

PUBLIC HEARING

FEBRUARY 5, 2020

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 5, 2020, at 1:37 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 Felicia Cowden
Honorable KipuKai Kuali'i
Honorable Arryl Kaneshiro

Excused: Honorable Luke A. Evslin
 Honorable Ross Kagawa

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

“Bill No. 2768 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO RESIDENTIAL DEVELOPMENT STANDARDS FOR ACCESSES AND DRIVEWAYS (*County of Kaua'i, Applicant*) (ZA-2020-4),”

which was ordered to print by the Council of the County of Kaua'i on January 16, 2020, and published in The Garden Island newspaper on January 21, 2020.

The following communications were received for the record:

1. Contractors Association of Kaua'i, dated February 5, 2020
2. Lau, Laurence, E-mail received on February 4, 2020

The hearing proceeded as follows:

SCOTT K. SATO, Deputy County Clerk: We received two (2) written testimonies and have three (3) registered speakers. The first speaker is Jessica Drake, representing Theresa Drake, followed by Laurence Lau.

Committee Chair Chock: Theresa, you mentioned this was your first...

JESSICA DRAKE, representing her mother Theresa Drake: My name is Jessica.

Committee Chair Chock: I am so sorry.

Ms. Drake: It is okay, I am representing my mother, Theresa.

Committee Chair Chock: You will have three (3) minutes. All you have to do is press the button at the front of the microphone. The light will turn on and your three (3) minutes will begin. If you could mention your name at the frontend for the captioner.

Ms. Drake: Hello, my name is Jessica Drake and I am here today to represent my mother, Theresa Drake. She could not be here today. Thank you for allowing me to speak regarding this Bill on Kaua'i County Code 1987, Chapter 8, Section 1.5, Bill No. 2768 and Bill No. 2769. My mother was here to speak at the first public hearing on December 10, 2019. She was delighted that the resolution to amend the Code was approved. My mother purchased her property in May 2018. She was the last buyer in the condominium property regime (CPR) and unaware of the ordinance. Since then, my mother has found a licensed builder and contractor, had construction plans drawn, filed for a building permit, her building plan was approved, and had her septic engineered and approved. She has re-graveled her one hundred (100) yard driveway and cut the trees away. Then, she found out that before she could get her building permit, she alone must put in the concrete road for herself and her four (4) neighbors. The road shared by her neighbors is a mile long. To put this burden on the last buyer in a CPR is just unfair and unequitable. The neighbors in the CPR maintain a coral surface for their shared road. This is quite sufficient in all of the different weather. If this ordinance is not amended to allow gravel or coral as a viable alternative to cement, then obtaining a building permit is impossible. Right now we live a flood zone, so my mother is coming out, and we want to build a family farm. We were hit hard. We live at the bottom of Wainiha. Building a home on this land that is up so much higher is optimistic for our family. I would like to get my mother in there to build her home and to start farming with our family. I would like for her to move on in a more optimistic less flood zone way. Thank you.

Committee Chair Chock: Thank you.

Mr. Sato: The next speaker is Laurence Lau, followed by Maka'ala Ka'auomoana.

LAURENCE LAU: I am Laurence Lau and I am testifying on my own behalf. Chair Kaneshiro and Councilmembers, good afternoon. Thank you for the opportunity to testify. If I could, I would like to testify on both Bills (Bill No. 2768 and Bill No. 2769) at the same time. I strongly urge that you...I strongly support these Bills with the understanding...with amendments and with the understanding from the Planning Director's earlier testimony that they are not retroactive. I urge you to pass them. I did submit written testimony which I will just take highlights from. I want to thank the Planning Department, Fire Department, and the Department of Public Works for their work on these Bills, which I find is definitely in the public's interest. Together, these Bills, as you know, will relieve homeowners on low volume common driveways from very costly paving requirements and also will make certain properties buildable, which are not buildable under the current laws.

Finally, I would add that the law has been in effect since 1972, but very inconsistently enforced. It seems very unfair that it should only be enforced now. I do support a couple amendments. First, I would ask that you include border roads in the definition of "common driveway." They look the same and they work the same as driveways which are only on one (1) parcel. These are shared by two (2) parcels. It is more economical for the owners. I do support amendments to clarify where the turnarounds should be on a fire access road. With all of these things, I am flexible on the wording, as long as the goal of having reasonable standards for low volume roads and fire safety are met in allowing properties to be built where it is reasonable. I think that concludes my testimony. I would be happy to answer any questions, if you have any later. Thank you.

Committee Chair Chock: Thank you very much, Mr. Lau.

Mr. Sato: Our last registered speaker is Maka'ala Ka'aumoana, representing the Kalihiwai Ridge Community Association.

MAKA'ALA KA'AUMOANA: Aloha Council. Thank you Committee Chair Chock. I testified today on behalf of the Kalihiwai Ridge Community Association. Before I say my testimony, I do want to make note of the fact that we and our board have members who are engaged in the real estate industry and who also work with other subdivisions. We did a fairly broad outreach to other subdivisions, as well as to the real estate companies on the island early on. We let them know that this was coming. We have been talking about this for years, so this was not anything new. Although I only represent the Kalihiwai Ridge Community Association, I did want to make note of the fact that we did do some outreach to others. The Kalihiwai Ridge Community Association strongly supports Bills Nos. 2768 & 2769. Both pieces of legislation are the products of comprehensive collaboration and responsiveness to community concerns and scenarios. We appreciate this opportunity to commend and thank our Planning and Fire Departments for their work and commitment to providing for our residents' safety and offering alternatives for many of the individual property constraints in our rural areas. Including options for environmentally smart materials demonstrates both holistic planning and a recognition of our fragile isle ecosystem. Our Association appreciates being included in the development of these fixes to our Comprehensive Zoning Ordinance (CZO) and Fire Code, and remains committed to the process of updating Kaua'i's laws to best protect and help Kaua'i's residents. There is some good stuff in these Bills that allow us to be safer as well. Having that conversation about the option for sprinklers is a very, very good thing. *Mahalo.*

Committee Chair Chock: Maka'ala, can you clarify...you said that you did some outreach to other organizations, can you mention who they are?

Ms. Ka'aumoana: We did talk to the agriculture CPR groups like 'Aliomanu, Waipake, and so forth. Ones that we had connections with because we are all agriculture subdivisions. What the real estate folks and who they particularly contacted, I do not know. They did it through the Board of Realtors and put the word out. They said, "You know, this is coming up and we want to take a look at it, and this is our position."

Committee Chair Chock: Thank you.

Ms. Ka'aumoana: *Mahalo.*

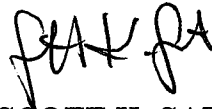
Committee Chair Chock: Would anyone else like to testify on this Bill? This is the CZO Bill, the Planning Bill. If not, the Fire Code Bill will be coming up next. Those who have testified once, if you would like to testify again, you will have another opportunity for another three (3) minutes. No?

Ms. Drake: It was scary enough the first time.

Committee Chair Chock: This concludes the public hearing for Bill No. 2768.

There being no further testimony, the public hearing adjourned at 1:47 p.m.

Respectfully submitted,



SCOTT K. SATO
Deputy County Clerk

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