort of encourage and appeal to the youth and young adults of the island. In addition to that, in September 2016, we did an online survey. This was for us to test some of the policies that we heard from the community. From that survey, we were able to get about one thousand (1,000) responses, and Mike will go into more detail about the results from that survey.

One of the more exciting things we did was we wanted to reach out to the youth because we felt that the youth had really fresh perspectives on issues that would impact would impact their future. In 2015, we did an elementary school art contest where we received over three hundred (300) art contest entries from students across the island. At the middle school level, we worked with students and teachers to integrate the General Plan into their curriculum. When we came before this body back in 2015, I remember Councilmember Chock asking to us do more, so we did that. In December 2016, we went back into the classrooms, we went to the high schools, and to the community college.

Just to show you some pictures, at Waimea High School in particular, it was really impressive. The students had formed their own opinions, they had reviewed the plans as it relates to their communities, and they gave us some ideas and expressed their concerns for the river as well as ideas for economic development on the west side.

At Kaua'i High School, just to quickly summarize, we passed out comment cards and we educated them about some of the sectors like housing, transportation, and climate change. The feedback we heard from the students were that they want affordable housing, but they also realized that we cannot continue to build new roads, that is expensive and hard to maintain. They also talked about using taxation as a way to encourage the kind of sustainable behaviors that we want to see.

Kapa'a High School, we did a similar exercise. I think the main issues that were brought up at this discussion was traffic, housing, and also the fact that they wanted to see more bus service and more bus routes between Kapa'a and the North Shore.

(Council Chair Rapozo was noted as not present.)

Ms. Valenciano: I just wanted to mention that all of comments that we received from the youth and everything that we got over the course of the two (2) years is posted and available on our website. Finally, we went to the Kaua'i Community College. In addition to doing a pop-up event where we presented our draft policies, actions, draft Land Use Maps, and collected input, we have also been, over the last few years, going into the classrooms and lecturing in classes talking about the General Plans to classes such as Philosophy, GIS, and Sustainability courses. We also did a presentation to the entire faculty at KCC and tried to encourage them that this is a great opportunity for you to integrate the General Plan into your classroom and curriculum.

Going back to wanting to attract new people, we knew we had to do more than just expect people to come to us, so what we did is we went out and brought the plan to the community. We set up pop-up tents in random locations such as libraries, parks, farm fairs, art nights, farmer's markets, and we literally pulled people off the streets and told them, "Hey, what are your thoughts on these issues? What is your vision for this island?" That was a way for us to engage people that probably did not or never would have interacted with the process in the first place, but it was also a way for us to get quick input that then got integrated into the plan.

We also wanted to highlight a new feature we did, which was the Place Typing Workshops and Tours. In the Place Typing Workshops and Tours, we focused on the communities of the North Shore, Waimea/Kekaha, Hanapēpē/ʻEleʻele, and East Kaua'i. We focused our attention on these areas because these were the planning districts that did not have a recent Community Plan update. I just wanted to add that the purpose of each workshop and tour was to develop a community vision for the form and character of that planning district. This was through identifying the attitudes towards change, identifying elements of community character to preserve, and also exploring areas of possible future growth and development. Very quickly, I wanted to just give a brief summary of some of the Place Type Workshops and Tours.

Starting in Waimea/Kekaha, the community identified this area as a small town with an expressed desire to see incremental change. In Waimea, it was primarily about trying to keep encouraging the revitalization of the historic center, but also to better serve residents and tourists. In addition for Kekaha, it was building off of the agricultural identity that they have currently, but also looking at revitalization efforts along Kekaha Road, but also seeing the potential of the old Kekaha Mill site.

For Hanapēpē/ʻEleʻele, similarly they both identified as small towns with incremental change. In Hanapēpē, residents talked about the importance of revitalizing Hanapēpē Town and to increase multimodal access from Hanapēpē Heights to areas like the Hanapēpē Town and Salt Pond Park. In ʻEleʻele, we also saw an opportunity for Port Allen and the ʻEleʻele Shopping Center to connect to new residential areas such as Lima Ola Workforce Housing.

In the North Shore, the degrees of change varied between towns, and each town selected the place type that they felt was appropriate for their community. Briefly, in Hanalei, the community wanted to right size their town center from the 2000

General Plan boundary. In Kīlauea, we heard a lot of people affirming the contents that were in the Kīlauea Town Core Plan. In Princeville, we heard a lot of talk about issues concerning public access and connectivity along Kūhiō Highway.

Then, in East Kaua‘i, we heard overwhelmingly issues relating to traffic and just the potential for new residents in this area.

(Councilmember Kagawa was noted as present.)

Ms. Valenciano: Going on to community meetings, we had several rounds of community meetings throughout the last few years. We had community meetings at all six (6) planning districts. The first round of meetings that we did was back in May 2015. The purpose of this meeting was to do a public kickoff meeting where we explained to the public what the General Plan is, what the importance of the General Plan is, we also got to choose some of our vision statements, and just to get people involved in the plan. The second round of meetings we did back in 2016 was more of an overview and presentation of our discussion draft. This is where we broke down the plan and we tried to present the draft policies, draft actions, draft Land Use Maps, and also collect input from the public at this time. I just want to quickly show you pictures from the meetings.

(Council Chair Rapozo was noted as present.)

Ms. Valenciano: This was Waimea/Kekaha, Hanapēpē/‘Ele‘ele, South Kaua‘i at the neighborhood center, Līhu‘e at the Civic Center, then East Kaua‘i at the All Saints Church gym, and Kapa‘a Neighborhood Center. Then, we also wanted to acknowledge the Citizens Advisory Committee (CAC). This was made up of seventeen (17) members that represented different sectors of our community. The CAC was really our sounding board and a way for us to test some of the things that we have heard from the communities.

This is just to show some of the topics over the last two (2) years. We had seventeen (17) meetings. These meetings were three to four (3-4) hours long and we had a lot of education and discussion over each topic, topics ranging from economic development, housing, agriculture, tourism, and so forth. Then, we most recently came back from the Planning Commission. Before you is the Planning Commission draft, but before it was a Planning Commission draft, we had to go through at least eight (8) Planning Commission meetings over a six (6) month period. We received over three hundred (300) public testimonies and through that, they translated into about thirty (30) different motions.

Then, throughout our entire public process, I just wanted to highlight some of the public concerns that we heard that then translated to input that informed the draft plans. Some of the public concerns related to readability of the plan and just saying that in this next plan, we wanted to make it simple and easy to be able to find things. We also heard that the 2000 General Plan was pretty much valid, but there were still conflicting issues that we still needed to address. Then overwhelmingly, the issues and topics that it came down to were housing, tourism, and traffic. This was sort of the base line input that we used to draft the plan.

As mentioned before, the Planning Commission draft was a result of many other drafts, and it was a very iterative process. Just to go over some of which each draft was, the administrative draft was really our internal draft for our Department to review and then this led into the discussion draft, which was a new feature that we had where we wanted to allow the public the opportunity to comment. This then led into the Departmental drafts, which we transmitted to the Planning Commission in January 2017. In May of 2017 and June of 2017, we did different iterations of the Departmental draft per the Planning Commission's request. All of this, all of the feedback, and amendments that were approved by the Planning Commission is what is before you in the Planning Commission draft.

Finally, we wanted to summarize by saying we created a robust public process that was innovative, collaborative, and very inclusive. We provided numerous opportunities throughout the process for everyone to be heard, and we tried our best to capture as many viewpoints as possible and to reach out to people, especially new people that never really engaged in our process before. So that is kind of to wrap it all up. I am going to pass it off to Mike, who is going to go over the framework.

Mr. Dahilig: Thank you, Marisa. As Marie mentioned, a plan starts with a framework. The framework essentially is a skeleton to provide the guidance for all of the different elements that are included in the plan. The American Planning Association says a framework is required, but what that framework is essentially is a reflection of what the community wants to have as its structure for how to guide the different policy elements and how to implement them. There is no one template *per se* to say that this is the correct framework for the island. The robust community process that Marisa described was meant for us to first, take a look at how we structure a framework for the overall plan. What we essentially came up with was the notion of balance. It is clear that there are many competing goals across the island, whether it be environmental goals, whether it be dinner table goals, or whether it be goals concerning your *keiki*. All of these are priorities, but what was very clear to us was that these priorities should not be prioritized, rather they should be balanced. What we essentially came up with was four (4) balancing goals that guide the rest of the plan that encapsulates these four (4) areas: sustainability, that the island is unique and beautiful place, we want to be healthy and resilient, and we want to have fairness and opportunity for everybody. We think that the consensus among the public was that these are four (4) goals that everybody can buy into. Again, we do not prioritize them. What we say is we balance them throughout the document as a means to find that common perspective on how to act appropriately when it comes to our land use management.

From those goals, we came up with nineteen (19) policies. These nineteen (19) policies are meant to be encapsulated in these infographics. The reason why we went with an infographic system is because it provides an ease of readability throughout the document and an ease of ability for us to thread the different policies with the different action items. We want to keep it at a very low number and the reason why is because we wanted people to have a working knowledge of this, rather than having policies be distributed throughout the document that were obtuse, that were hard to understand, and that did not clearly get to the point as to what the public is wanting. So, you will see that we want to manage growth to preserve rural character, we want

to provide local housing, we want to recognize identity of Kaua'i's individual towns and districts, we want to design healthy and complete neighborhoods, we want to make strategic infrastructure investments, we also want to reduce the cost of living, we want to build a balanced transportation system, protect Kaua'i's scenic beauty, uphold Kaua'i as a unique visitor destination, help businesses thrive, help agricultural lands be productive, protect our watersheds, complete Kaua'i's shift to clean energy, prepare for climate change, respect Native Hawaiian rights and *wahi pana*, protect access to Kaua'i's treasured places, nurture our *keiki*, honor our *kupuna*, and communicate each other with *aloha*.

We took these policies, and actually at the time, there were twenty (20) policies. We went not through a public community survey and tested these policies before we flushed out the rest of the plan. Again, we had our four (4) goals, at the time, we had twenty (20) policies, and we took those items to the public and said, "What do you think of these? Are these valid?" We had over one thousand (1,000) responses to that survey, and we were able to break them down in terms of geographic location, demographic information, who responded by age, length of residence, et cetera. We have all of that information. But what it made clear to us, was that we were on the right track in developing this framework, that the policies were valid, that people seemed to congregate around these ideas, and that actions should flow regularly from the four (4) goals and at the time, twenty (20) policies.

How the plan works and how it is read, and as Marie mentioned, we do not have the ability to go through every single action today. There will be opportunity for that. But what we would like to explain is that it is essentially a tiered system. We start from the center, our *piko*, which is our vision: sustainability, uniqueness, health, and equitability. We work outward where those visions and policies define our objectives and actions across ten (10) sectors. Those sectors are: opportunity and health for all, public safety, the economy, housing, future land use, land transportation, critical infrastructure, shared places, the watershed, energy sustainability, and heritage resources. Those nineteen (19) policies and four (4) vision statements guide the sector objectives and actions across all of those ten (10) areas. With that, I am going to turn it over to Lea to kind of get into at least superficially, what those ten (10) sectors and actions look like.

LEANORA KAI'AOKAMĀLIE, Long-Range Planner: Good morning, Council Chair Rapozo, Planning Committee Chair Chock, and Members of the Council. Thank you for your time and attention this morning as we go through our General Plan draft. As Mike mentioned, there are ten (10) sectors described in the plan. This is by far, the longest section and because of that, I am just going to do a quick overview of the sectors, the subsectors, and how to read the actions in the plan. Page 96 provides a table summarizing how sector policies align with the four (4) overarching goals that Mike just talked about for our island community.

Here is an example of how the subsections under the ten (10) main sectors align with the policies. This example here, linear parks and trails is a subsector of the shared spaces sector. Under that, is an objective. The objective says, "to expand and improve access to Kaua'i's shared-use paths and trails." If you look on the right

hand side, the sector policy icons that Mike described, the ones that are related to this objective are added underneath.

There are four (4) types of action, Permitting & Code Changes, Plans & Studies, Projects & Programs, and Partnership Needs. With Permitting & Code Changes, these recommend new development standards or amendments to existing standards. Plans & Studies recommend new plans, or studies, or even updates to the existing plans and studies. Projects & Programs identifies new County programs and Capital Improvement Projects, and provides guidance for projects selection design and funding. Partnership Needs, which is very important, identifies actions that State, Federal, or private, or nonprofit partners can spearhead or move forward. Obviously, we cannot necessarily tell other partners or other government agencies what to do necessarily, but hopefully, they will use the General Plan as a guide for themselves as they move forward and prioritize their own projects.

The ten (10) sectors start with Watershed. As someone mentioned earlier during testimony, it is the most important and was identified as the most important. So it starts off the sectors. There are four (4) subsectors under this section. *Wao Naele*, or the upper watershed. This includes the forest and native species habitat. *Kahawai*, which is the middle watershed: aquifers, water bodies, streams, and drainage. This is also the area that we have most of our urban activities around. *Kahakai*, which is the lower watershed, includes the shorelines and coastal waters. Lastly, our threatened and endangered species.

The affordable housing crisis as Marie was talking about earlier, was foremost on the minds of community members as we did our public process. This section of the plan is organized into eight (8) subsectors: affordable housing, infill housing, new communities, agricultural worker housing, Hawaiian Homelands, elderly housing and assisted living facilities, the houseless population, and the impact of resort uses on housing inventory. Again just to reiterate, under each subsectors are objectives and actions.

Land Transportation has its own section in the General Plan and is not a part of the critical infrastructure section. This is because as you can imagine, traffic congestion was a frequently expressed concern during our public process. The subsectors of the Land Transportation section include: County roads, parking management, transit program—that is the bus, pedestrian program, and the bicycle program. Our Island Wide Transportation Map can be found in the map section of the General Plan, and that is on page 273. Then, new to this General Plan is the Island Transit Map on page 274.

In the next section, the plan describes our other critical infrastructure, specifically, domestic water, wastewater, septic systems and cesspools, solid waste disposal and recycling, and airports and harbors. Infrastructure and public facilities maps can be found in Section 5.6, which starts on page 263. Maintaining and expanding infrastructure for current and future needs were also hot topic issues through the public process.

The Shared Spaces subsector include: town centers, parks, linear parks and trails such as the Ke Ala Hele Makalae, and State parks.

A strong and diverse economy is vital to creating and maintaining jobs, housing, and capital improvements, which contributes to the overall health and livability of our communities. The Economy sector includes the following subsectors: tourism, agriculture, and small businesses and promising economic sectors.

Kaua'i's heritage is rich and diverse. The plan reflects this diversity of heritage resources in three (3) subsectors: historic buildings, structures, and places; *wahi pana* or legendary places, cultural sites, and resources; and landmark and scenic resources.

Energy sustainability and reduction of greenhouse gas emissions are the focus of this next sector. Two (2) objectives are to increase energy and self-sufficiency, maintain a reliable, resilient, and cost efficient energy system; and to acknowledge our contribution to global warming and reduce Kaua'i's greenhouse gas emissions.

Number nine, Public Sector & Hazards Resiliency. As an island, we are susceptible to nature hazards, obviously. Objectives described in this sector focuses on ensuring support for our first responders while increasing our resiliency to storms, pandemics, and other emergency as well as climate change. The three (3) subsectors discussed are: police, fire, ocean safety, and emergency services; hazard resiliency; and global warming and climate change adaptation.

The last sector is opportunity and health for all. This is a new sector in this General Plan. This section addresses social equity, access to education, and community health, all of which are directly impacted by our built environment. Thank you, and now I am going turn it back over to Marie.

Ms. Williams: Thank you, Lea. Lea just described the ten (10) sectors, which are found in Chapter 3 of the General Plan. Now, I am going to take you back to Chapter 2 of the plan, which is our Future Land Use section and describe the map. All of our maps are found in the back of the plan. This was more for ease of use. We found that our Planners who use these plans frequently, it was much easier when you could just access the plan in the back. That is why the future Land Use Map is not directly in Chapter 2. But future land use really, to me, is heart of this plan because it shows how we will conceptually manage growth and how we will direct and change our land use policy to manage growth and achieve the vision identified in the plan. Going back to the start of the presentation when I summarized some of the challenging trends before us, we viewed the update to the existing General Plan Land Use Map as an opportunity to perhaps provide a range of housing types instead of only developing single-family homes and subdivisions that were not really connected to our existing towns. What could we do differently to meet our residents' housing needs? How can we strengthen our town cores? They are really important places for our economy for us to live, work, and play. What can we do better in that realm? How can we more efficiently use land? Perhaps via more infill development, and infill development means housing and other commercial development in our existing towns in the existing built footprint. When we do have to create new subdivisions, also called green field development, how can we ensure

that they become place and neighborhoods that are more compact, more of a walkable place, and more of a livable place? Finally, looking from the high-level view of growth, how can we ensure that we locate future housing near jobs?

Part of that meant taking a really good look at our existing General Plan Land Use Map. What we found was that a lot of places identified for future growth have not buildout yet. They have not gone through the State Land Use entitlement process to have a boundary amendment, for example. They do not have their County zoning. So these were our opportunities to basically redraw the map, and this is just one (1) example. Our existing General Plan supports the creation of what would essentially be a new community *mauka* of the Princeville airport, which is right here. We had to ask ourselves, "Well, does this still make sense? Is this really what the community wants? Does the development of a growth center here contribute to the vision that the community wants to see in the future?"

We also had to look at how we described and defined our existing towns. What we saw is that in the existing General Plan, all of our towns essentially, with the exception of certain places in Kapa'a and Līhu'e as well, are designated residential community. It is the yellow color here. This was kind of at odds at what we were hearing when we did our community planning processes for the Līhu'e and South Kaua'i Community Plans, that people were very adamant that, hey, Kōloa Town is very different from Po'ipū and that everybody feels that their town needs perhaps a different character that the scale of the town needs to be respected. So we asked ourselves, "Well, if this is our high-level policy to kind of treat all of these residential areas the same regardless of if it is large lot residential or smaller footprint homes more closely located to each other next to a main street, what would the outcome be?" We viewed this process as an opportunity to reexamine our existing Land Use Map. This really was in keeping with an initiative that our Mayor has supported and moved forward, a concept that "place" is important, that there are historic underpinnings to our places as well that we need to respect that are still relevant today. One (1) example is the *moku* signage project. So we do include the *moku* map and identify our *ahupua'a* boundaries in the General Plan as well.

Then, also looking at our *ahupua'a* system and thinking, okay, well, historically we knew that for the *ahupua'a* to thrive and serve everyone who lived there, that all components had to work from the top of the mountain all the way down to the coastal area.

(Councilmember Kagawa was noted as not present.)

Ms. Williams: It had to be a healthy system. We see that in our modern day *ahupua'a* as well, that are different aspects of our built environment, and that when they all function together, it serves everyone. So we tried to bring that thinking into our built environment. What you see here is called the "Rural to Urban Transect." It is something that comes from Duany Plater-Zyberk & Company (DPZ), a famous planning firm. It is this idea that across human settlement, that we have our natural environments all the way to very urban environments, and there is this range and that our zoning has to perhaps support and respect this range. We already knew looking at this that on Kaua'i, certain environments we do not have and that

we do not want. So we really focused on this area of the range to see what could be appropriate for Kaua'i for accommodating growth and bringing that into our Land Use Map. This was also an opportunity to finally get that range of housing types instead of having our detached single-family homes and then multi-family in our resort areas. Perhaps we could draw from this range to serve and meet our housing needs as well.

We did face a challenge when we were updating our Land Use Map, and that is the fact that we do not have detailed updated community planning guidance for all of our planning districts. In recent years, we have updated the Kilauea Town Plan and the Līhu'e Town Core Urban Design Plan. Two (2) years ago, we updated the Līhu'e Community Plan and the South Kaua'i Plan, but all of the other planning districts, their community plans are over forty (40) years old. They are old and we are not sure, but it does not seem like they represent the changes that have occurred or perhaps the new vision that the community members might have. So we knew we had to do something where we had to go back to those planning districts that we did not have more recent information and test these ideas. As Marisa mentioned and went over, we did what we called Place Typing and Visioning Workshops where we really get to the heart of what the vision is for your town. Every workshop had the same format. We did an opening presentation. We did visioning work as well, a tour, and discussion. We definitely went to places that our existing General Plan designated for future growth and just had an honest dialogue about does this still make sense, or would could growth maybe go? Could it go someplace else? Then, we did map work and then ended with a group summary. Once everyone left, we got to work, or our consultants got to work, and we started taking these ideas and bringing it to a conceptual map trying to basically redraw the map. We asked ourselves, "Well, how can our Land Use Map support what the community's goals are?" Then, we did and a closing presentation the next day where we presented ideas. Sometimes, it was not just one (1) map. It might have been two (2) or three (3) maps, and got feedback on that. That really was the basis for our drafting and finally our future Land Use Map that you see in the plan.

What we saw is that there are a variety of places here that we have our rural crossroads. Those are areas that might be at the intersection of one (1) or two (2) streets and have some commercial use, perhaps some homes as well. We have what we call the "village place type," and this is a much smaller kind of rural environment where there might be one (1) or two (2) neighborhoods supporting a very small main street. Finally, we have a lot of small towns. This is where the main street is more pronounced, it might be longer, more intense, more mixed use, and more intense use. Then finally, we have one (1) large town, that is Līhu'e, and that is where we kind of have a pattern of not just one (1) main street, there might be several, several commercial areas, several neighborhoods, and they are kind of overlaid upon each other as well. We wanted to bring this thinking that we have a bunch of different places on Kaua'i and we want to respect the scale of these places. As a result, we have what we call a "Place Types Map" in the General Plan that identifies the places we have.

(Councilmember Kaneshiro was noted as not present.)

Ms. Williams: This will be a tool that we use in moving forward community plans. Now, I am going get to the Land Use Map. This is Kapa'a and this is our existing Land Use Map. It designates the entire area residential.

Councilmember Yukimura: Can you just identify a street or something so we are oriented?

Ms. Williams: Yes, sorry. This is the highway. This is Kapa'a. Kawaihau Road is right here. This is just an example. I will get to the full Land Use Map soon. But you can see that it designates this entire built environment as one (1) color. So what we tested is the idea that perhaps there are natural centers, that there are nodes, and we identified those nodes in the red outline here. This was a new center identified through the planning process. What we did is we took the walkshed. This is a five (5) minute walk. We asked ourselves, "Could this area, given its proximity to the center, be an area that maybe more housing and more commercial uses, a mix of places for us to work, live, play, and enjoy things could occur?" Then what we did during the workshops is we asked people to assess the potential change, or how would you like your community to evolve, or maybe it does not evolve. Maybe it stays the same and there is some incremental change, or perhaps it really does transform. We looked at that for different aspects of our town from site frontages, parking, pedestrian facilities, and our gathering spaces also called our shared spaces. It was really important that we right-size our town core. If it is the main street, it needs a different type of zoning and it needs a different type of development standards. What is the intensity of buildings as well? What is the infrastructure and services we need to support that?

(Councilmember Kaneshiro was noted as present.)

Ms. Williams: And then, what are the places that people enjoy going to? Why do they go to these places as well? We used that to inform our preliminary community planning guidance in Chapter 2. After our workshops, we had all of our materials posted online and sent an E-mail blast and memorandum as well. We tried to go back to every single community association and present on the findings.

(Councilmember Yukimura was noted as not present.)

Ms. Williams: During our open house process when we had our discussion draft, again, we tested some of the ideas and the potential map changes. That ultimately resulted in our future Land Use Map. Our objectives for future land use are to accommodate Kaua'i's projected population growth and housing needs; to meet future housing needs through missing housing types that are affordable by design and located near job centers; to protect rural character by ensuring new growth is designed to be compact and focused around existing town cores; to manage land use and development in a manner that respects the unique character of the place; to locate residential growth in and near major job centers; to increase overall community health through design that supports safe and accessible parks, streets, and other shared places; to encourage the development of Līhu'e as

Kaua'i's primary urban center within an urban edge boundary; and to increase resiliency by limiting development in areas impacted by future sea level rise.

(Councilmember Yukimura was noted as present.)

Ms. Williams: The policy alignment is shown to the right. Now, what I am going to do is take you through our proposed changes to our existing General Plan Land Use Map. I just want to clarify that what I mean by "existing," I am showing what we have now, what is actually in our law that was approved in the year 2000 and what the change we are proposing. This is our existing Land Use Map for Waimea/Kekaha. There were certain areas that concerned us that through the community process, we asked ourselves. "Is it appropriate to grow in this style or what could we change?" One (1) was these residential development pods that were located kind of between Waimea and Kekaha. It seemed that it would result in a development style that would be very car-oriented and would not necessarily strengthen the town core. We were also concerned about how it would impact that open space between the two (2) towns, and if there was an opportunity to meet the housing needs of this planning district by moving that residential growth closer to the existing town. Another concern was the resort potential right here. There is about sixty (60) acres that does not have resort zoning adjacent to the plantation cottages. Given the overwhelming concerns with tourism growth, perhaps we had to relook if it was appropriate to move forward sixty (60) acres of resort development at this location. Of course, this is Kapalawai. It is not built out, but it does have its zoning permits, which were approved over ten (10) years ago.

This is the updated map. What you see is that we identified that the center, the kind of the main core of Kekaha Town, and identified the walkshed around it as an area for potential infill development. We removed those residential development pods and put the potential for growth close to Waimea Town. We actually did remove the resort designation, that sixty (60) acres, but through the community process, we did not have community support for that. So we returned it so what we call "provisional resort." What that means is that through a community planning process, they will determine the future of that site. If a resort is to move forward instead of just saying, "Okay, let us have resort development on sixty (60) acres, let us think how this resort should be scaled and how it can serve and support the town."

This the existing Land Use Map for Hanapēpē/‘Ele‘ele. You can see it is predominantly residential community with the intense center here at Port Allen. So what we asked ourselves given that this is all DHHL land, we reached out to them to have a better understanding of how they really were planning on moving forward with their development on the Hawaiian Homelands there, and then also, of course, Lima Ola we knew was moving forward. If that was to occur, what would happen here? What would happen to the area below Lima Ola? How could we connect Lima Ola to Port Allen? This is our proposed future Land Use Map for that area. You can see that we include Lima Ola. We do show the expansion of Port Allen all the way to Wahiawa Gulch. We also identify and acknowledge our plantation camps. The existing General Plan did not identify them. We thought it was important to show that they are there and exist. Also, we took in the Land Use Maps that DHHL

provided us and we included their priority growth area here. We also identified the centers of Hanapēpē and Port Allen as well.

