

MINUTES

PLANNING COMMITTEE

SEPTEMBER 2, 2026

A meeting of the Planning Committee of the Council of the County of Kauaʻi, was called to order by Addison Bulosan, Committee Chair, on Wednesday, September 2, 2026, at 8:35 a.m., at the Council Chambers, 4396 Rice Street, Suite 201, Historic County Building, Lihue, Kauaʻi, after which the following Members answered the call of the roll:

Honorable Bernard P. Carvalho, Jr.
Honorable Felicia Cowden
Honorable Arryl Kaneshiro
Honorable KipuKai Kualii
Honorable Addison Bulosan
Honorable Fern Holland, Ex-Officio Member
Honorable Mel Rapozo, Ex-Officio Member

Pursuant to Hawaiʻi Revised Statutes Section 92-9(a)(4), because a video recording of this meeting is available online, this is to provide a link to the video recording (valid as of the approval date of these minutes): https://kauai.granicus.com/player/clip/3137?view_id=2&redirect=true. Additionally, meeting videos are available at: www.kauai.gov/Government/Council/Webcast-Meetings.

(Note: No one from the public provided oral testimony via the Zoom remote technology platform on any agenda item.)

Minutes of the August 19, 2026 Planning Committee Meeting.

Upon motion duly made by Councilmember Carvalho, seconded by Councilmember Kaneshiro, and unanimously carried, the Minutes of the August 19, 2026 Planning Committee Meeting was approved.

The Committee proceeded on its agenda item as follows:

Bill No. 2998, Draft 1 A BILL FOR AN ORDINANCE AMENDING CHAPTERS 15, 12, AND 8, KAUAʻI COUNTY CODE 1987, AS AMENDED, RELATING TO WILDFIRE AND WILDLAND URBAN INTERFACE (WUI) (*County of Kauaʻi, Applicant*) (ZA-2026-6) (**This item was Amended to Bill No. 2998, Draft 2, and Deferred.**)

Councilmember Kualifi moved to recommend approval of Bill No. 2998, Draft 1 on second and final reading, seconded by Councilmember Kaneshiro.

Committee Chair Bulosan: Committee Members, I am going to start with discussion, then we will suspend the rules and have Administration respond. If you have any questions for the Administration, we can ask then. Then we will take public testimony and then back to discussion. We try to do as much work as we can for this Bill in the Committee Meeting. As always, we try to do a majority of our work for all of our bills with the intent to get it as best as possible, so that way if we do pass it today, we get the best bill possible for our second reading. With that, we do have a presentation and discussion starting with Council Chair Rapozo. I think that he has a presentation if we could get that set up.

Council Chair Rapozo: Thank you, Committee Chair. I appreciate the opportunity to speak. I am a non-Committee member, but I did request the deferral at the last Committee Meeting because I did have some questions. This Bill does not take effect until next year, July 1, 2027, so we have one (1) year. There is really no need to rush. One of my concerns last week was the cost. We were presented with the cost estimates from the Administration. The other concern I had was the financial or fiscal impact that this would have on the Department of Water (DOW), because at fourteen thousand dollars (\$14,000) per home—that is a significant amount of money that DOW would not receive that would have to be made up somewhere. This money does not just come out of thin air.

What I did was I reached out to the Contractors Association of Kaua'i (CAK) which is made up of our local contractors, developers, and an engineer, to go over the Bill section by section to see what the impact would be, what it would really cost one of our local contractors that specializes in residential construction. Testimonies are all attached to the packet that I asked staff to pass out this morning. I only received this yesterday. The Building Industry Association (BIA) had some concerns as well that I would like to have discussion on, which really pertains to the applicability to all construction. Whether you are in a hazard area or not, you are bound by these requirements. I sort of liken that to the special laws that we have that pertain to homes that are in a tsunami or flood zone. Those requirements do not apply to all construction around the island if you are not in that hazardous area. This one does. That is just one of the concerns that the BIA had which I tend to agree with. Have we designed hazardous zones which this should apply to? If you are in a zone that has no threat of wildfires, why would be imposing these additional costs on the construction? That is one (1) of them. The DOW impact is something that...I know the DOW is here and I am expecting them to come up and share with us what that cost would be. My biggest concern right now, as we all try to keep our local families in homes, is the true cost. I did ask the CAK, as I said earlier, to go through the Bill one by one, section by section, and come up with their cost estimates. The reason I am bringing this forward is because it is so different from what was presented to us, that I believe this body needs to validate what the real numbers are. We should not be rushed to pass this out today until we can. The Administration has a copy of this

and hopefully they can come up and explain why these numbers are so high versus what was presented. With that, I do have a short presentation that I wanted to share.

I know that it is kind of small on the screen, I hope you can see it. In the first requirement of roofs, the CAK people said that there is no change. They would not see any increase in cost. Under the gutters and downspouts, and this is based on a one thousand (1,000) square foot home, a regular, simple one thousand (1,000) square foot home, to implement these requirements would cost an additional three thousand dollars (\$3,000). The flashing which is on the exterior walls, they are estimating that the materials and labor to comply with that section would be five thousand dollars (\$5,000). The post and pier...the stainless steel...that pier material shall be noncombustible...anyway, in that section "D," they are saying that the estimate is five thousand dollars (\$5,000), in addition to the normal construction costs. The flashing for decking for the post and pier homes and what they are calling the "underfloor enclosure" would be two thousand dollars (\$2,000). On page 5, the vents, they are not attributing any costs to that because that is standard and there would be no additional costs. They are estimating the tempered glass requirement to be one thousand eight hundred dollars (\$1,800). That is, again, materials and labor. The exterior door—thirty dollars (\$30). The address that is required—twenty dollars (\$20). Again, they went through each section that would require additional items to be put on that home. That adds up to sixteen thousand eight hundred fifty dollars (\$16,850) which is sixteen dollars and eighty-five cents (\$16.85) per square foot. Then they had two (2) more calculations for concrete versus aggregate. They are estimating the concrete around a one thousand (1,000) square foot house to be ninety thousand dollars (\$90,000). If you use aggregate hardening instead, which is the rock or gravel, it would be forty thousand dollars (\$40,000) instead. As you can see, the price difference is significant. I am not a contractor. I am not an engineer. I do not know anything about construction, but the difference in these numbers is so significant that it warrants this body to at least ask the questions. These were estimates that were done from a team that was put together by CAK. I just wanted to set the stage with that, to at least get some information on what the real number is. That was my concern when I first saw it because I think that in the proposed Bill and the number is six dollars (\$6) per square foot. As you can see, it is significantly higher on the estimates given by CAK...significantly higher. That is kind of where I am hoping the discussion will go today. DOW is here today. I am hoping that they are prepared to come up. It is hard to say what the impact will be because you, obviously have to know how many homes you will build. Hopefully with historical data we can estimate what we would be looking at and how much that would impact DOW which is already struggling financially. When we take money away from DOW, it has to be made up somewhere. Their revenue source is simply water users. That is always a concern. I will just say that this Bill, if passed, would not take effect until July 2027. That is an entire year. There is no need to rush this through in two (2) Committee Meetings. My suggestion would be that, unless we can clarify the numbers and applicability, that I will be asking the Committee to once again defer. Thank you.

Committee Chair Bulosan: Thank you. Is there any initial discussion before we go to the Administration? Councilmember Cowden.

Councilmember Cowden: Thank you, Chair, for that outline. I am happy to give a little bit of initial discussion. We had a letter from Kaua'i Habitat for Humanity (Habitat) that suggested that there might be some amendments. I do not know if I can mention what I read from Habitat. When we do not have a second road access in, I understand how that is very expensive to put in another entrance. I think that is one (1) of the biggest fire hazards that we have. I want to speak about the plant challenge. I do not know if in the development of this Bill how much conversation was put in with people who are specialists in soil management. This is anything but a regenerative strategy of handling the soil. When I look at what is put in here, it is not realistic relative to the plants. When you separate all the plants out by as much as they do, it is pretty much grass to the fenceline with maybe a few little trees in the property. When I bought my house, that was basically what it was. As I put regenerative agriculture in there, I have not watered my yard in over probably ten (10) years because of the way nature manages plants. They grow in clusters. This does not allow for that. This does not allow for an understory which is the natural way of having plants. I think it is really important because one has to think about cooling the house and watering the yard. This is prioritizing fire prevention over food sustainability. The more you allow your yard to be natural with having a healthy amount of leaves on the ground, that is what holds the water in the soil. That is what keeps everything really abundant. Before I planted my yard, I really had no idea how much it would grow into what it became naturally. It has a forest floor in the yard. My house is a good ten (10) degrees cooler than it was. The house, which is a Hicks home with a wooden, single-wall construction. I used to be able to put my hand on the wall when the sun was on the house and it was warm to hot to the touch. You would not lean against it with a bare back. The house was hot in the daytime—always hot. With a natural healthy yard around it, the house is fine. I would never even need an air conditioner. When you think about what the cost is when we are looking at affordable housing, the cost to maintain an unnatural yard with a four (4) inch width of the tree base and all these design things, it does not help plants grow. The amount of landscaping and constant elements to keep the yard in an unhealthy, unnatural way of being is actually pretty extensive. I will have a few questions for the Fire Department about when you have a wetlandscape versus a dryscape because even when we see the burn scars that happened with the Hanapēpē/Kaumakani fire, you can see it went right along the edges of where there was a wetlandscape in the agriculture. I think that when you look at having concrete around the house and an absolutely exhausted soil, you are going to have a hotlandscape around that house as opposed to a wetlandscape. I really appreciated Council Chair Rapozo asking the questions about the districts. I know that we had a fire in Wainiha. I believe it was almost one hundred (100) acres. When the Fire Department comes up I will ask a few questions on that. There is an example of when a wetlandscape did burn, so I will have some questions about what happened with that wetlandscape. I am in agreement that different rules would maybe apply. We still want to be careful on how you create a burn area, but I think that when you have “stuffs” like hanging wetsuits on a clothesline underneath an eave, or whatever it is, there is all kinds of

things that create burnable materials—a lot more than the plants. A nice wet compress on the land of naturally maintained soil is going to be a lot less burnable than this. This asks for a hot, dry ground and I think that is problematic. Los Angeles is not Kauaʻi, if that is where a lot of this came from. Texas is not Kauaʻi. Arizona and Colorado are not Kauaʻi. The wonderful and important fire conference that came up with these ideas, might be reflecting a very different landscape than what we have here. I think that we need to really maximize what we have, which is a wet community, especially on the windward side of the island. Maybe we would have different requirements. Those are things that I want to be able to look at. I also want to be looking at the “shalls” and the “mays.”

