

PUBLIC HEARING

JULY 31, 2019

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, July 31, 2019, at 1:30 p.m., at the Council Chambers, 4396 Rice Street, Suite 201, Historic County Building, Lihue, and the presence of the following was noted:

Honorable Mason K. Chock  
Honorable Felicia Cowden  
Honorable Luke A. Evslin  
Honorable Ross Kagawa  
Honorable KipuKai Kualii  
Honorable Arryl Kaneshiro

Excused: Honorable Arthur Brun

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

“Bill No. 2754 – A BILL FOR AN ORDINANCE AMENDING SECTION 8-1.5, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO GUEST HOUSE (*Guest House — Planning Commission Recommendation*),”

which was ordered to print by the Council of the County of Kaua'i on June 26, 2019, and published in The Garden Island newspaper on July 3, 2019.

The hearing proceeded as follows:

Committee Chair Chock: Do we have anyone signed up to speak?

JADE K. FOUNTAIN-TANIGAWA, County Clerk: We have two (2) registered speakers. The first registered speaker is Brian O'Brien, followed by Janet Kass. I am sorry, we have three (3), followed by Dennis Esaki.

Committee Chair Chock: Thank you Madam Clerk. Mr. O'Brien. When you come up and sit down, please press the button and state your name for the record. You have three (3) minutes.

BRIAN O'BRIEN: Good afternoon, Mr. Chairman and all of you folks, *aloha*. I will be really brief. I am here to say that I support this Bill to allow a kitchen to be in a guest house. I understand that may be accompanied by the possibility of having the guest house built before the main home. For our family, that is based on affordability reasons. I did want to say one thing that I have learned at the last meeting regarding what Mr. Esaki said when changing the limitation of a five hundred (500) square feet guest house to an eight hundred (800) square feet. In

our situation, my son will moving into a five hundred (500) feet guest house, but when he marries and has children, he will most likely have to move out. By adding three hundred (300) square feet, you would not notice the difference if you are anywhere from a one half (½) acre to any size above. It would not be irritating to the neighbors. It would allow him to stay there forever. My children are born and raised here. My son is a farmer who graduated from the University of Hawai'i at Hilo, and he intends to stay here on island. The guest house would basically be his farm where he is currently farming goats with the intention of growing food later. If it were eight hundred (800) feet... Councilmember Evslin's told me that it is not on the agenda right now. However, in the future, I think it would be a benefit to the community and people would not have to move out based on the size of the growing family. Thank you very much and I support this.

Committee Chair Chock: Thank you, Mr. O'Brien. Next to testify.

Ms. Fountain-Tanigawa: Next speaker is Janet Kass, followed by Dennis Esaki.

Committee Chair Chock: Good afternoon, Janet, thank you for coming.

JANET KASS: My name is Janet Kass, I live in Wailua Homesteads, I am a Director at Kaua'i Island Utility Cooperative, but today, I am here to represent myself. I am here to testify in favor of adoption Bill No. 2754. In particular, I support allowing guest houses to have a kitchen and to increase the allowed size of the guest house to eight hundred (800) square feet. Being that Kaua'i needs more affordable living spaces, it seems very reasonable to allow long-term tenants to live in a guest house. It is unreasonable to expect a landlord to allow the tenant access to their kitchen. It is also quite unreasonable to expect the tenant to eat out at restaurants all the time, or to do all of their cooking on a barbeque grill outside. Hence, I believe kitchens should be allowed in a guest house and I ask you to vote in that manner. In addition, I think it is very reasonable to allow a guest house to be bigger than five hundred (500) square feet and I like the suggestion of eight hundred (800) square feet. I recommend that for your consideration either now or in the future. Thank you.

Committee Chair Chock: Thank you. Mr. Esaki, I believe you are next.