This is the existing Land Use Map for the South Kaua'i area. Of concerns for us, is that the plan does call for residential growth all along the bypass road. We were very concerned that suddenly that will not provide for separation between Kōloa Town and Po'ipū. It would simply be development all through here. Another opportunity was Maha'ulepu, that there was a strong voice to protect and preserve this area. So we knew that we had to think about that through the South Kaua'i Community planning process. Then finally, was there a way to locate future residential growth to an area that was actually adjacent to Po'ipū for all of the jobs? Finally, how can we respect and strengthen our town cores in Kōloa and Kalāheo as well. This is the proposed future Land Use Map. What you see is we removed the residential growth potential along the bypass, we create a new growth area at the intersection of the bypass road and Po'ipū Road, and we did not include it in the resort area. There would be no Visitor Destination Area (VDA). This would all be workforce housing. We also show the town cores and the potential infill areas for Kōloa and Kalāheo towns. These hatched lighter green areas are our Important Agricultural Lands (IAL) that have already been approved and are in place. Then, we also have here in the green, like we did for Hanapēpē/Ele'ele, we have something called "provisional agricultural." What that means is that it is designated agriculture in this plan, but through future community planning processes, there might be the potential for growth. But that has to be decided by the community planning process, that we simply did not have enough time and did not do enough work to really discern what the community wants and how the town should grow. In this case, the South Kaua'i Community Plan supports that it is actually the Hanapēpē/Ele'ele Community Plan that should determine the future of this area.

This is the existing Līhu'e Land Use Map. You can see it is overwhelmingly urban center with some residential as well. What concerned us was the potential residential growth here along Kīpū Road, I believe. We were concerned that it would kind of continue the buildout of residential single-family subdivisions that were not dense, that were car oriented, and not directly connected to our existing towns. So what we did is we actually, through our Līhu'e Community Plan, we removed that and we instead focused potential growth directly adjacent to our cores right here and here as well. We designate the community college as a University District in keeping with the desires of the community to see that as a university one day. We also identified the golf course areas. Let me take you up a little higher as well, that previously right below Kaua'i Beach Resort is another parcel of a similar sized that is designated for resort in our existing General Plan, Nukoli'i. What we did is we removed that, so that is no longer designated for any resort growth in the proposed draft.

This is the existing Land Use Map for East Kaua'i. The biggest concern, of course, is this urban center designated area around Kapa'a Middle School. The General Plan does call for actually very intense growth to occur here as it gave it not the residential community designation, but urban center. We definitely got a lot of feedback on that and of course, we were asking ourselves, "Given that this is such a heavily populated area, what can we do to create new cores or strengthen our existing

nodes?” Finally, we were uncomfortable with how the existing General Plan designates basically an entire populated area with thousands of people as agriculture when in reality, it is not agriculture. It is a different pattern. It is homesteads. Finally, what we can do about our commercial corridor and identify what is unique about it as well.

This is the proposed draft of the East Kaua'i Land Use Map. We identify all of the agricultural homesteads. We also identify a new node in Kapahi right here. We do include what was known as Kapa'a Highlands, but is now known as Hokua Place. We do downsize it a little bit, and instead of giving it the urban center category, we feel that if development was to move forward there, it would have to be what we call the “neighborhood general.” What that means is that they would be required to create a walkable and denser local surveying place that really does meet the housing needs of the workforce. We identified the commercial nodes in the orange. Then, there is the resort area as well. Finally, if you look up to Anahola, we again reached out to DHHL and we just simply pulled in their recent planning effort and adjusted the map to match what their community plans showed for their lands as well.

This is the existing Land Use Map for the North Shore. Again, this is undeveloped, but potentially built out area in Princeville was a big concern. The *mauka* village and this plateau area where the clubhouse is right there, is also known as Princeville Phase 2, that we knew we had to really focus there and look at that. In this draft, we do remove the *mauka* area. Princeville Phase 2 is included. I will say that it previously was taken out in our discussion draft, but it was put back in for the Departmental Draft at the Planning Commission. We can go through that as well. Also, we changed the designations in Kilauea Town to reflect what the town's plan called for. Those are the big changes for the North Shore. Now, we will go through our drafting process.

Mr. Dahilig: As Marie mentioned, there has been a lot of fluidity when it comes to where certain issues are of interest. What you see listed there are six (6) different versions of the draft that have been put out as the process has gone along starting with our Administrative Draft through our Public Discussion Draft, the first Departmental Draft that went through the Planning Commission process, and ultimately the draft that is in front of you today. There are a lot of information and a lot of moving parts as each of these drafts have been released based off of what the community process has revealed to the decision-makers at any given time. So the Commission has gotten a lot of public feedback, we have gotten a lot of public feedback, and through our administrative drafting process, we made adjustments based off of what the partner agencies wanted to see in there. As mentioned, we took the drafts that we had and put them in the public libraries for people to take a look at. Each one of these documents is difficult to produce just for cost reasons, so we also provided the drafts online on our website at plankauai.com. We always included a comment box. Having the comments in writing helps us the most because we are able to discern specifically what needs to be changed or what the intentions are. So that is why we always had comment boxes, and what you see are these snippets that we catalog and inventory as part of our record.

Throughout the Departmental draft changes, we initiated draft Common Education Data Standards (CEDS) recommendations, removed the Princeville Airport expansion, added infographics and key growth trends section, added detailed description of policies, added connections to Department of Land and Natural Resources (DLNR) policy initiatives, added actions related to permanent instream flow standards to protect native species and water right, acknowledged toxoplasmosis and biosecurity issues, supported expansion of the Na Ala Hele Trail system and recreation opportunities on State lands, placed scenic roadway corridors on the Transportation Map, strengthened the Automatic Identification System (AIS) language and scenic viewplane language, mapped social equity priority areas, added language regarding drug abuse treatment and access to family planning, addressed the need for food production and education center at KCC, added information on the Average Daily Visitor Count projections and trends including a “use it or lose it” provision for future resort entitlement, and added language pertaining to the Pacific Missile Range Facility (PMRF). Those are the changes that we made after the public discussion draft.

The Planning Commission then came in there and added further changes including strengthening the framework with the addition of objectives. So as Lea pointed out in the structure of the plan, between the policies and the actions, we now have objectives for each of the subsectors; we made map changes to East Kaua‘i and Hanapēpē/‘Ele‘ele; clarified the public trust and domestic water rights sections, strengthened sea level rise vulnerability assessment recommendations; we addressed the Aloha Plus Challenge; acknowledged the Paris Agreement commitments; strengthened sections on Native Hawaiian health charter schools, and traditional resource management; added performance measures for objectives; and removed the Kapa‘a specification transportation policy. As I mentioned, there were twenty (20) policies that we tested. There are only nineteen (19). The Commission removed that one specific to Kapa‘a. We added community values from the existing General Plan. So that is now in the front section. We amended the Hanapēpē/‘Ele‘ele Community Plan guidance as well as added public art and traffic calming actions based on the Commissions actions.

Let me just go through what the Commission did through their process. As Marie mentioned, they got the first draft and had the first in January of this year. Supplemental #1 was the first set of floor amendments that the Planning Commission took a look at. We put who the concerns were raised by and these were the amendments that followed. So we improved the expansion of framework, emphasized importance of *ahupua‘a* management systems, driving on the beaches, adding traffic calming sectors to concerns to the transportation sector, add more information on Native Hawaiian health practices, protect Native Hawaiian rights, and looking at additional residential growth in Waimea.

We then added a second set of floor amendments based off of further public comment. The Commission was very deliberative in taking a one (1) month pause. They actually took the whole month of March as well as some weeks in April to take some time to make decisions. We improved the explanation of the land use section and transportation connections, we addressed restoration of native lowland forests, added more local self-sufficiency and desire for more locally grown food, included

community gardens as a permitted use in residential areas, and identified key implementation partners and better describe how plan implementation occurs.

We had a Supplemental #3, but that got folded into the fourth set of floor amendments that accommodated East Kaua'i housing needs via designation of the area surrounding Kapa'a Middle School for residential growth. Again, that was the Hokua place area that Marie mentioned. It added stronger language regarding hazard, risk, and vulnerabilities assessment at future community land use plans, and that was added with that set of floor amendments.

There was additional floor amendments in May, that the Commission added including adding objectives to bridge the high level goals and actions. Again, that is the objectives section. It added performance measures improving the description of monitoring system, consistency and alignment with the Aloha Plus Challenge, revisions to the North Shore Community planning guidance, acknowledging that the three (3) foot sea level rise scenario is becoming more likely in the century, including the need for a community managed subsistence areas in every *ahupua'a*, and added the need for a venue for public dialogue regarding our transportation systems. Again, this is what the Commission folded in as another set of floor amendments.

Right before approval, they added six (6) more actions based off of concerns that were raised by the public including: *kuleana* lands, deleting Kapa'a/Wailua specific transportation policies and combining them with Policy #8, revisions to the Hanapēpē/Ēle'ele community planning guidance, adding definitions for provisional agriculture and walksheds, adding the Paris Climate Agreement language, and describing Puolo Point salt pans as a valued cultural resource and community resource to do future studies for that area. So you can see that the Planning Commission received a lot of testimony, a lot of suggestions, and over thirty (30) motions, they added additional items to the present draft that you see in front of you.

There were some failed motions that the public proposed and the Planning Commission decided to take up, did a vote, and you will see the vote on the right in terms of what the Commissioners did with it. There was a suggestion to integrate items on page 5 through 11 in the Charlier report. That was rejected. It removed the resort designation for the Princeville Phase 2 area. That was rejected by the Planning Commission. Remove the provisional agricultural designation from the Hanapēpē/Ēle'ele Land Use Map. That was rejected by the Planning Commission. Adding stronger language pertaining to viewplane was rejected. Direct the Department to conduct a half-day workshop. So more workshops on this. The Planning Commissions did not feel more workshops were needed. Then, remove the resort designation. That came up a second time at the June meeting. That was again, rejected by the Planning Commission.

In our public testimony, we tended to get testimony that congregated around specific hot topics. One was Hokua Place item. As Marie mentioned, it was designated as an urban center. We did remove it based off of public testimony up to that point, but based off of more public testimony that came in through the Commission process, we put it back in at a smaller scale and throttled it down from an urban center to something that was more aligned with form-based code.

In terms of the North Shore Land Use Map, again, the Princeville Phase 2 is an area that is still being discussed with the public. There are concerns regarding it remaining in the resort area. We did not put it in the discussion draft that our Department put out, again based on at that point in time, the public testimony, the public input. Based off of that discussion draft process, it was added back in. The Planning Commission voted twice on an attempt to try to take it out and that remained in the plan.

Again, Hanapēpē/‘Ele‘ele just to put it in graphical form. There was a motion to try to take this section out. The reason why is the approval by the Land Use Commission of Lima Ola has essentially from a land use pattern standpoint, created the scenario where the agricultural area is boxed in by the geographical feature created by Wahiawa Gulch. We designate that as an area that needs to be discussed because this community has not had a community planning process since the 1970s. So what we wanted to ensure is that we highlight that, earmark it, and tag it so that the community planning process will be able to discuss what the future of this is, whether or not an urban growth boundary should remain in the area and box in Lima Ola, or does that look at more opportunities for growth in the area? Again, we are not recommending an action, but what we are saying in the provisional designation is that this needs to be discussed by the community because our information up to that point, was limited based off of the antiquated nature of the community plan for that area.

We also hear a lot of discussion concerning visitor population growth. Our visitor projections in the plan go out twenty (20) years. What we did is we used an independent consultant to go out to the year 2035. The Department of Business, Economic Development, & Tourism (DBEDT) has only released projections based off a 2013 survey that they did. Our 2014 study we paid for was meant to validate the data from the year before. The challenge was that the Hawai‘i Tourism Authority (HTA) does not develop projections. They provide point-in-time counts for us to then develop projections off of. That is what DBEDT does. It takes the information and then provides projections. So there is nothing official from HTA that goes out twenty (20) years. What we did in the SMS projections that we did in 2014, is we wanted to validate the State long-range forecast in 2013 and see if that information was valid. If you look at the very bottom, what you will see is that there is a very minimal deviation statistically from what the State long-range forecast from DBEDT had in 2013 as well as what SMS did provide in our technical studies.

This was the information we received from Hawai‘i Tourism Authority. We have been monitoring it. I know that the news as of late, has been for some people, pretty concerning based off the amount of airlift that has been increased over the past month or so as proposed by airlines as well as how long people, per tourist, are staying. So we have been monitoring this information. There are three (3) years of data that have been compiled since the 2014 SMS checks that we did. It does show that there is a significant uptick in the visitor population information in terms of point-in-time counts. So we are working with a consultant and determine right now whether or not we need to bring to the Council adjustments to the forecast based off of the last three (3) years of data. Again, the challenge with doing General Plans is that we have point-in-time information and we provide projections based on that

point-in-time information, but time does not stop. So based on the accrual of information as the planning process was going on, it always behooves to say, "Do we still need to make adjustments based off of newest and best information that we have?" The three (3) years of data does show that there is an uptick as compared to the regular trend as well as just news information that we have gotten concerning increased airlift et cetera.

One of the challenges that we were limited to in our Land Use Policy options is that we cannot limit the Constitutional right to travel. It is fundamental right in the U.S. Constitution. So as much as we would like to say we can stop tourists, we have to be very cognizant of that Constitutional right to travel. That is a fundamental right under the U.S. Constitution. We do have Land Use Policy controls that we can, and this is what we tried to employ as much as possible, is looking at supply and location of those visitor units and providing what is our definitions concerning alternative accommodations. TVRs are a very hot topic here as well as visitor impacts on parks and roads.

This is a list of all of the permitted projects since 2000 and what caused a lot of pushback from the community where we had a flood of resort projects come through the Planning permitting process where we had over four thousand (4,000) units approved. So we understand the reaction. You look at this statistically, that three hundred fifty (350) on the right is actually Coco Palms right here. So everything that led up to the 2008 crash, there was quite a flood. It was a tsunami and I think our Department recognizes the impact that it has had. But what actually got built compared to what got entitled is an area of study that our Department looked at. You will see what got built based off of those entitlements. But what did not get built is still this *x* factor in terms of what is going to be pushing the envelope in terms of our ability to handle the amount of tourists on the island. From a legal standpoint, we have to take a look at the degree of entitlement as to where each of these projects were that had not actually gone vertical, but had a designation in the General Plan. What we noticed is that the majority of the projects had already gone through entitlement, gotten the zoning permits, and had actually made efforts to construct, paid fees, et cetera. You had certain projects that had received VDA Master Plan types of designations but had not fully built out because they were like subdivisions. Kuku'i'ula is a good example of that. We had VDA zoned projects, areas that did not have any subdivision or final zoning approvals, and then we had General Plan resort areas that were on agricultural zoning that did not go vertical or did not have any entitlements. This is order of hierarchy. What we did is we were concerned if removal in the General Plan would do if we had situations where projects had already undergone through the full process of entitlement through the zoning process. These three (3) were the projects that we focused on to limit the land use pattern with respect to zoning. Again, that is Kikiaola, Nukoli'i, and Princeville. These were areas that we wanted to take out of it, but through the community planning process, communities in West Kaua'i and communities on the North Shore wanted to still, from a community planning standpoint, discuss whether or not that should be a final decision. So from a home-rule standpoint, we almost said, "Look, we will leave it as provisional, we will mark it off, and say, 'Hey, you have to discuss it through the community planning process.'"

This is just what the current General Plan has with respect to tourism. What we had and this is a big *x* factor, we had no implementing actions. Again, we, through the community process, got very clear messages from the public that we needed implementing actions so that the public can know what needs to be done and hold those parties accountable to then say, "Okay, you need to do these things." So what we have done as proposed tourism actions to actually earmark and highlight what needs to be done to address some of the tourism concerns are listed in this list here. You will notice that we make it very clear, we do not want to expand the VDA. That is going to be an action that is enumerated in the tourism section of the plan. So these provide the throttles that we think we are able to do based on our limitations on what we are authorized to do under State and Federal laws, and then also provide clear direction on how to implement and limit those items.

On that item of accountability, again, the onus is on our Department to be a good communicator on where we are at any given time. What we were hesitant to do from an implementation and monitoring standpoint is provide directions and edicts to decision-makers on items that related to discretionary authority items. For instance, like your right to appropriate or your right to pass legislation. So we did not want to provide implementation schemes that said you have to appropriate *x* amount of money by this date by this time for this thing. What we did instead is we created a monitoring system, and we want to thank the Kaua'i Community Coalition for providing a lot of the suggestions on how we can strengthen this through our drafting process. Essentially, we have an implementation and monitoring section where we have an action matrix and we take a look at where we are at any given time. We also look at performance measures, and this is the information that we can readily pull from our sister agencies and not have to produce on our own. We use that as a means to try to provide information to the public as to how the General Plan can still be adjusted over time and how we need to make adjustments. Again, this information does not place our Department into a position where we have to generate statistics, but we can go to DBEDT, we can go to HTA, we can go to College of Tropical Agriculture and Human Resources (CTAHR) at the University of Hawai'i, and we can go to the U.S. Census Bureau. What our job is essentially as part of enumerating the plan, is to provide a dashboard of information that is relevant to these items that we have identified in this section to say, "Here is where we are at this time and what we need to do to make adjustments, et cetera." With that, again, we want to just thank everybody for their work and support throughout the process, and engaging it. I know that it has been a lengthy process, but we believe it is reflective of many of the sentiments that have been brought before us throughout our community planning process. Thank you, Council Chair Rapozo.

Council Chair Rapozo: Okay. Obviously, we are going to have to break for lunch at 12:30 p.m. Is there anyone here today that cannot be back at 1:30 p.m.? Councilmember Yukimura.

Councilmember Yukimura: I just want to make sure that there will be time for us to ask questions about the presentation to clarify some things.

Council Chair Rapozo: Absolutely, but I just want to accommodate the people that I told them we would take their testimony after the presentation. I want to accommodate those who cannot come back at 1:30 p.m. and we will spend as much time as we have to on the public testimony. Then, once the public testimony is out of the way, then the Council can have some time with the Department for questions.

Councilmember Yukimura: Council Chair Rapozo, I am thinking that the public would like to hear some of the questions.

Council Chair Rapozo: But if they cannot come back after...

Councilmember Yukimura: Of course not.

Council Chair Rapozo: I can tell you...

Councilmember Yukimura: I am hoping that we can have those who cannot come back speak now and then when we come back from lunch, at least have questions and answers to clarify the presentation.

Council Chair Rapozo: That is exactly what I said.

Councilmember Yukimura: Oh, excellent. Thank you. It was not clear.

Council Chair Rapozo: Okay. Alright, if you folks do not mind. Do we have room? I would suggest somebody from the Planning Department stay in the room so that you can you hear some of the public's concern. Do not run away. Tell Mr. Dahilig come back. He should be in here. I know the seating is tight. Mike, you can come sit somewhere up here or wherever there is a seat. I think it is important that you are here to listen to what the testimony is. Again everyone, you have three (3) minutes. You folks know the light system. We have to take a caption break at 11:45 a.m. Please keep an eye on the light, be courteous of the next speakers, and we can move on. With that, if you could just state your name and proceed.

MATTHEW BERNABE: Matt Bernabe, for the record. I have participated in many of the meetings. As I read it, I can say that I see some of the things that were talked about represented in this plan. However, when they say balancing and not prioritizing, I get a little skeptic because at one point, yes I agree, we need to increase the amount of houses for several reasons. We need homes for our residents. We need money to be collected by real property taxes to help fund our government. But the problem that I have is that by not prioritizing, we are congesting areas and we are neglecting others. I mean, look at Waimea. Waimea is about to get problems with the State funding for their high school not having enough enrollment. The other problem that I have is they made this plan sound so good, like an enticement for somebody to come move here and start business when there are serious problems. I read about the solid waste and they go straight to the accolades that they can cherry pick, and say, "Oh, we lead in per capita the amount of waste and we lead in how we do green waste," when we all know right here how messed up

solid waste really is. For them to come over here and make this “cushy-cush,” we are all great, come here and start enterprise, and let us go.

(Councilmember Brun was noted as not present.)

Mr. Bernabe: The other thing I would like to point out is that these ten thousand (10,000) homes that are going to be over the next years plan that we already see going you, the fact of the matter is if there is not a serious component that starts or strengthens other industries, other job opportunities, these people talk about it in this plan as if everybody has a great job and these ten thousand (10,000) homes, we are going to go out and our residents are going to purchase these homes. We all know the market is going to absorb it, some will move here, and some may be able to go here. They talk about the growth rate of born children versus moving here, but they did not talk about the people moving here are buying up the properties. The people that are birthing here are living with multiple families in a house and putting extensions or living in tents. I have plenty of those. Where is that represented in this plan? While I can sit here and say half of it sounded like I was there, and I can tell you this is there, and I see some of the parts that we participated, but there is a whitewashing to this plan that needs to seriously go through the process or at least an extended version of the process to go and iron out some of the things that they made sound so great when we all know the real deal. I have to go because my oldest daughter is in college, and I have to pick up my youngest now. Thank you for my time, your time, and everybody’s time.

DEBRA KEKAUALUA: Hi folks, for the record. The last time I was here...

Council Chair Rapozo: We just need your name.

Ms. Kekauaulua: Sorry Debra Kekauaulua.

Council Chair Rapozo: Thank you.

Ms. Kekauaulua: The last time I came here to you folks, I asked you when you are going to discontinue the fraud, not the frog as your transcriptionist said. When are you folks going to fess up to the fraud that has happened for over—in January, it will be one hundred twenty-five (125) years? I know you folks all think I am crazy, but come on Councilmembers, you have to fess up. This is not getting any better and we are not going away. We are going to keep pushing this button until you folks are history and all of your plans are history. Mr. Dahilig is here. He is the Planning Director. I only know one (1) Planning Director and that is the *uhane*, the Holy Spirit. He is the one that makes plans. Again, my last words, when are you going to fess up to the fraud that is not Untied States of America (USA)? Thank you.

Council Chair Rapozo: Next.

NORMA DOCTOR SPARKS: Good morning, I am Norma Doctor Sparks. I am very concerned about the proposed Kaua’i General Plan update because it seems to ignore some of the significant priorities that should be placed on residents of

Kaua'i. As some of you may know, I was born and raised in Kōloa, Kaua'i and my family history extends back to the sugar plantations in the 1920s. I grew up working, living, swimming, and picnicking at Kukui'ula Bay, Po'ipū Beach, and Maha'ulepu. I walked to Kōloa School at a time when things were very safe and there was little traffic. I know that there is some thought that having affordable housing near working job sites is a good thing, and I agree with that, because it would also allow people to use some of their resources for other needs such as food, et cetera. However, the plan does not seem to recognize that when you place, for example, a housing development at the corner where the Grand Hyatt Kaua'i Resort and Spa is, that it will increase the traffic within Kōloa as well. While I agree that Kōloa and Po'ipū needs are separate and perhaps independent, I also argue that they should be integrated because whatever happens in Po'ipū happens in Kōloa and vice versa.

(Councilmember Brun was noted as present.)

Ms. Sparks: As a social worker, a former Deputy Attorney General for the State of Hawai'i, and now a Regent for the University of Hawai'i, I have spent a large portion of my working career working for and advocating for children, their families, and young adults.

(Councilmember Kagawa was noted as present.)

Ms. Sparks: I think that we need to really pay more attention in this General Plan update to those needs. It was mentioned earlier today that we have not looked at education in the plan. I am also concerned about the water resources and the environment that our children will have to experience. I just got my first grandchild. He is now three (3) months old, and I want him to experience Kaua'i, the pristine ocean, and the safety of the island that I experienced as well. In twenty (20) years or so, that might not be here. We are the ones that will set the focus and the direction of where our island should be so that it will then meet the needs of everyone; tourists, residents, children, families, working people, and also, the resorts. Thank you very much for this opportunity to share our thoughts with you.

DAVID DINNER: Good morning. I am David Dinner and I am testifying for Anne Walton. Before I start, I just wanted to say something. Yesterday, she sent me her testimony and it goes five and a half (5½) minutes. So if you would rather that I did not read the whole thing, I will try to summarize it as best as I can.

Council Chair Rapozo: Summarize it in three (3) minutes.

Mr. Dinner: I will speak louder. She had four (4) general main points and then four (4) other points that she wanted to speak about. There is no blueprint for managing growth; there are components in the future land use section of the plan that should be directed to communities to make the decisions on; some of the most critical data sets are old, obsolete, and incorrect; and there is no substantive implementation and monitoring plan. The other points that she wanted to make, and there are four (4), is framing the plan. Although the need to address growth is mentioned, labeled, and examined throughout the plan, there is no overall

framework or blueprint for how the County intends to address growth now or into the future. Without this blueprint, this appears to be a plan with many confusing messages and contradictory approaches to how growth, development, and future land use is addressed. Correspondingly, the policies, goals, and objectives of the General Plan are not aligned within a single framework. The County needs to show leadership and develop a clear compass reading on growth management and blueprint for moving forward. The second point is honoring communities and their own planning processes. Future land use and zoning change recommendations outright contradict public testimony given in at least three (3) communities. The rationale, or sometimes the lack thereof, does not support the recommendations of the plan. Listen to what the communities have asked for in terms of future development by taking it out of the plan and let each proposal be heard on its own merit and not buried within the General Plan, most specifically for Princeville Phase 2, Hokua Place, and Lima Ola developments, and their adjacent community centers and designations. Data projections. Some of the most critical data sources are inadequate or missing. How can we manage growth when we are not adequately accounting for one million plus (1,000,000+) visitors a year and projecting that out based on realistic growth rates based on current numbers? The fourth point is implementation and monitoring. That is one (1) sentence. This section of the plan is structured so there are no clear indicators, measures of a successful plan, no timeline, no prioritizations of actions, and no accountability. Thank you so much. I just wanted to mention that she handed in a thirty-five (35) page review, which I handed in this morning and it is also in an E-mail, of the plan. So of course, I did not read that.

Council Chair Rapozo: Thank you very much.

Mr. Dinner: Thank you so much.