Committee Chair Bulosan: Is there any other additional discussion? Since we are in our second Committee Meeting, I really appreciate non-Members and Committee Members providing all the information so that we can look at all the pieces so that we can provide something that is tangible and useful, but also does what it is intended to do which is to protect our community. I will also just mention that the group that came together on this was specific to Hawaiʻi and specific to Kauaʻi and provided a Bill with all the information necessary, so that we make any proposed changes that will affect our community with regards to our community. Hopefully we can, in discussion, clarify these things and make sure that we are passing a bill that helps our community but does not put a burden on them. I am going to suspend the rules and ask the Administration to come up. We have a few questions from our Members and non-Committee Members. Councilmembers, as is standard, please raise your hand and let me know when you are ready for your question, but there is already a list of questions. I will probably start with Council Chair Rapozo, since you had that presentation. Yes, let us start with your questions first. Administration, if you have any opening thoughts, feel free to start first.

There being no objections, the rules were suspended.

KAʻĀINA S. HULL, Planning Director: Good morning, Chair, Members of the Committee and Councilmembers. Kaʻāina Hull on behalf of the Planning Department joined by Chief Michael Gibson and Lance Delos Reyos to do some of the cost analysis for the Bill.

Council Chair Rapozo: I do not expect...they just got the materials. I just got it late yesterday afternoon. I do not know if they are prepared to respond to what we provided. Like I said, I do not believe there is a rush. If they are prepared to answer, that is fine. If not, I can wait.

Mr. Hull: On some of the responses by CAK, I can say that looking at some of those numbers, definitely we would be in agreement. Some of the numbers, though, are calculating things that are not required, like the gutters and the downspouts. That is not a requirement of construction. It is just that if you have gutters and downspouts, they must be metal. As well as I did not quite understand why they are going with stainless steel on the post and pier. We do not necessarily make post and pier out of stainless steel, but generally out of concrete, so

those are already noncombustible. They also have some flashing at the base of the house on the slab-on-grade. A slab-on-grade house would not have flashing. It has a concrete band that is already in place. So, just some of the things that they are analyzing...

Council Chair Rapozo: I think that was for the post and pier. The flashing and decking.

Mr. Hull: The second page has it quoted at the base of the house for the slab-on-grade, so you would not have flashing down there. You would have flashing at the intersection of a deck absolutely, but not on the slab-on-grade example. There are just some areas that it would appear that they are calculating numbers that are not requirements.

Council Chair Rapozo: I think that is where I do not expect you to do a comparison today.

Mr. Hull: I can also say that looking at their numbers for hardscape...and we specifically got five (5) quotes from five (5) different contractors—and we provided the names of those contractors at the last Committee Meeting. It was between four dollars and thirty-three cents (\$4.33) per square foot and eight dollars (\$8), depending on the contractor. That is where I am...wait...forty dollars (\$40) per square foot for hardscape. I am not going to say that there are not contractors quoting that, but that is not necessarily reflective of the five (5) quotes from five (5) different contractors who were willing to go on the record with what they are quoting.

Councilmember Holland: Can you remind us of what those were?

Mr. Hull: The contractors?

Councilmember Holland: The quotes for the pricing.

Mr. Hull: The quote was, Unlimited Construction, Inc. had it at five dollars (\$5) per square foot.

Council Chair Rapozo: Is that labor and concrete?

Mr. Hull: The material delivery is also something that has to be factored in and labor. We got two (2) quotes for just the material, if you are going to do a self-build and can pick the gravel up. It was between three hundred fifty dollars (\$350) and eight hundred fifty dollars (\$850) for the entire amount of gravel. It comes out to be between forty dollars (\$40) and sixty dollars (\$60) per ton. The house that we were analyzing requires about thirteen (13) tons for that five-foot band. With labor, delivery, and material, Unlimited Construction, Inc. was quoting at five dollars (\$5) per square foot. Shioi Construction, Inc. was quoting at six dollars and sixty-six cents (\$6.66) per square foot. Earthworks Pacific, Inc. was quoting at

eight dollars (\$8) per square foot. Pacific Concrete Cutting & Coring, Inc. (PCCC) was quoting at five dollars and thirty-three cents (\$5.33) per square foot and Goodfellow Bros. LLC was quoting at four dollars and thirty-three cents (\$4.33) per square foot.

Councilmember Holland: Thank you.

Committee Chair Bulosan: Councilmembers, are there questions for the Administration? Councilmember Kualii and then Councilmember Cowden.

Councilmember Kualii: I do not know if you would know this, but of all the new builds of homes happening on Kaua'i each year, do you have a sense of how many are slab-on-grade and how many are post and pier? Is it fifty-fifty? Sixty-forty?

Mr. Hull: I do not have a sense of that quite honestly.

Councilmember Kualii: What you were saying, clearly the flashing expense would not apply to the slab-on-grade, but it would apply to the...

Mr. Hull: It would not apply to the post on pier because there is not an intersection with a combustible wall at the base. So, post and pier is just elevated. You need that flashing...

Councilmember Kualii: But, what about on the bottom of page 3. It says that flashing for decking materials and labor, two thousand dollars (\$2,000).

Mr. Hull: For the deck.

Councilmember Kualii: Yes, but does that purple material go all around the bottom?

Mr. Hull: That is the mesh.

Councilmember Kualii: Mesh.

Mr. Hull: Yes.

Councilmember Kualii: So, is the mesh part of that two thousand dollars (\$2,000), probably?

Mr. Hull: Yes. That I would agree with. That, we would not object to. On the bottom of page 3, we have no objections.

Councilmember Kualii: That is a good figure, that two thousand dollars (\$2,000).

Mr. Hull: Yes.

Councilmember Kualii: The other thing is, if there is the stairs...it is the decking or whatever it is...the more of that there is, then the more cost there will be.

Mr. Hull: The more deck you have, the more flashing you will have to have at the interface.

Councilmember Kualii: Right. Thank you.

Committee Chair Bulosan: Councilmember Cowden.

Councilmember Cowden: I would like to start with Chief Gibson. I want to talk about the different regions of the island. We have a map that we often look at that shows yellow and red and the more burnable areas. Can you just say for a moment which regions are the highest fire risk, in a blunt way, and which are the lower fire risk regions?

MICHAEL R. GIBSON, Fire Chief: Thank you for the question. Mike Gibson, Fire Department. I would ask us to step back, get away from the map and these borders on the maps, and concentrate on wind-driven fires. It is wind-driven those embers, as described by Derek Alkonis, and can go miles—the size of baseballs and golf balls. They do not stop at the line on the map. They are going to just keep going. Although I am not a scientist like one of you on this panel, climate change is real. The patterns in the world are shifting. We are seeing fires now that we would not have seen twenty (20) or thirty (30) years ago, and they are going to start shifting to the different areas, or wetter areas, if you would. It is not wildfire that I am worried about, it is one (1) house being on fire in the wind, or a vehicle with these lithium-ion batteries being on fire that we cannot put out in the wind. Then we get the thirty (30) mile per hour (mph) wind or higher that are going to start driving the heat, the flames, and the embers—anywhere—Hanalei, the wettest area. It is just going to go house to house at that point.

Councilmember Cowden: Okay, so I want to talk about that. Thank you for bringing that up. When we look at wind-driven fire in an area, what other things than just plants and the house itself, are burning? What are the hotspots? When you go to a fire, in Kilauea or Hanalei or Kapahi, what are you looking out for fire containment rapidly?

Mr. Gibson: In the fires that we have had, we have been fortunate. They have been held to one (1) structure or to just to the adjacent structure. We were to be able to get in there. In the best of the conditions, our firefighters are going to make the stop and put the fire out. Those things that can spread the fire are debris around the home, clutter around the home...just debris and the buildup of debris.

Councilmember Cowden: Debris. That is what I would think. So, when I look at this, where it is very prescriptive, it is exhaustively prescriptive on vegetation. Not all vegetation is the same, I would think. A wind-driven hot fire is going to be like a blowdryer, it is going to dry out even the wettest of plants, but when we look at the debris, there is nothing prescriptive here on the debris. It is just about the plants. Can you compare the difference between very water-dense vegetation versus a big pile of books...I am picking on myself...boxes of books in the garage, propane tanks, kayaks, wetsuits, all kinds of things that might be in the garage. How would you compare those with wetscape plants?

Mr. Gibson: I will not do as good of a job as Mr. Alkonis and Ms. Pickett or some of you. As I have said, the climate and the patterns are shifting. The well-intended green landscape today, may not look like that ten (10) or fifteen (15) years from now. We might have drought. We might have areas of the County with deteriorating water infrastructure...sorry, Joe...that we have neighborhoods go out for weeks or months at a time without water. Then, those plants that are reliant on the water, if we are not getting it from the weather as the weather patterns change, and our infrastructure is gone, those well intended wetscapes could be a source for fire.

Councilmember Cowden: When the wetscape is not dried out. When you have a wetscape, what is the difference between that and a box of books? What is the difference between that and piles of fishing nets and all different kinds of things that pile around...and propane tanks...probably when you fight a fire, you are going to be careful around the propane tanks. Would that be accurate?

Mr. Gibson: Yes, those are all fuels—all susceptible.

