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**As of December 13, 2017, 4:30 p.m.**

Attached is a Floor Amendment that was introduced and approved (except for items 23 & 31) at the December 13, 2017 Special Planning Committee Meeting.

(December 13, 2017)

FLOOR AMENDMENT

Bill No. 2666, Update to the General Plan of the County of Kauaʻi

Introduced by: COUNCILMEMBER ARRYL KANESHIRO (By Request)

**PROPOSALS FROM THE PLANNING DEPARTMENT – TOURISM**

1. Amend Bill No. 2666 by amending the booklet entitled “Planning Commission Draft” dated “June, 2017,” including all Appendices, by amending page 28 by updating Table 1-4 with data from Table 1, “Visitor Arrivals to Kauaʻi County, 1990 to 2035” (Kauaʻi General Plan Update: Visitor Updates, October 2017).
2. Amend Bill No. 2666 by amending the booklet entitled “Planning Commission Draft” dated “June, 2017,” including all Appendices, by amending page 157 as follows:

“The policy of the General Plan is to uphold Kauaʻi as a unique visitor destination by focusing on revitalization and limiting new resort designations. This shifts the focus from expansion of the visitor industry to implementing a model of high value, low impact tourism that puts protection of the qualities and values that visitors come to experience as a highest priority.”

3. Amend Bill No. 2666 by amending the booklet entitled “Planning Commission Draft” dated “June, 2017,” including all Appendices, by amending page 157 as follows:

**1.1 [Understanding Kauaʻi’s Carrying Capacity for Tourism] Managing Average Daily Visitor Count and Visitor Impacts**

Every year, over 1.1 million visitors are drawn to Kauaʻi’s beautiful environment and rich array of cultural and outdoor activities. Research shows that most visitors are attracted to the island’s peaceful and unhurried setting. These preferences align well with residents’ desire to preserve Kauaʻi’s natural beauty and small town character.

[As much as visitors support Kauaʻi’s economy, they also stress infrastructure and increase the demand for public services. As shown in Table 3-3, in 2016 Kauaʻi had an average daily visitor census (ADVC) of 24,797 visitors, enough to increase Kauaʻi’s population by more than a third. ADVC is variable due to many factors including economic conditions, natural disasters, political conflicts, and others. On Kauaʻi, ADVC has been slowly growing at an average rate of about 2% per year since 2000, with a slight dip due to the economic recession of 2008-2009 (Figure 3-9).]

As much as visitors support Kaua'i's economy, they also stress infrastructure and increase the demand for public services. For this reason, recent growth in visitor arrivals has been a concern for many residents. In 2016, Kaua'i's Average Daily Visitor Count (ADVC) was 24,797, which is more than one-third of the 2016 resident population. Over the long term, growth in Kaua'i's ADVC has averaged 2% a year. However, since 2010, annual ADVC growth has averaged 4%. It should be noted that Kaua'i's ADVC is highly variable year-to-year and is sensitive to global economic conditions, political conflict, and growth in other tourism markets. Recent projections estimate that ADVC will near 30,000 by 2030.

[Many feel Kaua'i has hit its "carrying capacity" with regard to certain infrastructure systems, particularly the most heavily utilized parks and road networks.] Many feel that the current level of tourism growth on Kaua'i is excessive and as a result creates negative social and environmental impacts. For example, the Kaua'i Tourism Strategic Plan (2015) noted that when ADVC exceeds 25,000 that there is a notable decline in both the visitor experience and residential quality of life. The traffic congestion along the highway in Wailua-Kapa'a is an oft-cited example. Popular destinations such as Hā'ena State Park are actively looking for ways to address over-crowding and other impacts.

Acknowledgement of a tourism carrying capacity is occurring at the State level as well; the State of Hawai'i Climate Adaptation Initiative (Act 183) calls for analysis of a maximum annual visitor carrying capacity for the State and Counties.

In order to deal with tourism impacts, government and the resort industry will need to collaborate and engage in tourism management. One important step is to actively monitor and assess visitor impacts on infrastructure and facilities. By quantifying impacts, the County and State can better plan to control the impacts of excessive tourism. Tourism management includes a range of methods, from increasing the supply of recreational opportunities and facilities, reducing public use of certain resources, and changing visitor behavior through education and signage.

## **1.2 Managing Visitor Unit Inventory Expansion**

Resort and hotel properties account for 20 percent of the total revenue from Real Property, and vacation rentals account for an additional 21 percent.<sup>36</sup> Over 40 percent of the County's Real Property tax revenue comes from visitor accommodations.