JA'UOS SAMU: *Aloha 'āina aloha kākou.* For the record, I am Ja'uos Samu. I am a twenty (20) year resident of the island of Kaua'i and I am in support of Anne Walton's testimony. I would like to mention that any plan that includes the sustainability of this island should be considered in the General Plan. However, full sustainability can only be reached if the full independence of Hawai'i is restored. But since this Council does not have the power to restore the independence, we have to go on with life and we have to make the best to accommodate the residents of this island to maintain and retain an acceptable lifestyle and also, to prevent future deteriorations. Therefore, in view of the incoming tourists with the new airline contracts, which again, cannot be controlled by the Council, we recommend restricting the availability of accommodations and rental vehicles because this is in your power. In the testimony of Anne Walton, will you probably find reference to Iceland where they did it. They restricted the number of accommodations on the island, for example, to a maximum ninety (90) days of rental and vacant rental or transient rental, not including the hotels, or about fifteen thousand dollars (\$15,000) gross income per year, whichever comes first, and strict enforcement for those who are not following it. The fines begin at about twenty thousand dollars (\$20,000). This means that if those people who are trying to come into the island by plane, they want to make the accommodations first. If they do not find accommodations, they will cancel. So we can establish a good point to plan. It is the same thing with the car rentals. If you restrict the number of car rentals on the

island, then they do not find accommodations since we do not have the infrastructure yet for a good mass transportation. Again, it will establish a fixed point or actually a point where we are not going to go further. Thank you for your attention. *Aloha*.

Council Chair Rapozo: Thank you very much.

SHARON GOODWIN: Good morning.

Council Chair Rapozo: Good morning. I am sorry. Go ahead.

Councilmember Kagawa: I have heard several testimonies talking about car rentals. Just to be clear, has something changed that the County oversees car rentals in any way, because I believe we do not. I mean, to me, it would eliminate a lot of suggestions about rental cars because if we do not have any jurisdiction over it, then I do not think it should be discussed as a solution.

Council Chair Rapozo: Is there any other discussion?
Councilmember Yukimura.

Councilmember Yukimura: Yes. This input that we are receiving from the public has made me think about this interface between State and County. In doing a General Plan, my question would be are the State agencies required to abide by a County General Plan? I believe there is if not clear laws in place, there is supposedly a State desire to abide by County General Plans, and if there is not, perhaps the Legislators should put something in place where all State agencies are required to follow County General Plans as a way to give strength to a County and its desire for a preferred future.

Council Chair Rapozo: Anyone else? I think we hear that part loud and clear. We have heard that for quite a while. Councilmember Chock investigated that quite a while, probably closer to a year ago now, and it is unfortunate that we are really powerless with it comes to the rental car or the airline industry. I am really frustrated with the routes, that the State keeps giving these airlines routes and we have no say, and then they take our Transient Accommodations Tax (TAT). It is horrible and I am not sure what we as a Council could do, but I would assume in our Resolution to the State Department of Transportation to say, "Hold off on any future routes." But again, they are interested in the money. They are not interested in the quality of life for Kaua'i. I am venting now.

SHARON GOODWIN: Thank you. Good morning, Council Chair Rapozo, Councilmembers, audience, and viewing audience. My name is Sharon Goodwin from Wailua Homesteads. I am here today to speak about our water because the water cannot speak for itself. The General Plan has stated that three million (3,000,000) gallons of water per day will be required to support the proposed development near Lihu'e—can you hear me? All of the water will come from our streams. Thank you. The Supreme Court of the State of Hawai'i identifies the public trust as the framework for protection of our water. In order for the Planning Department to say that we need three million (3,000,000) gallons of water per day for proposed Lihu'e development, they are the applicants for the water and they have to

do these things. First of all, they have to assure that the water required for the growth in the Lihū'e area is allocated to the public trust. That is number one. Number two, they have to demonstrate that there is no reasonable alternative water resource before approving any development that will depend upon our stream water. Number three, as the applicants for the water, the Planning Department has to assure that there is no impact to the streams and the streams users before that water is allocated to development. The public trust purposes have priority over private commercial uses, and private commercial uses do not enjoy the same protection. The Hawai'i Supreme Court ruled in favor of our Kaua'i Springs, Inc. vs. Kaua'i County Planning Commission in April 2014, which is a Kōloa water bottling company. David Henkin was the attorney that successfully litigated this case. I strongly urge you Councilmembers, the public, and our viewing audience to educate yourselves about public trust principles. Google Kaua'i Springs, Inc. vs. Kaua'i County Planning Commission. Talk to your family, friends, and neighbors about public trust concepts. I have discussed public trust about all of my *hula* sisters. Get this information out into all of the *hālau*. If you belong to a church or community group, get it in the pulpit. People have to start talking about public trust because those are the guiding principles of the protections of our waters.

Council Chair Rapozo: Your time is up.

Ms. Goodwin: Is up?

Council Chair Rapozo: Yes.

Ms. Goodwin: Oh, well, I have something really important to say. Do I think I can use one (1) more minute? What?

Council Chair Rapozo: I am sorry.

Ms. Goodwin: Can I have another minute to say what I need to say?

Councilmember Chock: Council Chair Rapozo, she can turn in her written testimony.

Council Chair Rapozo: You can turn in the written testimony.

Ms. Goodwin: After the Supreme Court decision...

Council Chair Rapozo: Ma'am.

Ms. Goodwin: ...Attorney Henkin came here to speak to the...

Council Chair Rapozo: Ma'am, I have to stop you there because we have forty (40) people who signed up to speak, and I cannot give everybody one (1) extra minute.

Ms. Goodwin: Okay.

Council Chair Rapozo: I apologize.

Ms. Goodwin: Okay.

Council Chair Rapozo: But we do want a copy of your testimony.

Ms. Goodwin: Okay.

Council Chair Rapozo: If you can give it to our staff, we can make copies of it.

Ms. Goodwin: Actually, it is just all written, *kapakahi*.

Council Chair Rapozo: That is fine.

Ms. Goodwin: Can I put it down nicely and bring it in?

Council Chair Rapozo: It is your preference.

Ms. Goodwin: Thank you.

Council Chair Rapozo: Thank you.

Ms. Goodwin: Get the word out, public trust.

Council Chair Rapozo: I am sorry. We have to take a caption break right now. We have to do this every two (2) hours for our captioner so she can go to the bathroom. Be back in ten (10) minutes.

There being no objections, the meeting recessed at 11:45 a.m.

The meeting reconvened at 11:57 a.m., and proceeded as follows:

(Councilmembers Brun and Yukimura were noted as not present. Councilmember Kawakami was noted as excused.)

Council Chair Rapozo: If you could just state your name for the record and proceed.

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

MARC ANDRE GAGNON: *Aloha.* Good morning, Marc Andre Gagnon. I have lived on Kaua'i for thirty-one (31) years, and I have witnessed Kaua'i living in balance as a community, in harmony with nature, and not really having too many traffic issues. Some of my main concerns are just the waste, if we could somehow increase our recycling programs. I think that could be done quite easily. I know in the North Shore it is challenging. Sometimes there is an intermittent facility that

shows up, Reynolds Recycling, and then they are not there. Maybe the funding is not there. But the willingness to recycle and protect our environment for our future *keiki* is really imperative. I have been to the Kekaha landfill. I do not know if you gentlemen have been out there recently, but it is a serious problem. How can we reduce that impact? I know that we import probably eighty percent (80%) of our food. When I first moved here, agriculture was a much bigger industry.

(Councilmember Yukimura was noted as present.)

Mr. Gagnon: How can we preserve our agricultural lands and how can we create more of an agricultural society again, a community, instead of the gentrification of what is happening with our lands through the tourism. It is just that somehow, it is a natural evolution, but how can we create value added products? How can we create more lucrative agricultural products? Super food is a huge industry. I know that there are farmers here growing turmeric and it is quite lucrative. There are things that we can encourage through experimentation and through pilot programs to get people back in the fields and growing and making a viable living at it. I think there is potential there, a lot of potential. We just have to educate ourselves in how to do that. Also, I am a contractor builder. Just seeing the cost of per square foot and how that has gone up. How can we create affordable homes for our kids so that they do not have to leave? That is some of the hardest things I have seen that people come here, people that come here, we create bonds with them, we fall in love with them, extended family, and they cannot afford to live here. They have to leave and then we have to go visit them and freeze our *'ōkole* off. Anyways, how can we create affordable housing? I think one (1) way would be to promote this whole idea of tiny homes; reduce, reuse, recycle, and create smaller homes that are affordable and being open to the zoning for that. Maybe just setting up pilot programs so that we are not tied to it legally, but it is just a pilot program so that way we can all work together and create these changes. I just hope that our interaction with you can be positive and supportive, and that we can work with a sense of transparency. I know a lot of times your folks' hands are tied from the State. I am just looking for solutions where we can co-create. Thank you for your time. *Aloha.*

Council Chair Rapozo: Thank you very much.

SONIA SONG: Hi, my name is Sonia Song. I am a Kapa'a resident, a Court Mediator, and a Judiciary Self-Help Center Volunteer staff. I was very happy to hear that during the process of the drafting of the General Plan, some of the best practices were considered from other parts. But many of them were from the mainland and I just recently learned that some community members have done an excellent job in the research and they have developed a chart of fifteen (15) island communities, good practice and bad examples...

(Councilmember Brun was noted as present.)

(Councilmember Kagawa was noted as not present.)

Ms. Song: ...and how do adapt that into Kaua'i's situation and where are the resources or the source of their research. I think this is

very informative and educational. I wondered whether the Councilmembers and the Planning Department people are humble enough and willing to attend. If there is a community presentation workshop to share the success stories and the lessons learned from other islands and communities in terms of traffic controls, rental units, and tourist restrictions, not by violating their Constitutional rights, but by economic means. Are you willing to attend that so we can educate ourselves, know what is working, what is not working, and what the needs be included in the General Plan? Also, I think sometimes it is necessary to engage outside consultants in the process. But on our island, we have so many talent and expertise, so I think attention should be paid to the local talents to work with the consultants. It reminds me of a Chinese saying that some people believe that only Monks from other temples know how to read the scripts. But I think that in our community, the Council, the citizens, and the community members know what will be good and what will work for our community to safeguard the quality of life of our community. Lastly, I think that the General Plan may spend more attention or effort to address how to preserve and restore our host and Native Hawaiian culture. Thank you.

Council Chair Rapozo: Thank you.

ELIZABETH DIAMOND: Hello. My name is Elizabeth. I live in Wailua. I have been told that because I am white I do not have any right to speak about what happens on Kaua'i, but I am a human being and I thank you for the opportunity to express myself. You have a hard job ahead of you. I acknowledge that. Your community has entrusted you to make decisions that protect Kaua'i and her inhabitants. Let us be clear, we who are your community are also your employers. It is important that you understand that you are now under a job review. You have repeatedly been given valuable information by brilliant and educated people who have spent a great deal of personal time gathering information in order to help you make the decisions that will make Kaua'i the best she can be. We do not need to reinvent the wheel. There are models available to us, but you seem to be unwilling to pay attention and act on our excellent advice. You apparently are much more willing to listen to the voices of big development, multi-million dollar corporations' intent on poisoning our island, the military who pays next to nothing for the privilege of having a base here, and the tourism industry that conveniently claims that they are the only way for people to have jobs here. We need for you to be warriors for Kaua'i. Stand beside the many people who declare Kaua'i will not become another ruined paradise. If you are unable or unwilling to fulfill the duties required as Kaua'i's protectors, then we are willing to replace you with Councilmembers, Mayors, Governors, et cetera who remember that water is sacred. Air, earth, humans, animals, and plants are sacred and made by our creator. It must be protected and cared for, not abused, taken for granted, and sold to the highest bidder.

(Councilmembers Kagawa and Kawakami were noted as present.)

Ms. Diamond: We need employees who will be passionate about creating a vibrant, healthy, and prosperous island for generations to come. Do not be wishy-washy and small-minded. Think outside of the box. Do not be practitioners of nepotism and favoritism. Would you rather not be heroes? Polluting the land and water with poison is unacceptable. Sky high rent and unreachable

homeownership is unacceptable. Not making things right for the *kanaka maoli* and the host culture is not acceptable. Diverting precious resource, our organic farmers, is unacceptable. Forty-two percent (42%) increase in airline flights is unacceptable.

Council Chair Rapozo: Ma'am.

Ms. Diamond: And so on. Thank you for doing the right thing. *Mahalo* and *malama 'āina*.

Council Chair Rapozo: Thank you.

Council Chair Rapozo: I am going can ask you folks once again, please no applaud or no jeering or cheering. Again, if you folks want to symbolize your applause, just do the air symbol. Thank you. I appreciate that. Go ahead.

BRIDGET HAMMERQUIST: Good afternoon. My name is Bridget Hammerquist. I am pleased to have an opportunity to make a comment. The thing I would just offer today is after reading the plan, unfortunately, I think that the initial premises should be looking at the foundational suppositions that were adopted by the Planners that worked on it. I heard with interest, that they learned from one of their consultants and statisticians, and were able to confirm that the growth rate was one point seven percent (1.7%) since 2000 up until now. But they then lowered it and used the figure of one point one percent (1.1%) going forward for the next twenty (20) years. There was no basis given for that deviation from what has been experienced. I found that to be a trend throughout the plan. The plan is only as good as the foundational suppositions that you start with, and if they are not going to rely on historic information, the plan becomes untrustworthy. It is also a very general document. It is intended to be a guide, but it has become so general and so euphemistic, that I do not know that it can guide anything in any particular way because it is way too general. It is too long. It is cumbersome. I am quite certain that if the Planning Department were given direction to stay with actual data and forecast for with some reasonable modicum of growth, which is the normal, which is what is being experienced and has been experienced on the island, we could come up with a better General Plan that actually could serve as a guideline. It needs guidance on water, it needs guidance on growth, it needs guidance on waste, and it needs guidance on drainage. There is no guidance to the County of important necessity of identifying our resources and identify patterns of drainage before permits are issued anywhere for anymore growth. There has to be some clear measure of what the infrastructure will allow, and I do not see that in this plan. I thank you. I also do not think that the plan is good in that it supports certain landowners who are being recognized in the plan for development, like the one thousand one hundred (1,100) unit development that is going to go into our community in Kōloa where I was raised on just one (1) particular person's land, a location that is not permitted yet, not approved, and not environmentally researched. That could be stated that maybe the community could use one thousand one hundred (1,100) units, but everybody should be able to put in for the application, not just one (1) landowner on one (1) corner, heavy concentration with heavy traffic. Congestion is already there. Thank you for your time.

Council Chair Rapozo: Thank you very much.

KARIN MEDIGOVICH: Hi. My name is Karin Medigovich. It is great to see you all. Thank you for this long, arduous day of listening. So many great things were said, so I am going to try not to repeat, but I do want to reiterate what I think is important and say a couple of missing parts. The Lehua Island drop may not have anything to do with us in this County, but everybody needs to know that a lot of poison was dropped on Lehua Island to get rid of some rats, and we have dead fish today and yesterday. It is showing up. That was not supposed to happen. We do things to try to make things better, and a lot of times we make things worse. We have a forest that just burned in Oregon. That was my home. I have only been here eight (8) years. It is not a forest that will not be replaced in any of our lifetimes. There are so many mistakes that can be made, right? We know it. Let us not do anything unless we know what to do. One of the things I would like to see is again, more pilot programs for garage and the dump. We need to be reusing, reusing, and reusing. We need to get rid of Styrofoam. Let us all get over it. I know it is a cultural thing we have. We like to box your lunches. We are going to have to carry our own boxes. We are going to have to change the laws so that people are allowed to put food in their box that they brought from home. We are going to have to do that. This has to stop. There is too much Styrofoam. We have to stop with the poison that we are using, that people are using for profit. A lot of the Lehua Island drop was because of the people that wanted to sell that poison and drop it. That has to be a big part of it. I want to comment on that this being a kind of top-down plan as was said. That is a mistake. Today, I left Hanapēpē, where I live now and have been there only two (2) years. In the valley there were four (4) or five (5) policemen and their cars. They were tagging all of a local Hawaiian man's property. It is a junkyard. It is his house and it is a junkyard. We all know if we know Hanapēpē, that there is a lot of that going on there, right, and I am a part of apparently the gentrification. I do not feel good about it. There is this man who has all of these trucks and junkyard things, and it needed to be removed because the people cannot ride the bus. The kids cannot get on the bus in the morning because his things are all over. This is just my neighborhood. I am pretty sure everybody has got this going on. What can we do for the Hawaiians that have land, the social work component? How can we address them? We do not need to be citing them and making things worse. We have to figure out how to deal with some of the problems that are in front of us. This needs to be a bottom-up plan, not a top-down plan. I think you all know.

Council Chair Rapozo: Thank you.

Ms. Medigovich: Thank you so much for your time. I hope I said something you have not heard.

Council Chair Rapozo: Thank you very much.

KAMUELA HEPA: *Aloha*, ladies and gentlemen.

Council Chair Rapozo: *Aloha*.

Mr. Hepa: My name is Kamuela Hepa. I live in Wailua *nui ahuanu*. To make one (1) thing clear, no State or no County has any proper jurisdiction or any jurisdiction on land issues or land titles. This is law. This is under the Kingdom and it has already been spoken earlier. I am going to briefly go over something quick with the little time that I have. It was stated that the Royal Patents are the original source of title and are for the substance of the Hawaiian people. There is no adversity of Royal Patent (RP) or Land Commission Award (LCA), nor is quiet titles of quick claims applicable to Royal Patent lands. Basically, all of the buildings, including this building that we are in today, is under Queen Victoria Kamamalu's Royal Patent. Who gave the authorization to even use her patent? That is another law been broken and it called "identity theft, theft by identity." There is a lot of *hewa*, a lot of wrong, that had happened. I believe that you folks have that ability and it is in your folks' job description, title, and Oath of Office, to do what is right and *pono*. Now, I believe in each and every one of you folks that has been put at these desks in this office to do what is right for previous things that you did that was *pololei*, correct. Do you know what I mean? We live in a time difference that is now from then. Now, we have better opportunities. We have a lot of opportunities nowadays to make something wrong or maybe a blur in Hawaiian history, to make something *pono*, which is right today. I am here today to give my little *mana'o* and my biggest *aloha* to each and every one of you folks. This is a lot of things that even your folks' description of your job. You folks do not even have the clear title. You need to go to the people with the papers, the owners of these lands, and yet people are going to say, "What about the cost of taxes?" I am sorry. These are the people that were getting paid the tax, too. Nobody else has that privilege, nobody has that honor, and no one has that right to do any agreements or any signing, but the real people of the real landowners. That is simple and short. Thank you each and every one of you for your folk's time today. *Mahalo nui* for your eye contact and letting me know that you folks are really paying attention. Thank you so much. I will see some of you folks out in the water surfing. *Aloha*.

BRENDA GOMEZ: Good afternoon, I think at this point, right? My name is Brenda Gomez. Just to let you know, my placement here on Kaua'i, I know some of you. I supported you through the election, just to let you know. My cousins have served well on Council. My first cousins are Bryan Baptiste and Marilyn Gomez-Wong from Hanalei side. My issue here with you today is homeless Hawaiian families. I am not talking to you about homeless Hawaiian individuals. I am talking to you about whole families. I am a substitute teacher, I see the kids in the school, and what I am seeing is just not *pono*.

(Councilmember Yukimura was noted as not present.)

Ms. Gomez: My relatives said when Hawai'i became a State, they had a *lū'au* in O'ahu. I was nine (9) years old and they had a *lū'au* in O'ahu that lasted a whole week. Everybody was not happy about Hawai'i becoming a State, but they wanted a *lū'au*. The thing is nobody thought, everybody knew things were going to change in the islands. No one thought they would see as many, no one thought Hawaiians would become homeless as whole families, and that is what I am seeing, the children. Look, I see the heads going like this. We need to do something about this. This is Hawai'i. These are Hawaiian children. These children have no

self-confidence, no self-esteem, and they are being bullied in schools. When the other kids find out they are homeless, the kids literally bully them and tease them. One (1) kid got kicked out of one of the schools here in Līhu‘e. Did the kid who bullied that kid get kicked out? No. But the kid that got—well, the reason why is because it was a big Hawaiian girl, it was boy was bullying her, and she literally cleaned his clock.

(Councilmember Yukimura was noted as present.)

Ms. Gomez: He is not from Hawai‘i. He is from the mainland and he is bullying this young Hawaiian girl. There is something that has to be done about this. It is just not right. When people say to other people, “Oh, he is homeless,” the first thing that comes to my mind is drugs. When people say, “That child is homeless,” the first thing that comes to my mind is, “I wonder if the parents are on drugs.” The parents are not on drugs. It is called statehood. What statehood brought to us was poverty amongst the Native Hawaiians. There are a lot of Native Hawaiians that are living hand to mouth and working three (3) jobs, one (1) individual working three (3) jobs. If they lose the job or if something wrong happens in the family, they become homeless. These are people living in cars. These are children living in cars. They are growing up in cars. These are Hawaiian kids. This is Hawai‘i. This land belongs to Hawaiians. Everybody else came in after statehood. But I am just telling you, at nine (9) years old, I saw this. My uncle is coming up to us, never ever though—okay, I see my red light. It means I am *pau*. Anyway, what I would like to see happen is that homelessness among Native Hawaiians be given a bigger opportunity to get back on their feet. I tutor Hawaiian kids.

Council Chair Rapozo: Ma’am.

Ms. Gomez: Okay, I am *pau*.

Council Chair Rapozo: Thank you.

TAJ JURE: *Aloha*. My name is Taj Jure and I have been here for thirty-two (32) years. I was a business owner in Hanelei for twenty-two (22) of those years. I would like to thank and commend the Planning Department staff and all of the people who spent so much time and energy in producing this draft General Plan.

Council Chair Rapozo: We will start you over.

Ms. Jure: Do I have to start all the way over?

Council Chair Rapozo: We got your name.

Ms. Jure: Okay. I know this was an enormous task and I still feel that it is not complete at this point and needs more work to fulfill the needs of the people. The plan in the state that it is now, is not the General Plan that I want Kaua‘i to move forward into. I am going to quote a few things as I make my point, but the plan says, “Growth is projected to continue to increase throughout the next twenty (20) years at a rate of one percent (1%) a year.” We know this information is

outdated and misinformed. The data and predictions in regards to visitor numbers are inaccurate. If this is so, how can "The General Plan set in place a vision, policy, objectives, and actions to guide County decision-making?" The plan also says, "Both natural increase in immigration cause growth, but the data also reveals a large outmigration of those born and raised here." Today, Kaua'i is at a juncture where we can either adequately plan for a future that can accommodate those who are born and raised on the island, or we can continue to see the efflux of our *kama'aina* leaving for a more feasible life away from home. I have three (3) kids that were born and raised here. I believe for this to happen, our children have to be able to stay on the island. We need slow growth, and I do not see a framework for how to manage growth in this General Plan. This is a same issue we were dealing with twenty (20) years ago. I know you have heard this over and over, but it is the same issue. How are our children going to afford to live here? The cost of property keeps rising and expensive development seems to be the priority instead of housing projects that stay affordable. They start affordable, but they do not stay affordable. We have let tourism be our main focus, as everyone has said before me. One can see that the plan accommodates building more visitor rooms, and the plan shows that we will be losing valuable agricultural land to development. This is land that will never be regained. The plan is not addressing the housing that will be needed for the workers that will maintain these visitor rooms, restaurants, and shops that have to accommodate the tourists. I as part of the North Shore Business Council twenty (20) years ago when we are giving our feedback about the 2000 General Plan. The same issues have still not been solved. I do not see a solution in this draft. Those issues are again, traffic in Kapa'a, Hanalei, and now the highway from Po'ipū into Līhu'e. With more visitors, come more rental cars on our roadways. When we were meeting about the 2000 plan, one of the most important issues for us small business people was too much business and not having the manpower to serve all of the visitors. Also, where would these employees we were going hire because it was going to be peak tourist times of July and August, twelve (12) months a year, where would they live on the North Shore where rents were so high? Ten (10) years ago, many North Shore employees were driving in from Kapa'a, and now more employees are driving in from Kapa'a. What are we going about that? Thank you so much.

Council Chair Rapozo:
the lunch break.

Thank you. We will take two (2) more before

JOE ROSA: Good morning. For the record, Joe Rosa. First things first, we need more infrastructure built first. What the Planning Department have is a cart, but they do not have the horse to pull the cart. You are blaming the tourists. Tourists, yes. But the tourists are not on the highways from 9:00 a.m. All of this traffic congestion is where we do not have enough alternate routes. The other day, I was sitting out right here in Līhu'e right near the 76 gas station where the old lube service was. They have so many vehicles that do not belong driving through the town because there is no alternate route. All of those two (2) ton trucks and everything are slowing down the traffic. We need alternate routes. I do not see anything planned in what they have. In 1984 before I retired, I paved the road wide enough to make the contraflow, and they still have the contraflow. They said it was temporary, but it was a Band-Aid job just to ease the traffic in the morning and in the afternoon. So something has to be worked and be realistic to the fact that

we need to do things that deserves the first choice. We need alternate routes. None of the corridors from the plan from 1950 when I started work, were ever executed. Something that was started ended up using Honolulu in the Kailua/Kāneʻohe sewer system. So tell me who is sleeping. The Department of Transportation (DOT) is not even present in this kind of planning things with the County here. It is high time that they work together. Like I said, why not connect the end of Maʻalo Road to Kamalu Road, a distance of a mile and a half with one (1) structure to be built across the river and then people in the Wailua Homestead area can come into Līhuʻe in five (5) minutes instead of taking forty-five (45) minutes coming around. There are a lot of things. Talk is cheap, but let us be realistic to the fact that we have problems and priorities to be done before you do other things. I worked thirty-six (36) years with DOT and it took thirty-four (34) years to build the Kapule Highway, which was not complete completed. It ended up on Rice Street. We were supposed to have to continue right across to go to Nāwiliwili Road and then come out by Chiefess Kamakahelei Middle School so that the west side people coming and going to the airport can go straight to the airport instead of coming in through Līhuʻe town to Ahukini Road and all of that. All of that has caused time, and time is a factor that is causing all of the problems we have today. The early engineers that we had seen the future that we needed alternate routes. Kapule Highway was on the plan and the *mauka*...

Council Chair Rapozo: Joe, your time.

Mr. Rosa: Okay. So that is what I mean to say. I would recommend that you look into alternate routes before you do anything else. Thank you.

Council Chair Rapozo: Thank you.