DENNIS ESAKI: *Aloha 'auinalā.*

Committee Chair Chock: *Aloha.*

Mr. Esaki: Good afternoon, Dennis Esaki, and I am speaking in favor to add a kitchen in a guest house and to enlarge the size of the guest house. The kitchen makes the house a home. Let me repeat that, the kitchen makes the house a home. I stayed up all night thinking about that. For a few years, I grew up in a small house in Anahola with no electricity and no telephone. However, we had a kitchen, and that is what made it our "home." We are bona fide farmers. If you fast-forward to today, if you are concerned about illegal vacation rentals, but you did not say that you cannot build a house there...you might rent it out or have chicken

fighters. If you are able to eat, sleep, and use the bathroom, but you are not able to cook, that does not make sense. It makes sense to allow the kitchen. With Ordinance No. 1049 and allowing you to put a lien on the property, you are not able to peek in everyone's house to look for rice cookers, plus the ten thousand dollar (\$10,000) daily fine for any violation. It makes sense to allow this to happen; and the reason is not because they are already breaking the law. If you are allowing a guest house on a smaller lot, to me, five hundred (500) square feet is only an arbitrary number. If you compare a larger lot of one (1) acre that is forty-three thousand five hundred sixty (43,560) square feet, two (2) or three (3) acres that is multiplied, we should not be concerned about three hundred (300) square feet. It would not put a bigger dent on the total lot coverage. Please allow a kitchen to be built in a guest house and for it to be larger in size. It only makes sense. Thank you.

Committee Chair Chock: I believe Mr. Hart wants to say something, too.

BRUCE HART: For the record, Bruce Hart. Last I spoke, I think I made my position clear. I am not against this as long as it is in residentially zoned areas. I have a real concern if you include agricultural lots. I see a proliferation. I see the potential for abuse. You say that they will not be Transient Vacation Rentals (TVRs), but we already have trouble enforcing that now. You will not be able to see some of these from the road if they are on agricultural land. In general, I do not want to see housing density increase on agricultural land. It is called a guest house, but with the changes that you are making, especially if you increase the square footage to eight hundred (800) square feet, it is not a guest house. It is a dwelling unit, it is a residentially dwelling unit, and that is the reality. What you are saying is that you are going to create an ordinance that is going to allow what we have been trying to avoid for how many decades, which is an increase in the density of agricultural lands. What I would like to see is what I said earlier. First, I would like to say I am not for increasing the size. As the Planning Department said at the last meeting when we spoke about this, there is a need. The realtors have said it, and I see a need for small dwellings, where single males and females are able to afford with the type of income that they have on this island. It is really hard. They are renting rooms on the inside of houses where they have no kitchen privileges or share a bathroom. It is a very stressful way of living. That is one (1) of the reasons why I do not want to see it increase in size. The other thing that I am thinking about...I will probably run out of time, but I may speak on the second three (3) minutes. I have not passed this idea to any of you, but this body has the power to zone. I will speak on the second three (3) minutes.

Committee Chair Chock: Is there anyone else that would like to speak for a second time that has already spoken? Okay, we will call you back. Mr. Esaki.

Mr. Esaki: Hello again, Dennis Esaki. There is a concern about the kitchen as well as the increase in size; the farm dwelling agreement will govern that. We are not saying to change that, therefore, it should alleviate that fear. Thank you.

Committee Chair Chock: Is there anyone else for a second time? If not,  
Mr Hart.

Mr. Hart: I agree with the Farm Dwelling Ordinance. I will mention something. I would like to see some kind of an amendment to that ordinance so that someone that plants an orchard, is able to receive a break. If they are only having to earn for a certain number of years...ten thousand dollars (\$10,000) in farming. There is a big capital outlay to plant an orchard, to maintain, and it does not start paying until about eight (8) to ten (10) years. For the idea that I have, this body has the power over zoning. What I am thinking of, as the Planning Department and I have said, there is certain areas that are agriculturally zoned that are near urban areas where the infrastructure is close by. Those are the areas that I would consider if they were brought forward in order to upzone them into residential areas to increase density. How much we are going to increase density is up for discussion and it is up to this body. What I am proposing is that we create a zoning area where housing is considered residential by its design and layout, and to allow multiple families. The reason for this is that multiple families could pull together to afford and purchase the home. You are able to consider a different design of the home where there would be two (2) kitchens or two (2) levels. It would be a multiple family unit that is built into a residential framework structure. When you drive in, it would look like a residential area. Instead of having this proliferation of families who are not able to afford, they would be moving into residential areas instead of occupying a single-family residences, where there is multiple families causing noise and parking problems that is stressful. Thank you.

Committee Chair Chock: Thank you. Seeing no further testimony. This public hearing is now adjourned and the Bill will be going to Committee next week.

There being no further testimony, the public hearing adjourned at 1:44 p.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA  
County Clerk

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