[Today's visitor plant inventory is a mix of hotel units, timeshares, B&B's, vacation rental units and condo hotels (See Figure 3-10).] However, dealing with excessive tourism also means managing the supply of visitor units. According to 2016 Visitor Plant Inventory, Kaua'i has 8,444 visitor units which

includes hotel units, timeshares, apartment-hotels, and individual vacation units (see Figure 3-10). This is an increase of 1,285 units from the 2000 Visitor Plant Inventory of 7,159. The majority of Kaua‘i’s visitor accommodation falls in the deluxe to luxury price range. Less than three percent of Kaua‘i’s accommodation is considered budget (campsites are not considered to be units).”

## PROPOSALS FROM THE PLANNING DEPARTMENT – FUTURE LAND USE

4. Amend Bill No. 2666 by amending the booklet entitled “Planning Commission Draft” dated “June, 2017,” including all Appendices, by amending page 65 as follows:

“Lucy Wright Park is another important community destination located just a block from the central square that could benefit from improved facilities and parking. Waimea Canyon Park, adjacent to the Waimea Canyon Middle School, is the community’s regional park that is currently used for sports events and tournaments on the West Side. In 2013, the community envisioned the future expansion of the park through the Waimea Sports Complex Master Plan. In the plan, the community called for an additional 65 acres to create a multi-use sports venue that would better serve residents and generate economic activity for West Side businesses through hosting statewide and national sports tournaments.”

5. Amend Bill No. 2666 by amending the booklet entitled “Planning Commission Draft” dated “June, 2017,” including all Appendices (e.g., Appendix G – Action Matrix), by amending page 69, by adding a new item A.7. under “A. CONTINUE TO IMPROVE UPON WAIMEA’S HISTORIC CENTER AS A VIBRANT AND WALKABLE DESTINATION.” (appropriately renumbered as needed) as follows:

“7. Explore ways to fund and implement the Waimea Sports Complex Master Plan.”

6. Amend Bill No. 2666 by amending the booklet entitled “Planning Commission Draft” dated “June, 2017,” including all Appendices, by amending page 80 as follows:

“Neighborhood Centers & Urban [Growth] Edge Boundary

[As the main urbanized area on Kauaʻi that is planned to accommodate approximately half of its future growth, the Land Use Map for the Līhuʻe District looks different than the rest of the island. The Līhuʻe District was the first to adopt an Urban Growth Boundary to delineate the limits of desired urban growth.] Līhuʻe is the only district on Kauaʻi to have an Urban Edge Boundary delineation. The boundary was adopted through the Līhuʻe Community Plan (2015) to limit urban sprawl, defining where higher density development should be contained throughout the district. The Urban Edge Boundary is intended to facilitate preservation of agricultural lands and uses by focusing future growth and development within existing or identified Urban Centers and Neighborhood Centers.”

7. Amend Bill No. 2666 by amending the booklet entitled “Planning Commission Draft” dated “June, 2017,” including all Appendices, by amending page 80 as follows:

“Within the Urban [Growth] Edge Boundary, there are [multiple] existing and future designated Neighborhood Centers that correspond to Mixed Use Special Planning Areas (SPAs). These SPAs indicate priority “areas of change” for infill and new development to accommodate projected population growth. Most of these Neighborhood Centers are within a half mile of one another[, creating a continuous tapestry of urbanized lands of varying density]. The Neighborhood General designation is not applied to Līhuʻe[, as] because most of [the] these half-mile walksheds overlap. Instead, the General Plan Urban Center designation is retained in those developable areas outside of designated Neighborhood Centers.”

8. Amend Bill No. 2666 by amending the booklet entitled “Planning Commission Draft” dated “June, 2017,” including all Appendices, by amending page 90 as follows:

“The inundation maps for the 1-foot, [and] 3-foot, and 6-foot SLR scenarios can be found in Appendix E.”

## **PROPOSALS FROM THE PLANNING DEPARTMENT – THE WATERSHED**

9. Amend Bill No. 2666 by amending the booklet entitled “Planning Commission Draft” dated “June, 2017,” including all Appendices, by amending page 105 as follows:

“Based on the best available science, we should plan for three feet of sea level rise by [2100] the latter half of the century.”