NOA MAU-ESPIRITO: *Aloha*. My name is Noa Mau-Espirito. I am a lineal descendant of King Kaumualiʻi by way of bloodline. I currently live on my family's ancestral lands, Royal Patent 6020, Land Commission Award 3561, Wailua *ahupuaʻa*. I want to notify the Kauaʻi County Council that there is a defect in title in all commercial and residential properties in the Hawaiian islands, and that the Royal Patent allotted families of each *ahupuaʻa* are still alive today and exist. You folks need to start consulting with us and working with the families of each *ahupuaʻa*. I know you folks know because Land Management gave me this book that every *ahupuaʻa* on this island with the boundaries of all of the families. So I know you folks know what I am talking about. Furthermore, (inaudible), the abstract for the State of Hawaiʻi has already stated that Royal Patents are an original source of title. Over here is about land. Anything to do with land is interest in title. If you folks want to do things with land, you come through the families who has the interest in the title. Unless you folks show bloodline to the heirs, successors, or Native tenants, you folks do not have interests or say, really. I would like to see you folks within the next twenty (20) years, start consulting with us and uphold laws of occupation, which is why you folks revised the Hawaiian Kingdom laws into the Hawaiʻi Revised Statutes. You folks have to do that. That is how you folks got your foot in the door. If you folks want to stay here and the way you administer Hawaiian Kingdom laws. Do not get caught up with the plans that you folks have because you have to go through who

owns the lands by bloodline. If the Kaua'i County fails to consult and work with the Royal Patent families, it is indirect violation of the supreme laws of the land and laws of occupation. The remedy to this situation already exists through the illegal Royal Patent Land Commission Award purchases. The remedy is in all Warranty Deed Contracts Sections 9 and 10. That is why you purchase title insurance in Hawai'i. Everybody had to file a claim with their title insurance company who has land that is someone else's. Basically what I want to see is you folks stop selling LCA *kuleana* lands and start consulting with the families in each *ahupua'a* because if not, we will be occupying all of these lands and we are in the process of it right now. To save everybody trouble, it is better for you folks to sit at the table with us because we are in plans to take back our lands that we own by bloodline interests. In the next twenty (20) years, communication with us, please. *Aloha*.

Council Chair Rapozo: Thank you very much.

Mr. Mau-Espirito: Thank you.

JERI DIPIETRO: *Mahalo* Council.

Council Chair Rapozo: Just so that the public knows, you will be the last one. I think I said two (2), but we will go with and then we will take our lunch break. We will be back in an hour from then. You can proceed.

Ms. Dipietro: Council Chair Rapozo, if you could please take one (1) more, that would be great. Thank you very much for taking us who cannot come back. *Aloha* Council, Planning Committee, and to all of the testifiers here today. With no offense intended to the Planning team, I know the women worked really hard. Many see this plan does not honor nor reflect the public process. My name is Jeri Dipietro. I am the President of the Kōloa Community Association. After the many South Shore charrettes, we feel input by the public is not totally included. The many post-its are just not there, things as simple as a crosswalk from Weliweli to Po'ipū Beach are not in the implementation. While in 2007 our landmark Monkey Pod trees were destroyed and our dear Louie Abrams assured me that when we got to the General Plan, we would be able to down zone parcels. I do not see anything but upzoning. Kōloa and Po'ipū still needs a regional sewer treatment plant. The Kilohana plant is at capacity and we do not want an endless amount of small plants. There is no reference to drainage, as Mr. Rosa said earlier today. After hours of planning, we were able to overcome the need to expand the Tree Tunnel, Maluhia, to a four (4) lane traffic method by including quick fixes in the original Charlier plan. But contrary to the plan, for example, is the required workforce housing that was approved on the cane road on Po'ipū Road, which is considered a lateral access in the transportation plan. They have situated this right on the road. Being an economic engine for the County, it is in everyone's best interest to preserve the rural experience for residents and visitors. In the South Shore Community Plan, we did not account for previously permitted projects. We already have Kukui'ula, Wailani, Puakea, and Po'ipū 'Āna, to name a few without transportation improvements. We do need sunset clauses on the permits that are granted. At one point, we presented to Mayor Bryan Baptiste, an agreement that the developers would pay their fair share, but it was rejected even though the developers had signed on. We do need access areas for local

food production in each *ahupua'a*. This plan is no way to manage paradise as it sits now. We have done an exceptionally well job implementing solar, but we can do much better with the plan by fixing our development. We can do better and we must. Time is truly wasting. There is no guarantee, so let us control what we can control. *Mahalo*.

Council Chair Rapozo: Thank you. With that, we will take our lunch break and we will be back at 1:35 p.m.

There being no objections, the meeting recessed at 12:34 p.m.

The meeting reconvened at 1:36 p.m., and proceeded as follows:

(Councilmembers Brun, Kawakami, and Yukimura were noted as not present.)

Council Chair Rapozo: The rules will be suspended and we will proceed with the list of registered speakers.

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

SCOTT K. SATO, Deputy County Clerk: The first speaker is John Moore, followed by Anne Thurston.

JOHN MOORE: Hi, my name is John Moore. I am Director of the Hawaiian Sustainability Foundation, currently. I have been in policy development for over thirty (30) years. I have been living full-time on Kaua'i for almost seventeen (17) years. I am here today to represent the Community Coalition of Kaua'i, formerly known as the Kaua'i Community Coalition. About a year and a half ago, we were going to all of the Planning Department meetings and a bunch of us began to recognize each other as the same people showing up at every meeting. So we had the idea that oh, we should get the neighborhood associations involved. We contacted all nine (9) of the neighborhood associations and invited them to a meeting, so leaders and representatives of all of the neighborhood associations showed up. We wanted to see if the neighborhood associations wanted to work together, from Kekaha to Hanalei. Would they even agree on anything to work together for a more cohesive General Plan? What we found is that there was mostly common concerns about Kaua'i and they voted to work together. Out of that commitment to work together, it has grown the community association of Kaua'i, cckauai.org. What we found is that the major concerns is what you already know; affordable housing, traffic, and too many tourists. What we have been bringing up, we have submitted hundreds of pages of testimony to the Planning Department and the Planning Commission, and many of you have met with us or different representatives. What we find is that we have a philosophical difference from the Planning Department's approach. They are brilliant and we are happy to work with them. They are really brilliant, but we have a philosophical difference in the approach that we should take. What we find it that you, as the Councilmembers representing Kaua'i, are in a very unique situation. This is not just a County government or a County business. This is an island *'ohana*. This is an island. So if we are going make a plan for the future of our island, the plan has to include everything.

(Councilmember Yukimura was noted as present.)

Mr. Moore: It has to include education, health care, and State issues. It cannot be, "Oh, we do not have jurisdiction, so we cannot think about that." If we do not provide the direction, the State and Federal government will do whatever they want. We were having a short discussion earlier that if there is a will to make changes, we can do that. So you will hear a lot from us over the next few months, but I just wanted to introduce myself and let you know that the Community Coalition of Kaua'i will be calling you individually and will be meeting with you regularly. Thank you.

Mr. Sato: The next speaker is Anne Thurston, followed by Gabriela Taylor.

ANNE THURSTON: Good afternoon. Mine is very short. I just wanted to give you an update on a couple of things. Anne Thurston. Thank you. I just wanted to give you a little update on some of the activities that the Community Coalition of Kaua'i is working on. As you have heard, there is a lot of concern that although the consultation process has been pretty thorough, we do not feel confident in the conclusions that have been drawn. We have prepared a card summarizing at a very high-level, our concerns about the General Plan, and we have printed five thousand (5,000) copies. We are in the process of distributing the card around the island to build awareness of the need to "fix the plan." We have also created a petition, both online and in hard copy, and we have now have close to one thousand (1,000) signatures, but we have only really been working on this a short time, so I think the number will go up enormously. So that is all I really wanted to say, just that the petition is coming along well and we think that there is a need for real consultation at a different level. Thank you.

Council Chair Rapozo: Thank you.

Mr. Sato: The next speaker is Gabriela Taylor, followed by Sandra Herndon.

GABRIELA TAYLOR: Good afternoon, Council Chair Rapozo and Members. My name is Gabriela Taylor. I have lived on Kaua'i for forty-four (44) years. I have to put my glasses on, sorry. I am still in love with the island and its community. At first, it was nature, what I call the soul of Kaua'i, that drew me here. Then, it became the vibrant Hawaiian community, the culture, the heart of Kaua'i, and its people that embraced me with *aloha*. So I have been testifying for the last year and a half, and it is because I have a passion and a love for this island. I see that we are headed to disaster, in my mind, with overpopulation, traffic, and so forth and so on. I am here today to speak to you today about the threats to this truly unique island and its lifestyle, which is being harmed by unleashed growth. As have hundreds of other residents, I have spent almost two (2) years testifying before the Planning Department and Commission with the hope that the General Plan update would address both population and tourism overgrowth and how that not only affects traffic and the natural environment, but our very lifestyle as well. There are other island communities have successfully made changes to manage growth and save

nature. Let us learn from them. I am calling it now the General Plan Draft (GPD), so I do not have to say the whole words. Sadly, the GPD does not fulfill that goal. Yes, it does mention nature and acknowledges the overwhelming traffic congestion not only in Kapa'a and Wailua. However much of the GPD is vague. It lacks solid solutions as well as implementation plans to shape the future of Kaua'i in a sustainable way. There are no teeth in the document. Anne Walton, a professional planner, consulted with the Planning Department to offer free advice over the many months, including a detailed implementation plan. Sadly, that input was not incorporated into the GPD. The truth is that the hundreds of people who testified with well-thought out suggestions for Kaua'i's future were largely ignored. Councilmembers, I implore you to send the GPD back to the Planning Department for amendment and overhaul. We want community involvement to be taken seriously and to be included in the revision. I am asking you to support this request to make the General Plan update a plan that is designed to lead to a sustainable future for Kaua'i in 2035 that we can be proud of. Now, I want to add something on to this very quickly through hearing Director Dahilig's comments. I think that the idea of managing growth is different between what he said, what is in the plan, and what I feel. I think...

Council Chair Rapozo: It sounds like you have a few more sentences.

Ms. Taylor: No, I just have another sentence to say. That is all.

Council Chair Rapozo: Okay. Go ahead with your sentence.

Ms. Taylor: What I would say is what we have to look at is the population projections for 2035 and then plan the future.

Council Chair Rapozo: Okay. Thank you.

Ms. Taylor: I think the way that the Department has been doing it is looking at the details and not looking at what we want to see on Kaua'i in 2035. What is the end product? What are the goals?

Council Chair Rapozo: Okay, I have to stop you.

Ms. Taylor: Okay, I am stopping.

Councilmember Yukimura: I have one (1) question.

Council Chair Rapozo: Go ahead, Councilmember Yukimura.

Ms. Taylor: Thank you very much.

Councilmember Yukimura: Gabriela, I have a one (1) question, please.

Council Chair Rapozo: Hang on.

Ms. Taylor: Yes.

Councilmember Yukimura: What makes you think that if we send the plan back, that it will come back any different?

Ms. Taylor: Well, I have a question about that, of course. But what I am asking for is more community involvement and not just the Planning Department, but getting us involved again and getting our suggestions or using the ones that we had before. There are tons of testimony. I do not know. I guess I just pray for it. That is all.

Councilmember Yukimura: Okay.

Ms. Taylor: I pray that they would do that.

Councilmember Yukimura: Thank you.

Ms. Taylor: And not ignore us.

Council Chair Rapozo: Thank you.

Ms. Taylor: You are welcome.

Mr. Sato: The next speaker is Sandra Herndon, followed by Mahana Dunn.

Council Chair Rapozo: Is Sandra here? Next.

Mr. Sato: Mahana Dunn, followed by Lonnie Sykos.

MAHANA DUNN: *Aloha* honorable Councilmembers, Hawai'i officials, citizens, and esteemed *kūpuna* of Kaua'i. I love Kaua'i, our island home. My name is Mahana Dunn. I am the founder of a nonprofit, Indigo Foundation of Hawai'i, since 2007. I love Kaua'i, our beautiful island home, with all my heart and soul. I moved to the Garden Island in 1994 and I love this island as I do my own mother. We must protect what we love. We, the people of Kaua'i, have the power to be a shining light and an example to the rest of the planet. We have the ability to show our fellow earthlings how to live in harmony, sustainably, and being actual examples of living *aloha*. We all know that Kaua'i is the most remote place on earth. Why are we importing resources from war-torn countries shipped across the globe at exorbitant prices? We have an abundance of sunshine, wind, waves, and fertile ground right here. We have the modern technology to make the sustainable dream happen for us all. Two hundred (200) years ago, this very island had two hundred thousand (200,000) people living sustainably in harmony with the land and with each other. Why are we importing ninety percent (90%) of our food when almost all of it can be grown here on our home soil? Why are we allowing the chemical companies to dictate a poisonous future when we all we truly want is clean air, clean water, and a healthy future for our great-grandchildren? The time is now to implement the ancient Hawaiian principles of integral living. We must take care of our *keiki* and our *kūpuna*,

showing the world what a loving community looks like. The time is now to return to the brilliance of the ancient *ahupua'a* system as established by the Native Hawaiians where each ecosystem is in health and harmony from *mauka* to *makai*. We are the ones that we have been waiting for. We are the change. For the rest of my days and beyond, I will always serve, honor, cherish, and protect what I love, Kaua'i and all her people. *Ua mau ke ea o ka 'āina i ka pono*, the life of the land is perpetuated in righteousness. Thank you for listening, and thank you for being the good future of Kaua'i. *Aloha*.

Council Chair Rapozo: Thank you.

Ms. Fountain-Tanigawa: The next speaker is Lisa Breen, followed by Annette Oda.

Council Chair Rapozo: Lisa? Annette? Next.

Ms. Fountain-Tanigawa: Punohu...

Council Chair Rapozo: Who?

Ms. Fountain-Tanigawa: Punohu Kekauaulua.

Council Chair Rapozo: Punohu? No. Next.

Ms. Fountain-Tanigawa: Greg Crowe.

Council Chair Rapozo: Greg.

GREG CROWE: Thank you. *Aloha*. My name is Greg Crowe. I first moved to Kaua'i almost thirty (30) years ago. I have lived on all parts of the island. The only time I was taken away is when I had to care for aging parents, but I could not find affordable housing for them here. So this is both a personal and professional opinion that I am giving here. I have participated in several of the efforts with the Affordable Housing Advisory Committee that first chaired by Councilmember Yukimura. I learned a lot from a lot of great people on that Committee, about the complexities of the problems and also continuing with what Councilmember Brun is trying to do now. I have also testified at the Planning Commission extensively during the General Plan update process and attended many related meetings to that and had lots of discussions. I also have relative professional background in that I ran a small family real estate build and construction business in a semirural area that had similar problems to Kaua'i. That was when my father got ill and I had to take over the business. Also, in my professional career, I ran an extensive in-house consulting arm to solve highly complex issues in a rapid and cost-effective way that involved tens of millions dollars projects. I would like to offer that background and experiences as help for the problems facing Kaua'i now. To capsulize my testimony today into one (1) really short soundbite for a motion for the Council, it might be to fix the plan and send it back to the Planning staff with a new mandate. The current draft of the General Plan has many great ideas, but it lacks a comprehensive prioritized implementation plan to accomplish any particular goal.

Failing to plan is planning to fail. The old General Plan from 2000 also had many good ideas, but it also lacked an implementation plan. That lack of planning action and lack of proven implementation strategies resulted in a lack of achieving many important goals that were beautifully described in the 2000 General Plan. Taking the case of affordable housing, which was a major and high priority concern in 2000, Kaua'i actually lost affordable housing stock since 2000 instead of gaining affordable housing. That is a lack of planning and a lack of corrective actions. Failing to plan with effective actions is planning to fail, and doing the same thing over and over again and expecting a different result is often cited as the definition of "insanity." I do not think the current General Plan is insanity. It has many good ideas, but it has significant missing pieces, issues that have been ignored and most importantly, the lack of implementation strategy. Without a system for effective implementation, it does not matter whatever else is or is not in the General Plan. It likely will not get implemented. Please fix the General Plan with a motion to at least send it to a committee for deeper study and recommendations for improvement, or I think better yet, send it back to the expert and professional Planning staff in the Planning Department, but with a new mandate and resources to work with constructive members of community to research and recommend best practices that will rapidly improve and prioritize the list of current crises and severe problems as well as preventing impending problems from being crises, and put the needs of residents first. In short, please mandate for the Planning staff to provide a proactive action plan to economically achieve and improve a sustainable quality of life as defined and desired by the residents of Kaua'i for a large majority of Kaua'i residents. Thank you for your time and attention...

Council Chair Rapozo: Thank you very much.

Mr. Crowe: ...and thoughtful actions to achieve a better Kaua'i.

Council Chair Rapozo: I just saw Lonnie Sykos and Annette Oda walk in, so if we could take them in the order that they signed up.

Ms. Fountain-Tanigawa: Lonnie Sykos, followed by Annette Oda.

LONNIE SYKOS: For the record, Lonnie Sykos. Thank you, Council Chair Rapozo, for the courtesy.

Council Chair Rapozo: You are welcome.

Mr. Sykos: I came today to talk about what I see as a lack of understanding of our financial situation, which is germane to the General Plan because whatever we put in the General Plan, we are eventually going to have to fund. My question is, what is the financial equation that we have with tourism? The answer to this would be best answered by our County Auditor doing an audit of the County's expenses for tourism. First off, congratulations to Mike, Marie, and the rest of the staff for doing what I think is a great job to-date. I say that because normally in communities, they started long ago with General Plans and continually update them. We, unfortunately, started General Plans in the past and then never followed

through. So they are essentially starting from scratch today. They do have some templates from the past, but they are not germane in today's world. So to start from zero (0) and create a General Plan is a huge task. Tip of the hat to them, because I think they have done a wonderful job so far, which is not to say that the plan is acceptable in its current form. But it is a process, and we are in the middle of the process right now. We are told repeatedly, that the County has never been adequately compensated for all of our State expenses, and with the reductions in TAT, our compensation is reduced. We read in the newspaper that the number of tourists are up and the amount of money that they spend is up, but those figures are meaningless because there is no context. I am not sure how it is that buying an airplane ticket is germane to our local economy. When we say the tourists spend x amount of money on their vacation to Kaua'i, the question is how much of that money actually goes into our economy? How much of that money gets recycled on Kaua'i and how much of it simply disappears off-island? We would do well to have an audit and figure out whether or not tourism is a positive cash flow or a negative cash flow. Until we know that, how can we make decisions about how we are going to fund the future?

(Councilmember Brun was noted as present.)

Council Chair Rapozo: Thank you, Lonnie.

Mr. Sykos: Thank you.

Council Chair Rapozo: Thank you very much.

Ms. Fountain-Tanigawa: Annette Oda.

Council Chair Rapozo: Annette.

ANNETTE ODA: I am Annette Oda. Thank you for listening to us. Dear Honorable Councilmembers, this is my understanding and testimony of the twenty (20) year projection Kaua'i County General Plan draft in brief. Number one, I understand that the original intent of the Kaua'i County General Plan is to collectively obtain grassroots needs, wants, and concerns for the next twenty (20) years. There are perspectives from each community on Kaua'i and so far, so good. The Planning Department was in charge of the following: a) they paid thousands of dollars for urban experts living on the mainland urban areas, acting and circulating as rural experts for very rural communities. We cannot compare ourselves to the mainland. It needs to be relevant to our needs. My question was, was it really needed? It sounds like a waste of money and that is shameful. This is clearly insanity, which means doing the same things over and over, but expecting different results. So that is my question. Why do we keep on doing that? Accountability needed. Anyone, no matter who that authorizes the release of funds, should be accountable whether it be individually or departmentally, they need to be accountable for whatever moneys they release. They should have kind of a paper trail so that we know exactly what was spent, why, and how much. The details, deadlines, purpose, et cetera to the communities seem to be unclear. As a result, not all of the communities turned in a plan. The results, no substantial truthful input from the people. Communities had groups of people hand-picked by the Planning Department

to be members of that committee. The people really can do and will do way better than the government for our *‘āina* because we know how. You just have to work and communicate with us. It is that simple. The direction of the newly revised General Plan should be thinking of the big picture for the focus and direction and set parameters for this tiny island we call home. For example, keep Kaua‘i Country and then issues of development is clear, parameters are clear, and maybe possibly a need for a moratorium until we get this all cleaned up and we start in the positive way. A few more things. Sustainability...

Council Chair Rapozo: I have to stop you there. How much more do you have?

Ms. Oda: Three (3) more lines.

Council Chair Rapozo: Read just one (1) more line.

Ms. Oda: Fast kind in less than a minute. Sustainability gets put into perspective, traffic limited controls, and resolutions can be completed. Housing clear-cut visions and parameters. All accomplished without interference of politics, no nonsense, and with integrity. Simple and honest, just no nonsense.

Council Chair Rapozo: Thank you very much.

Ms. Oda: Thank you.

Ms. Fountain-Tanigawa: Jim Edmonds, followed by Steven Carvalho.

Council Chair Rapozo: Jim Edmonds? Steven Carvalho?

Ms. Fountain-Tanigawa: Wayne Souza, followed by Jean Souza.

Council Chair Rapozo: Wayne Souza.

Council Chair Rapozo: Jean had to leave. She said she is going to be back at about 2:30 p.m.

WAYNE SOUZA: Good afternoon. My name is Wayne Souza. I am speaking on behalf of the Hanapēpē/‘Ele‘ele Community Association. We appeal to you to restore the planning boundaries for the Hanapēpē/‘Ele‘ele community that it once had. This would including all of the lands from Wahiawa Gulch to Kalāheo Gulch. This would allow the Hanapēpē/‘Ele‘ele community to have a say in our future land use in the upcoming community plan. The plantation camps in the Wahiawa *ahupua‘a* are historically connected to the Hanapēpē/‘Ele‘ele community. The camp residents shop in Hanapēpē/‘Ele‘ele, they use the medical and dental services in Hanapēpē/‘Ele‘ele, they went to the elementary school in ‘Ele‘ele, they went to Waimea High School like the children in Hanapēpē/‘Ele‘ele, they played baseball for the Hanapēpē/‘Ele‘ele teams, and they voted in ‘Ele‘ele. The 1974 Hanapēpē/‘Ele‘ele

Community Development Plan recognized this connection by including in the planning study area, all of the lands between Kalāheo Gulch and Mahinauli Gulch, which is just east of Pākalā. In the current Planning Commission draft plan, these ten (10) planning district boundaries from the Hanapēpē/‘Ele‘ele community is Wahiawa Gulch rather than Kalāheo Gulch. Changes in our land use of these agricultural lands eastward of Wahiawa Gulch, in part or in whole, could have an undesirable impact on the Hanapēpē/‘Ele‘ele community. Even though we are the ones who would be greatly impacted, we will not have a direct voice on the proposed land use changes east of Wahiawa Gulch, such as the proposed provisional agricultural coastal lands that run eastward beyond Numila. Restoring the eastern planning boundary more or less for the Hanapēpē/‘Ele‘ele community would correct this injustice. Hence, our recommendation that the eastern planning boundary for the Hanapēpē/‘Ele‘ele community be restored to the western rim of Kalāheo Gulch, less Brydeswood and Brydeswood Ranch. Thank you for your attention and consideration of our association’s recommendations.

Council Chair Rapozo: Thank you. Hold on.

Councilmember Brun: I just have a clarifying question. Are you representing the Hanapēpē/‘Ele‘ele Community Association?

Mr. Souza: Yes.

Councilmember Brun: How many members are part of that association?

Mr. Souza: Active members, eight (8) or nine (9), something around there.

Councilmember Brun: Is this the view of the whole community of Hanapēpē/‘Ele‘ele? Do they bring it to you folks and you folks represent everybody?

Mr. Souza: It is really the active members, although we have a broader list that gets the E-mails.

Councilmember Brun: Thank you.

Council Chair Rapozo: Thank you. Next.

Ms. Fountain-Tanigawa: Nina Monasevitch.

Council Chair Rapozo: Nina?

Ms. Fountain-Tanigawa: Debbie Lee-Jackson.

Council Chair Rapozo: Debbie Lee-Jackson? No.

Ms. Fountain-Tanigawa: Judy Dalton.

Council Chair Rapozo: Judy.

JUDY DALTON: *Aloha*, Councilmembers. My name is Judy Dalton, for the record. I am giving testimony for the Sierra Club. There is no doubt that tourism is the mainstay of Kaua'i's economy and that tourism has brought many benefits to Kaua'i. But there is also no doubt that the greatest threat to Kaua'i's character, communities, and quality of life is too much tourism. Given this, it is critical that the General Plan address the key issues of how much tourism is too much tourism. The draft of the General Plan that is before the County Council is grossly deficient. Why does it matter whether or not the General Plan addresses this issue? First, even if there was absolutely no growth of tourism for the next nineteen (19) years, strong measures need to be taken to reduce the current average daily visitor count. The Kaua'i Tourism Strategic Plan update warned that when the visitor count exceeds twenty-five thousand (25,000), that there is a noticeable decline in both of the visitor experience and the residential quality of life. Both residents and data can attest to the fact that this decline is already happening. As Table 3-3 of the Planning Commission draft of the General Plan shows, the average count already exceeds twenty-five thousand (25,000) for a substantial part of the year. In July of 2016, the visitor count was nearly thirty thousand (30,000) per day. But it is quite telling in regards to the General Plan's lack of integrity, that even if the Kaua'i Tourism Strategic Plan update warning, which had previously been included in the January draft of the General Plan, was deleted from the draft that is before the Council now. Second, it is crystal clear that since 2010, the traffic has become measurably worse island wide; crowding in many towns, parks, and beaches have become overwhelming; housing affordability has been harmed by the influx of workers needed to serve the twenty-six percent (26%) increase in tourists; safe evacuation of residents; and tourists from the tsunami zones have been impossible and residents' frustration and hostility has been growing. We are drowning in an ever expanding sea of tourists. These have all been consequences of the 2010 to 2016 average daily visitor count increase of five thousand (5,000), but even if the current four percent (4%) annual growth rate, which would produce an additional twenty-eight thousand (28,000) visitors by 2035, twenty-eight thousand (28,000) is simply ignored in the lower two percent (2%) growth rate that Kaua'i has experienced, would increase by eleven thousand (11,000). Clearly no matter what the projection, the problem is excessive. Did you say my time is up?

Council Chair Rapozo: Yes.

Ms. Dalton: Okay. Thank you.

Council Chair Rapozo: Thank you.

Ms. Dalton: Do I have an opportunity to come back later?

Council Chair Rapozo: No, we are just doing one (1) time today. This is the first reading.

Ms. Dalton: Okay.

Council Chair Rapozo: It will go to a public hearing and then it will go to the Committee, so you will have multiple opportunities.

Ms. Dalton: Thank you.

Ms. Fountain-Tanigawa Sherry Pollock, followed by Ken Taylor.

Council Chair Rapozo: Sherry? Ken?