Councilmember Cowden: So, what is the difference between them? Would you say wetscape is more...because that is what we are just talking about. Climate change happens in part because of how we treat the soil deeply, and it does not get addressed. Wetscape plants versus a box of books or piles of paper—what is more flammable?

Mr. Gibson: We had the Underwriters Laboratories Research Institutes Fire Safety (FSRI) scientist here one (1) or two (2) weeks ago who could answer that brilliantly. So, it is surface area—what is the material—a hard closed book has less surface area than a wetscape that could be dried out ten (10) years from now, then that wetscape as a dryscape that is going to burn quicker and faster than a book. But, I understand your point. There are two (2) sides to look at it. In the best of conditions, wetter is better.

Councilmember Cowden: When you look at road designs. We may possibly have an amendment that says that we will not have to worry about a second route out. For the safety of the community and the safety of the firefighters, when I look at these closed neighborhoods like Wailua Houselots, who I really feel extra concerned for is our firefighters, because they are going to be the last out. They are

going to be the ones that are locked in. Does it make sense that we say there is no need for an alternative route out? How does that impact?

Mr. Hull: If I could just say...there is a proposed amendment that does not say none is required. It says with the approval of the Fire Department it can be waived. You may have a proposal that has only twenty (20) units that immediately is serviced by an adjacent highway. It would not warrant necessarily two (2) full roads into it. So, on those that want to be exempt out of it, they first need to get the Fire Chief's approval.

Councilmember Cowden: Including a large development?

Mr. Hull: A large development could ask for it, but it would require the Fire Department's approval.

Committee Chair Bulosan: Councilmember Kaneshiro.

Councilmember Kaneshiro: I have a question going back to the wetscape. In the Lahaina fire, did the wetscape survive?

Mr. Gibson: I personally do not have that answer.

Councilmember Holland: If I remember correctly, that happened during an extreme drought. I think the wetscape was dry.

Councilmember Cowden: Lahaina is not wet.

Councilmember Holland: It used to be.

Councilmember Cowden: It is on the leeward side of the island. It is the dry side of the island.

Councilmember Holland: The wetscapes were all removed. It was a wetland.

Councilmember Cowden: The wetscapes were all removed just like they have been here. The wetscapes have been removed at the large-scale, natural level. Lahaina is on the drier side of the island.

Councilmember Kaneshiro: During a fire, a live wet tree is just as susceptible to burn as anything else, right, eventually? It is not going to not burn just because it is alive and wet, right?

Councilmember Cowden: I have a follow-up on that. When you have a canopy of very wet trees versus no large, wet trees...embers flying in the wind, are they likely to hit that large, wet tree or are they likely to hit the house if there is no large, wet tree? What are they going to hit?

Mr. Gibson: They are going to shower and force their way through every nook and cranny that they can. Nothing is for certain.

Councilmember Cowden: Nothing is for certain, but you have a defensible space with large, wet trees from blowing embers. It just depends. A very strong, eighty (80) mph wind like apparently happened in Lahaina...or maybe it was not that strong...when you get plate-sized embers going, they are going to get anything. It is common sense that a damp blanket is going to put out some of those embers that are blowing.

Councilmember Holland: The problem with that...

Committee Chair Bulosan: Sorry. Are there any more questions for the Administration? Council Chair Rapozo and then I have a follow-up question.

Council Chair Rapozo: You said the gutters and downspouts are not required.

Mr. Hull: You do not have to have gutters on a house, but if you put the gutters, per the code, they will have to be metal.

Council Chair Rapozo: The Bill says construction requirements for any newly proposed residential structures or additions to existing structures, the following construction requirements shall be met. That is number (1) and (1)(B) is gutters and downspouts shall be constructed of metal material. It does not say that it is optional.

Mr. Hull: The material has to be metal, but it...

Council Chair Rapozo: No, but if I am reading this, it is telling me that I have to have gutters. You are saying that it is optional.

Mr. Hull: The gutter itself is optional. If they put a gutter, it has to be metal.

Council Chair Rapozo: So, that should be fixed. If gutters are installed, then they should be...because right now as I am reading that, I have to put it on. Did your estimate, the six dollars (\$6) per square foot, consider gutters and downspouts or not?

LANCE DELOS REYES, Unlimited Construction Services, Inc., This is Lance with Unlimited Construction. When I did the original cost study, I assumed gutters on both the original build and the WUI build.

Council Chair Rapozo: But, were the gutters included in that?

Mr. Delos Reyes: Yes.

Council Chair Rapozo: Okay.

Mr. Delos Reyes: Meaning there is no cost change because both models of my estimate assumed gutters.

Council Chair Rapozo: Yes, but there is an additional cost if you have to do your gutter made of metal.

Mr. Delos Reyes: Which is standard on Kauaʻi.

Council Chair Rapozo: Metal?

Mr. Delos Reyes: Galvaluminal, K-Style gutters.

Council Chair Rapozo: Thank you. Are there any other requirements in here that are optional?

Mr. Hull: The flashing on the decking...if you do not have a deck, then you do not have flashing.

Council Chair Rapozo: Obviously.

Mr. Hull: The same is for the flashing where you have roof intersections. If you do not have roof intersections, then you do not have a flashing requirement there.

Committee Chair Bulosan: Councilmember Kaneshiro.

Councilmember Kaneshiro: While we are on the cost, I had a question on the glazed windows. Tempered glass materials and labor was one thousand eight hundred dollars (\$1,800) by CAK. Is the labor for tempered glass harder to install? Is it the same? So, that is just the difference for the tempered glass.

Mr. Delos Reyes: The materials itself. When I did my study, I got actual quotes from HPM Building Supply (HPM) for a standard, no-guard window. Then, I asked for the WUI requirements, which is dual-paned, with one of the panes being tempered. That is pretty much in line with what I found when I did my study. The material increase was around one thousand two hundred dollars (\$1,200).

Councilmember Kaneshiro: Thank you.

Committee Chair Bulosan: I have a new question following up with the discussion and the community input regarding the requirements on yards. I think that a lot of people are quoting what is required in this Bill for five (5) feet, then translating that to an entire yard. Can you reiterate what this Bill does for the yard?

Mr. Hull: The yard defensible space requirements concerning tree maintenance are only for larger subdivision projects. It is not for an individual home proposal. For larger subdivisions that often come with landscaping conditions in their subdivision application, it just says that those landscaping proposals that are pretty standard in subdivision applications need to take into account wildfire resiliency now.

Committee Chair Bulosan: Okay.

Councilmember Holland: Just following up on that because I want to be really clear—if it is not in a subdivision and it is in an individual home and outside of the five (5) foot, there is no mandate.

Mr. Hull: There is no mandate.

Councilmember Holland: There is no control on what vegetation or how you plant your vegetation. It is just the five (5) feet surrounding the home.

Mr. Hull: Surrounding the proposed new home.

Councilmember Holland: New home.

Mr. Hull: Yes.

Councilmember Cowden: Follow-up on just that.

Committee Chair Bulosan: I have one (1) more clarification on that. If it is an addition, like an additional unit on an existing home...

Mr. Hull: Just that portion that is being added onto the home would have the home hardening requirements and the five (5) foot hardscape, but the existing part of the home that is already there would not have to be updated.

Committee Chair Bulosan: Councilmember Cowden.

Councilmember Cowden: Just to be clear, because that helps me to feel a little better, is this thirty (30) feet from the house, if you just have a house and not a new subdivision, they are not going to say that you cannot have an avocado tree?

Mr. Hull: Absolutely not.

Councilmember Cowden: This would be prohibiting avocado, 'ulu, mango...most food bearing trees would not fit the definition of what is in here. A planned subdivision...is this for the common area, or even any house cannot have avocado or 'ulu?

Mr. Hull: You can have trees in a planned subdivision. It just would have to be maintained in a manner that does not have “ladder fuels,” if you will.

Councilmember Cowden: Does not have what?

Mr. Hull: Ladder fuels. The way that fires climb up trees.

Councilmember Cowden: Okay.

Committee Chair Bulosan: Councilmember Holland and then Council Chair Rapozo.

Councilmember Holland: Thank you. Can we just go back to the maps of the hazard areas because we started to talk about that? If I remember correctly, those maps showed most of Kauaʻi as being hazardous.

Mr. Gibson: Were these the Community Wildfire Protection Plan (CWPP) maps?

Councilmember Holland: I do not remember.

Mr. Hull: I think it was the forest service maps.

Councilmember Holland: I thought that when we looked at those it really identified most of Kauaʻi as a potential risk for fire. There were certain areas that were a little bit lower. Then we saw a fire in Wainiha last week, which I usually consider a pretty wet scape. I am wondering, can you clarify a little bit more about the delineation of those and why it is islandwide?

Mr. Gibson: I will not have that scientific answer like Ms. Pickett would, but I would say that it is islandwide just because of the wind-driven concept and aspect of it.

Councilmember Holland: Right. Okay, further to that...to Councilmember Cowden’s point, if there is a wet tree, would you say that it is true that if a fire is approaching that it quickly dries out wet trees prior to the fire hitting?

Mr. Gibson: Yes.

Councilmember Cowden: I have to follow up on that. I asked about embers. I asked about embers blowing.

Councilmember Holland: Yes, but what I am saying is, Councilmember, if there is a massive fire and we are dealing with the fire, the heat of that dries things out in advance about a quarter (¼) of a mile.

Councilmember Cowden: I understand the difference. I understand, but that was not my question.

Councilmember Holland: So, you are dealing with a wetscape that is dry before the embers get to the house. That is the science of how wildfire works.

Committee Chair Bulosan: Council Chair Rapozo.

Council Chair Rapozo: I wanted to go back to...if you build a new structure like an Additional Dwelling Unit (ADU) then everything applies. This says any new construction or additions. If I wanted to add a bedroom to my existing house, how would that calculation be made? Would that require me to now...

