

**COUNTY OF KAUAI, PLANNING DEPARTMENT
4444 RICE STREET, LIHUE, KAUAI, HAWAII 96766**

MEMORANDUM

DATE: *January 11, 2021*

TO: *Planning Commission*

FROM: *Clerk of the Commission*

SUBJECT: *1st Addition to the Planning Commission 1/12/2021 Agenda*

G. HEARINGS AND PUBLIC COMMENT

3. Continued Public Hearing

a. *Kaua'i County Council*

2. Testimony (1/7/21) from Makaala Kaaumoana.
3. Testimony (1/8/21) from Carl Imparato.

Leslie Takasaki

From: Kaaina Hull
Sent: Thursday, January 07, 2021 11:51 AM
To: Leslie Takasaki
Subject: FW: PC 1-12-21 agenda TESTIMONY

Hey Les,

Here's some testimony for Tuesday.

From: Makaala Kaaumoana <kaaumoana@gmail.com>
Sent: Thursday, January 07, 2021 11:06 AM
To: Kaaina Hull <khull@kauai.gov>
Subject: PC 1-12-21 agenda TESTIMONY

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Aloha,
Ref: item G3.a
CZO

Restaurants allowed on ag land IF 80% of products sold are produced on the property.

Mahalo,
Makaala

--
Makaala Kaaumoana
POB 1205
Kilauea, HI 96754
808-828-1205 home
808-346-5458 cell
808-431-4444 fax



Virus-free. www.avast.com

G.N.A.2. (A)
JAN 12 2021

January 8, 2021

County of Kauai Planning Commission
c/o County Planning Department
4444 Rice Street, Suite 473
Lihue, HI 96766

Re: ZA-2021-1 (Additional Uses in the Agriculture Zoning District)

Aloha Planning Commissioners,

This testimony supplements my December 7, 2020 testimony to you. In that testimony, I raised the concern that ZA-2021-1, as then-drafted, would add, with insufficient restrictions, "retail sales" and "restaurants and food services" to the list of uses that are allowed with a Use Permit. I.e., ZA-2021-1 did not require that either "retail sales" or "restaurants and food services" be limited to, ancillary to, or even associated with, products grown or raised on the property.

Supplement #1 to the Director's Report addresses the problem (in Section V.A) with regard to "restaurants and food services" by adding a footnote to this category to require that restaurants and food services sell only produce or livestock, or value-added goods associated with produce or livestock, raised on the property.

However, the "retail sales" category is still open-ended, undermining the integrity of Agriculture zoning by allowing retail sales that would have little-or-no connection to agricultural use of Agriculture-zoned parcels.

Without additional clarity regarding what types of "retail sales" would be allowed, the fact that "retail sales" would require Use Permits and public hearings provides insufficient assurance that agricultural parcels would not become sites for retail sales that have little-or-no connection to agricultural use of the parcel. Additionally, regardless of whatever restrictions state land use rules might place on retail sales on SLUC Agricultural-zoned parcels, the Kauai CZO should make clear what is, and what is not, allowed.

I therefore ask that you either delete the proposed "retail sales" category from the list of uses, or provide additional guidance and conditions (such as those that ZA 2021-1 now proposes for "restaurants and food services," for "agriculture food stands" and for "food processing and packaging") to make it clear that as used in the Table of Uses, the term "retail sales" is intended to be very limited in scope.

Carl F. Imperato

Carl Imperato
P.O. Box 1102
Hanalei HI 96714

G. N. A. N. (A)
JAN 12 2021