10. Amend Bill No. 2666 by amending the booklet entitled “Planning Commission Draft” dated “June, 2017,” including all Appendices, by amending page 105 by replacing the current section 3.2 “Protecting Coastal and Near-Shore Habitats” with a new section 3.2 “Regulating Coastal Development and Activities” and its footnotes (\*) (with appropriate renumbering as needed), and moving the current section 3.2 “Protecting Coastal and Near-Shore Habitats” to become the new section 4.3 “Protecting Coastal and Near-Shore Habitats” on page 109, as follows:

### 3.2 Regulating Coastal Development and Activities

The State of Hawai‘i participates in the federal Coastal Zone Management (CZM) Program, established through the Coastal Zone Management Act of 1972. The Program seeks to “Preserve, protect, develop, and where possible, to restore or enhance the resources of the nation’s coastal zone” and is administered by NOAA.\*

The Hawai‘i CZM Program employs a wide range of strategies to manage coastal issues, mitigate detrimental environmental impacts resulting from development, and uphold environmental laws. Through statewide planning and community initiatives, such as the Ocean Resources Management Plan (ORMP) and Marine and Coastal Zone Advocacy Council (MACZAC), the CZM Program sponsors State and County efforts related to coastal stewardship, planning, permitting, education, and outreach.\*

The Special Management Area (SMA) was established in 1975 as part of the Hawai‘i CZM Program. Pursuant to HRS 205A, counties are authorized to determine SMA boundaries and administer SMA permits and shoreline setback provisions. The SMA covers coastal areas including roads, natural areas, and resort development. Proposed development within the SMA is subject to an assessment to determine whether an SMA Major Use Permit or an SMA Minor Permit is required. SMA permits do not prohibit development in coastal areas, but ensure development, uses, and activities comply with the CZM program and SMA Guidelines. The construction of a single-family residence as well as interior alterations, agriculture, and underground utilities are land uses and activities within the SMA that are generally excluded from the definition of “development” pursuant to HRS 205A-22.

The County also regulates coastal development through a Shoreline Setback Ordinance (2008) that prohibits development within a shoreline setback area. The setback line is based on average lot depth and long-term coastal erosion rates from the Kaua‘i Coastal Erosion Study.\*

\*(<https://coast.noaa.gov/czm/act/>)

\*(<http://planning.hawaii.gov/czm/about-czm/>)

\*(Fletcher, et al., 2012)

[3.2] 4.3 Protecting Coastal and Near-Shore Habitats”

11. Amend Bill No. 2666 by amending the booklet entitled “Planning Commission Draft” dated “June, 2017,” including all Appendices, by amending page 109 as follows:

“4.2 Countering the Threat of Invasive Species and Diseases

...

Prevention, containment, and eradication of invasive species require persistent and coordinated attention by all levels of government and conservation groups, as well as cooperation [by] from businesses and the community.

...

Efforts to date have thus far prevented ecologically destructive invasive [species] fauna such as snakes, mongoose, the varroa mite, coqui frogs, and little fire ants from establishing lasting footholds on Kaua‘i. Other invasive species such as [miconia] the rose-winged parakeet and feral cats are established on the island and require effective management and containment strategies to minimize their impacts. The parakeets pose a significant economic and food safety issue on Kaua‘i, since the birds are naturally drawn to fruit trees on local commercial farms. Feral cats are also a public concern as they carry toxoplasmosis, a disease that enters the water supply from cat feces and has been documented to kill marine animals such as the endangered Hawaiian monk seal. Invasive flora have a wide range of detrimental effects on the island’s ecology and economy. Species such as banana poka (Passiflora tarminiana), miconia (Miconia calvescens), and strawberry guava (Psidium cattleianum) spread aggressively in forests and contribute to the hearty diet and proliferation of rodents and feral pigs, which subsequently cause both ongoing conservation issues and food safety concerns for local agriculture producers. Furthermore, invasive herbaceous and woody plant pests such as bush beardgrass (Schizachyrium condensatum), aramina (Urena lobata), wedelia (Sphagneticola trilobata), and fireweed (Senecio madagascariensis) spread rapidly and can cause serious damage from an economic standpoint, as these types of invasive weeds can easily overtake pastures and grazing lands for livestock and are exceptionally difficult to eradicate.

Viral, bacterial, and fungal diseases such as Rapid ‘Ōhi‘a Death (ROD) and Banana Bunchy Top Virus (BBTV) cause flora-based infections that pose serious threats to indigenous flora and local food sources, respectively. Knowledge of these diseases and best management practices for preventing the spread of these diseases via contact with humans, automobiles, pets, and equipment/tools must be taught to the general public, and consciously adopted into all of our daily lives.

