

PUBLIC HEARING
DECEMBER 16, 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, December 16, 2020, at 8:43 a.m., at the Council Chambers, 4396 Rice Street, Suite 201, Historic County Building, Līhu'e, and the presence of the following was noted:

Honorable Bernard P. Carvalho, Jr.
Honorable Mason K. Chock
Honorable Felicia Cowden
Honorable Bill DeCosta
Honorable Luke A. Evslin (*via remote technology*)
Honorable KipuKai Kuali'i
Honorable Arryl Kaneshiro

JADE K. FOUNTAIN-TANIGAWA, County Clerk: Please note that we will run today's meetings pursuant to the Governor's Supplementary Emergency Proclamations with the most recent relating to the Sunshine Law being his Sixteenth Supplementary Emergency Proclamation dated November 23, 2020.

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

“Bill No. 2813 – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE (*County of Kaua'i Planning Department, ZA-2020-14*) (*Shoreline Setback And Coastal Protection*),”

which was ordered to print by the Council of the County of Kaua'i on November 12, 2020, and published in The Garden Island newspaper on November 23, 2020.

The following communications were received for the record:

1. Imperato, Carl, dated December 15, 2020
2. Regush, Rayne, dated December 15, 2020

Ms. Fountain-Tanigawa: Committee Chair, we have someone who wants to speak.

Committee Chair Chock: We have one (1) testifier standing by. Jade, I see you there. You have testified before, so you know that we have three (3) minutes with the timer. You will have a total of six (6) minutes, if you would like to take that out front. You may begin at any time.

JADE MOSS (*via remote technology*): Thank you, Scott. *Aloha* Councilmembers, my name is Jade Moss. I am here to testify on agenda item Bill No. 2813 and I am here on behalf of the Sierra Club Kaua'i group. This testimony that I will be reading was E-mailed to you last night by our Chair, but I will be reading here today and hopefully, have a little discussion if you are interested. The Sierra Club Kaua'i group is very concerned about some proposed changes to the Comprehensive Zoning Ordinance (CZO), Chapter 8. The shoreline setback area is essentially a no-build zone. It is unwise for the County to exempt public park facilities from current shoreline setback rules. This would be contrary to the expressed objectives of the ordinance and we strongly object to the proposed new language underlined below in Section 8-27.7, permitted structures within the shoreline setback area, Subsection (a), the following structures are permitted, and number fifteen (15), public park facilities. For example, the county's multi-use path is a linear park. It is a "public park facility" that is already experiencing impacts from coastal erosion. Portions of the path at Lydgate Park, the path at Wailua Beach across from Coco Palms Hotel, and the path fronting Pono Kai Resort in Kapa'a, are all already being undermined significantly by coastal erosion, king tides, and sea level rise. These three areas exemplify the need to locate these public park facilities landward of the shoreline setback area, not in the shoreline setback area. Retaining the current Variance Permit requirement for any structure intended to be built seaward of the shoreline setback is critically important, particularly because three (3) or more feet of sea level rise is anticipated by later this century. More vigilance is needed, not less. If the County is truly committed to community resiliency planning in light of climate change science, then the public park facilities exemption should be removed. We strongly support increasing the minimum shoreline setback from forty (40) feet to sixty (60) feet or more. Eliminating the requirement for a Variance Permit for County public park facilities will not reduce Kaua'i's exposure to coastal hazards, it will increase the risk and increase taxpayer expense. Finally, at the end we say the term "Shoreline setback determination" needs to be defined. It is used repeatedly, but cannot be found in Section 8-27.2 Definitions. Thank you so much for the opportunity to comment.

Committee Chair Chock: Thank you, Jade. I see no other registered testifiers. This will conclude the business of the public hearing and this will go to Committee, next time. Thank you.

There being no further testimony on this matter, the public hearing adjourned at 8:47 a.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA
County Clerk