KEN TAYLOR: Council Chair Rapozo and Members of the Council, Ken Taylor. Thank you for giving us this opportunity today, but there are some issues. This plan calls for sustainable growth, green growth, or planned development growth, which are all oxymorons. The first law of sustainability, population growth, and the growth in the rate of consumption of resources cannot be sustained. I am going to be submitting a lengthy document that is asking you to remove any mention of sustainability in this plan. I have laid out pretty much what I believe shows that there is no way that the plan is sustainable. I will be submitting this in the near future. The other areas that I will be addressing in the document under actions by sections; watershed and underwater shed Sections A, B, and C. I might not have time to get to that, but I am going to try. Number three under actions by section, Land Transportation, A through F. I will be addressing some issues there. Number four, Critical Infrastructure, A, water. That is domestic water. Number six under Economy, tourism. I will be giving written testimony on all of those items as we move forward with the process. But I hope that you will take the time to read the documents that gets turned in, not only by myself, but anybody else that submits something. A lot of us spent a lot of time going to all of the meetings, or most of the meetings, or a lot of the meetings that were shown to you earlier by staff. A lot of us came away not very happy that we were not really being listened to and being paid attention to in our testimonies and requests for issues to be included in the document. I think we are down to the point now as Councilmember Yukimura made a comment earlier, does it make any sense to send it back? No, it does not, but you folks have the ability and wherewithal to make necessary changes and take care of the community at-large. Thank you.

Council Chair Rapozo: Thank you.

Ms. Fountain-Tanigawa Jerome Freitas.

Council Chair Rapozo: Jerome.

Mr. Freitas: Good afternoon, Council Chair Rapozo, Vice Chair Kagawa, Councilmembers, staff, and County Attorney Mauna Kea. I am here today talking about the General Plan, the whole island of Kaua'i, right? On the General Plan, I remember 1959 when we became a State, right? There was no traffic at all, right? You could drive from Kapa'a to Līhu'e and there would be only five (5) cars passing by. When we became State, everything grew. What happened? They did not pay attention to infrastructure. That is the reason why we it is all shook up today. Every Sunday, I go North side. Go over there and check it parking. Check the parking. Also, go check Black Pot Beach. Check it out. This has been going on

for years, not yesterday. The question is, talk is cheap, but getting the job done is a different thing. It takes courage to do it. I do not play any politics here. I do what I have to do and that is it. In talking about our tourism, you cannot blame the tourists.

(Councilmember Kawakami was noted as present.)

Mr. Freitas: You blame the leaders, the Kaua'i Visitors Bureau and you blame the State. I am not going to blame anybody. I am only going to blame myself. The hotels make a lot of money, too, when the tourists come by, right? Why not get help from the hotels? What happened to the bus shuttle from Princeville? What happened to that? Nothing. That is it. Why not the hotels? The airlines make a lot of money, profit. Why not a little *kōkua*, help out? Do you know what I mean? Get everybody together, right? The Federal government can spend millions of dollars and some places that are not even necessary. That can wait. Our homeless are still there. Nothing has been done. Things like that are optional. It is not important right now. Like I said, I go down to the beaches and it is overcrowded. The bathroom was dirty. There are not enough bathroom around. You go to 'Opaeka'a Falls, Wailua Falls, and the Kīlauea scenic lookout. Check it out over there. It is dirty. That is part of the tourists working together with the State and County. Like I said, you have to do what you have to do.

Council Chair Rapozo: Jerome.

Mr. Freitas: I want to thank you very much. Do the right thing, okay?

Council Chair Rapozo: We are going to try.

Mr. Freitas: Do not play politics with me. I am only joking.
Thank you.

Ms. Fountain-Tanigawa Laurie Quarton.

Council Chair Rapozo: Laurie? What is her last name?

Ms. Fountain-Tanigawa Quarton.

Council Chair Rapozo: Is Laurie Horton here?

Ms. Fountain-Tanigawa Quarton.

Council Chair Rapozo: Oh, Quarton. I am sorry.

LAURIE QUARTON: My name is Laurie Quarton. I did send in testimony by E-mail, which I am not going to repeat today because I have been thinking during this whole session today...

Councilmember Yukimura: Excuse me.

Ms. Quarton: Yes.

Councilmember Yukimura: Can you speak louder?

Ms. Quarton: Can I move this? Okay. That might be hard. I have been thinking during this session today about an entirely new point and I hope I can express it. As I have listened to all the hearings and all of the meetings over the past year about the General Plan, what we have heard consistently from the Planning Department is that they view that they are operating on the assumption that the General Plan is not a regulatory document, but it is something that was designed for revision of what we want and for good ideas. In that respect, I think they have been very successful in what they have come up with. I think the problem here is very fundamental, and that is that everything that you are hearing in testimonies is based on the assumption that the General Plan actually functions; that it has teeth, that it has muscle, and that it can implement, monitor, and can enforce what is needed for Kaua'i. We are operating down two (2) different or completely different tracts. The people think this thing for the General Plan and the Planning Department has said over and over, "This is what we are doing." We hear that. We understand it. We are just talking, talking, talking and never meeting. This is a juncture right now where the County Council has to make a decision. You either have to say, "Okay, we are going with Planning and let it be the way it is, or we are going to listen to people and try to create a different General Plan." I mean, I do not know who else is going to do it if not you folks. Because of that, I would like to say the last paragraph of what I did write, and this has been said over and over today by many people. Kaua'i's community organizations and individuals request that the County Council remove this plan from the table and return it for further planning. This draft is not ready to serve Kaua'i. It needs further research, correction of data, community input from experts in a multitude of fields, and collaboration among governmental organizational and community consultants. This plan can be a model of community and government wisdom working together. We strongly urge the County Council, this County Council, to return the draft to Planning with the mandate that this collaboration do take place by way of multi-agency workshops in individual sectors for whatever time and attention it takes to create viable, proven, accurate, and far-reaching approaches to Kaua'i's critical needs. Kaua'i's people are capable of this, and by "people," I mean all of the communities. We have the richest communities, expertise, professionalism, experience, and desire. We are capable of this. I would like to invite you to be the County Council that recognizes that and puts us to use. That is what we are here for. Thank you.

Council Chair Rapozo: Thank you, Laurie.

Ms. Quarton: You are welcome.

Ms. Fountain-Tanigawa
Norwood. Joanna Wheeler, followed by Puala'a

Council Chair Rapozo: Joanna Wheeler. I am sorry? Oh, Jean, if you could come up.

(Councilmember Kagawa was noted as not present.)

JEAN SOUZA: Good afternoon. Jean Souza for the Hanapēpē/‘Ele‘ele Community Association. *Aloha kākou.* The Hanapēpē/‘Ele‘ele Community Association was formed nearly two and a half (2½) years ago by residents who wanted to be involved in the General Plan process and provide a means to address community values, visions, needs, and projects. We have been meeting diligently at least three (3) times a month. Our group is made up of long-time generational and other long-time community experts as well as professional planners. I have to say that the maps in the draft General Plan are still poorly laid out and reproduced. These maps are difficult to read and are therefore, not easy to understand. This is a detriment to the public, since the proposed land use is important, the physical place and the specific expression of the General Plan policies, growth direction, and resources. This comment about the poor maps has been expressed in writing and verbally numerous times for about a year to no avail. I can only surmise that the poor maps are a deliberate attempt to screen important information from the public. There are things that I like, or we like, in the plan. There are things that we do not like, and these are some major areas that adversely affect the plan’s integrity, acceptability, and relevance. We look forward to elaborating our positions in future testimonies. I would like to take off my community hat and put my personal hat on, and this is my personal opinion. I am happy that we are at this stage now and I am happy that the plan is before you. I think that this Council is capable of dealing with the plan and addressing its shortcomings so it can be a great plan and one that we can all relate to and support. I personally feel that the testimonies that you get through these deliberations you can handle and you can incorporate to develop a better plan. Having been involved with the Planning Department and at the Council hearings from beginning to end, I have to say that I am not impressed and I do not have great hope that we will come out with a better product if it goes back to the Planning Department. My trust is with you folks. You know the issues, you know your communities, you know people, and you know the land, the island.

(Councilmember Kagawa was noted as present.)

Ms. Souza: I think that it is something that you can tackle and certainly, there are many of us that would be willing to help if you would like that help.

Council Chair Rapozo: Thank you very much, Jean.

Ms. Fountain-Tanigawa: Puala‘a Norwood.

Ms. Souza: Thank you.

Council Chair Rapozo: Who?

Ms. Fountain-Tanigawa: Puala‘a Norwood.

PUALA'A NORWOOD: *Aloha mai kākou. 'O ko'u inoa 'o Puala'a. Hānau wao ma na moku o Maui. Noho wao ma uka o Kapa'a, Kapahi. Aloha kākou.* My name is Puala'a. I was born on the island of Maui. I live in the uplands above Kapa'a.

Councilmember Yukimura: Can you speak louder?

Ms. Norwood: Yes, I can.

Councilmember Yukimura: You cannot depend on that. You have to project.

Ms. Norwood: Okay, I can do that. Thank you.

Councilmember Yukimura: Thank you.

Ms. Norwood: I want to thank honorable Councilmembers. I also want to just show my appreciation to the community that keeps showing up, giving their input, and caring about the future of Kaua'i. I want to express my concerns. I feel very strongly that we need to have a moratorium on growth. We need to stop development of our lands. We need to protect green spaces. We need to keep agricultural lands as agricultural land and not be converting it for developments of gentlemen estates. We need to expand the low-income housing as well as provide for farm housing on those agricultural lands. We need farmers to farm the food. I believe there is a pattern of converting agricultural lands to development, and it is not sustainable. It goes against the beautiful life that we live here on Kaua'i that is culturally and economically in harmony with the land and *aloha 'āina* values. I have concerns about population growth. The infrastructure existent is not able to sustain that population growth. My main concern, besides the protection of the land, is the waters. We are blessed to have pure water that is already being contaminated. The water levels are dropping. 'Opaeka'a Falls is minimal. Up Mount Wai'ale'ale is minimal. I went the other day to the Blue Room and it is so low. The streams up Kahuna Road are low. You have the County spraying Roundup on the water, our *wai* system, which is going straight down to the reef. Fishermen are fishing. They are feeding their families. We need to protect the water, the land, and the air. That is our natural resources that create the wealth of Kaua'i. I recommend that you please take into consideration all of the brilliant testimony given by concerned citizens over an extended period of time and implement them. The General Plan as-is, is unacceptable. It does not lead to a sustainable and—it is destructive. We cannot continue in that manner.

Council Chair Rapozo: I have to stop you there, but I do have a question.

Ms. Norwood: Okay. Thank you.

Council Chair Rapozo: It is a clarifying question on your comment about spraying.

Ms. Norwood: Yes.

Council Chair Rapozo: Where was this at and when was this?

Ms. Norwood: They spray up at Kahuna Road.

Council Chair Rapozo: Is this recently?

Ms. Norwood: Yes, like right now. If you drive up Kaapuni Road, they are spraying. Oh man.

Council Chair Rapozo: I am just concerned about that you said they were spraying...

Ms. Norwood: By the high school, by the elementary school.

Council Chair Rapozo: ...on the water?

Ms. Norwood: Yes, there is a ditch system.

Council Chair Rapozo: And that was on Kahuna Road?

Ms. Norwood: Yes, Kahuna Road and Kawaihau Road.

Council Chair Rapozo: Okay.

Ms. Norwood: They are still spraying at the schools. I drive past Kapa'a High School, you can see it is all sprayed.

Council Chair Rapozo: We will follow-up on that. Thank you.

Ms. Norwood: Oh, yes please. Thank you. Is my time *pau*?

Council Chair Rapozo: Yes, it is up. I am sorry about that.

Ms. Norwood: Can I make one (1) concluding statement?

Council Chair Rapozo: You already went beyond your time.

Ms. Norwood: I did?

Council Chair Rapozo: I am sorry. I have to stop you.

Ms. Norwood: Okay. Thank you for your time.

Council Chair Rapozo: You will have opportunities at the public hearing and the Committee Meetings as well.

Ms. Norwood: Okay, great. Thank you so much.

Council Chair Rapozo: Thank you.

Ms. Norwood: *Aloha.*

Council Chair Rapozo: *Aloha.*

Ms. Fountain-Tanigawa: There are no further registered speakers.

Council Chair Rapozo: That ends the registered speakers. Is there anyone else in the audience that did not register that would like to speak? Please.

GREG ALLEN: *Aloha, Councilmembers. Greg Allen. I have been listening to testimony. There are a lot of valid concerns and you folks have a great task. I listen to tourism, water, agricultural lands, affordable housing, and infrastructure. The Planning Department has worked hard, but when you open Pandora's Box, there are a lot of pieces in it. So there is still work to do, I guess. I have been involved a little bit. I came from Maui. Maui was overrun with tourists. I moved to Kaua'i. I understand that. I have four (4) kids. Three (3) of them graduated from Kaua'i High School. The third one will leave the island this week. In the General Plan, we talked about a lot of things. I am specifically involved in a housing project, and it is in Kapa'a. It is above the town of Kapa'a by the middle school. If you folks go to build a house, you are going to look for a lot that is maybe out of the flood zone, that maybe has some trade winds, that maybe is close to where you work, and that maybe has some utilities already there. When you look at this property, that is what this property is. It is named Hokua Place. It has been around a long time. But during the General Plan process, it got taken out of the General Plan as if we should not build houses there even though it had been there for about forty (40) years since the 1970s. It has since been put back in, most of it has been put back in, and I wanted to thank the Planning Department for that; for seeing, listening to the public, and knowing that there is a strong demand for housing. The people that live in Kapa'a want to continue to live in Kapa'a. At one time, basically all the growth was to come to Lihu'e because there is this huge complaint about traffic. There is a problem with traffic. It takes ten (10), fifteen (15), twenty (20), or thirty (30) sometimes. I do not think I have maxed over thirty (30) minutes. There are plans that involve the State and the County that are in the works to open up both ends of the corridor. We are donating the bypass road, building a new road, and giving land for a roundabout at the "W" intersection up above. I just wanted to say that if we look at all of the needs on Kaua'i, we probably do not need more tourists. We have, I think, over ninety percent (90%) of our land is unused. There is a lot of land we can use, but we have a projection that has been going on for a long time that we are twenty to twenty-five percent (20-25%) short of housing for *kama'aina* and that we have five thousand two hundred eighty-seven (5,287), I think, houses that will needed by 2035. Kapa'a is the biggest housing district on the island right now. It is where the most inventory is. There are a lot of people that want to stay there so*

we need to solve the traffic issues and build the houses. I just wanted to thank you for your work, say that I would continue to work with you, and the project is out of the tsunami zone. In the plan, it says there are sewer problems. Even with the project fully online, the plant would be at fifty percent (50%) capacity. I will be back to talk to you about more things in the future. Thank you.

Council Chair Rapozo: Thank you.

Mr. Allen: I appreciate your time.

Council Chair Rapozo: Thank you. Is there anybody else in the audience wishing to testify? If not, I will call meeting back to order.

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

Council Chair Rapozo: Let me just say that we will have some discussion, obviously. This is the Communication. We have the Bill coming up later. We have two (2) options here. When we get to the Bill, we can receive it, kill it, and send it back to the Planning Commission, or we can start the process and move forward. I guess I am a little confused. The majority of the testimonies that we received on E-mail and here was to send it back to the Planning Department, but it is coming from the people that said the Planning Department process was flawed. Why would you want to send it back to a process that you feel uncomfortable with? I think it was said, and I cannot remember who said it, but I think Jean Souza said it best. It is here. This is the juncture that we are at. This is part of the process. Lonnie Sykos said that they did a great job with the plan, and you may not agree with what they said, but that is part of the process and now we are here. This is in the middle of the process. Now it is up to this body to decide what from the plan, what from the testimony, and come up with a hybrid or some kind of compromise that is going to be the General Plan.

(Councilmember Brun was noted as note present.)

Council Chair Rapozo: I think it is here. I do not think it should go back. But that is going to be up to this body here when get to the Bill. I do want to have some discussion here, but if we are going to do the discussion here, let us have the discussion here and at the Bill, we will just do the formality of sending to the public hearing. Councilmember Yukimura.

Councilmember Yukimura: I would like to have a chance to ask questions of the Planning Department.

Council Chair Rapozo: Why do we not do that? Again, we will have the public hearing. That will be set for October 4th. We are shooting for the Kaua'i War Memorial Convention Hall. Obviously, we are going to make sure that we can get that, and then it will be sent to the Planning Committee right after that. There will be numerous opportunities. I do want to spend most of the time with the

questions in Committee. I do not want to spend too much time today on it on first reading.

Councilmember Kagawa: I have a process question.

(Councilmember Brun was noted as present.)

Council Chair Rapozo: Go ahead.

Councilmember Kagawa: For me, I agree with your last statement, that I would not want too much detailed questioning creating a lot of minutes for the staff, because I believe that it would be better if the minutes were combined in the Committee Meeting that entailed all of the questions that were being asked. I think we should hammer out the details in Committee. I would prefer that if we have some burning questions, yes, fine. But if we are really going to go into details about amendments, then we should save those questions after the public hearing as we go to Committee. I think that will ease the burden on the staff as well.

Council Chair Rapozo: Thank you. I do want to allow Councilmembers the opportunity to ask any questions that they may need clarity on as we move forward, especially before the public hearing. With that, Councilmember Yukimura.

There being no objections, the rules were suspended.

Councilmember Yukimura: Thank you, Council Chair Rapozo. Thank you, Planning Department, for being here. Marie is not here.

Mr. Dahilig: Marie is actually attending her sister's wedding, so she came in just for the presentation and had to run out.

Councilmember Yukimura: Okay. My questions are related to your slides 16 and 17. Can we have those up on the screen, please? Slide 17 shows that there is a deficit or will be a deficit of nine thousand (9,000) housing units between, I guess, the marker point is 2012 and 2034. Can you explain the base figures, the thirty thousand (30,000) and the thirty-nine thousand (39,000)?

Mr. Dahilig: The figure that is there, the thirty thousand (30,000), is at the point that we had actual data. From that point on, at thirty thousand four hundred twenty-one (30,421), is a projection out that was done based off the population projections that were conducted by SMS. So the housing units are a function of your population growth. It is a standard based off of our statistical knowledge with best planning practices.

Councilmember Yukimura: So the thirty thousand four hundred twenty-one (30,421) represents the actual number of buildings that there were in 2012?

Mr. Dahilig: Actual housing units.

Councilmember Yukimura: Okay. Do these figures take into account how many are second homes?

Mr. Dahilig: What we take this as is based off of American Community Survey (ACS) is what is called "owner-occupied." If you look at slide 19, which is two (2) slides out, the housing stock is estimated based off of how the U.S. Census Bureau takes into account housing units

(Councilmember Kagawa was noted as not present.)

Mr. Dahilig: They classify them as either occupied or not. So when we are talking about housing stock, we are using the ACS definition of "occupied." So it is owner-occupied, not second homes.

Councilmember Yukimura: Okay. But then later on, you compared it to the number of units that were actually built?

Mr. Dahilig: Right, so that is slide 19 that I am referencing.

Councilmember Yukimura: Slide 19?

Mr. Dahilig: Yes, which is two (2) slides further, right?

Councilmember Yukimura: Okay. Are these also owner-occupied units or are they just number of houses built?

Mr. Dahilig: This is again, owner-occupied. The addition to what is called the "owner-occupied inventory." So you can build a number of homes, but it may not be necessarily occupied by an owner. When we look at it from the owner standpoint, it is the house this they are declaring as their domicile. In essence, if somebody from California wishes to build a second home here, that would not be considered an owner-occupied unit.

(Councilmember Kagawa was noted as present.)

Councilmember Yukimura: Do you have an indication of how many nonowner-occupied housing units were developed in this time?

Mr. Dahilig: What we generally could do is—again, we do not have the ability to pull this information easily. But what we could do is take the amount of single-family or multi-family housing units that were permitted after 2010 and minus that by two hundred twenty-five (225). So that would be just looking at what has been built since 2010, we could do that. But again, the function of where this information is coming from could also mean that you have housing units that are being built that are falling out of the owner-occupied inventory. Again, I do not have the specific methodology that the U.S. Census Bureau uses, but this could be reflected based on our interpretation of homes that were built that fall out of inventory, for example, things that are like TVR conversions, et cetera.

Councilmember Yukimura: Because when you look at Map 21, where we have been growing, most development has occurred on the North Shore, East Kaua'i, and South Shore. Forty percent (40%) in agriculture and thirty percent (30%) in R-4. Is that just owner-occupied or is that also second homes?

Mr. Dahilig: Well, again, that is where in trying to cross-compare the information we get from the U.S. Census Bureau, all we have is the data that shows their estimation of owner-occupied units increasing on the island by two hundred twenty-five (225) since 2010. Now, if, where, and how these particular units are located, it is hard for us to ascertain. Again, we are looking at it from a statistical standpoint that comes from the U.S. Census Bureau. I cannot answer that question.

Councilmember Yukimura: Okay. But you do understand my concern, that if we do not understand the data about second homes, we may be counting second homes or we just have to be aware that water resources, construction resources, and things like that may be going to second home building rather than first home building. I think it is important for us to get a picture of what the dynamics are of those two (2) different groups of housing.

Mr. Dahilig: What we can provide, and we can dig a little further into terms of the Census Bureau's methodology in calculating this. That is metadata that is part of the packages that we get from the Census Bureau. We can try to get that information for you.

Councilmember Yukimura: I would appreciate that. I think that is important information in terms of how we set policy. Unless there are follow-up questions to that...

Council Chair Rapozo: I guess the only thing is, is there some way through our own real property tax, Building Division, or Planning without going to the Census Bureau, I cannot imagine how long that would take. Just with our own internal records and maybe that is something that we have to do on our end with your help, but I think what she is asking is we just want to know what the numbers are.

Mr. Dahilig: To try to address the question specifically, I think it would be helpful for us to see what we can gather to produce a derivative result for the Council because there are different snippets of information like the tax records, the Census Bureau information, and building permits and see if we can cross-compare them to get what she is asking for.

Council Chair Rapozo: I hear her asking about second homes.

Mr. Dahilig: Yes.

Council Chair Rapozo: And if the Building Division is going permit a structure, the Water Department is going to give a meter...

Mr. Dahilig: Right.

Council Chair Rapozo: The only real determination is by how they pay taxes. Are they living in the home or is it a second home?

Mr. Dahilig: Yes.

Council Chair Rapozo: That is the only real information that we have that, I guess, I would say is the most accurate because there is a margin of error. But the taxes is the only way you would know if somebody is living in the house or not. No other record is going to tell that you. It is going to say a structure is there, it has a water meter, and it was built.

Mr. Dahilig: Yes.

Council Chair Rapozo: But the use is going to come under the tax.

Mr. Dahilig: Yes.

Councilmember Yukimura: Well, it might also come out of census. But either way, I appreciate the effort to get some accurate information on that because I think it is about allocation of resources and the dynamics of pricing and affordability. Thank you. If I could go into slide 16 where you show the components of population change. Your migration shows that it is almost as many people going in as coming out, but as one of the people who testified said, what if it is a lot of rich people coming in and a lot of local people leaving?

Mr. Dahilig: That slide is not in this presentation, but we do have information that shows from a trend standpoint, graying. What we can surmise from a standpoint of graying over time is that people that are young do not necessarily have a lot of equity. People that are older have more equity. We can provide that information as a slide to you, Councilmember Yukimura, because we do have that comparison that shows that the graying over time, that essentially, you are seeing a separation of age cohorts within the County. You are seeing a lot more younger people, a lot more older people, and that missing middle essentially. So that scenario you are explaining is, I believe, characterizing in that information and we can get that slide to you.

Councilmember Yukimura: Are you talking about graying?

Mr. Dahilig: Graying, like my gray hair.

Councilmember Yukimura: So aging?

Mr. Dahilig: Yes, essentially.

Councilmember Yukimura: Okay.

Mr. Dahilig: It is a terminology that we use, graying of the society.

Councilmember Yukimura: So what you are saying is you can show us data about who is coming in and who is going out based on age?

Mr. Dahilig: Well, I am not sure if we have that information that goes that much deeper, that I do not know. What I do know is that we have the information that shows how each age cohort is separated within the County over time and you see the trend of the expanding age cohorts of those that are over a certain age, like over the age of fifty (50), et cetera.

Councilmember Yukimura: Okay, because if more people are being born than die here on the island, but a lot of people who were born here are leaving for economic reasons, that is a different problem than who is causing population growth.

Mr. Dahilig: If you were to take a look at the two (2) bar graphs up there that showed natural change, as Marie mentioned earlier, we do have a healthy component of births in terms of additions to our population.

Councilmember Yukimura: Right.

Mr. Dahilig: If that was the case, then you correlate that with the graying statistics, that if the birth rate and the age rate were to be keeping pace with that, you would not necessarily see a graying situation. But that is why we can surmise the outmigration as births coming out of the population at a given time because we know what the input is, which is what you are seeing up on the screen.

Councilmember Yukimura: Are you confirming that there are a lot of local people leaving, young people?

Mr. Dahilig: We have heard it anecdotally and we believe the statistics confirm what many in the public process have conveyed to us, that their kids are leaving the island.

Councilmember Yukimura: And so that the growth might actually be in people coming in who are very wealthy, and since equity is one of the key goals in this plan, it is growing the inequity on our island.

Mr. Dahilig: I agree. I think that is what some of the conclusions that we have raised in the draft plan show that even though we have a healthy birth rate, when they reach the age of eighteen (18), or nineteen (19), or whatever, or their parents decide to move on because they can no longer make ends meet, the population cohorts for the younger generation are shrinking. So even though we have this input of births that is steady at this point, what we are seeing is the age cohorts shrinking because you having the people migrating in older than what the age cohort is.

Councilmember Yukimura: Okay.

Mr. Dahilig: I think I could better explain that by giving you what we are looking at from a slide standpoint that shows the trend of the graying.

Councilmember Yukimura: Alright. Then, the next question is how is this plan addressing that kind of inequity? In your policy statement, you are just talking about the affordable housing, which I think it is a big part, but there are a lot more issues about equity.

Mr. Dahilig: As Marie mentioned throughout the presentation, one of the components that we are looking at with housing is that what is clear is that we do not have a diversity of housing product on the island. We have single-family homes and that is pretty much it. As we know, the median price for single-family homes is not within an attainable reach for a young family of let us say, four (4). So that perspective of ladders of opportunity to take care of providing stepping up equity builders, essentially, is to try to diversify the housing type, and it may not be a great situation where we are looking at the house as being the element of wealth for a family. But the reality is when you look at how many people have home equity lines of credit and how many people pay into mortgages, that the ability to build equity is unattainable because the product type on the island is not within purchasing reach of many of the young families anymore. So to address your question, what we specifically are trying to do to address that for that inequity you are talking about, is to provide housing types infill manners that actually provides those families opportunities to start building equity and then step up in terms of housing product.

Councilmember Yukimura: So the assumption I am hearing, the underlying assumption, is that creating a greater diversity of housing types will address our affordable housing problem.