Active measures to minimize the impact of diseases and invasive pests must continue to be implemented and improved. Through concerted efforts and partnerships between the County, State, and Federal agencies (i.e., USDA, USFWS, NRCS, East & West Kaua'i Soil and Water Conservation Districts, HDOA, and DLNR), conservation groups (i.e., Kaua'i Conservation Alliance, KISC, Plant Pono, NTBG, the Nature Conservancy, and the Kōke'e Resource Conservation Program) and academic institutions (i.e., University of Hawai'i – CTAHR and local schools), prevention, monitoring, and eradication efforts will continue to combat the introduction and establishment of invasive species and diseases on Kaua'i."

12. Amend Bill No. 2666 by amending the booklet entitled "Planning Commission Draft" dated "June, 2017," including all Appendices, page 111, item C.12.b. (and corresponding Appendix) as follows:

"Projects that support the prevention and eradication of invasive species, [eradication] and the protection and conservation of [endangered and threatened] threatened and endangered species and habitats."

## **PROPOSALS FROM THE PLANNING DEPARTMENT – HOUSING**

13. Amend Bill No. 2666 by amending the booklet entitled "Planning Commission Draft" dated "June, 2017," including all Appendices, by amending page 116 as follows:

"Although previously permitted, new ADUs are not allowed on agricultural or open lands unless approvals were secured before 2007.

The County is also exploring whether to allow Additional Rental Units (ARU) in residential zoned areas. An ARU is a long term rental unit that includes a kitchen, bedroom(s), and bathroom facilities, attached or detached from a dwelling unit. Unlike ADUs, ARUs are restricted in size and allowed only in residentially zoned areas. ADUs are not restricted in size and were previously allowed within the Agriculture Zoning District and the Open Zoning District.

Infill development can further diversity Kaua'i's housing stock through "missing middle" housing in walkable communities."

14. Amend Bill No. 2666 by amending the booklet entitled "Planning Commission Draft" dated "June, 2017," including all Appendices, page 122, by adding a new item A.1.d. (and corresponding Appendix) as follows:

“d. Creatively exploring ways to use the tax code for enhanced compliance of non-conforming TVRs.”

**PROPOSALS FROM THE PLANNING DEPARTMENT  
– PUBLIC SAFETY & HAZARDS RESILIENCY**

15. Amend Bill No. 2666 by amending the booklet entitled “Planning Commission Draft” dated “June, 2017,” including all Appendices, by amending page 187 as follows:

“[The more that each of us is prepared and does our part, the safer and more resilient we will be as a whole.] The better prepared each of us are to do our part, the safer and more resilient we will be as a whole.”

16. Amend Bill No. 2666 by amending the booklet entitled “Planning Commission Draft” dated “June, 2017,” including all Appendices, by amending pages 189-190 as follows:

“KEMA coordinates the County response to all hazardous weather events and operates a network of evacuation shelters in partnership with the Department of Education and the American Red Cross. [They also monitor and respond to infectious disease outbreaks with the Department of Health.] KEMA works with Federal agencies such as the National Weather Service and the Pacific Tsunami Warning Center to ensure Kaua’i residents and visitors receive life-saving information on potential hazards in a timely manner.”

17. Amend Bill No. 2666 by amending the booklet entitled “Planning Commission Draft” dated “June, 2017,” including all Appendices, by amending page 190 by adding a new section 2.4 as follows:

“2.4 Homeland Security, Threats, and Health-Related Hazards

In addition to managing Kaua’i’s susceptibility to natural hazards, KEMA and emergency response professionals (i.e., Police and Fire Departments) must also be prepared to mitigate and respond to potential threats that stem from society itself. Such security threats and health-related hazards include but are not limited to: acts of terrorism, acts of war, biological warfare/terrorism, nuclear attacks/threats, hazardous materials, and disease outbreaks and epidemics.

As with natural hazards, communities and school campuses must be educated on the best practices and techniques for preparing for and responding to these

unique types of threats and hazards. This includes the universal understanding for all residents of what to do when prompted by the outdoor siren warning systems.

The Kaua'i Police Department is the lead agency responsible for Active Shooter Training for the County. Additionally, KEMA will occasionally coordinate Department of Homeland Security trainings on this issue. The Hawai'i Emergency Management Agency is the lead in public education and outreach for Nuclear/Ballistic Missile Preparedness/Awareness; KEMA is the County lead, with support of on-island trained personnel from KPD, KFD, and the Department of Health – Kaua'i District Office. The State Department of Health – Kaua'i District Health Office is the on-island lead for all Public Health and Epidemiological emergencies; KEMA will assist with coordination amongst partners and relaying information to the public.”

