

PUBLIC HEARING

FEBRUARY 21, 2018

A public hearing of the Council of the County of Kaua'i was called to order by Mason K. Chock, Chair, Planning Committee, on Wednesday, February 21, 2018, at 2:13 p.m., at the Council Chambers, 4396 Rice Street, Suite 201, Historic County Building, Līhu'e, and the presence of the following was noted:

Honorable Arthur Brun
Honorable Mason K. Chock
Honorable Ross Kagawa
Honorable Arryl Kaneshiro
Honorable Derek S.K. Kawakami
Honorable JoAnn A. Yukimura
Honorable Mel Rapozo

The Clerk read the notice of the public hearing on the following:

“Bill No. 2686 – A BILL FOR AN ORDINANCE TO AMEND THE KAUAI COUNTY CODE 1987, AS AMENDED, CHAPTER 8, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE (*Additional Rental Unit – Planning Commission Recommendation*),”

which was ordered to print by the Council of the County of Kaua'i on January 24, 2018, and published in The Garden Island newspaper on January 31, 2018.

The following communications were received for the record:

- 1. Deal, Chad
- 2. Dente, Marj, dated February 18, 2018
- 3. Hawai'i Appleseed Center for Law and Economic Justice

There hearing proceeded as follows:

JADE K. FOUNTAIN-TANIGAWA, County Clerk: Committee Chair
Chock, we have one (1) registered speaker.

Committee Chair Chock: Okay. Can we have that registered speaker?

Ms. Fountain-Tanigawa: Carl Imparato.

Committee Chair Chock: Mr. Imparato.

CARL IMPARATO: *Aloha.* Again Councilmembers, my name is Carl Imparato. Regardless of whatever merits this Bill might have, it is far more

important that this County Council not take any actions that would decrease the safety of Kauai's residents. Specifically, the County Council should not create incentives through this Bill to encourage any additional development that would hinder the ability of residents to evacuate communities in the event that rapid evacuation is necessary. This is a matter of critical importance to the Hanalei, Wainiha, and Hā'ena communities. In these communities, rapid evacuation of the tsunami zone is no longer possible. This is due to reckless County policies that have encouraged excessive growth in tourism from an average of twenty thousand (20,000) tourists per day in 2010, to more than twenty-six thousand (26,000) in 2017; and growth in tourist vehicles west of Princeville; and County policies that have promoted the increased population density associated with non-conforming Transient Vacation Rentals (TVRs). Traffic leaving Hanalei now routinely backs up from the Hanalei River all the way to Waioli Stream. It now often takes twenty (20) to thirty (30) minutes to drive from Hanalei town to the Hanalei River Bridge compared to five (5) minutes just a few years ago. Changing the Comprehensive Zoning Ordinance (CZO) to encourage even more housing density and more population west of Hanalei River Bridge would be a disregard for public safety. It would, without a doubt, increase the death toll for residents of that area when the next locally generated tsunami occurs. So, the bottom line is that the County needs to enact and implement measures to resolve the critical problem of safe evacuation prior to encouraging any population density increases that would increase the problem. I therefore ask you that amend the Bill to state that no additional rental units shall be allowed on any parcel located within the Hanalei, Wainiha, and Hā'ena tsunami evaluation zones or alternatively, west of the Hanalei River Bridge. Thank you for considering this change. It will strengthen Bill No. 2686 by addressing a critically important issue that should be taken into account in all of your discussions on all bills. It would avoid the unintended negative consequences for public safety that the existing draft of the Bill would create. This is my own personal testimony, but I will note that the Hanalei to Hā'ena Community Association Board of Directors submitted the same arguments and concerns before the Planning Commission where it was ignored. Thank you very much.

Committee Chair Chock: Councilmember Kagawa

Councilmember Kagawa: I just have a clarifying question. Do you mean no Additional Rental Units (ARUs) east of the Hanalei River Bridge?

Mr. Imperato: No, west of the Hanalei River Bridge.

Councilmember Kagawa: West of the Hanalei River Bridge?

Mr. Imperato: Hanalei town.

Committee Chair Chock: To Hā'ena.

Councilmember Kagawa: Hanalei River Bridge?

Mr. Imperato: Yes.

Councilmember Kagawa: So, west of the Hanalei River Bridge would mean towards Kapa'a, right?

Mr. Imparato: Well, I am looking at the map.

Councilmember Kagawa: Oh yes, because the island is round.

Mr. Imparato: Yes, because the way it loops around on the map.

Councilmember Kagawa: So no ARUs towards the Hanalei and Hā'ena side?

Mr. Imparato: Right, and not because development is a bad idea, but because we have to deal with the safety issue first that has gotten so bad in the last five (5) years.

Councilmember Kagawa: Do you mean parking?

Mr. Imparato: Just the traffic. If we have to evacuate, if there is a tsunami or an earthquake on the Big Island during the daytime, there are so many people there that traffic is not going to let us get out.

Councilmember Kagawa: I think off even without the ARU Bill, it is already to be a disaster.

Mr. Imparato: Yes. It is just going to make it worse.

Councilmember Kagawa: Thank you.

Committee Chair Chock: Councilmember Yukimura.

Councilmember Yukimura: I have a question, Carl. In the event of a tsunami, would people not just walk up to the highest point rather than try to get in a car and go somewhere?

Mr. Imparato: There is really not very many ways from Hanalei town to get to high point, except all the way to the Hanalei River Bridge and then maybe going up Ohiki Road, or alternatively, you go the other direction where Hanelei Elementary School evacuates, you go up Waioli Stream.

Councilmember Yukimura: I remember sometime in the 1980s when we had a tsunami alert and they let all of the school kids go home, so all of the parents had to come pick them up and it created a gridlock such that right on Wailua Bay in front of Coco Palms, there was a gridlock and a line of cars exactly at the time when the tsunami was supposed to hit. I thought we learned our lesson from then that we do not to get in the car as much as possible if it is a tsunami alert, and you just walk uphill to the highest point.

Mr. Imparato: Maybe in the eastside that is true, but in Hanalei, you just have the taro fields, basically. It is pretty low-lying ground. You want to get fifty (50) to one hundred (100) feet above sea level.

Councilmember Yukimura: So, is everybody supposed to go to Princeville?

Mr. Imparato: Generally, yes.

Councilmember Yukimura: Oh, that does not...

Mr. Imparato: They say Hanalei Elementary School evacuates the other direction up the cemetery road along Waioli Stream, but there is a very limited capability to go that way. It is a serious problem and the question is, let us not make it any worse.

Councilmember Yukimura: Yes. Well, I think it is a serious problem if everybody gets into their car.

Mr. Imparato: Well, that may be...

Councilmember Yukimura: We can talk to the Emergency Management Agency about that.

Committee Chair Chock: Thank you. Is there anybody else registered?

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

Committee Chair Chock: Would anyone else want to testify who has not yet? How about for a second time? Do you need more time, Mr. Imparato? Okay. Thank you. This concludes the public hearing for Bill No. 2686. The public hearing is adjourned.

There being no further testimony, the public hearing adjourned at 2:20 p.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA
County Clerk