Mr. Dahilig: I did not say that is the only solution. It is hard for us to characterize that one (1) solution fits everybody's needs on the island. That is very clear, that we cannot say this one (1) thing will be the silver bullet, but we know that from what we have gone through the public process and what many conveyed to us, is the inability to buy a home. So what we are looking at is okay, do we provide that ability to purchase real property on the island in a manner that we can regulate, which in effect, is trying to diversify the housing types?

Councilmember Yukimura: So talking to the realtors, there is a real market on O'ahu for condominiums on Kaua'i. My question is, given the reality of the real estate market on Kaua'i, will really a greater diversity solve the problem if there is a great demand from the outside for multi-family?

Mr. Dahilig: I think where there has been some examples from how the Council has enacted certain restrictions on zoning. Again, the General Plan is an authorization under State law to zone. So if land were to be upzoned or permission were to be granted for development, naturally, there are conditions that are attached to those ordinances, as for the case for a project, like Koheea Loa. Koheea Loa has riders on that, that says, provide offerings to Kaua'i residents first. So it is

not a mechanism that has not been employed by this Council to address specifically what you are talking about in situations where competition may be pushing our local families out of the market. There are mechanisms that have already been employed, that I think are pretty well-used especially, if you look at Kohea Loa as an example.

Councilmember Yukimura: Okay.

Council Chair Rapozo: Let me interrupt really quickly because we are getting into the meat and potatoes of the plan, which I do not want to do today. Today is first reading. I said I would allow questions for clarity and numbers. That is fine, but now we are going into the plan. I do not want to do that. That is going to be for Committee. We still have the Bill to deal with later. I hope you understand that first reading means to get it to the next step, which is public hearing. Then, we go to Committee, which is where the work is done. I do not want to get into the specifics.

Councilmember Yukimura: Okay.

Council Chair Rapozo: I mean, I have a ton of questions and I think everyone does. But I also want to respect this process and get it to the public hearing. Councilmember Chock had a question.

Councilmember Chock: Thank you, Council Chair Rapozo. Thank you so much for the presentation and the years' of work you folks have done. Marisa, thank you for hearing me and my request for engaging our future leaders and the decisions we will make today is who this is going to be affecting. I appreciate that. I am happy that we are looking at these numbers based on current projections that are in the community. I want to know who the consultant is that we are working with and when you anticipate some outcomes as it relates to any potential amendments to this plan.

Mr. Dahilig: We have already engaged SMS, who was our previous consultant, on providing that overall socioeconomic forecast, which included the visitor confirmation numbers. A few weeks ago, we already contacted them saying, "Look, we are aware of these factual items like the airlift issue and like the recent visitor numbers that were higher than projected, does this change your projections?" In initial communications back and forth, they seem to indicate that it is worth a second look. If this is something that is of immediate importance, we can get with the consultant to try to get sooner than later.

Councilmember Chock: Is DBEDT being considered as well in this projection?

Mr. Dahilig: DBEDT is undergoing a process too. We have been consulted on them updating their numbers, but in terms of them actually releasing those numbers, they have not given us a firm date when those things are going to be released.

Councilmember Chock: Thank you, Council Chair Rapozo.

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: Mike, I have a really general question. How long has the Planning Commission gone over this process with public input over the draft?

Mr. Dahilig: The Planning Commission process ran from January to June of this year.

Councilmember Kagawa: In that time, how many amendments were made by the Commission based on community input and the Planning Commission deciding that perhaps the community was correct in changing anything? How many amendments were made through that seven (7) or eight (8) months that the Planning Commission went over this item?

Mr. Dahilig: Thirty-five (35).

Councilmember Kagawa: Thirty-five (35) amendments were made?

Mr. Dahilig: Yes. Well, they made thirty-five (35) motions.

Councilmember Kagawa: Thirty-five (35) motions? How many actual amendments passed?

Mr. Dahilig: It would be thirty-five (35) minus six (6), I believe. It would be twenty-nine (29).

Councilmember Kagawa: Twenty-nine (29) changes were made. I think I got through the E-mail process and through some of the testimonies, that the picture was painted as though the Planning Commission was basically rubber-stamping the Planning Department's draft. However, there was significant progress made then with the Planning Commission listening to the public.

Mr. Dahilig: The Planning Commission was very deliberative and, in fact, even at the final vote, there was not unanimity on the plan being voted on. So, they certainly spent the time and effort to tear apart the plan and put their input in.

Councilmember Kagawa: Can we see it later? Can the Councilmembers get a summary of the amendments that were passed at some point?

Mr. Dahilig: Yes. Council Vice Chair Kagawa, it is actually located in the PowerPoint starting on slide 125.

(Councilmember Kawakami was noted as not present.)

Councilmember Kagawa: Okay, I will spend some time before Committee on those.

Mr. Dahilig: Okay.

Councilmember Kagawa: Thank you. Thank you, Mike, and thank you, staff, for a great job done to this point. Thank you, Council Chair Rapozo.

Council Chair Rapozo: Councilmember Yukimura.

Councilmember Yukimura: On your slide 140 and 139, if could you put that up, please, regarding entitlements and permitted resort development. You show four thousand six hundred ninety-three (4,693) resort units permitted since 2000 and you show of that—correct me if I am wrong. Of that four thousand six hundred ninety-three (4,693), two thousand six hundred (2,600) were built.

(Councilmember Kaneshiro was noted as not present.)

Councilmember Yukimura: What is the total entitlement? What is the number of units that can be built if all of the zoned resort areas build-out?

Mr. Dahilig: If you look at slide 142, the number that we are working off is three thousand seven hundred twenty-six (3,726). That is what we are working off of right now.

Councilmember Yukimura: Is that the number that would be allowed if there were total build-out of resorts?

Mr. Dahilig: Right. One of the difficulties that we have run into is that even though projects may be permitted, they may have gone, for instance, in a subdivision approval. Kukui'ula is a greater example of that. They do not show up in the permitting scheme until they come in for vertical construction. For example, Kukui'ula can be built up to one thousand five hundred (1,500) units, but in terms of what is actually subdivided at any given time—that is why this number here, the three thousand seven hundred twenty-six (3,726), is what we have been working on because until they come in for a vertical permit, it falls in a different category and how we can characterize.

Councilmember Yukimura: So Kukui'ula is entitled to one thousand five hundred (1,500) units and right now, you are showing seven hundred (700)?

Mr. Dahilig: Not subdivided. So that is in that realm of what still remains out there that they can cut up and they have not come through with yet for their entitlements.

Councilmember Yukimura: But those are units.

Mr. Dahilig: And that is what I was trying to complain, Councilmember Yukimura. We have to essentially look at projects that have been permitted plus what the potential is because there had not been issued Class I zoning permits. That is why we went through this exercise of estimating what other additional units could be yielded on top of what has been permitted. So you see the

projects that have been permitted and what has been built, but we are aware that there is development potential based off the zoning that is out there because of projects like Kukui'ula, which are single-family Transient Vacation Rentals.

Councilmember Yukimura: Okay. How many total resort units are presently built?

Mr. Dahilig: On island?

Councilmember Yukimura: On island.

Mr. Dahilig: I have to get that number for you. I do not believe it is in the presentation.

Councilmember Yukimura: Do you have a ballpark figure?

Mr. Dahilig: I would rather provide the specific information just so I am not giving you inaccurate information.

Councilmember Yukimura: What I am interested is in how many are built right now, how many could be built based on zoning for resorts that is they have the zoning or I guess what you call it is entitlements, right? How many more could be built based on entitlements and how many under the proposed General Plan draft right now, how many additional resort units would there be? Okay?

Mr. Dahilig: On top of the previous 2000 plan?

Councilmember Yukimura: Right.

Council Chair Rapozo: If you could do the 2000 plan and the proposed.

Mr. Dahilig: Okay.

Councilmember Yukimura: But the 2000 plan has number built and then number potentially entitled.

Council Chair Rapozo: Right. I just want to see the comparison between that plan and the proposed draft going forward because I agree. I think we have a lot of hidden units that may be showing up on this thing, which is of concern.

Mr. Dahilig: Yes.

Councilmember Yukimura: Well, I also think we need to know how much exists right now because we know the impact of the existing units, and then if the entitlements, what is already zoned for, but not yet built, plus whatever is in the new General Plan that when entitled will be built, that will give us a picture of the total number of units that are pretty much envisioned by the General Plan update.

(Councilmembers Kaneshiro and Kawakami were noted as present.)

Councilmember Yukimura: We need to know those basic figures. That is the vision for the future and we need to know what that vision is.

Mr. Dahilig: Okay, that is fine. I do want to add from a Land Use Mapping standpoint, there are no additional areas that are above the 2000 General Plan that are being proposed for resort development. So I get what you are asking for, but to answer the last part of your question, just if I am interpreting what you are asking for, we are not adding any more graphical policy areas for resort development on the island.

Councilmember Yukimura: But the Princeville plateau is...

Mr. Dahilig: Was in the 2000 General Plan.

Councilmember Yukimura: Right, but it is not entitled.

Mr. Dahilig: Right.

Councilmember Yukimura: And by keeping it in the plan, we are envisioning resort units there over time, over the next twenty (20) years, are we not?

Mr. Dahilig: Well, that is why I think just to answer your last part of your question initially, the difference between the 2000 and then this plan from the graphically policy standpoint, we are not proposing any additional areas to be upzoned for resort development.

Councilmember Yukimura: Yes, but that does not matter if we are already so overzoned...

Mr. Dahilig: I understand.

Councilmember Yukimura: ..or over the General Plan.

Mr. Dahilig: I was just answering the last part of your question, Councilmember Yukimura.

Councilmember Yukimura: That is what we want to know. If we are putting these resort areas or allowing them to stay, that means we are envisioning them happening over the next twenty (20) years, and we need to know how many units that is. We have to know what impacts on the roads, water systems, et cetera, and whether that is the kind of community we want.

Mr. Dahilig: I understand. I think that is why this slide encapsulates the legal rub that we run into concerning when you want to down zone an area.

Council Chair Rapozo: Again, we are getting into some specifics and I want to stay away from that.

Councilmember Yukimura: But Council Chair Rapozo, I just want to get clarification. This three thousand seven hundred (3,700) plus potential units are those that are entitled.

Mr. Dahilig: No, this is a depth chart, essentially, that shows those that have zoning permits, those that may not have zoning permits, and those that have a degree of subdivision. Those are on the maps.

Councilmember Yukimura: Okay.

Mr. Dahilig: That is why, again, not to get too deep into this, but just for illustrative purposes, to explain our process at Departmental level, we also had to take it one (1) step further. For those projects that we knew that did not go vertical, we had to understand what level of entitlement was bestowed upon a project at any given time, and so that is what this slide reflects, just an analysis of the varying degrees of entitlement.

Councilmember Yukimura: Okay. So master plan zoned projects, there are three (3) bold-faced sections at the bottom of the slide. The second one is also entitled because it is zoned, but the last two (2)...oh no. The second one is also entitled because it is zoned, right?

Mr. Dahilig: Yes.

Councilmember Yukimura: But the last category, General Plan Resort, agricultural zoning, is not entitled?

Mr. Dahilig: Right, and that was the basis for our Department's initial recommendation to take those areas out of the spatial policy.

Councilmember Yukimura: Okay. Thank you. Those acres, the units are based on how many units are per acre, or is it one (1) acre is one (1) unit?

Mr. Dahilig: I think that is why it is a plus. You see three thousand seven hundred twenty-six plus (3,726+).

Councilmember Yukimura: But did you say that one (1) acre is equivalent to one (1) unit?

Mr. Dahilig: We did not, and that is why hence the plus. If you look at the addition, the addition essentially reflects the addition of the first three (3) numbers and knowing that we have an unknown figure, that is why we have a plus there in terms of the three thousand seven hundred twenty-six plus (3,726+).

Councilmember Yukimura: Okay. But I would like to have approximate units that would go on those last three (3); seventy (70) acres, thirty (30) acres, and two hundred fifty-two (252) acres.

Mr. Dahilig: Okay, sure. We can provide that.

Council Chair Rapozo: The worst-case scenario.

Mr. Dahilig: Okay.

Council Chair Rapozo: Because I think that is important. The plus scares me. You may as well just have "unknown" in the balloon.

Councilmember Yukimura: Or "unlimited."

Council Chair Rapozo: I think you got the drift. Councilmembers, I would ask that we formulate the questions, get it in writing, and send it over. We will not see them until after the public hearing, but that will give them time to respond. Members of the public, as well, if you have questions that you want asked of the Planning Commission, then definitely submit it to us via E-mail or call our staff and we will get them asked, because I think it is important that we get as many of these questions answered as possible. I expect a long process for this, but I do not want to stall this. I want to make sure it goes and we can get this done as soon as possible without taking any shortcuts.

Councilmember Yukimura: Thank you very much.

Mr. Dahilig: Sure thing.

Council Chair Rapozo: Thank you. Thank you very much, Planning Department.

Mr. Dahilig: Thank you, Council Chair Rapozo.

Council Chair Rapozo: With that, I will call the meeting back to order.

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

Council Chair Rapozo: The motion is to receive. Is there any further discussion? Go ahead, Councilmember Chock.

Councilmember Chock: Council Chair Rapozo, just to clarify, are we taking up, I guess, the determination on process for Committee at the Bill? Is that correct?

Council Chair Rapozo: Yes.

Councilmember Chock: Okay. Thank you.

The motion to receive C 2017-198 for the record was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Thank you. Next item, please.

C 2017-199 Communication (08/15/2017) from the Housing Director, requesting Council approval to apply for, receive, expend, and indemnify grant money from the United States Department of Housing and Urban Development (HUD), in the amount of \$144,000.00, for the continuation of the two (2) Housing Choice Voucher Family Self-Sufficiency (HCVFSS) Program Coordinators' salaries: Councilmember Brun moved to approve C 2017-199, seconded by Councilmember Yukimura.

Council Chair Rapozo: Is there any discussion?

Councilmember Yukimura: Can we have the Housing Agency come up, please?

Council Chair Rapozo: With that, I will suspend the rules.

There being no objections, the rules were suspended.

Council Chair Rapozo: Housing Agency. Go ahead, Councilmember Yukimura.

KU'ULEI PALOMARES, Family Self-Sufficiency Coordinator: Hi, good afternoon. I am Ku'ulei Palomares. I am with the County Housing Agency, Family Self-Sufficiency Coordinator.

DESLYNN JAQUIAS, Family Self-Sufficiency Specialist: I am Deslynn Jaquias. I am the Family Self-Sufficiency Specialist.

Councilmember Yukimura: Thank you for being here.

(Councilmember Kagawa was noted as not present.)

Councilmember Yukimura: I strongly support this program, so I just wanted an opportunity to find out where we are with it. This is an annual request that you make, right?

Ms. Palomares: Correct.

Councilmember Yukimura: Do we use United States Department of Housing and Urban Development (HUD) funds to support your two (2) positions?

Ms. Palomares: Correct.

Councilmember Yukimura: Okay. Is that basically what the request is?

(Councilmember Chock was noted as not present.)

Ms. Palomares: Correct. We are applying for the grant, which is done yearly, which is one hundred forty-four thousand dollars (\$144,000) this year.

Councilmember Yukimura: We have here that you had forty-eight (48) participant households increase their earned income...

Ms. Palomares: Yes.

Councilmember Yukimura: ...for each participant by about nine thousand eight hundred dollars (\$9,800).

Ms. Palomares: What you have in front of you is our 2016 reporting numbers that we do send to HUD for our yearly reporting. Currently as of September 1st, though, we have eighty-three (83) active participants.

Councilmember Yukimura: Excellent. Can you explain how this program potentially dovetails with housing? Does this program enable people to get down payments and then actually either purchase their own housing or at least get into a good rental situation?

Ms. Palomares: Correct. This is a program specifically for participants under the Housing Choice Voucher Family Self-Sufficiency Program. They are all voluntarily coming to our program for five (5) years. They set goals for themselves. Each person that comes into the program will start an escrow account. When they sign the contract, they are at their income when they come in and if there are any increases in earned income, there is a potential to trigger an escrow. Every family differs. They will have that be put into an account every month until there is another change. At the end of five (5) years if they complete all of their goals and other specific requirements, they are able to get different amounts of money, it is taxed, and they do what they want with it. We do encourage them to save it if their goal is to become homeowners. Others help pay down their debts. There are all different types of goals for each individual family.

Councilmember Yukimura: Excellent. As part of this program, do they get trained in budgeting and savings?

Ms. Palomares: Correct. We refer out to different sources. We also have different workshops that Deslynn and I put on at times, or we do one-on-one individual counseling budgeting sessions with them.

Councilmember Yukimura: Okay. Do we do any work with Hawaiian Community Assets?

Ms. Palomares: Yes. If our client has a goal of working towards homeownership, we do refer them to the Hawaiian Community Assets to do their Homeowner Education Workshop, which is free at this time.

(Councilmember Kagawa was noted as present.)

Councilmember Yukimura: Excellent. So, if people watching this program want to enroll, how do they reach you?

Ms. Palomares: It is only again, for specifically people under the Housing Choice Voucher Family Self-Sufficiency Program. They can call the Office's mainline and they will get directed to us. They can fill out a quick brochure, which is a name and number or we can get it over the phone, and put them on our waitlist.

Councilmember Yukimura: Okay. So is that on a waitlist for your program or to get onto the Housing Voucher Family Self-Sufficiency Program?

Ms. Palomares: No, waitlist for our specific program.

Councilmember Yukimura: Alright. So, they have to be part of the Housing Voucher Family Self-Sufficiency Program?

Ms. Palomares: Correct.

Councilmember Yukimura: To do that they apply for the HUD voucher, right?

Ms. Palomares: Correct.

Councilmember Yukimura: Did you recently open up the enrollment for that?

Ms. Palomares: Today, the Housing Voucher Family Self-Sufficiency Program has their waitlist opening for three (3) days.

Councilmember Yukimura: From today?

Ms. Palomares: From today until Friday at 4:00 p.m.

Councilmember Yukimura: Wednesday, Thursday, and Friday. So, if anybody thinks that they qualify and would like to get a housing voucher, they should...

Ms. Palomares: Apply.

Councilmember Yukimura: ...call you in the next three (3) days and apply?

Ms. Palomares: Yes. There are paper applications or they can go on to the kauai.gov Housing Agency website, and there is a link to do the online applications.

Councilmember Yukimura: Is there a prerequisite to get into this Housing Voucher Family Self-Sufficiency Program?

Ms. Palomares: Correct. They have to have a voucher in order to be part of our program.

Councilmember Yukimura: Okay. If anybody wants to be part of this program where you can save, learn how to budget, and really better your family, call.

Ms. Palomares: Yes. Thank you.

Councilmember Yukimura: Call the Housing Agency and ask for the Housing Voucher Family Self-Sufficiency Program.

Ms. Palomares: Correct.

Councilmember Yukimura: Okay. Thank you very much.

Ms. Palomares: Thank you.

Council Chair Rapozo: Are there any other questions? If not, thank you very much.

Ms. Palomares: Thank you.

Ms. Jaquias: Thank you.

Council Chair Rapozo: Is there any public testimony? Seeing none, I will call the meeting back to order.

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

Council Chair Rapozo: The motion is to approve.

The motion to approve C 2017-199 was then put, and unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Chock was noted as silent (not present), but shall be recorded as an affirmative vote for the motion.*)

Council Chair Rapozo: Motion carried. Next item, please.

C 2017-200 Communication (08/21/2017) from the Executive on Aging, requesting Council approval to receive and expend State General Funds for Fiscal Year 2018 in the amount of \$62,815.00, and to indemnify the State Executive Office

on Aging, for the County of Kaua'i, Agency on Elderly Affairs' Kupuna Caregivers Services, which includes adult day care, assisted transportation, chore, home-delivered meals, homemaker, personal care, respite, and transportation: Councilmember Kagawa moved to approve C 2017-200, seconded by Councilmember Brun.

Council Chair Rapozo: Is there any discussion? Councilmember Kagawa.

Councilmember Kagawa: I just want to thank Kealoha for all the work she does. There are few County Departments where you only hear positive things, and the Agency on Elderly Affairs is one of them. I just wanted to thank you and your staff for the good work that you do. The public really appreciates all you folks do. Thank you.

Council Chair Rapozo: Thank you. Is there any other discussion? Is there any public testimony?

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

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

Council Chair Rapozo: Seeing none, the motion is to approve.

The motion to approve C 2017-200 was then put and unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Chock was noted as silent (not present), but shall be recorded as an affirmative vote for the motion.*)

Council Chair Rapozo: Motion carried. Next item, please.

C 2017-201 Communication (08/22/2017) from the Mayor, requesting Council approval to accept a donation of one (1) Automated External Defibrillator (AED) Unit in a carry case from the Rotary Club of Hanalei Bay, valued at \$2,370.00, which includes accessories with one (1) installed battery and one (1) backup each with a four (4) year warranty plan, and a one (1) year service contract: Councilmember Yukimura moved to approve C 2017-201 with thank-you letter to follow, seconded by Councilmember Kagawa.

Council Chair Rapozo: Thank you very much. Is there any discussion? Councilmember Yukimura.

Councilmember Yukimura: Yes, Council Chair Rapozo. I was wondering if we might be able to, from our budget, have an AED here in this building. This just reminded me.

Council Chair Rapozo: Is that for me?

Councilmember Yukimura: I hope not. But we get a lot of people through the building, and I think we should have something in our budget.

Council Chair Rapozo: Okay.

Councilmember Yukimura: It would be good to have in this building

Council Chair Rapozo: So noted. Thank you very much.

Councilmember Yukimura: Thank you, and thank you to the Rotary Club of Hanalei Bay.

Council Chair Rapozo: Is there any further discussion? If not, the motion is to approve.

The motion to approve C 2017-201 with thank-you letter to follow was then put, and unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Chock was noted as silent (not present), but shall be recorded as an affirmative vote for the motion*).

Council Chair Rapozo: Motion carried. Next item, please.

C 2017-202 Communication (08/22/2017) from the County Attorney, requesting authorization to expend funds up to \$300,000.00 to retain Special Counsel to represent various County Defendants in their respective individual capacities as it relates to Civil No. CV16-00350 filed in the United States District Court for the District of Hawai'i against the County of Kaua'i, Kaua'i Police Department, et al., and related matters.

Ms. Fountain-Tanigawa: Council Chair Rapozo, we do have an Executive Session, but we also have a member of the public that would like to speak on this matter.

Council Chair Rapozo: Okay. With that, I will suspend the rules.

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

Ms. Mohammed DesMarais: *Aloha*, good afternoon. Thank you for allowing me to speak on this subject. I am not really sure. I know the civil case number was on the agenda. I looked it up on the Judiciary, but there were no results, so I am not exactly sure what this is about. But I do know is that the State is trying to sue the County and maybe the Police Department is involved in it. I do not know if this is our intention to have more power within the County, but I want to encourage you that if there needs to be another three hundred thousand dollars (\$300,000) taken for a total of six hundred thousand dollars (\$600,000) for a possible countersue for the effects of the negligence that I feel that has happened by the State on this island, I feel that the issues that we are experiencing are by lack of them doing their job with the housing and all of the situations that has happened with the Native Hawaiians here for so long and the homelessness that we have to deal with. I also feel that they

neglect what the public desires as far as the example by the drop that just happen on Lehua Island, and now that there are fish and probably monk seals that are probably showing effects. I had a conversation with DLNR, she is in charge of it, and I expressed what my ideas would be to solve of the problem instead of using poison.

(Councilmember Chock was noted as present.)

Ms. Mohammed DesMarais: The response was that the Environmental Assessment (EA) said that everything is okay, everything is fine, and we are following protocol. I just feel that there is a lack of true honesty and transparency with the Sunshine Law. Coming into effect for the State would be perfect in that regard. But if we are getting strong-armed in any way, being a small County, I feel that we need to just step up, put our foot down, and strong-arm back in whatever way necessary. So I would like you all to consider that. You really are our front line of defense. Council Chair Rapozo made a comment on how our eyes are open to the fact we are being run over, and I have noticed that from the first time I appeared before you in the testimony for the CIRI Land Development Company (CLDC) Bill. I know that the Fish & Wildlife Department came in without a public hearing requesting six hundred thousand dollars (\$600,000) or whatever to move the overlook, and now you are saying that it may affect the *kalo* farmers. It is just certain things that are unacceptable, and if they are strong-arming you, I want to encourage you all to take a stance and strong-arm them back.

Council Chair Rapozo: Thank you very much. Just for your information, this is a Federal case. So if you want to look it up, you have to go to the Federal Court system, not the State Judiciary because it is a Federal case. It is an officer that is suing the Police Department. You can go ahead and look it up. Is there anyone else wishing to testify? Seeing none, I will call the meeting back to order.

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

Council Chair Rapozo: Again, we will await the Executive Session before we take this item up. Can we move to the next item, please?

C 2017-203 Communication (08/23/2017) from Councilmember Kawakami, transmitting for Council consideration the following measures for inclusion in the 2018 Hawai'i State Association of Counties (HSAC) Legislative Package:

- A Bill for An Act Relating to Transient Accommodations Tax, to remove the cap for distribution of transient accommodations tax revenues to the counties;
- A Bill for An Act Relating to Fire Sprinklers, to establish a tax credit of twenty-five percent (25%) of the total cost, including installation, of an automatic fire sprinkler or automatic fire sprinkler system in any new detached one- or two-family dwelling unit in a structure used only for residential purposes;
- A Bill for An Act Relating to Taxation, to provide a taxpayer who hires an individual with a disability a nonrefundable tax credit for

the six-month period after the individual is initially hired by the taxpayer; and

- A Bill for An Act Relating to Taxation, to provide a taxpayer who hires an elderly individual a nonrefundable tax credit for the six-month period after the individual is initially hired by the taxpayer.

Councilmember Kaneshiro moved to receive C 2017-203 for the record, seconded by Councilmember Brun.

Council Chair Rapozo: Is there any discussion? Councilmember Yukimura.

Councilmember Yukimura: Yes. They look good to me. I just wondered if we have the revenue impacts for the three (3) bills that have tax credits involved.

Council Chair Rapozo: Councilmember Kawakami.

Councilmember Kawakami: Thank you for the question. So that we can be transparent, the measures with tax credits, the one related to fire sprinklers, which is twenty-five percent (25%) tax credit for the installation. I will give you a brief background. Do you folks want a brief background now or we will get to the Resolution later, right?

Council Chair Rapozo: It is all up to you folks.

Councilmember Kawakami: Well, just to answer your questions, the fiscal impacts will be determined by the Legislature. If you read through the proposed bill, it is customary to leave it blank so that the Finance Committee can go and do the due diligence of the fiscal impacts and put in the percentages later on, because it is all capped.