18. Amend Bill No. 2666 by amending the booklet entitled “Planning Commission Draft” dated “June, 2017,” including all Appendices, by amending page 193 as follows:

“Climate change and its associated symptoms [could] will have wide-ranging impacts [to] on Kaua'i's environment, economy, and way of life.”

19. Amend Bill No. 2666 by amending the booklet entitled “Planning Commission Draft” dated “June, 2017,” including all Appendices, by amending page 193 as follows:

“There is substantial documentation of global warming trends over previous decades, but predicting the exact rate and [extent] timing of future warming and associated sea level rise (SLR) is difficult. Based on the best available science, we should plan for three (3) feet of sea level rise by the latter half of the century. It is important to note that [these estimates] this estimate may be conservative, as some studies project upwards of [6] six (6) feet of sea level rise by 2100. The greatest uncertainty surrounding the projections is the rate and magnitude of ice sheet loss primarily from Greenland and West Antarctica. Further, the rate and magnitude of sea level rise is dependent on worldwide efforts to reduce greenhouse gas emissions. Given the range of uncertainty, [the National Oceanic and Atmospheric Administration (NOAA) recommends] a scenario-based planning approach is recommended that [balances the degree of potential change with the tolerance for risks associated with that change.] utilizes a range of SLR projections and uses a risk tolerance metric when choosing a SLR planning target for a project. For example, new infrastructure with a long anticipated life would represent very low risk tolerance while [an uninhabited area with no endangered species could tolerate greater risk from

climate change impacts.] shorter-term, low-cost infrastructure that is adaptable and/or moveable could tolerate a greater risk.”

20. Amend Bill No. 2666 by amending the booklet entitled “Planning Commission Draft” dated “June, 2017,” including all Appendices, by amending page 193 as follows:

“Water supply may also be impacted by climate change, especially if Hawai‘i’s [convective] rainfall patterns are disrupted or if salt water intrudes into any low-lying water wells. [Increased evapotranspiration will make] Kaua‘i’s arid environments, such as the West Kaua‘i plateau, [more dry] may become drier and may impact agriculture as well. [Fortunately, salt water intrusion into the aquifer is not considered a major threat due to the buoyancy of salt water and the low permeability of the caprock in coastal areas.]”

21. Amend Bill No. 2666 by amending the booklet entitled “Planning Commission Draft” dated “June, 2017,” including all Appendices, page 195, by amending item A.6. (and corresponding Appendix) as follows:

“Within the Special Management Area (SMA) and Zoning Permit program: . . . and, (d) [Add] Evaluate conditions that prohibit shoreline armoring.”

22. Amend Bill No. 2666 by amending the booklet entitled “Planning Commission Draft” dated “June, 2017,” including all Appendices, by amending page 247 as follows:

“Maps depicting potential 1-foot, [and] 3-foot, and 6-foot sea level rise scenarios for select locations on the island are included in Appendix D.”

<b>PROPOSALS FROM THE PLANNING DEPARTMENT – TRANSPORTATION</b>
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23. Amend Bill No. 2666 by amending the booklet entitled “Planning Commission Draft” dated “June, 2017,” including all Appendices (e.g., page 405, Appendix G – Action Matrix), by amending page 126, item C.1. as follows:

“1. Establish transportation priorities [based on] using a performance-based evaluation process, which considers the following criteria:

- a. Support of growth areas as designated in the General Plan and Community Plans;
- b. Support of the County’s mode shift targets;

- c. Priorities identified in Community Plans and other planning documents;
- d. Safety, with a priority on safety for children;
- e. Congestion management;
- f. Cost in relation to available funds; and,
- g. Opportunity to leverage non-County funds.
- h. Safety;
- i. System preservation;
- j. Economic development/community access;
- k. Support of growth areas as designated in the General Plan and Community Plans;
- l. Congestion management; and
- m. Environmental and cultural impacts.”

24. Amend Bill No. 2666 by amending the booklet entitled “Planning Commission Draft” dated “June, 2017,” including all Appendices, by amending page 129 as follows:

“• Opportunity for short-term car rentals on site at resorts.

These and other recommendations are found in the Kaua’i Short-Range Transit Plan (approved by the County Council October 2017).

Improved transit service cannot be accomplished if transit funding is irregular.”

25. Amend Bill No. 2666 by amending the booklet entitled “Planning Commission Draft” dated “June, 2017,” including all Appendices (e.g., page 406, Appendix G – Action Matrix), by amending page 129, by deleting item C.1. (with appropriate renumbering as needed), as follows:

“Implement a local circulator, mainline consolidation, and expansion as recommended in the County’s shuttle feasibility study and Short Range Transit Plan.”