Mr. Hull: This is just for the addition part. If you are just doing a bedroom within...like you are not going to expand the walls...

Council Chair Rapozo: No, if I am going to expand.

Mr. Hull: If you are going to expand the walls, that portion of the structure that has been expanded would be subject to the home hardening requirements, but not the entire structure.

Council Chair Rapozo: I would not...how would I do my five (5) foot...

Mr. Hull: It would just be on that portion.

Council Chair Rapozo: Just like a little...an "outie?" Does that help that house be "fire-safer"?

Mr. Hull: That helps that portion.

Council Chair Rapozo: We are trying to be practical here. If we are making people do things that are not going to help, it makes no sense.

Mr. Gibson: If I may...

Council Chair Rapozo: I am not talking about the things you have to do on the house itself, but I am talking about this five (5) foot...

Mr. Gibson: The bigger goal, is we get our firewise communities. That every neighbor, every person would want to implement these codes voluntarily and just in that idea, that zero (0) to five (5) foot to clean up that clutter, yes, that shores up that one (1) piece of that house, but we are trying to get everyone to do that anyway.

Council Chair Rapozo: I understand, but now we are mandating. We are not asking them to voluntarily do it and we are adding cost. I will say that I

called Maui Council and asked, “How come you did not do this? You were the ones that got ‘nailed’ with the fire.” It was the cost. What they have done is they have created vegetation requirements.

Mr. Hull: I will say that the Maui Administration absolutely is pursuing a wildfire ordinance. It is in the works.

Council Chair Rapozo: The council has to pass it.

Mr. Hull: The council does have to pass it.

Council Chair Rapozo: I am just telling you what the Legislative Branch is telling me, and I believe that Councilmember Holland spoke to another councilmember and is sharing the same concerns, because everyone of us is trying to put people in homes and we are adding costs. I just want to put that out there. Voluntarily, yes, education is key.

Committee Chair Bulosan: Councilmember Cowden.

Councilmember Cowden: I think he was first.

Councilmember Carvalho: I have a follow-up on clarification, again, on the ADU part of it. Could you explain it again?

Mr. Hull: If it is a brand-new ADU, it is subject to the home hardening and five (5) foot hardscape requirements. If the ADU is attached to another structure, that portion of the ADU is subject to the home hardening and the five (5) foot hardscape. It is not subject to the zero (0) to thirty (30) foot standards, though.

Councilmember Carvalho: It is not subject.

Mr. Hull: It is not subject.

Committee Chair Bulosan: Councilmember Kaneshiro.

Councilmember Kaneshiro: Going back to the hardening around the house, how do we get a better footing on the difference between these two? I think I have to back to CAK and see where they got their estimates from. The numbers are so way off.

Mr. Hull: I am not saying that contractors are not quoting that. I was mentioning to Mr. Delos Reyes that a couple of months ago, my wife and I were putting in a backflow preventer, which is required. My first quote was twenty-seven thousand dollars (\$27,000). My wife said, “We are not getting a backflow preventer.” I said, “Let me get another quote.” I got another quote. It was three thousand dollars (\$3,000). We put the backflow in. I am not saying that

contractors are not out there quoting forty dollars (\$40) per square foot, but there are a number of contractors...and of the ones that I contacted, not a single one (1) came close to that number. I am not saying there are not contractors out there quoting that right now.

Council Chair Rapozo: How much is concrete now? How much is it per square foot? I know that they go by yards, but what is a per square foot cost if I just wanted to buy concrete?

Mr. Delos Reyes: Yes, it is around three hundred dollars (\$300) per cubic yard right now.

Council Chair Rapozo: What does that equate to per square foot?

Mr. Delos Reyes: It depends on the thickness of the sidewall. If I recall correctly, looking at the numbers that were flashed up on the screen, I did a whole slab-on-grade price for the house that I did. That came in at forty-five dollars (\$45) per square foot for the entire house.

Council Chair Rapozo: For concrete?

Mr. Delos Reyes: For concrete, labor, material...and I am using union rates. Oftentimes, we use off-island contractors because we have labor shortages. Those men come in at around fifty dollars (\$50) per square foot. So, I was surprised to see ninety dollars (\$90) for concrete. Maybe there are certain assumptions being made by CAK that I am not making.

Council Chair Rapozo: Yes, I do not know.

Mr. Delos Reyes: That is probably what is going on. We have different baselines on how we are pricing things.

Council Chair Rapozo: It could be exactly that. The depth of and how thick the concrete is. I am wondering if it is forty dollars (\$40) per square foot...but that is not what you said earlier. You said it is five dollars (\$5), six dollars (\$6), eight dollars (\$8).

Mr. Hull: Concrete versus gravel. I think CAK had ninety dollars (\$90) per square foot for gravel [sic] in this testimony and forty dollars (\$40) per square foot for gravel. I think that what Unlimited Construction is saying is that they are at forty dollars (\$40) or fifty dollars (\$50) per square foot for concrete. But they are at five dollars (\$5) per square foot for gravel.

Council Chair Rapozo: For material and labor?

Mr. Hull: Yes.

Mr. Delos Reyes: Yes.

Committee Chair Bulosan: Councilmember Cowden.

Councilmember Cowden: If you do not mind...do you have a copy of the Bill in front of you?

Mr. Hull: Yes.

Councilmember Cowden: I just have some specific questions. On page 1, in the first paragraph, SECTION 1 with the purpose. The purpose is in order to enhance public safety, reduce property loss, and protect lives from wildfire hazards. Enhance public safety, that would read to me, that Hawai'i Revised Statutes, Title 13, 201H (201H) does not apply, right? We do not care whether people are wealthy or working. I will just separate it that way. Why do you not say what 201H is really quickly?

Mr. Hull: 201H is a state process that is a vehicle for affordable housing to exempt out of county regulatory requirements.

(Councilmember Kualii was noted as not present.)

Councilmember Cowden: So, because this is public safety, it would not be exempt out of that, correct? This would apply to affordable housing as well as any housing because it is a safety issue.

Mr. Hull: Yes.

Councilmember Cowden: It would.

Council Chair Rapozo: I am sorry, yes, what?

Mr. Hull: It would apply to a 201H project.

Council Chair Rapozo: Okay.

Councilmember Cowden: Yes, so 201H does not exempt that. I just want to be very clear. Affordable housing has to be held to the same standard because we need to keep those people equally safe. That is the mindset on that.

Mr. Hull: Yes, the mindset being that some of our most vulnerable communities also need to be protected from wildfire hazards.

Councilmember Cowden: Correct. On page 2...and I will not go through all of it, although I did go through all of it. On page 2, in Section (a), General Provisions, Item 1, all lands on which a residential structure is proposed to be constructed...it breaks down these pieces...all improvements to this Article shall

comply. "Shall" means it has to. The interpretation is, the interpretation of this Article, all provisions shall be considered as a minimum requirement. That says that anyone building a house shall, meaning they have to, it is mandatory. I went through all of the different "shalls" and "mays." There are a lot of "shalls." I did not count them all, but those "shalls"—almost all apply to the land itself, the house builder. Then, there are a lot of "mays." I went through the "mays." The "mays," mean that it is up to whomever is in the Administration. The "mays" were all to the Administration. When I see these "mays" I am just wondering if it is at the discretion of the Administration, whether you have to comply or do not have to comply, if you had a different fire chief or planning director, does that mean things would change?

Mr. Hull: I do not think so. I guess I would ask which "mays" you are referring to.

Councilmember Cowden: Alright. There are a lot of "mays" in here and I will find one. Here is one (1). In consultation with the Fire Chief and where all prospective property owners provide written consent, the Planning Director may reduce minimum distances between structures proposed on a property for shared wall construction if the abutting walls or shared walls of the prospective structure or structures are construed with noncombustible materials—which makes sense. You have a cinderblock house, maybe you do not have to stick with all of this. So, it is "may." It is up to you whether they do have to or they do not have to. If they have noncombustible walls, there is less of this that applies.

Mr. Hull: Yes, I would not have any objection, as long as all of the property owners consent. I, as the sitting planning director right now, would have no objection to allowing it. If there is a concern that should be a "shall," I would not have an objection to that either.

Councilmember Cowden: I am not trying to put that into a "shall." I am just trying to point out the difference. It takes a lot of freedom away from the homeowners, though, maybe not by one-by-one house. One (1) person builds their house...

Mr. Hull: I would say that some of the architects that we spoke to were actually excited about that option, because right now you cannot build to the property line. That is a new liberty. It actually provides more freedom and options to the property owner.

Councilmember Cowden: Right. I talked to big land developers who felt that if they were forced into having to build duplexes for their affordable homes, that they probably would not be able to sell them. I had that conversation also. Because of the lot size, there was definitely some friction on it. I am just looking at that. I will look at the bottom of page 11. This is about the periodic review. It says, "At least once a year, following the effective date of this Article, or more frequently as deemed necessary, for the Planning Director, County Engineer, and Fire Chief, the Planning Director, County Engineer, and Fire Chief shall review the requirements of this

Article in consultation with wildfire subject matter experts.” It has a one (1) year piece in there. I look at all of these reports that we need to have, and it is curious to me that even when it is every ten (10) years or every twenty (20) years, we rarely get those reviews done in that time period. How likely do you think it is that we will keep reviewing this every year?

Mr. Hull: It is required. For the Building Code section it is required. That report is required to get to the Mayor. For the other sections, like Chapter 8, that is required to be given to the Planning Commission.

Councilmember Cowden: I see that it is required. So is updating our General Plan. So is updating our Water Use and Development Plan. So are so many of our reports that we are required to do, and they do not happen.

Mr. Hull: I can say that the Planning Department is updating all of its plans and did update the General Plan.

Councilmember Cowden: But how many years went in between? We have done it, I think, twice since we started and it was supposed to be done every ten (10) years. You did one (1) of them. Thank you so much for doing an excellent job, but it does not always happen.