Councilmember Yukimura: It is all what?

Councilmember Kawakami: As far as fiscal impact, it is to be determined by the Legislature.

Councilmember Yukimura: I am just thinking that in proposing it, we would have some idea of what the impacts would be. I am guessing that the impacts are not that great, because if they were, I would possibly have some reservations. But I mean, has nobody done any estimates about how many people might take advantage of this?

Councilmember Kawakami: The purpose of this was to propose measures to the Legislature. Like I said, from experience even as a Legislator, when they are introducing bills with fiscal impacts, it is customary to leave the fiscal impact area of the language blank because that is where the Finance Committee inserts language because they do the due diligence. These measures have been heard before, so there may be some research done, but I do not have it on me right now.

Councilmember Yukimura: Could that be made available or at least researched if it is already been introduced?

Councilmember Kawakami: Sure.

Councilmember Yukimura: I just feel like we need to know what we are advocating.

Councilmember Kawakami: Okay.

Councilmember Yukimura: Thank you.

Council Chair Rapozo: I think the impact would be to the State and not the County. I think the impact to the County would be a whole lot more people putting sprinklers in their homes.

Councilmember Kawakami: Yes.

Council Chair Rapozo: Which is the benefit, I think, versus what some of the State and other Counties are talking about mandating that these sprinklers go in without any incentive. This is a good step to getting people to basically voluntarily put sprinklers in their home and get a tax credit. But I agree that we should know that number.

Councilmember Kawakami: Yes. Council Chair Rapozo, once we get to the Resolution, we can go through the description and the purpose behind it.

Council Chair Rapozo: Okay, perfect.

Councilmember Yukimura: Thank you.

Council Chair Rapozo: Is there anybody in the audience wishing to testify?

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

There being on one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Seeing none, the motion is to receive.

The motion to receive C 2017-203 for the record was then put, and unanimously carried.

Council Chair Rapozo: Next item, please.

C 2017-204 Communication (08/24/2017) from Council Chair Rapozo, transmitting for Council consideration for inclusion in the 2018 Hawai'i State Association of Counties (HSAC) Legislative Package, A Bill for An Act Relating to

Zoning, to clarify County zoning authority by distinguishing Single-Family residential use from Single-Family vacation rental use and allowing amortization by ordinance for Single-Family Transient Vacation Rentals over a reasonable period: Councilmember Kagawa moved to approve C 2017-204, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Thank you. I will just do a real quick explanation and when we get to the Resolution, we can just pass it. This not new. We have been dealing with the Transient Vacation Rental (TVR) issue for many years and we have talked about amortization of the TVRs once the use stops. Currently, the Counties are not allowed through ordinance...once the TVR use is done, in other words, you are a TVR operator and want to sell your property, the right to continue as a non-conforming use TVR retains or stays with that property. We have been trying to convince the Legislature to allow the Counties to pass an ordinance that once you sell that house, I am talking about non-conforming uses, that right goes away and that becomes a regular house that you sell, or rent, or whatever. But the TVR use would be gone. This is for non-conforming uses that currently have certificates. Again, we tried this for several years at the Legislature. It has not caught up. I am hoping that we can get support this year. Councilmember Yukimura.

Councilmember Yukimura: I support this very much. I just want to explain that non-conforming use means those vacation rentals that are not in the VDA and therefore, were grandfathered when we passed the law saying that all vacation rentals have to be in the VDA.

Council Chair Rapozo: Correct. Thank you.

Ms. Fountain-Tanigawa: Council Chair Rapozo, we do have a registered speaker.

Council Chair Rapozo: Okay. I will suspend the rules.

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

Ms. Mohammed DesMarais: If I may, Council Chair Rapozo, can I speak on both items being requested to submit to the Legislature from Councilmembers?

Council Chair Rapozo: Sure.

Ms. Mohammed DesMarais: Just in general, I approve both measures and I am grateful there are little steps being taken in order to correct the uses on the land here. Ultimately, why I have been advocating so intently for a general County tax on all of the businesses that are profiting off the island by way of land, air, sea, spring, or river, is to fix the problems that has happened by actually bringing in money. We can use that as a budget to shower the communities that need it with money. If it were not for grandmothers on this island, grandparents in general, the circumstances here would be extremely dire, and I personally can vouch for that also. Some people that do not have the grandparents that have had the ability to create success, there is basically no hope. This is an intent to generate income for that to happen, for there

to be hope to create avenues for success for all individuals on this island and to basically shower these grandmothers that are grandmothers of all of the neighborhood with whatever they need, budget. I know you folks are going to have an intense time when the next budget comes around and maybe these small steps will be helpful for that time. But I feel even if there is a year that we need to put into this to actually make this happen and have the County have more control over the money that is generated on this land so that we can be helpful. I understand that all of you want that intently as human beings. This is just an idea to make that happen. I do appreciate it since you know how the State Legislature works and maybe these are very slow-moving request to be approved and of course, we are at the whim of being rejected or approved. But I do want it to progress in that direction so that there is actual money that is going to be given to the populations that need it here so that we can all move forward together. I really do appreciate all of your work. I know it is a heavy responsibility.

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

Council Chair Rapozo: The motion is to...

Ms. Fountain-Tanigawa: Approve.

Council Chair Rapozo: Approve.

The motion to approve C 2017-204 was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

C 2017-205 Communication (08/24/2017) from the Mayor, transmitting for Council consideration, the cost items for the United Public Workers (UPW) Bargaining Unit 1 for the period July 1, 2017 through June 30, 2021, which was recently ratified by the employees of Bargaining Unit 1: Councilmember Kagawa moved to receive C 2017-205 for the record, seconded by Councilmember Brun.

Council Chair Rapozo: Is there any discussion or public testimony?

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

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

The motion to receive C 2017-205 for the record was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

Ms. Fountain-Tanigawa: Council Chair Rapozo, on page 4, we have another item that we need to go into Executive Session for, C 2017-206. Did you want to go to Legal Documents?

Council Chair Rapozo: Yes, please.

There being no objections, the Legal Documents were taken out of order.

LEGAL DOCUMENTS:

C 2017-207 Communication (08/28/2017) from the Housing Director, recommending Council approval of an Amendment to Lease and Declaration of Covenants and Restrictions, situated at Tax Map Key (TMK) No. (4) 4-6-036-041, 5178 Kome Street Kapa'a, Kaua'i, Hawai'i, for the Transitional Rental Housing.

- Amendment to Lease
- Declaration of Covenants And Restrictions

(Councilmember Kagawa was noted as not present.)

Councilmember Brun moved to approve C 2017-207, seconded by Councilmember Yukimura.

Council Chair Rapozo: Is there any discussion? Councilmember Yukimura.

Councilmember Yukimura: Could we have the Housing Agency up, please?

Council Chair Rapozo: Sure. We will suspend the rules.

There being no objections, the rules were suspended.

STEVEN FRANCO, JR., Homebuyer Specialist: Good afternoon, Steve from the Housing Agency.

Councilmember Yukimura: *Aloha*, Steve.

Mr. Franco: Hi.

Councilmember Yukimura: Could you just explain this lease? Is it going to go for transitional housing?

Mr. Franco: Yes. For this particular property, we originally went into a lease with Kaua'i Economic Opportunity (KEO) in 2013, and the main use of the property was for transitional housing to put people in permanent rental housing. With this amendment, what we are doing is basically amending it to allow interior inspections of the property. We kind of overlooked that when we originally did the lease. The original lease only states that we can do exterior inspections of the property, but it was a requirement for us to be allowed to do both interior and exterior.

- Councilmember Yukimura: Yes, I can understand the importance of that.
- Mr. Franco: Yes.
- Councilmember Yukimura: So the transitional housing is for people who might be homeless and are waiting for...
- Mr. Franco: Permanent rental housing.
- Councilmember Yukimura: ...a permanent rental housing?
- Mr. Franco: Yes.
- Councilmember Yukimura: So, a temporary place for them to stay?
- Mr. Franco: Correct.
- Councilmember Yukimura: Does the County owns that housing, and we are is leasing to KEO?
- Mr. Franco: That is correct.
- Councilmember Yukimura: Which handles homeless?
- Mr. Franco: Right. For this particular property, like I said, we executed a lease back in 2013 and it is a twenty (20) year lease with KEO.
- Councilmember Yukimura: So this is basically a lease amendment?
- Mr. Franco: Yes, just to make sure that we have the right to do an interior inspection of the property as well, as needed.
- Councilmember Yukimura: Yes, that is excellent.
- Mr. Franco: Yes.
- Councilmember Yukimura: Can you explain the next one, too?
- Council Chair Rapozo: I would assume it is the same.
- Mr. Franco: It is pretty much, yes. It is pretty much the same, but there are just two (2) different properties that require these Amendments to the Lease and Declaration of the Covenants and Restrictions.
- Councilmember Yukimura: Okay. Thank you very much.
- (Councilmember Kagawa was noted as present.)*

- Council Chair Rapozo: I have a question. How many of these do we own?
- Mr. Franco: These are the only two (2).
- Council Chair Rapozo: How many? There are only two (2)?
- Mr. Franco: Yes.
- Council Chair Rapozo: Oh, I thought you said thirty-two (32). Okay, got it.
- Mr. Franco: I am sorry. These are the only two (2) that we have.
- Council Chair Rapozo: Okay. Now, do they have to agree to this?
- Mr. Franco: Yes, they will have to agree to it.
- Council Chair Rapozo: Is there going to be a problem with that?
- Mr. Franco: No.
- Council Chair Rapozo: Okay. Thank you.
- Councilmember Yukimura: I have one (1) more question.
- Council Chair Rapozo: Go ahead.
- Councilmember Yukimura: Do we have some transitional units at Līhu'e Court?
- Mr. Franco: Yes. I am sorry. We do have some at Līhu'e Court that is done with Mutual Housing of Hawai'i.
- Councilmember Yukimura: Okay.
- Mr. Franco: I am sorry. You are correct.
- Councilmember Yukimura: So do we have about four (4) or five (5)?
- Mr. Franco: I think it is six (6) units over there.
- Councilmember Yukimura: Six (6) there and two (2) here?
- Mr. Franco: Yes.
- Councilmember Yukimura: Excellent.

Mr. Franco: Thank you.

Council Chair Rapozo: Thank you very much. We are done.

There being on objections, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Is there any further discussion? The motion is to approve.

The motion to approve C 2017-207 was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item.

C 2017-208 Communication (08/28/2017) from the Housing Director, recommending Council approval of an Amendment to Lease and Declaration of Covenants and Restrictions, situated at Tax Map Key (TMK) No. (4) 3-7-005-100:0004, 3934 Lawehana Street Lihū'e, Kaua'i, Hawai'i, for the Transitional Rental Housing.

- Amendment to Lease
- Declaration of Covenants And Restrictions

Councilmember Yukimura moved to approve C 2017-208, seconded by Councilmember Brun.

Council Chair Rapozo: Is there any discussion or public testimony?

There being on objections, the rules were suspended to take public testimony.

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

The motion to approve C 2017-208 was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

CLAIM:

C 2017-209 Communication (08/22/2017) from the County Clerk, transmitting a claim filed against the County of Kaua'i by EAN Holdings/Damage Recovery Unit, for damage to their vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i: Councilmember Kagawa moved to refer C 2017-209 to the Office of the County Attorney for disposition and/or report back to the Council, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Is there any discussion? Is there any public testimony?

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

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

The motion to refer C 2017-209 to the Office of the County Attorney for disposition and/or report back to the Council was then put, and unanimously carried.

Council Chair Rapozo: Next item, please.

RESOLUTIONS:

Resolution No. 2017-45 – RESOLUTION REQUESTING THAT THE HAWAII STATE LEGISLATURE AMEND CHAPTER 92 OF HAWAII REVISED STATUTES TO REQUIRE ITSELF TO BE SUBJECT TO THE SUNSHINE LAW: Councilmember Brun moved for adoption of Resolution No. 2017-45, seconded by Councilmember Yukimura.

Council Chair Rapozo: Is there any discussion? Councilmember Kagawa.

Councilmember Kagawa: I just want to thank you, Council Chair Rapozo, for putting forward this Resolution. Chances of this passing is highly unlikely. I think the makeup of the Legislature being that it is very difficult for them to handle all of their business in the time that they do, they are probably not going to be supporting it and will not even strongly consider it. But I think the problems that were posed due to the recent special session that was held where you had enormous amounts of concerned citizens from Kaua'i trying to figure out and make sense of Kaua'i's taxes going support rail, understanding that it is an important issue, but yet still wondering how their voice gets heard. At the County level, it is very easy at the County Council for them to know when meetings are held and how to get their testimony heard. I think all they ask is that the State has a similar process for the public to be heard and considered. I think your Resolution addresses that and gives the public adequate time to go to O'ahu if they need to present their testimony and not be caught off-guard when things actually pass that really impacts their lives heavily as much as items here do. I think just having that double standard in some ways feels unfair to the public. I have always been one for fairness. I am definitely going in strong support of your Resolution. Thank you, Council Chair Rapozo.

Council Chair Rapozo: Thank you. Is there any other discussion?
Councilmember Yukimura.

Councilmember Yukimura: I agree with Vice Chair Kagawa that it is unlikely and difficult for the Legislature, but the bottom line is that as the Sunshine Law itself says, opening up government process to public scrutiny and participation is the only viable and reasonable method for protecting the public's interests. I think the Legislature should find a way to adopt these practices even if it might mean extending the length of the Legislative session. I know that when I became Mayor,

our Board of Appeals for real property was doing everything in closed session and the Deputy Finance Director, Dotty Beckard, worked with them to do their decision-making out in the open. It was difficult at first, but it was really an improvement in terms of allowing the petitioner to understand the thinking of the Board. I believe other Boards in other Counties then followed suit over time. It is not easy to make a change in process, but it is possible.

Council Chair Rapozo: Is there any other discussion?
Councilmember Kawakami.

Councilmember Kawakami: Thank you, Council Chair Rapozo. I also will be supporting this, but I do have questions on how this would be impacting our Hawai'i State Constitution. I mean, the rules for the Legislature are clearly and explicitly dictated by the Constitution as far as being in for sixty (60) legislative days and opening on the third Wednesday of January. The Sunshine Law is like any other tool. It can be used to help and build or it can be used to hurt. I think sometimes, the Sunshine Law in all honestly, really fosters a lack of collaboration. Now, I mean that because when you take a look at where we find conflict, ninety-nine percent (99%) of the time is because there is a lack of communication. In essence, the Sunshine Law restricts us from the very foundation of building bridges and getting work done, which is communication. I do not think the intention of the Sunshine Law was ever intended for us to be able to not collaborate, because how effective of a government is there if there is no collaboration? I think the intent of the Sunshine Law was to make sure that all of the decision-making is open and transparent, that our voting records are out there for our constituents to judge, and the whole process is out there in the open. That being said, I do not know how it would impact the Legislature as far as their timelines. I do feel that if the Legislature just followed their current rules, that we would not be in this situation. In some of those current rules is that they have forty-eight (48) hour notice. Now, there has been a time when I was the Chair of a Committee where I had to ask for a waiver of a forty-eight (48) hour notice because we were up against a timeline, and if we had not waived it, the measure would have died.

(Councilmember Kagawa was noted as not present.)

Councilmember Kawakami: So we weigh these thing as Chairmen on whether it is for our public good. If it meets that merit, then often times or once in a while, we will waive that forty-eight (48) hour notice. But we do have rules for forty-eight (48) hour notice so that the public is aware of what is going on. The other thing is if you can recall at the waning moments of the Legislative session when it rail and funding mechanism of rail, the TAT came up at the last minute.

(Councilmember Kagawa was noted as present.)

Councilmember Kawakami: Prior to that, the acquisition of Turtle Bay came at the waning moments of session. Now, it is in the rules of the Legislature that any language that passes, has to have at least two (2) hearings. Both of these measures did not go through two (2) committee hearings, so both of them, technically, were against their own rules. I really believe that if they were to follow the rules,

follow the forty-eight (48) hour notice, that we would not have this kind of backlash. Well, I am pretty sure that it will not get a hearing. There has been some Legislators in the Legislature that have proposed it, and I am not sure if it got a hearing. But I can see the merit of it. I do not know how it impacts the timeline of the Legislature and what is constitutionally required. Thank you, Council Chair Rapozo.

Council Chair Rapozo: Thank you. Councilmember Chock.

Councilmember Chock: I also will be supporting this Resolution. I want to thank the introducer. I think from a research standpoint, when we talk about the idea of collaboration, there is a lot of data that supports dynamics of a team really are truly defined by size. For instance, the data shows that a team that can work succinctly together ranges from three (3) to fifteen (15) people in one (1) group. Essentially, what we are looking at is if you want to create that sense of collaboration with any group, it is really limited to a group like ours. I think the Sunshine Law actually hinders this group more than it does help. On the flipside of that based on the research from the legislative standpoint, I think that it actually brings more of a safety net to the team who is making decisions because when it becomes too big and so unmanageable, that is when things like the foundation of trust and accountability start to waive.

(Councilmember Brun was noted as not present.)

Councilmember Chock: I wish that there was some consideration for how we function here, because I think a lot to happen with a truly functional team that is willing to sit at the table, discuss, and conflict in a real healthy manner and we have that potential here. Thank you.

Council Chair Rapozo: Is there any other discussion? If not, I will just say I introduced this because I think that this last session, they made it really obvious and more so this special session, they made it really obvious that all of the decisions are really made beforehand and then it is a formality when it gets to the public's opportunity to testify, and that is legal. Under the Sunshine Law, that is perfectly legal, and I do not think that does the public any good. I want to read a section of this Resolution where the Sunshine Law defines that Boards—well, it starts off by saying that “the Sunshine law regulates the manner in which all state and county *boards* must conduct their official business.” “...the Sunshine Law defines the “boards” that it governs as, “...any agency, board, commission, authority, or committee of the State or its political subdivisions which is created by constitution, statute, rule, or executive order, to have supervision, control, jurisdiction or advisory power over specific matters and which is required to conduct meetings and to take official actions.” So that is a Board.

(Councilmember Brun was noted as present.)

Council Chair Rapozo: It also says, “The Sunshine Law describes the significance of holding meetings open to the public as, ‘...Opening up the governmental processes to public scrutiny and participation is the only viable and reasonable method of protecting the public's interest...’” That is in the current law.

Ironically, the Legislature does not have to follow that. I do want to read this last paragraph. We got testimonies from various Councilmembers throughout the State. Val Poindexter, from the Big Island, stated that the “Oklahoma court’s decision in Oklahoma Association of Municipal Attorneys vs. the State of Oklahoma in 1978 gives a clear statement of why open meetings are important. If an informed citizenry is to meaningful participate in government or at least understand why government acts affecting their daily lives are taken, the process of decision-making as well as the end results, must conducted in the full view of the governed.” I think that is clear. Although I believe that the Sunshine Law sometimes paralyzes us in the County, I think there has to have some sense of transparency. There has to have some form of transparency, but to remove that all together and imagine if we show up today—it is ironic that Lee Cataluna E-mailed me today and said, “What are the feelings of the other Members of the Council?” I had to reply saying, “I do not know because the Sunshine Law prohibits me from asking my colleagues.” This is the first time they have seen it and had discussion. I do not know. I kind of had an idea, but that is the irony of this. The Sunshine Law prohibits us from even talking to each other and yet, the State Legislature, my gosh. They have complete meet meetings. They kick people off Committees without any public participation. It is just amazing. I think that if you want transparency, it should go through all legislative bodies, but that is just my opinion. Is there anyone in the audience wishing to testify?

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

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

Council Chair Rapozo: Seeing none, is there any further discussion?
 Nobody is here. Roll call.

The motion for adoption of Resolution No. 2017-45 was then put, and carried by the following vote:

FOR ADOPTION:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Rapozo: Next item, please.

Resolution No. 2017-46 – RESOLUTION APPROVING AND RECOMMENDING PROPOSALS FOR INCLUSION IN THE 2018 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE: Councilmember Kagawa moved for adoption of Resolution No. 2017-46, seconded by Councilmember Yukimura.

Council Chair Rapozo: Is there any discussion? There is an amendment.

Councilmember Kagawa moved to amend Resolution No. 2017-46 as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 1, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: The amendment is simply adding the amortization item into the legislative package. Is there any discussion on that? Is there anybody in the audience wishing to testify?

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

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

Council Chair Rapozo: Seeing none, the motion to approve the amendment is on the floor.

The motion to amend Resolution No. 2017-46, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 1 was then put, and unanimously carried.

Council Chair Rapozo: We are back to the main motion. Councilmember Kawakami? No? Is there any other discussion on the legislative package?

Councilmember Kawakami: Oh, the legislative package?

Council Chair Rapozo: Yes.

Councilmember Kawakami: Well, I am willing to answer any questions if there are any questions to clarify what the measures are for.

Council Chair Rapozo: Go ahead, Councilmember Yukimura.

Councilmember Yukimura: I already asked the question, so if we can get information.

Councilmember Kawakami: Why do not we just go briefly then? Measure number one relating to the Transient Accommodations Tax. I am doing it more for the public's personal edification of what this package is. Basically, when I first got to the Council in 2008, we were thrust into the worst economic crisis that this Nation and this State has seen since the Great Depression. So we titled that "the Great Recession." During the time, the Legislature was looking at a various means of being able to balance their budget amongst a huge shortfall that was even further complicated by the natural disaster in Japan at the time. At time, they were scooping the Rainy Day Fund, the Hurricane Relief Fund, and they were looking at scooping the whole Transient Accommodations Tax appropriations to the County. As a

compromise, they placed that cap and the intent at the time, and the Legislative intent, and we can go back how to history, the intent always was as a temporary measure to get us through these tough times. I can tell you that a lot of discussion about the TAT has happened since rail. I have been getting calls and E-mails on why neighbor islanders are getting taxed. I have to clarify that unless we stay at a hotel, technically, we are not being taxed. It is neighbor island visitors. I have to make that clear because there is a lot of fear out there. It is neighbor island visitors that are being taxed. It is a tax on tourists, just to make that clear. Now, am I in agreement with that? I am not in agreement unless they lift the cap off this TAT. I think as the County's position, it should be to remember what the intent was when they capped it in the first place, which was as a temporary measure to get us through these rough times. I think that we should make it clear to our constituents and to the Legislature that we have not forgotten the promise that they made and go back to square one and tell them to remove the cap. So that is measure number one. Are there any questions for measure number one?

Council Chair Rapozo: I do not have any questions, but I do want to add on to that. Back when the cap was placed, at the same time, the TAT rate was increased. It was increased from seven point two five percent (7.25%) to eight point two five percent (8.25%), and then the following year nine point two five percent (9.25%) with the commitment to go back to seven point two five percent (7.25%) when the cap would be removed. Today, I believe this was in 2007 or 2008. So about ten (10) years later, the commitment is gone. We went from seven point two five percent (7.25%) to ten point two five percent (10.25%), which is what just passed. The Governor signed it yesterday, I believe. Our TAT increased by three percent (3%) and our cap is still there. There was actually no compliance with the commitment and I think that is important. I definitely will support this. I think the cap has to go. In relation, some of the Legislators are basically saying that the public residents are not being taxed. That is true, but that is lost revenue to the Counties. When the State takes the TAT or they cap us on the TAT, that means the taxpayers have to make up the difference when that money should be coming to us. We should be getting a higher share. So granted, the TAT increase will not impact us unless we travel or stay in a hotel here on Kaua'i. The fact of the matter is that revenue that the State has now raided, as I think Councilmember Kawakami said earlier, that is revenues that we have lost that has to be made up somewhere else. It is just not fair. Anyway, I do support this. Thank you for putting this in.

Councilmember Kawakami: Moving forward, the second measure is relating to fire sprinklers. Many of you folks were here when there was a big push for mandatory fire sprinklers being imposed at the County level. In response, the Legislation enacted a prohibition from Counties enacting mandatory fire sprinklers. But the science and data has shown that fire sprinklers do save lives. They are not intended to put out fires, but they are intended to buy you some time. That being said, I am a firm believer that as government, if we want to mold good behavior and push people towards where we want to be, that tax incentives are an effective way of doing so. We have seen the good and bad of our photovoltaic solar tax credits. I think that is why it is a valid question when Councilmember Yukimura asked the fundamental question, what is the fiscal implication? Let me be clear that any fiscal implication would be upon the State General Fund and not the Counties. That is why

when we had discussions, it was always mentioned that it is best to leave the fiscal questions up to the Committee on Ways and Means to go and answer. What this does is it establishes a twenty-five percent (25%) tax credit on total cost a fire sprinkler system. People have told me that only the rich people are going to put in fire sprinklers, and I do not necessarily agree because as we are out there in neighborhoods and talking to people, Planning Director Dahilig mentioned the term “graying” of society at people get older. There are a lot of people, I believe, that would utilize this tax credit. Who, you would ask. Well, I think anybody that may have an elderly parent that now has to live within their house and be taken care of, anybody that has young children, or anybody that has a child with a disability may be encouraged to put in a fire sprinkler system to save lives. That being said, we have this measure to be included in the Hawai‘i State Association of Counties Legislative Package. With that, if there are questions, I am will attempt to answer them.

Councilmember Yukimura: I want to say that even though the fiscal impacts will not fall upon us at the County level, it seems to me that if we are advocating something at the Legislature, we should know what we are advocating them to pay. I am hopeful that we can at least get ballpark figures on what the fiscal impacts will be of any bill that we propose to the Legislature.

Councilmember Kawakami: We can do that. I am just relaying what was said to me when I reached out to some of my fellow colleagues to bounce ideas off of them, that they said, “Let us worry about the fiscal impacts.” I am sure we have numbers, and I will get them to you and to the public as soon as we can get those numbers.

Councilmember Yukimura: Thank you very much.