26. Amend Bill No. 2666 by amending the booklet entitled “Planning Commission Draft” dated “June, 2017,” including all Appendices, by amending all of the following:

a. Amending page 129 by amending item B.1. and deleting item B.3. (with appropriate renumbering as needed), as follows:

“1. Complete a Short Range Transit Plan to identify efficiencies in paratransit and fixed route service and to establish priorities for service expansion. Implement the Short-Range Transit Plan.

2. Complete a Mid-Range (4-7 year) Transit Plan for longer-term transit planning.

[3. Complete the North Shore, South Shore, and

East Side transit feasibility study to identify streamlining of existing local transit service, potential local service expansion, a financial plan to fund service, and seamless integration of public and private transit services.]

[4.] 3. . . .”

b. Amending page 130, item C.8. as follows:

“[Identify locations and construct west side and North Shore satellite base yards if recommended in the Short Range or Mid-Range transit plan.] Provide adequate and efficient bus storage and maintenance facilities.”

c. Amending page 130 by deleting item C.11. (with appropriate renumbering as needed), as follows:

“[Update maintenance facilities to continue maintenance of the bus fleet.]”

d. Amending page 130 by deleting item D.1. (with appropriate renumbering as needed), as follows:

“[Evaluate privatization or contracting of some transit services, such as paratransit and local shuttles.]”

## PROPOSALS FROM THE PLANNING DEPARTMENT – OTHER

27. Amend Bill No. 2666 by amending the booklet entitled “Planning Commission Draft” dated “June, 2017,” including all Appendices, by amending page 6, appropriately inserted, as follows:

“**Māhele** means a division, piece, department, category, portion, or land division.”

28. Amend Bill No. 2666 by amending the booklet entitled “Planning Commission Draft” dated “June, 2017,” including all Appendices, by amending page 10, appropriately inserted, with footnotes (\*) appropriately numbered, as follows:

“Kuleana Rights means allodial titles to Hoa ‘Āina for their own (fee simple) lands, house lots, and certain privileges, including access from the mountains to the shore to collect resources granted by The Kuleana Act of the Māhele (December 21, 1849) also referred to as the “Kuleana Act of 1850.”(\*) In 2012 the Hawai‘i Supreme Court reaffirmed the viability of Kuleana rights in the present day.(\*)”

\*Hoakalei Cultural Foundation Website 2014.

\*Opinion of the Court by Nakayama, Acting C.J., Supreme Court of the State of Hawai‘i, April 27, 2012; Hawai‘i Reporter April 2012.

29. Amend Bill No. 2666 by amending the booklet entitled “Planning Commission Draft” dated “June, 2017,” including all Appendices, by amending page 10, appropriately inserted, with footnotes (\*) appropriately numbered, as follows:

“The Māhele (also referred to as The Great Māhele) means the process, proposed by King Kamehameha III, of redistributing of Hawaiian land to guarantee that Hawaiian people would not lose their tenured land as a result of the Alien Land Ownership Act of 1850, which allowed foreign land ownership in order to motivate capital and labor.(\*)”

\*Chinen, JJ The Great Māhele, 1958; HawaiiHistory.org 2017).”

30. Amend Bill No. 2666 by amending the booklet entitled “Planning Commission Draft” dated “June, 2017,” including all Appendices, by amending page 10, appropriately inserted, with footnotes (\*) appropriately numbered, as follows:

“Urban Edge Boundary means a regional boundary intended to limit urban sprawl. It defines where higher density urban development should be contained. Areas outside the Urban Edge Boundary are intended for lower density land uses such as open, conservation, and agriculture.”

31. Amend Bill No. 2666 by amending the booklet entitled “Planning Commission Draft” dated “June, 2017,” including all Appendices, by amending page 59 as follows:

#### **“12. Parks and Golf Courses**

The Park Designation describes major active public and private parks. The designation includes state parks, regional and district parks, stadiums, linear parks, and beach parks. Actions for parks are found in Chapter 3. A new designation is “Golf Courses.” Golf Courses were previously included in the

Open and Parks and Recreation designations. Public amenities and commercial uses are included in these areas.”

32. Amend Bill No. 2666 by amending the booklet entitled “Planning Commission Draft” dated “June, 2017,” including all Appendices (e.g., Appendix G – Action Matrix), by amending page 121 as follows:

“B. [PLANS AND STUDIES] PROJECTS AND PROGRAMS

1. [Integrate kūpuna needs into all future planning efforts.] Regularly convene a Kaua'i Houseless Solutions Summit to develop collaborative short-term homeless solutions involving Kaua'i's faith-based community with support from health and human service organizations and County and State agencies.”