Mr. Hull: Point well taken.

Councilmember Cowden: My point is when we cannot even usually get an every ten (10) or every five (5) year...when we say every year...and it is moving forward, we might really mean it right now, so I am just looking at these really flexible pieces. I will stop asking questions at the moment. I went through this whole thing and there were a number of things that I left out.

Mr. Hull: I understand. Thank you.

Committee Chair Bulosan: Are there any additional questions, Councilmembers? Councilmember Kaneshiro.

Councilmember Kaneshiro: I do not have any questions. I know there are a few amendments.

Councilmember Cowden: Well, then before that I have questions for DOW and the Housing Agency (Housing).

Committee Chair Bulosan: Councilmember Holland, do you have...

Councilmember Holland: No, I was just going to mention that I think that my suggested amendments will address what is being talked about right now.

Committee Chair Bulosan: I just have one question now and then we will go to you, Councilmember Cowden. Actually, I just blanked out so, Councilmember Cowden.

Councilmember Cowden: That would take a change. I want DOW and Housing.

Committee Chair Bulosan: It looks like we have questions for DOW and Housing. Can we do a switch?

Councilmember Cowden: Adam, are you able to come up?

Committee Chair Bulosan: Councilmember Cowden, do you have questions?

Councilmember Cowden: My first question that I would like to ask for Housing first and then for DOW. It is the same question. Can you please help us understand if this impacts any of your existing plans for how we are going to be doing our affordable housing on the properties that we have purchased and done? You have done a lot of work on having housing. Will it broach a redesign issue, or will it be fine?

ADAM P. ROVERSI, Director of Housing: Adam Roversi, Housing Director. I think it depends on the stage of the project. Lima Ola has received its permits already so, I think it is...Phase 1 is done. Phase 2 permits are pending. I think that once the permits are issued, it is approved as is and would not need, necessarily to comply. Our future projects—Kilauea and Waimea—we have concept plans developed. They are not approved in any way yet. We have presented to the community. Those projects have generally sought to do small lot sizes so that we can have lots of homes and keep them more affordable—do more houses on smaller lots, smaller homes. We have not gotten to the point on those projects on designing exactly what the house is going to look like, the footprint of the house, and how far away it is from other homes. This Bill will certainly add some costs to the homes with the mesh, the flashing, and the different things...potentially with the materials. However, I think that the “may” sections of the Bill, to my level of understanding...and I am not an expert on the language as much as you are...or Mr. Hull and his consultants, but I think there is enough “wiggle room” that we can modify our designs of the homes, still keep them affordable, and meet the distancing requirements, or, through the “may” portions of the Bill, seek reasonable accommodations that will allow us to achieve our goals of small lots and high densities and still meet the general parameters of the wildfire Bill. I have not seen the cost estimates that Chair was sharing earlier. I was on my way in the door and sort of caught it on the screen downstairs. As far as the potential cost increases associated with the Bill to affordable homes, my preliminary understanding, notwithstanding the new information that was shared, is that the increased costs in the current Bill would be more than offset by the savings coming from no longer having to pay FRC charges. The increased costs are less than the savings that would result. That was my

preliminary understanding based on the information and projection that I had seen so far.

Councilmember Cowden: You talked about already having Lima Ola permitted. If it was not permitted, would you have had to change those plans?

Mr. Roversi: I think the single-family homes at Lima Ola are too close together to meet the current requirements. We would have had to make some changes. If I understand the Bill correctly, we could have chosen different siding material, for example, had a metal roof instead of an asphalt shingle roof, and then we could have gotten exceptions for the thirty (30) foot requirements. We could have built them as we built them, but it would have required some different materials and a process of consultation with the Fire Chief to come to an agreement that, because we have used these fire-proof, noncombustible materials, we can vary from the maximum setback distances. That is my understanding.

(Councilmember Kuali'i was noted as present.)

Councilmember Cowden: Okay. I am going to ask DOW a few questions and then I want to open it up for others to ask questions.

Councilmember Holland: Can I just follow up please?

Committee Chair Bulosan: Sure.

Councilmember Holland: Director Roversi, you support this Bill, correct?

Mr. Roversi: Yes, I do. I think that it is important to protect from fires. I am not an expert on the Bill. I have read through it. I think it is workable for our projects. I will leave it at that.

Councilmember Holland: Just one (1) more on that related to density in areas like tsunami zones and all of our wildfire zones that we should talk about in this case. Without the exits and the concerns around density in areas associated with higher fire risk, do you feel like this makes it any more problematic for us in regards to public safety, or do you feel like this Bill addresses the safety needs of increasing density in areas to address the affordable housing?

Mr. Roversi: I will have to admit that I am not clear on the access-way requirements. I am not prepared to talk about that.

Councilmember Holland: Okay, thank you.

Councilmember Cowden: Alright.

Committee Chair Bulosan: Councilmember Cowden.

Councilmember Cowden: DOW Director Tait. I would like to hear your perspective. I want to allow you to say what your thoughts are before I drill down on different questions.

JOE E. TAIT, Manager & Chief Engineer: Thank you, Councilmember Cowden and Chair Bulosan. I would like to make a statement before I address any specific question, thank you.

Committee Chair Bulosan: Go ahead, thank you.

Mr. Tait: First of all, there is no perfect solution to this issue. We can talk for six (6) months in this room nonstop, and we are not going to have a perfect solution to this issue. The reason I state that is not the issue itself, it is...whether it is housing development, business, schools, hospitals, playgrounds—whatever, everything in life starts with water. Unfortunately, we have not followed that model on the island of Kaua'i. I state that regretfully. I also state that because of what I have learned in the last four and a half (4 ½) years of what we are making up. Please let me continue. When I arrived on Kaua'i I had my eyes opened to the little water infrastructure that exists here. What we have is a century-old system that was developed by plantation owners, private landowners, some by the DOW, and some by people we do not even know. The island was developed with various systems and forms of systems over the decades, and because of what I just said it directly and daily impacts the ability of Chief Gibson...it is an emotional issue for me...to do his job. Because of that, we started our own planning process. After thirty-five (35) years, we now have the Kauai Water Use Development Plan (KWUDP), thank you to Michael and the engineering staff, that results in life for the island. We did not have that before. We did not have any guarantee of life before that. We still have shortages. We will have shortages for another forty (40) or fifty (50) years until our new water system investment plan is actually put in the ground. That is just the facts of life here. I have to compliment the Fire Chief's success in doing the best he can with what he was dealt. I also thank the many Councils over the decades that have gone through the struggle of everything that you have brought up. Nothing here is easy. It is our location. It is our lack of funding. The DOW has not been sufficiently funded since its inception. Those are all facts. They are not my opinion, those are facts. Having been in the water business for forty-five (45) years, it is all emotional to me. The scenario modeling by the group here—Planning, Housing, Fire, Water, Council, elected, nonelected officials—is admirable, to be complimented, to be commended, and it results in, "What do we do moving forward to best prepare?" Unfortunately, that is where we get to Bills like this one, because it really is a matter of opinion. It is not an agreeable subject that we can all say, "Yes, we are one hundred percent (100%) in favor of it." If you put the fire issue into context, you have three (3) subjects. You have vulnerability. You have that versus lost revenue of others, whether it is housing, water, or others. Then you have the worst of all, the loss of life. To get back to the Fire Department, I commend Chief Gibson for the application of best practices to minimize the loss of life. The Fire Department's partnering with the DOW to locate hydrants, to mark hydrants so their new staff know where to address first, rather than searching when the fire flames are

going on. We have worked hand-in-glove with the Fire Department to help them learn the water system, the available areas, and the non-available areas. Chief Gibson has been on the island long enough to know where those exist. Fire and water responders do their best job when resources are in place. Unfortunately, they are not. How much is the loss to DOW of the FRC is a relevant issue because of our financial situation. It is also an irrelevant issue compared to the loss of life—what that value of life is. On an annual basis, the DOW receives anywhere between eight hundred thousand dollars (\$800,000) and two million dollars (\$2,000,000) in FRC. That is not all single-family housing. Single-family housing last year was one million one hundred thousand dollars (\$1,100,000). Some would lead with the underlying question, “Is the loss of FRC greater than the loss of life?” Of course not. There is no value cap on the loss of life. There is a value cap on everything the DOW does based on what our costs are. Unfortunately for us, we have no power to eliminate legislation. We simply do what Fire does, what Police does, what Water does—we adapt, we react, we overcome, and we continue to provide the service the best we can with what we are given. The same question that you asked Adam, “Do we support the Bill?” We support any Bill that helps minimize the loss of life. Unfortunately, we can only support that as far as our resources allow us.

Councilmember Cowden: So, when we look at FRC...and I was in the Board of Water Supply meeting and I was shocked and stunned when I believe subsidization of this effort was put on DOW by removing some of your income, is that something that the Board could choose to undo? When we pass this Bill...is it already passed?

Mr. Tait: Our Board has passed it in the current form that it is in. That is all that they had to go off of at that time. We did not have the ability to research or do any kind of preparation. That was put on the agenda and the Board voted on it. We would react a different way if we said we were flush with money, but unfortunately, we are just the opposite. We have never been in a financial situation...as far as I can go back in records, DOW has never been adequately funded. That means that the Fire Department has never been adequately protected. I will keep reiterating that. That is really the bottom line for us.

Councilmember Cowden: When I look into that, when we look at fire flow protection, I would say that it is inadequate by probably thirty percent (30%) of the island. Is that a close guess?

Mr. Tait: That is a Chief Gibson question. When I got here, it had been thirty-five (35) years since we had done a water use plan. They are required by the State every five (5) years—it had been thirty-five (35) years. It has been documented and proven through that water use development plan that the island of Kauaʻi will never be without water. It does not matter what you want to measure that with. We are one (1) of the top two (2) or three (3) wettest spots on the planet. We will always have an abundance of water. What we do not have is a system to deliver it. That is a funding issue on the water side. That, then, directly impacts

the Fire Department's ability to put fires out tip-to-tip, side-to-side. We cannot do that right now.