Councilmember Kawakami: Thank you. Moving forward, I will take the next two (2) measures together because there is a nexus. Both of them are really economic development measures and quality of life measures. Both of them provide employers with tax credits for six (6) month period if they hire individuals with disabilities or for *kūpuna* at the age of sixty-seven (67) and older. Now, I will tell you I have introduced these measures before. We have been able to get broad support, but like most measures in the Legislature, most times, they do not pass. The first one is really borne with our longstanding friendship with Big Save and the Friendship House. We were actually able to hire people with so-called “disabilities.” There is a big stigma that really seems to be blocking employers from hiring out people with disabilities. I hope and we hope that this measure helps breakdown some of those walls. Some of the things that we have been able to see as employers is that these individuals with extraordinary abilities, actually show up to work early, they are dependable, they actually look for more work to do, and they raise the level of performance for everybody else. So hopefully with the cost of business continuing to rise, this provides some sort of incentive for people to hire individuals with disabilities, and so forth with the elderly individual tax credit for an employer that hires somebody at the age of sixty-seven (67). Why sixty-seven (67)? Because it is the age where you can qualify for social security for full benefit. This hopefully will get employers to go back to hiring our *kūpuna* because our *kūpuna* often nowadays still need to continue to work. They are often the first people to get laid off or looked

over because of their age. Hopefully, this provides an incentive. There is another incentive why I choose sixty-seven (67). It is because if you are elderly or you are a *kupuna* and can you hold off until the age of seventy (70), there is an additional benefit that can increase your monthly benefit from social security. So that being said, those two (2) measures, if there are any questions, I would be happy to answer them. Finally, Council Chair Rapozo, I would just like to also say that we do have a current HSAC package. These are just add-ons. We are still fighting for priority number one, which is indemnification of our lifeguards that are protecting our State beach parks. I think we are going after the unadjudicated traffic fines. What else are we going for? There is one (1) more important one. Ambulances, additional Emergency Medical Technician (EMT) or American Medical Response (AMR) units for Kaua'i. That was another bill that I had introduced at the Legislature, and when you look at when the last time our system has been updated, it was back in the 1990s. So our population has grown and the level of service has not increased to address the population growth. When you talk to all of the people in the industry, emergency services is based on O'ahu, AMR and EMT are all in support of this measure. That is all.

Council Chair Rapozo: Thank you. Are there any further comments or questions? Councilmember Kagawa.

Councilmember Kagawa: Thank you. I will be supporting this. I feel compelled to respond to the op-ed by Representatives Nakamura and Morikawa on the rail funding because this asks for Transient Accommodations Tax. When I read the op-ed, it is almost like the message I got was well, "People of Kaua'i, shut up, and do not say anything about the funding that we get from State of Hawai'i because we get more than our share." I beg to differ on that subject. We do not have the University of Hawai'i Mānoa here on Kaua'i. We do not have Aloha Stadium here on Kaua'i. We do not have the convention center on Kaua'i. We do not have lighted football stadiums at most of our large high school on Kaua'i. Kaua'i High School and Kapa'a High School have enrollments that exceed some of stadiums of public high schools on O'ahu. We have two (2) stadiums that we fully pay for as far as the lights and operations that our high schools use, which we want to do. It is not something that we do not want to do, but just to say, "Well, we have much more benefit here on Kaua'i, so we should all be quiet," I believe is not fair because I think a lot of things are not factored in O'ahu, Maui, and the Big Island has. The Big Island public schools also have a lot of lighted high school stadiums. Maui has a lot of lighted football stadiums for individual high schools. Again, let us make sure that when we compare apples and apples and oranges and oranges, that we do a fair job and not tell the people of Kaua'i that we get more than our share because I believe in essence, if you add up those things, I think we get less than our share. That is just my opinion based on the facilities I see that we have and what they have on the other islands. Again, I would fight for Kaua'i. Maybe we have our fair share, yes, but I do not think we have more than our share than the other islands. I beg to differ with that op-ed. Thank you, Council Chair Rapozo.

Council Chair Rapozo: Thank you. Are there any other comments? Councilmember Yukimura.

Councilmember Yukimura: Just to reiterate, I am interested in the cost factors for these, too. I fully support the proposal for tax credits for hiring people with disabilities because as Councilmember Kawakami said, they often turn out to be some of the most amazing employees, especially now as businesses need employees more than ever. It is a good incentive. I want to say that with respect to the ambulance, I have a sense that there are a lot of efficiencies that could be developed with our Fire Department looking at how to do emergency services, which they do first-responder. I know the Department has been looking at ways to do that because there seems to be a lot of duplication in first-responder work. There are eight (8) fire stations, I think now, which is a much broader reach than the ambulance service. If there is a way, since I believe ninety percent (90%) of the Fire Department's work is in emergency medical responses, for them to build up their capacity or work in better coordination with medical services, the ambulance services. I am hoping that we can look for some new ways of doing things that will help us find more efficiencies and cost-effectiveness.

Council Chair Rapozo: Thank you. Are there any other comments? If not, I really want to echo Councilmember Kagawa's comments about the op-ed. I thought that it was written obviously in defense of them, it was written to justify why they voted against it. But I have to say much has been said about what the County's share should be. I sat through hours of testimony and discussion on O'ahu, and it all comes down to what the Counties deserve. It is really offensive when I hear Legislators tell us that we get more than we deserve. That drives me nuts. When they sit there and say, "We subsidize you. We subsidize your hospitals. We subsidize your roads." A subsidy is if they were subsidizing our County functions, and we do get State funds, do not get me wrong. But when they are paying for a State hospital, it is not subsidizing the County. It is a State function, and then to come out with a threat, "Hey, do you want to take over the schools? Do you folks want to take over the hospitals?" Really? The examination, the assessment, and the analysis of what Counties deserve was done by the task force a few years ago. A task force. A non-political task force made up of private and public sectors throughout the State. Steven Hunt was our representative here. We had tax people. We had hotel people. We had judges. We had people from all walks of life. They met for two (2) years and they did the analysis. They looked at all of the County numbers that went to fund impacts of tourist in their individual Counties. They came out with a formula that said the Counties should share forty-five percent (45%), but the Legislature seemed to disregard that and they do not agree with it because it did not fit their need. That is the frustration. I do not know what that task force cost, but it took a long time and there was a lot of time spent on that, a lot of consultants, a lot of expertise. Councilmember Kagawa mentioned the convention center, Turtle Bay, and all of these things that the moneys go to does not help Kaua'i. But even with the task force recommendation of forty-five percent (45%) that the Counties should share and now we get capped, we cannot forget that up until this last special session, we were capped at ninety-three million dollars (\$93,000,000). We lost ten million dollars (\$10,000,000). To say that, "Hey, you folks better appreciate what Honolulu does and you better appreciate the City and County," I do. Trust me. When there is a natural disaster, we are there to help. Of course, we would help each other in a natural disaster, but there is no natural disaster right now. We are talking about moneys that should be coming to our County and Legislature has conveniently put a

cap on it, and that needs to be lifted. So I support that and I thank Councilmember Kawakami for adding that to the package. Again, when we talked about the Sunshine Law Resolution, we said, “There is very little chance of passing,” I feel the same way about the TAT cap being removed. But we have to start fighting back for our island and for our Counties. Thank you very much. Councilmember Kawakami.

Councilmember Kawakami: Thank you for that, and thank to my colleagues for their support. I would like to add one (1) last final blurb on the TAT. I would like to just read an excerpt from the third Wednesday in January 1987 at the in opening day, “and we will develop further, our expertise in tourism, through strong industry research and training at the University of Hawai‘i. Last session, we made history when we passed the hotel room tax. This year, we must follow with provisions, which permits some of the revenues to be appropriated to support our visitor industry and our four (4) Counties.” At the time, those words were spoken by the Speaker of the House, Uncle Richard Kawakami. As a reminder for me personally, it goes beyond just part of our job as Councilmembers. For me, this is personal to uphold the legacy of his vision that some of those hotel room tax revenues should be appropriated to the Counties and that they should uphold their promise to support police, and fire. Like Mayor Kenoi would say, “Every time somebody flushes a toilet, it is County sewer. Every time somebody needs to get rescued, it is a County lifeguard or a County firefighter.” I think that we have to push through. Like you said, the likelihood of this passing this time may not be in our favor, but does not take away from the intent of what we need to do. Thank you, Council Chair Rapozo.

Council Chair Rapozo: Thank you very much. With that, the motion is to approve. Roll call.

The motion for adoption of Resolution No. 2017-46, as amended to Resolution No. 2017-46, Draft 1, was then put, and carried by the following vote:

FOR ADOPTION:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Rapozo: Thank you. Next item, please.

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2666) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 7, ARTICLE 1, KAUA‘I COUNTY CODE 1987, AS AMENDED, RELATING TO THE UPDATE OF THE GENERAL PLAN FOR THE COUNTY OF KAUA‘I (ZA-2017-3): Councilmember Kagawa moved for passage of Proposed Draft Bill (No. 2666) on first reading, that it be ordered to print, that a public hearing

thereon be scheduled for October 4, 2017 at 8:30 a.m., and referred to the Planning Committee, seconded by Councilmember Chock.

Council Chair Rapozo: Is there any discussion? Councilmember Chock.

Councilmember Chock: Thank you, Council Chair Rapozo. In planning for the upcoming Committee Meetings, I have been talking with our Planning Department. I have not had a chance to really vet this well with our staff yet, but it was my proposal that we go through this plan thoroughly as all of us have noticed and seen the testimonies, that there are still many concerns and areas to look into regarding the General Plan. It is such a big document and an important document. I would like to propose that we actually look at going through the sectors. This is something that I have agreed upon with the Planning Department. The ten (10) sectors are outlined in the plan. I will just briefly go over them. It includes: watershed, housing, transportation, infrastructure and services, shared spaces, economy, heritage resources, energy sustainability, public safety and hazard resiliency, and opportunity for health for all. This on page 96 of the General Plan. In doing so, I think what we can do is look at the sector and how it relates back to the specific action items that are also outlined and how they relate to the four (4) goals that the General Plan directs us to. From there, my hope is that once we can get through the ten (10) sectors, and this would be after our public hearing on October 4th, that we could spend time for members to come back with amendments, maybe a month out, to give us some time to digest and come up with the amendments. I wanted to get feedback from everyone with availability within the Committee and how you would like to move forward with it. According to what the Planning Director and I have talked about, if this request is granted to move forward on process, we believe it will take about five (5) to seven (7) days in total, and could be accomplished through a separate Committee Meeting. So that could happen consecutive days and we could just recess each day and get through it, or it could happen twice a week. It is really about availability of Committee Members in order to get through it. There is one (1) other section that was talked about from the Planning Director that he believes is really integral for us in this decision process. There has been some concern and testimony regarding the framework of the plan. I am not sure where we are as a body on the framework, and if that is something that should be included now, we talked about now, if there are issue or just included in the discussion moving forward. But as I said, I think what we are looking at is we think we can get to two (2) to three (3) sectors per day. It just depends on the amount of questions that we have in the presentation. I would like to, Council Chair Rapozo, if we could entertain that with all Councilmembers.

Council Chair Rapozo: I think we need to definitely establish a process today of what we are going to do. I like the idea of setting a separate date to discuss and have the whole day to discuss a sector or two (2). I do not want to feel rushed in the Committee Meeting that has multiple items on the agenda. Again, it is dependent on the availability of members. We only have five (5) of you on the Committee. Myself and Councilmember Kaneshiro are not on the Committee, so the availability is really with the rest you have you to make sure that we can get quorum. I also think that some of these sectors may take the whole day or may take more than

a day. Just listening to Mike trying to answer the questions today, I think it is going to be involved. I still have some issues with just the growth numbers that they are using. We have to get that straight first. So I think as far as framework, and I am not on the Committee, I am relying on you folks. Obviously, I will participate. We have to start with the right foundation. We have to start off with the right framework. To me, those numbers are vital. If we do not all agree on the starting numbers, the growth rates, and visitors rates or numbers, then what will happen is there will be a lot of conflict going forward. I think the first day really, should be to set the framework and between now and then, we all have come up with the questions and get those answered. We have to clarify these things on that first meeting day because what you do not want is to go down the road on the third Committee Meeting and have to go back to the discussion that we never agreed on day one. I would suggest really getting your heads together and figuring out where we are going to start, what work will be the foundation, what will be the driving numbers, and then plot out a planned approach. I would suggest once a week if you could do like a Friday. That helps the public, too, as far as being predictable and when they can take off of work. But that will be up to your Committee. I think we have to make it very conducive for the public to come. Councilmember Yukimura and then Councilmember Kawakami.

Councilmember Yukimura: As the Planning Committee Chair read the sectors, I realized there is one (1) major missing and that is growth management. We heard today that there is a huge concern about that. I did not realize it was not a sector, and that is related to the numbers that Council Chair Rapozo is talking about. But I think we do have to make that one (1) subject anyway. I also want to say that if we end up with a Wednesday, it does not happen too often, but we have had really short Committee Meetings. I do not mind putting it in the afternoon since I think most of us have dedicated Wednesdays already. So if it is pretty clear that we have pretty short Committee Meetings, then we can maybe use the afternoon.

Councilmember Chock: Yes, I am in agreement with that.

Council Chair Rapozo: Again, getting the public to know that it is going to happen. If we are going set it on Fridays and again, the Sunshine Law. They will get six (6) days notice. It is a matter of making sure that they get the word. What you do not want is people to show up on a Friday and they are told, "Hey, we had the meeting on Wednesday." That is not going to be good. Again, we just have to be cognizant of that. Councilmember Kawakami.

Councilmember Kawakami: Thank you, Council Chair Rapozo. I will float the idea out there. For an issue with the magnitude of this size, the General Plan, once every ten (10) years. The last one was done eons ago. I would even be open to saying that we should float a resolution to reorganize the Planning Committee to include all members, which is contrary to what I used to say. I used to say, "Hey, what is the use of having a Committee if everybody is on it? We should just have Council Meetings." But I firmly believe that if we are going to do the meat and potatoes, and the building of this General Plan work at the Committee level, I think it reaches the magnitude where there may be some merit to reorganize the Planning Committee to include all members so that all members have input at the Committee

level so that when it reaches Council, we do not get some leftfield amendments being thrown in and then irritating all of the people that showed up to all of these meetings. Logistically, if there are four (4) Committee Members and somebody gets sick, every time somebody needs to use the restroom, we have to recess. So logistically, if we are going to be going on marathon meetings and if we are going to do the work of the people, maybe we should consider reorganizing and throwing all of the Members in temporary just to address this one (1) issue. Once the issue is done, we can reorganize again and go back to how it was. While we are talking about this, have we been able to secure the Kaua'i War Memorial Convention Hall for the October 4th public hearing? Since we are on television now, if we have been able, it might warrant that we at least announce that we were able to get it. But I am not sure if we were able to get it.

Council Chair Rapozo: Have we gotten the Kaua'i War Memorial Convention Hall? Yes.

Councilmember Kawakami: Okay, so you folks can make the announcement.

Council Chair Rapozo: October 4th at the Kaua'i War Memorial Convention Hall at 8:30 a.m.

Councilmember Kawakami: Think about that.

Council Chair Rapozo: Let us have some discussion really quickly because if we want to do the reorganization as Councilmember Kawakami has suggested, then we need to get staff to get that on the agenda so that we can vet that out as well. Councilmember Kagawa.

Councilmember Kagawa: I think Councilmember Yukimura's suggestion would fit well for the first meeting. I think if we can pick out the first Committee Meeting after the public hearing and set it for 1:30 p.m., I think that would be enough time for the other Committees to try and finish their work by lunch and save that time for the General Plan item. Then, we can see from there as far as if we want to add more days and if that works or not, because that half day may not work. I would say it is a good start. She brought it up and I agree with that actually.

Council Chair Rapozo: Go ahead.

Councilmember Yukimura: I mean, it is only because recently, we have had very short Committee days.

Council Chair Rapozo: Because we are efficient.

Councilmember Yukimura: Well, we only had minutes as I recall on one (1) of them.

Council Chair Rapozo: Yes.

Councilmember Yukimura: That was historic, to me. I think it might work best for the shorter subjects. I think there may be some where we want to set aside a separate day, but a combination so that at least we can maximize our Wednesdays and yet, not try to squeeze everything into Wednesdays because I agree with this idea of really doing a thorough job and taking our time to do the work.

Councilmember Chock: What I am hearing is we do not want to limit it. With that in mind, we could start and just continue. It might be lead into another day, a couple of other subject matters or sectors that we are talking about. While we can start on a Wednesday, whatever time we end up finishing our normal Committee business, we could move into—which, I think, is appropriate; the growth management framework along with the numbers as the first discussion and then move into sectors. Thereafter, I guess the feedback I need is what days other than that would work for members.

Council Chair Rapozo: Again, for me, the consistency, the predictability, and the stability is vital. I think the loudest complaint I heard from the community was the fact that they were not listened to or not being heard at Planning. I do not have a problem with doing the Wednesday to start. The other thing, too, if we hold a meeting on Wednesday and it comes down to our availability, we can recess that Committee until Friday without having to repost. It is just a continuation. If we started on a Wednesday and we...let us say we are doing the first day and it came 4:30 p.m. and we have to recess. We recess until Friday and we are okay. We do not need the six (6) days. I do not know what the limit of a recess is. They give us a reasonable time. A two (2) day recess would be perfectly legal and that would also give the public the opportunity to come back on a Friday. We can try that on the first one. I think that is probably a good idea. But after that, I think we need to—yes, it has got to be steady. I would not suggest trying to—if we have a light agenda on Wednesday, unless we are confident or comfortable that we can get the word out to the people. We will know. There is going to be a lot of people that are going to participate very actively in this discussion. Councilmember Yukimura.

Councilmember Yukimura: I am just thinking that even though we can recess and start again or reconvene on Friday, we should post all of this somehow so people do know that Fridays are set aside even before the end of a Wednesday so people are able to set their schedules if they want to participate.

Council Chair Rapozo: That is my biggest concern, that is it accessible and the predictability so they know. Councilmember Brun.

Councilmember Brun: I will be out October 17th to the 22nd. Beyond that, it is good.

Councilmember Chock: I have a conflict with a Friday, but I think we can still make it work. I think the first Wednesday and then Friday thereafter will work.

Councilmember Yukimura: I imagine we would be setting it sort of like we do the budget schedule so that it would be posted and people would know the days that are at least scheduled for discussions.

Councilmember Chock: So that would mean we could plan to highlight. We are going to try to get through these three (3) sectors, for instance, or two (2) sectors or whatever it is for that day.

Council Chair Rapozo: I think you will find that it is going to take a lot longer than you think.

Councilmember Yukimura: I think so, too.

Councilmember Chock: When looking at the sectors one of the—
Council Chair Rapozo, I am sorry.

Council Chair Rapozo: Go ahead.

Councilmember Chock: One of the things that came to mind was I noticed there is specific Committee Chairs that are associated with some of the sectors. I would really encourage input and oversight over these particular sectors as far as presenting or oversight go. Just take that into consideration. There is housing, there is transportation, and economic development, too. It is just something that if you have interest of, just let me know.

Council Chair Rapozo: Go ahead, Councilmember Kawakami.

Councilmember Kawakami: What do you think about my idea? I am just playing. Back to the Sunshine Law and how ridiculous it is.

Council Chair Rapozo: Yes.

Councilmember Kawakami: Just me mentioning my proposal, I believe was a violation of the Sunshine Law, right?

Council Chair Rapozo: No.

Councilmember Kawakami: It was not?

Councilmember Yukimura: No, it is at a meeting.

Councilmember Kawakami: Because it is not on the agenda, I am talking about a potential resolution and reorganization out in public in the public realm with all of these Councilmembers.

Council Chair Rapozo: Well as your attorney, I would say, "Do not say another word." Listen really quickly. I do not know what our captioner's name is and I apologize. We went one (1) hour over the caption break. I am so sorry. We are at the end of our regular agenda for now. We still have a couple of items that we have to come back on. If we can wrap up this up right now and go into Executive Session. I am sorry, BC, and I am sorry to the captioner. Is there any further discussion? Councilmember Chock will get it done and he will let us know what the schedule will be. If there is no further discussion, the motion is to approve on the first reading and schedule a public hearing. Roll call.

The motion for passage of Proposed Draft Bill (No. 2666) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for October 4, 2017 at 8:30 a.m., and referred to the Planning Committee was then put, and carried by the following vote:

FOR PASSAGE:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL – 7,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Rapozo: Normally I would ask you to read us into Executive Session, but I am not. Oh, okay, go ahead.

Proposed Draft Bill (No. 2667) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 1 BETWEEN JULY 1, 2017 AND JUNE 30, 2021: Councilmember Kagawa moved for passage of Proposed Draft Bill (No. 2667) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for October 4, 2017 at 8:30 a.m., and referred to the Committee of the Whole, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Is there any other discussion? Is there any public testimony?

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

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

Councilmember Kagawa: Not the Kaua'i War Memorial Convention Hall. It will be here.

Council Chair Rapozo: At 1:30 p.m.

Councilmember Kagawa: Oh, I had 8:30 a.m. At 1:30 p.m.

Council Chair Rapozo: Let me just restate your motion, the motion is to approve on first reading and schedule public hearing for October 4th at 1:30 p.m. here at the Council Chambers.

Councilmember Kagawa: The whole meeting is at the Kaua'i War Memorial Convention Hall. So 8:30 a.m. at the Kaua'i War Memorial Convention Hall?

Council Chair Rapozo: Yes. So your motion is correct.

Councilmember Kagawa: I made it correct the first time.

Council Chair Rapozo: Yes.

Councilmember Kagawa: I stand uncorrected.

Council Chair Rapozo: Roll call.

The motion for passage of Proposed Draft Bill (No. 2667) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for October 4, 2017 at 8:30 a.m., and referred to the Committee of the Whole was then put, and carried by the following vote:

FOR PASSAGE:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL – 7,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Rapozo: With that, BC, we are going to take a caption break because I know it has been a while. We will be back in ten (10) minutes.

There being no objections, the meeting recessed at 4:25 p.m.

The meeting reconvened at 4:35 p.m., and proceeded as follows:

(Councilmembers Brun and Kawakami were noted as not present.)

Council Chair Rapozo: Jade, if you could read us into Executive Session.

EXECUTIVE SESSION:

ES-915 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney, on behalf of the County Administration, respectfully requests an Executive Session with the Council to provide the Council with a briefing on the offer to sell a portion of Tax Map Key (TMK) (4) 5-5-001:002 to the County for Black Pot Beach Park expansion purposes, and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

(Councilmember Brun was noted as present.)

ES-916 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(1), (2), (4), and (5), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing to consider a request for legal representation to be provided by Special Counsel to various County Defendants in their respective individual capacities as it relates to Civil No. CV16-00350 filed in the United States District Court for the District of Hawai'i against the County of Kaua'i, Kaua'i Police Department, et al., and related matters. This briefing and consultation involves consideration of powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item.

ES-917 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing on the Mediation of: Michael S. Kocher, Sr., individually and on behalf of the Estate of Michael S. Kocher, Jr.; Patricia Kocher and County of Kaua'i; Irvin Magayanes, Mediation No. 15-0482-M, and related matters. This briefing and consultation involves 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-915, ES-916, and ES-917, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Thank you. Is there any discussion or public testimony?

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

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

Council Chair Rapozo: There is no one in the public here. Roll call.

The motion to convene in Executive Session for ES-915, ES-916, and ES-917 was then put, and carried by the following vote:

FOR EXECUTIVE SESSION:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL – 7*
AGAINST EXECUTIVE SESSION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

*(*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kawakami was noted as silent (not present), but shall be recorded as an affirmative vote for the motion).*

Council Chair Rapozo: With that, we will reconvene in the Executive Session room. I am hoping we can get back out here in forty-five (45) minutes. I am sorry. We will break for our Executive Session.

There being no objections, the meeting recessed at 4:38 p.m.

The meeting reconvened at 5:42 p.m., and proceeded as follows:

(Councilmember Kagawa was noted as not present.)

Council Chair Rapozo: Can we have the first item, please?

C 2017-202 Communication (08/22/2017) from the County Attorney, requesting authorization to expend funds up to \$300,000.00 to retain Special Counsel to represent various County Defendants in their respective individual capacities as it relates to Civil No. CV16-00350 filed in the United States District Court for the District of Hawai'i against the County of Kaua'i, Kaua'i Police Department, et al., and related matters.

Council Chair Rapozo: Can I get a motion to approve?

Councilmember Brun moved to approve C 2017-202, seconded by Councilmember Kawakami.

Council Chair Rapozo: Is there any discussion? There is no one in the public here.

The motion to approve C 2017-202 was then put, and unanimously carried *(Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative vote for the motion).*

Council Chair Rapozo: Motion carried. Can we have the last item?

C 2017-206 Communication (08/25/2017) from the County Attorney, requesting authorization to expend additional funds up to \$100,000.00 from the Claims and Judgments account in relation to the Mediation of: Michael S. Kocher, Sr., individually and on behalf of the Estate of Michael S. Kocher, Jr.; Patricia Kocher and the County of Kaua'i; Irvin Magayanes, Mediation No. 15-0482-M, and related matters: Councilmember Brun moved to approve C 2017-206, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Is there any discussion? Councilmember Yukimura.

Councilmember Yukimura: Yes, it is not the Claims and Judgments account. It is the Self-Insured Retention (SIR) account.

Council Chair Rapozo: Okay.

Councilmember Yukimura: Just for accuracy.

Council Chair Rapozo: Make sure we note that.

Councilmember Yukimura: So the motion would be that.

Council Chair Rapozo: Let us restate the motion. Councilmember Yukimura, do you want to do the motion?

Councilmember Yukimura: Okay.

Council Chair Rapozo: Hang on. Let us make sure we do this right. Mauna Kea will help you. Go ahead.

Councilmember Yukimura moved to approve the authorization to expend additional funds up to one hundred thousand dollars (\$100,000) from the appropriate insurance account with the Department of Finance, seconded by Councilmember Brun.

Council Chair Rapozo: Thank you very much. Is there any discussion?

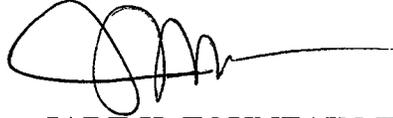
The motion to approve the authorization to expend additional funds up to one hundred thousand dollars (\$100,000) from the appropriate insurance account with the Department of Finance was then put, and unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative vote for the motion*).

Council Chair Rapozo: Motion carried. Thank you. With that, there is no further business. With no objections, the meeting is adjourned

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 5:45 p.m.

Respectfully submitted,

A handwritten signature in black ink, consisting of several loops and a long horizontal tail.

JADE K. FOUNTAIN-TANIGAWA
County Clerk

:aa

(September 6, 2017)

FLOOR AMENDMENT

Resolution No. 2017-46, Resolution Approving And Recommending Proposals For Inclusion In The 2018 Hawai'i State Association Of Counties Legislative Package

Introduced by: MEL RAPOZO

Amend Resolution No. 2017-46 by amending the fourth paragraph to include a new number 5 to read as follows:

“5. Relating to Zoning. Clarifies County zoning authority by distinguishing Single-Family residential use from Single-Family vacation rental use and allowing amortization by ordinance for Single-Family Transient Vacation Rentals over a reasonable period.”

(Material to be added is underscored. All material is new.)

V:\AMENDMENTS\2017\09-06-2017 Resolution No. 2017-46 AMK:aa