33. Amend Bill No. 2666 by amending the booklet entitled “Planning Commission Draft” dated “June, 2017,” including all Appendices, by amending page 145 by and its footnotes (\*) (with appropriate renumbering as needed) as follows:

“Inter-island terminal needs may also be met by harbor reconfiguration or additional land acquisition.

In addition to handling overseas and interisland containerized cargo, Nāwiliwili Harbor can accommodate the domestic and international cruise ships that come to Kaua'i. At Nāwiliwili Harbor, Pier 2 is primarily used as the cruise ship terminal with a berth length of 531 feet and a depth of 35 feet at pier side.\* In 2017, 21 cruise ship companies anchored at Nāwiliwili Harbor with Pride of America accounting for the majority of the trips to Kaua'i.\* With the exception of Pride of America, a Hawai'i Cruise line, most cruise ships that come to Kaua'i are part of a longer route that comes from either Los Angeles or Mexico.

In the Commercial Harbors 2025 Master Plan (2001), there were several recommendations for Nāwiliwili Harbor that included providing sufficient berthing facilities for the growing industry and ensuring the safety of passengers from commercial cargo operations. To implement the Commercial Harbors 2025 Master Plan, the Hawai'i Department of Transportation – Harbors Division has recently included in their draft environmental assessment a proposal for Nāwiliwili Harbor drainage and pedestrian improvements. The paving and construction of the roadway connecting Pier 2 and Pier 3 will improve safety by designating a pedestrian walkway for cruise ship passengers separate from the commercial cargo activities.

\*HDOT – Harbors Division, Port of Call Handbook: <http://hidot.hawaii.gov/harbors/files/2012/10/Nawiliwili-Harbor-Kauai.pdf>

\*HDOT – Harbors Division, Passenger and Cruise Schedules:  
https://hidot.hawaii.gov/harbors/files/2013/01/DOC001.pdf

### **4.3 Valuing Small Boat Harbors as Important Recreational Resources”**

34. Amend Bill No. 2666 by amending the booklet entitled “Planning Commission Draft” dated “June, 2017,” including all Appendices, page 145, by adding a new item B.5. (and corresponding Appendix) as follows:

“5. Support HDOT – Harbors Division to implement and update the Kaua’i Commercial Harbors 2025 Master Plan.”

35. Amend Bill No. 2666 by amending the booklet entitled “Planning Commission Draft” dated “June, 2017,” including all Appendices (e.g., Appendix G – Action Matrix), by amending page 186, by adding a new item C.3. (appropriately renumbered as needed), as follows:

“3. Support the expansion of electric vehicle charging station infrastructure at County facilities.”

36. Amend Bill No. 2666 by amending the booklet entitled “Planning Commission Draft” dated “June, 2017,” including all Appendices (e.g., Appendix G – Action Matrix), by amending page 186, by adding a new item D.4. (appropriately renumbered as needed), as follows:

“4. Support the expansion of electric vehicle charging station infrastructure at strategically accessible locations along the main highway and other major thoroughfares.”

37. Amend Bill No. 2666 by amending the booklet entitled “Planning Commission Draft” dated “June, 2017,” including all Appendices, page 201, by deleting item D.1. (and corresponding Appendix) (with renumbering as needed) as follows:

“[1. Implement targeted and local hiring practices and invest in pre-apprenticeship training on development and infrastructure projects.]

[2.] 1. Ensure low-income students receive quality public education through strategies including comprehensive, place-based cradle-to-career initiatives.”

38. Amend Bill No. 2666 by amending the booklet entitled “Planning Commission Draft” dated “June, 2017,” including all Appendices, page 203, by amending item A.3. (and corresponding Appendix) as follows:

“Support the use, expansion, and development of family childcare homes, preschools, parent/child kindergarten readiness programs, and charter schools.”

39. Amend Bill No. 2666 by amending the booklet entitled “Planning Commission Draft” dated “June, 2017,” including all Appendices, by amending page 203 as follows:

[At the same time, funding limitations and current enrollment figures are obstacles in moving KCC toward university status. Another impediment to increasing student enrollment is the lack of student housing or dormitories.]  
On-campus housing would encourage neighbor island and out-of-state enrollment, and support the students and faculty who otherwise have long commutes. Although KCC has considered expanding its capacity with respect to on-campus housing and four-year university accreditation, there are no plans to pursue such changes in the near future. Nonetheless, the potential for expansion shall remain given the recent establishment of the University Zoning District in the Comprehensive Zoning Ordinance and the SLUD boundary amendment from Agriculture to Urban.”