Councilmember Cowden: Does DOW know or does the Fire Department's question...there are many places like Powerhouse Road in Wainiha...I can think of about five (5) or six (6) roads in Kilauea...there are roads in Hanalei that do not even have a standpipe. They have a standpipe at the highway. There might be many houses up. Certainly, I think Waimea Canyon has that problem. Hanapēpē does have some features up there. Who is responsible for putting those in? You must be somewhat responsible because you have to provide the water. Who determines when those pipes go in?

Mr. Tait: Funding.

Councilmember Cowden: Funding, but who makes the decision, is it the Fire Department or is it DOW?

Committee Chair Bulosan: Just to clarify, is this related to this Bill?

Councilmember Cowden: It is related.

Committee Chair Bulosan: Are you asking based on new development in these areas that would be affected by this Bill? Is that what you are clarifying?

Councilmember Cowden: I would say, if I were to clarify your clarifying question, is that we have an existing water deliverable shortage. When we have deliverable water shortages say, in Kilauea, because that is where I live, we have a shortage of water, correct? So, he is nodding his head yes, for the record. When we have a water shortage when we are building new places, in any of these places, I do not know if they can get their fire flow protection. Can you put a new hydrant in areas that have a water shortage?

Mr. Tait: We have not practiced that. We have not been putting fire hydrants anywhere we are not allowing residential. The man to my left would be really happy if we had a tremendous amount of funding because he would have a tremendous amount of housing. We just do not have it. The guy sitting behind me would be fantastically happy if we had two hundred (200) more hydrants. We do not have it because the system will not provide it because the funding for the system has never been there. When we came up with the KWUDP, we followed that with the water system investment plan, as I called the ones that I did on the mainland. We now have a Water Systems Investment Plan (WISP). Many of you have seen it. It is about one billion three million dollars (\$1,300,000,000) in today's numbers. By the time that system goes in, it will be three billion dollars (\$3,000,000,000) or four billion dollars (\$4,000,000,000) in total. We are now just finishing our first in thirteen (13) years rate approval process. Yesterday, we had a public hearing. We had one (1) person show up, virtually. No one showed up in person. We have been out in the public for twenty-three (23) meetings. We have one (1) step left to go to the

State Small Business Regional Review Board. They unanimously gave us approval one (1) month ago. We have to go back now that the public hearing is over and we expect adoption. Again, that is thirteen (13) years old. When you combine all of those things, the questions you are asking, Councilmember Cowden, all relate to that.

Councilmember Cowden: The bottom line is that we do not have the money to have the water to be doing any of it. That is the bottom line.

Mr. Tait: Yes. Which then affects Mr. Roversi, Chief Gibson, and everyone else.

Councilmember Cowden: Another thing that came up excellently in our presentation two (2) weeks ago, when we talked about...particularly the fire flow problem in Los Angeles, but I believe it was also the problem in Lahaina, although maybe that fire happened so fast that nobody even got to notice...there was no water in the hydrants anyway because it was combined pipes. Is that correct?

Mr. Tait: I cannot comment on what pipes had water in them and what pipes did not. I just know that my colleague on Maui, who is also from the mainland, inherited a lot of the same things I inherited.

Councilmember Cowden: I am not putting blame anywhere, but what are our pipes made of? Are both water systems—fire flow and housing—they are integrated, right? So, if the house burns down the pipes melt.

Mr. Tait: I can have Michael address the various types of pipes we have and what that integration looks like, because we do have different types of pipes in the same systems.

Committee Chair Bulosan: Just to clarify, this is regards to the Bill, so it would be meaning for any new development, is that correct?

Councilmember Cowden: It is in regards to the Bill.

Committee Chair Bulosan: I just want to make sure it is relatable to the Bill.

Councilmember Cowden: This is relatable to the Bill because this Bill is about how do we set a template for fire protection and fire defensible spaces. It is really important what happens. Similar to when hot wind goes, does it dry up all of the leaves? Yes, maybe. How fast is the wind? Is there any water in the pipes? That is a big part about what happens when we talk about conflagration, which is what this Bill is about stopping conflagration of neighborhoods.

Mr. Tait: Do you want us to address the pipe types?

Councilmember Cowden: I want to know if the pipes will melt if the houses burn.

Mr. Tait: That all depends on the depth of the pipe and the type of pipe.

Councilmember Cowden: Okay. Have we ever had houses burn...because we have had a lot of houses burn lately...does it melt the pipes in any way that is having water leakage? We have had a number of houses in Kapa'a...do we have water leakage as a result of the house burning down? I just wonder how big of a problem it is.

MICHAEL K. HINAZUMI, Executive Engineer: Michael Hinazumi, Executive Engineer, DOW. As far as DOW system pipes, we are unaware of any that have occurred. Any home ones would be something that the Fire Department would be able to...

Councilmember Cowden: You have not had a water leakage after a house burned. You do not have to go in and turn everything off because of leakage when the house burned.

Mr. Hinazumi: We probably do, but it is generally taken care of during the fire response. I am sorry I do not have a better answer.

Councilmember Cowden: I have one (1) last question.

Committee Chair Bulosan: Go ahead.

Councilmember Cowden: When we talk about irrigation, neighborhood irrigation, when you sprinkle the neighborhood, is there any estimate by the DOW of how much that water consumption is? Do you have a percentage idea or no?

Mr. Tait: That is something that we do not track. We are not responsible for stream water, river water, or agricultural water.

Councilmember Cowden: No, this is when you have a sprinkler.

Mr. Tait: Potable water.

Councilmember Cowden: Potable water, but you have a neighborhood that has wetscape. If they have good plants, that wetscape happens naturally. If they cut all of the trees down, any kind of grass is going to have to have a sprinkler system.

Mr. Tait: How they are using their water on their private property, we do not track that. We basically gauge their water usage every month and see if it has a significant increase. If it is, that means there is a leak

somewhere or they have added something like a pool or something like that. Usually, those bills show up in our system or in our database and we can usually tell pretty quickly if there are anomalies.

Councilmember Cowden: That it is a leak. I will look. I will bet I could “Google search” national house water use, home residential home water use, there is probably a certain amount that goes to the yardscape. This is just a point of interest in terms on how much that cost would be.

Committee Chair Bulosan: Councilmember Kaneshiro.

Councilmember Kaneshiro: This is just clarification to Councilmember Cowden on the questioning. As far as fighting a fire or when there is a fire occurring, I think there are multiple options. Ideally, if we had all of the water in the world, we would dump water on the fire and it would solve it, but this Bill is going to protect the house on the front end so that it does not catch on fire so that we do not have to put the water on it. I am trying to put together the two (2) with the pipes burning, and there is no water...that brings us right back to the Bill where we are trying to protect the house in the first place, so that if there is a fire, it will not one hundred percent (100%) not have the house burn, but it will protect the house more so than if they did not implement these.

Councilmember Cowden: Thank you for that question. I think it was both Councilmember Ross Kagawa and Chair Jay Furfaro who used to say, “Ready, Fire, Aim.” I think that what Director Tait is stating is how critical the problem is with water in general. When I think about creating hardscapes so that we have defensible neighborhoods, how we make that work...we have to look at everything, so I think that this is a really good building block, but I think it needs the support of access roads to get out of that neighborhood, fire hydrants to be able to put the fires out, and a wetscape so that it does not burn as easily and just does not start as easily. There are multiple pieces in it and this Bill has done a really good job of just looking right at this house or this little neighborhood, what can we do? I think it is looking with one (1) objective, but I think it misses some really key points. I do not think it is ready yet. I appreciate how everyone has given a great effort. It is a great program and just to cement it in right now when we have all of this change of Administration when it is not really ready yet, I think it is a problem. I think it will create problems. It might help some, it will create others.

Committee Chair Bulosan: Are there any additional questions for Mr. Roversi or Mr. Tait.

Mr. Tait: Do you want me to respond to Councilmember Kaneshiro’s question? One part of Councilmember Kaneshiro’s question triggered in my mind a group that is not here but is just as critical as the Fire Department and DOW, and that is the power side. The DOW has spots on the island where we are the only customer for Kaua’i Island Utility Cooperative (KIUC) in a certain area, so when that area goes out, water goes out. We may have plenty of water in the pipes, but we

do not have power. It is not always just confined to just a water restriction in a certain geographical area. When we have plenty of water in a pipe and in a well and the power is out and we are the only customer for KIUC and the only provider to the public in that area, everyone loses. So, it is not just DOW and the Fire Department, you have to include power in all of that islandwide, because anytime they are down, we are down. We just went through it three (3) weeks ago with the storms where we had multiple geographical areas on the island down with no water, but we had water. We just could not deliver it.

Committee Chair Bulosan: Thank you. I just have one follow-up. Thank you, Mr. Tait, for your statement. Just to clarify this WUI Bill and what the Water Board passed, just so the public can understand, if this WUI Bill passes, what would happen when people apply for their FRC?

Mr. Tait: As I understand it, and Mr. Hull can come up and join us, because I think that is the process side of where all of this starts. Remember, in the process train, we are the “tail of the dog” and they are the “head of the dog,” so we get it last. We have had some good discussions with the Planning Department and our Board on whether we should be last or should we be first. That is neither here nor there. At the same time, my assumption...and Mr. Hull can hit me on the back of my head since he is one (1) of my bosses on the Board... it would start with the Planning Department, they would make a determination. If the proposed residence meets the requirements of the Bill, it would be at their discretion whether or not they apply a waiver and then, the DOW would not receive that FRC funding. That is the way I understand it and maybe I oversimplified it, but that is the way I understand it.

Committee Chair Bulosan: Are there any additional questions for Mr. Roversi or Mr. Tait? Are there any additional questions for the Administration?

Council Chair Rapozo: I have another question for Mr. Hull.