40. Amend Bill No. 2666 by amending the booklet entitled “Planning Commission Draft” dated “June, 2017,” including all Appendices, page 204, by amending item C.7. (and corresponding Appendix) as follows:

“Support increased enrollment at [the] Kaua‘i Community College and the development of supportive housing, transportation, and facilities for [student,] students, staff, and faculty at the Puhi campus.”

**PROPOSALS FROM THE OFFICE OF HAWAIIAN AFFAIRS (10/04/2017)**

41. Amend Bill No. 2666 by amending the booklet entitled “Planning Commission Draft” dated “June, 2017,” including all Appendices, page 44, Policy 12, as follows:

“Traditional approaches of land use and resource management, including the understanding of water and watershed resources as public trust resources, promote our sense of place and [also] make environmental sense when seeking options that balance our growing community and the need to maintain healthy watersheds.”

42. Amend Bill No. 2666 by amending the booklet entitled “Planning Commission Draft” dated “June, 2017,” including all Appendices, page 104 by adding a new item A.7., and amend corresponding Appendix, as follows:

“7. Expressly and consistently condition development and subdivision approvals, building permits, and other discretionary approvals for actions that may impact surface water resources, on at least one of the following:

a. The prior implementation of updated instream flow standards and a monitoring plan for any surface water sources that are needed for any permitted project or development, when there is a reasonable possibility that public trust purposes are or may be harmed.

b. Ground- or surface- water management area designation for any aquifer area where new or expanded water sources will need to be developed, when there is a reasonable possibility of harm to public trust purposes in either ground or surface waters.

c. The explicit application and execution of the “framework” of analysis set forth by the Hawai‘i Supreme Court in the Kaua‘i Springs case, prior to the issuance of any permit or other discretionary approval by the county planning department, planning commission, or county council.”

(Note to editor: when amended language is added and underscoring is removed, retain underscoring of Kaua‘i Springs case name.)

43. Amend Bill No. 2666 by amending the booklet entitled “Planning Commission Draft” dated “June, 2017,” including all Appendices, page 119 by adding a new section A and item A.1., with appropriate subsequent renumbering, and corresponding Appendix, as follows:

“A. PERMITTING ACTIONS AND CODE CHANGES

1. Prior to the issuance of development and subdivision approvals, building permits, and other discretionary approvals for actions that may impact water sources that could also serve or impact the water needs of DHHL, consult with DHHL regarding their projected water needs and other rights to water under the public trust, such as those described or referenced under Hawai‘i State Constitution Art. XII § 1; Hawai‘i Revised Statutes §§ 168-4, 171-58, and 174C-49; Hawaiian Homes Commission Act §§ 220 and 221; and interpretive case law.

[A.] B. PLANS AND STUDIES . . .

[B.] C. PROJECTS AND PROGRAMS. . .

**[C.] D. PARTNERSHIP NEEDS . . .”**

44. Amend Bill No. 2666 by amending the booklet entitled “Planning Commission Draft” dated “June, 2017,” including all Appendices, page 138, item B.3. (and corresponding Appendix) as follows:

“Determine the sustainable yield of aquifer sectors through the Water Use and Development Plan~~[.]~~, with appropriate reservations for public trust purposes including environmental protection, traditional and customary Native Hawaiian rights, appurtenant rights, domestic water uses, and the needs of the Department of Hawaiian Home Lands.”

45. Amend Bill No. 2666 by amending the booklet entitled “Planning Commission Draft” dated “June, 2017,” including all Appendices, page 166 (and corresponding Appendix) as follows:

“~~[Require]~~ To the extent that public trust purposes would not be impacted or continue to be impacted, or where serviced agricultural operations constitute a reasonable and beneficial use that furthers the interests of the public, require preservation of viable irrigation systems—both government-owned and privately owned—to support the supply of irrigation water to farms~~[.]~~, provided that mitigation measures are taken to minimize any impacts to public trust purposes.”

## **GENERAL PROVISIONS**

46. If any provision that is amended is also found elsewhere, such language is hereby amended to provide consistency.
47. If more than one amendment to a same section is adopted on this date, all amendments shall take effect to the extent there is no conflict. If there is a conflict, the latest amendment shall be controlling.

(Material to be deleted is bracketed. New material to be added is underscored.)  
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