Committee Chair Bulosan: Sure. We will swap out the 1998 Dream Team here. Councilmembers and Committee, know that we are a half an hour away from the caption break. I just want to put a time stamp there. Chair?

Council Chair Rapozo: Thank you, and thank you for being here. I know that Councilmember Cowden alluded to the amount of “mays” that are in here, and I think Mr. Roversi called it the “wobble room.” Do you know off hand how many variances or exemptions can be granted with this Bill as it is written and what for? I was trying to skim through it, and I just did not notice that.

Mr. Hull: There are exceptions in the Building section, which is using combustible material and how that is done, that is essentially where the flashing comes in. The exceptions in the Zoning Code, the most important one (1) that everyone seems to be paying attention to is the setback exemption, being able to, for new subdivisions, being able to reduce those larger setbacks. We do have a draft

amendment to introduce to further clarify that, so that through the 201H process or through the Project Development Use (PDU) process, those setbacks could also be reduced.

Council Chair Rapozo: Could be what?

Mr. Hull: Could also be reduced.

Council Chair Rapozo: Okay. What Mr. Tait said about the loss to DOW is irrelevant when you are comparing that to the loss of life, would you agree that if this Bill is for safety, then there should be no exemptions?

Mr. Hull: It is not an exemption carte blanche that you are exempting out from the setbacks. It is an exception to say that further designs can accommodate wildfire resiliency. As we presented two (2) weeks ago, when you have a ten thousand (10,000) square foot lot, or a six thousand (6,000) square foot lot, or a four thousand five hundred (4,500) square foot lot, we made the analysis to show that all of these lots can accommodate the setbacks. There is not necessarily a need to exempt, or “veer out,” or reduce them. In places where you are going to apply for a three thousand (3,000) square foot lot—a three thousand (3,000) square foot lot is not permissible under County code, but you can apply for a PDU permit and that allows you to vary from the standards of the size of the lot. So, in these smaller lots that would not be able to meet those more robust setbacks, in that scenario, you can look at other design standards, or materials, or a combination of both, to be reviewed to ensure that wildfire resiliency is still addressed.

Council Chair Rapozo: Thank you.

Councilmember Cowden: I have a follow-up on that.

Committee Chair Bulosan: Councilmember Cowden.

Councilmember Cowden: Can we take that money from somewhere else, rather than take it away from DOW? To me, it is like “slapping the victim.” Can we take it from the thirty-nine million dollars (\$39,000,000) of our housing revolving fund? We have this money that we got from taxing the visitors? We have other moneys that we could use so that we do not have to take it from DOW. To me, it seems like a real problem to take the money from DOW when that is a really critical element. It seems like we should be, in fact, putting more money into that so that we can have more housing.

Mr. Hull: I understand the concern.

Councilmember Cowden: Okay.

Council Chair Rapozo: I have a follow-up on that. I am sorry?

Committee Chair Bulosan: Council Chair Rapozo.

Councilmember Kualii: It is a policy decision.

Council Chair Rapozo: Yes, it is a policy decision. I am just curious as to the rationale. I said this at the last meeting, assuming that the added cost to this house is going to be six thousand dollars (\$6,000), why are we taking away fourteen thousand dollars (\$14,000) from DOW to accommodate that additional cost? That is the question. Where did that come from? Who said let us waive FRCs so we can, basically, soften the blow to the homeowner of six thousand dollars (\$6,000), but at the same time we are diverting fourteen thousand dollars (\$14,000) from DOW? Did you think about an exemption of the amount that they spent, or a percentage of the FRC? No, we said we will give up the FRC, fourteen thousand dollars (\$14,000) for what someone will pay six thousand dollars (\$6,000). What was the rationale for that?

Mr. Hull: It depends on the size of the house, right?
Under the Unlimited analysis...

Council Chair Rapozo: Well, let us just use the one thousand (1,000) square foot, because that is what you are using. So, let us just stay with the six thousand dollars (\$6,000) because that, to me, makes it sellable to this Council, because it is only six thousand dollars (\$6,000). So, let us just use six thousand dollars (\$6,000), but we are taking fourteen thousand dollars (\$14,000) from DOW. What was the rationale for that?

Mr. Hull: One (1), there being a nexus between water and the ability to exempt it out. Also, I can say, as a Water Board member, I have been increasingly frustrated in the application of a fourteen thousand dollar (\$14,000) FRC across the board for all homes. I have expressed that frustration a number of times publicly on the Water Board, and the notion that a five hundred (500) square foot house pays the same FRC as a twenty thousand (20,000) square foot mansion with swimming pools. When the DOW gets into its portion of what it does with FRCs, my position is that we need to have further studies to get into the legal analysis of how certain uses can be charged higher FRCs, for example, resort uses or vacation rental uses.

Council Chair Rapozo: I am not going to disagree with that. I am just saying that is kind of irrelevant right now. The decision was made to take the FRC away so that we can accommodate this. There is no nexus. There is a nexus to the DOW, but I do not see...it does not balance out. Even if it was ten thousand dollars (\$10,000) in additional costs for a little larger house, you are still taking fourteen thousand dollars (\$14,000) away. Our last discussion with Mr. Tait, and thank you for that amazing statement, I think you opened up a lot of people's eyes, we are taking from the agency that needs our help. That is the critical component of the Fire Department's operations. I think he made it very clear. Why would we take from that agency and not, like Councilmember Cowden said, maybe the Housing

Agency...I am not sure where you get that money. It is a subsidy. Some people disagree with that, but it is a subsidy because taxpayers are going to pay for that somewhere else. I am just curious about the rationale that the Administration had to do that.

Mr. Hull: I agree, it is a subsidy. Within the current water structure, there is another group that gets subsidized already and that is agricultural water rights. That is a policy that the Water Board has made, saying that we need to help farmers. In a housing crisis where the FRC does make an impact, they are also now saying, "We are going to subsidize it." Granted, it is going to have to be paid through another mechanism...that is what I am saying...when we go through the FRC analysis as a Water Board on increasing FRCs because that is on the books. Right now, on the books is a draft proposal of twenty-eight thousand dollars (\$28,000) FRCs across the board. My position is fourteen thousand dollars (\$14,000) is hard enough—now twenty-eight thousand dollars (\$28,000)? I have made it very public that I want the consultant to do the study to assess the legal capabilities to look at uses as opposed to an across the board, five eighths (5/8) meter, residentials, vacation rentals...

Council Chair Rapozo: I understand, Ka‘āina, but that is a different discussion. That has nothing to do with this Bill. I agree with you. I agree, but I am just curious as to where that came from, "Let us just take FRCs." Is that going to be the next slush-fund for the County? When we want to do something, we are going to say, "Hey, we will waive your FRC if you hurricane proof your house, you will not have to pay an FRC." That is not a pool of funds that we should be using to incentivize behavior. I am going to have a rough time supporting this Bill. Again, going on the six dollars (\$6) per square foot figure, that will not impact, in my opinion, someone's ability to get a mortgage. They do not, in my opinion, warrant that fourteen thousand dollar (\$14,000) discount. That is just one (1) Councilmember's opinion.

Mr. Hull: I understand.

Committee Chair Bulosan: Councilmember Cowden.

Councilmember Cowden: I want to talk about enforcement. First of all, I just want to let you speak on how you think this would end up being enforced, and then I have some specific questions.

Mr. Hull: The construction aspect is basically enforced during construction. Outside of that, there is no real enforcement because of the built in (inaudible) Certificate of Occupancy that determines that all of the home hardening requirements are in place.

Councilmember Cowden: Does that mean that you are not enforcing on all of these other "shalls?" For example, all these other "shalls" about how people might build their plants or do their landscaping with their leaves in the gutters...are

we going to go around and look at everyone's house and give them a notice of violation?

Mr. Hull: No.

Councilmember Cowden: A notice of violation of ten thousand dollars (\$10,000) per day, per notice of violation if they do not cut their avocado tree down?

Mr. Hull: No. Again, the requirements for the landscaping and maintenance aspects are only for the larger subdivisions, they are not for the individual lots. In those larger subdivisions, it is fairly standard to have subdivision conditions for approval around landscaping. It just is not standard right now to have wildfire resiliency built into it.

Councilmember Cowden: Again, being really clear on that, because I know that enforcement is complaint driven. A lot of times, when I bring up these really painful stories, it is someone that has a "beef" with someone else so they file a complaint about them, then they go through something that could potentially cost them their house.

(Council Chair Rapozo was noted as not present.)

Councilmember Cowden: When there are all of these "shalls" on gutters, leaves in the gutters, leaves under the trees, this would only be enforceable when you drive through a big subdivision, and it is in the common area. It would not be that someone could file a complaint on someone else's yard, then they say, "Yes, there are some leaves under the trees."

Mr. Hull: The way that the Bill is set up is that the enforcement is not with the individual homeowners for these larger subdivisions, it is with the Homeowners Association (HOA).

Councilmember Cowden: The HOA would be the one (1) looking at that.

Mr. Hull: Yes.

Councilmember Cowden: Okay.

Committee Chair Bulosan: Councilmember Kualii.

Councilmember Kualii: We do FRC waivers or exemptions for certain affordable housing projects and other projects?

Mr. Hull: That would be a reduction.

Councilmember Kualii: A reduction, then. In essence, to address Council Chair Rapozo's concern, if the amount that you are trying to offset is six thousand dollars (\$6,000), instead of doing a full exemption of the fourteen thousand dollars (\$14,000), you could do a half.

Mr. Hull: The Water Board could entertain that.

Councilmember Kualii: The Water Board could entertain that.

Mr. Hull: Yes, it is ultimately up to the Water Board.

Councilmember Kualii: I think what you were saying is relevant because if there was already a tiered structure and you could differentiate between the lowest, small, affordable home that you were trying to build in a subdivision, versus the "McMansions." The fact that they all pay the same rate currently, I hope that changes in the future, too, but if it does change, then having that lower amount could be more palatable, if you will, as far as an FRC discount.

(Council Chair Rapozo was noted as present.)

Mr. Hull: Option.

Councilmember Kualii: Yes?

Mr. Hull: Yes.

Councilmember Kualii: Thank you.

Committee Chair Bulosan: Councilmember Holland.

Councilmember Holland: Just following up on that, would that be feasible to be able to calculate the cost of each home based on the difference between the WUI codes and then only exempt for that amount?

Mr. Hull: We could look into it.

Councilmember Holland: It seems like that would be...I do not understand enough about how your internal processes work, but it seems like you would have to calculate that per individual project and calculate every cost addition that would have come in due to WUI.

Mr. Hull: The building permit process has a calculation just based off of square footage. That calculation does not necessarily reflect that accurate amount of what is being put into it, because if you build a house with cedar versus teak. The calculation is specifically set up for square footage. That would be a potential scenario.

Councilmember Holland: Thank you.

Committee Chair Bulosan: I just want to go back to the conversation from the last meeting regarding garage conversion ADUs, and just really clarify that it is only for the area that is being affected. Can you share, if this passes...say someone in Molokoa is converting their garage, what would be required of them?

Mr. Hull: As long as they are not expanding the footprint, they will not have any requirements.

Committee Chair Bulosan: No requirements for a garage conversion.

Mr. Hull: No.

Committee Chair Bulosan: It is only extending the footprint. Thank you.

Councilmember Cowden: This question is not really from me, but from the letters we have received. I just want to hear your framework on it, and I will caveat on it by saying Joe Tait's piece that lives are worth more than money. Something that has been asked of us, comments have come to us that they feel this concrete around the house and a little bit more of a hardscape rather than a soft, green scape will reduce the assessed value of the houses. Can you comment on that? People do not want them as much. They are in the business, and they are not worth as much as what is being suggested. They are not as sellable. How do you feel about that? Is it lowering the value of the houses?

Mr. Hull: I do not have the appraisals. I can say that my grandmother's Japanese rock garden that she had around her house has a particularly high value, but I cannot really quote on that.

Councilmember Cowden: You cannot respond on that, alright.

Committee Chair Bulosan: Councilmember Kualii.

Councilmember Kualii: When we were talking about those numbers before and it was concrete versus aggregate. There are other machinations, if you will, for example some concrete and some gravel...

Mr. Hull: You could do some concrete and some gravel.

Councilmember Kualii: ...that you could do in combination, that would perhaps cost more than one (1) but less than the other.

Mr. Hull: Correct.

Councilmember Kualii: In fact, this is only regarding new construction. If someone with an existing home wanted to do something themselves,

they could do it relatively inexpensively. They could go to Home Depot and get those concrete stepping stones. They could fill them all in and then cover it with gravel, and it would meet the requirements for fire safety.

Mr. Hull: Yes. Home Depot's gravel, trying to get thirteen (13) tons of gravel from Home Depot is going to be expensive, but there are other vendors.

Councilmember Kualii: Maybe use more of those concrete blocks. They go on sale. I have gone pretty inexpensively. I am thinking of doing that.

Mr. Hull: I will put a small plug that for existing homeowners, this is not a requirement. The County of Kaua'i does have a partnership between...

Councilmember Kualii: But Chief Gibson wants us all to do it.

Mr. Hull: ...the Planning Department and the Fire Department, whereby we are doing all assessments for homeowners voluntarily that can give strategic tips on how you can harden your homes voluntarily.

Committee Chair Bulosan: Committee Members, we are about fifteen (15) minutes away from our caption break. I would like to take the caption break now, if you do not have any additional questions for the Administration, so that when we come back from the caption break, we can go to our...if there are any amendments. After the amendments, we can go to public testimony so at least the public can comment on the amendments and the actual Bill. Are there any additional questions before the caption break? We will take a caption break for ten (10) minutes.

There being no objections the Committee recessed at 10:13 a.m. for a caption break.

The meeting was called back to order at 10:29 a.m., and proceeded as follows:

Committee Chair Bulosan: I would like to call the Planning Committee meeting back to order. We are going to start with any amendments, and we will do public testimony after the amendments.

Councilmember Carvalho: I have an amendment.

Councilmember Carvalho moved to amend Bill No. 2998, Draft 1, as circulated, and as shown in the Floor Amendment, which is attached hereto as Amendment 1, seconded by Councilmember Cowden.

Committee Chair Bulosan: We have a floor amendment that was moved by Councilmember Carvalho and seconded by Councilmember Cowden. It looks like

it is just more housekeeping. Director Hull, would you like to speak on this and if there are any questions from the Councilmembers regarding the amendment.

There being no objections, the rules were suspended.

Mr. Hull: I apologize, Chair, is this the by-request amendment?

Committee Chair Bulosan: It is the by-request amendment through Councilmember Carvalho.

Mr. Hull: Most of it is just really housekeeping. The first one (1) is that the image was just slightly off. There was clarification of the floorboards in the deck. Clarification that the wall intersections and the post intersections do not have to be the same. There already was the setback reduction in there, but we are proposing adjusting it so that it is explicitly in the Ordinance concerning beyond the just structure, structure setback, but the property line setback can be reduced.

Committee Chair Bulosan: Are there questions?

Councilmember Cowden: This is just omissions that your team found?

Mr. Hull: Yes. There was the last one (1) for the setbacks. I had discussions with some developers, Housing Director Roversi, and while I acknowledge that there were setback reduction provisions in there, that it might be better to tighten it up to explicitly call out the setback lines so that the property lines can be reduced.

Councilmember Cowden: Okay. Which section is that in here on the setbacks?

Mr. Hull: That is page 3, subsection (E) at the bottom.

Councilmember Cowden: In consultation with the Fire Chief, these setback distances may...that is one (1) of these "mays"...be reduced if the exterior walls of the proposed structure are constructed with noncombustible material or the proposed lots incorporate adequate wildfire designs. That means cinder block or those hardened wood. How much is that likely to be? How much distance?

Mr. Hull: That is saying that you would consult on the design. You would be reducing the setbacks to various design standards, and it could go as much as ten (10) feet back to the standard.

Councilmember Cowden: Back to five (5).

Mr. Hull: Ten (10) to the building, five (5) to the property.

Councilmember Cowden: Ten (10) to the building...

Mr. Hull: ...five (5) to the property line.

Councilmember Cowden: That means that if there is an eave, or something like that, that is between the building or the property line. When you say ten (10) to the building...

Mr. Hull: Standard setback is ten (10) feet between buildings and five (5) feet to the property lines for rear and side, and five (5) to ten (10) on the front.

Councilmember Cowden: Okay, as opposed to fifteen (15).

Mr. Hull: Yes.

Councilmember Cowden: It does not give those numbers here, but that is what it would be without giving the numbers.

Mr. Hull: Yes, it would not be able to veer beyond that minimum already set.

Councilmember Cowden: Right.

Committee Chair Bulosan: Are there any additional questions on the amendment? Councilmember Kaneshiro.

Councilmember Kaneshiro: Yes, for the stairs, you got rid of the screen mesh and I was reading that you can only get rid of the screen mesh if it is built with ignition-resistant material?

Mr. Hull: There are other materials that are a part of that, for example, hardwoods as well.

Councilmember Kaneshiro: Even if it were hardwoods, which most stairs are, it does not need anything underneath?

Mr. Hull: It can be open air.

Councilmember Kaneshiro: Why is that?

Mr. Hull: If it is post and pier less than four (4) feet, the screen would still be around the house, so between the stairs and the post and pier

mesh that is around the house, there should be no problem as far as ember intrusion under the house. If it is slab-on-grade, same thing.

Councilmember Kaneshiro: The possibility of the stairs catching on fire and catching the whole house on fire is not as...

Mr. Hull: It is not as severe. When we had our wildfire science folks at U.S. Fire Alliance, DoKi Wildfire Solutions, and FSRI assess that, the science does not indicate that the stairs are a particularly vulnerable point.

Council Chair Rapozo: Embers could still get under those stairs, right?

Mr. Hull: Yes, but it is, as far as, from a wind-driven event, it has less exposure area.

Council Chair Rapozo: I am just trying to visualize the difference between the house and the stairs as it relates to embers.

Mr. Hull: When you have the whole house, and the same thing with the posts and why the posts were moved, it is the constant accumulation of embers in a particular pocket...particularly those perpendicular areas between a wall and a deck. There is a clear need for a noncombustible strip of six (6) inches at that intersection. In discussions with DoKi Solutions and U.S. Fire Alliance, their point is that in a high wind situation, they are going to keep on pushing those embers off of those stairs, then it should be hitting either the wall side and dropping down to the base where it is going to have that flashing or concrete for slab-on-grade houses, or it will be prevented from going under through the mesh. Chief Gibson, I am looking at you.

Committee Chair Bulosan: Are there any additional questions for the amendment? While the rules are suspended, I will take public testimony for the amendment.

TOMMY PASSERELLA: Good morning everyone, Tommy Passerella, here, Kaua'i, Līhu'e. I am going to read something, really quickly. Does anyone know the oath of office that you took when you became County Council members? Can anyone pull that up?

Councilmember Cowden: We have to swear to uphold the Constitution of the United States, the Constitution of the State of Hawai'i, the Charter of the County of Kaua'i, and all of the laws therein.

Mr. Passerella: Does anyone else know that by heart? You take an oath of office to do exactly what she said. This thirty-five (35) page...does the person and the director of that department take an oath of office to do that? I tell you right now, this is a violation of everything that you stand for. Life, liberty, and

property, is that the Fourteenth Amendment? Who is the government to tell you how to build something? If you want safe zones, then put safe zones that can protect someone from fires in every strategic location of this island. We do not have enough water...no, we have plenty of water, obviously, but we do not have the infrastructure to take things and make them work properly. Water goes downhill, the same as h-s-i-t, it flows downhill. I did not mean to say that in a derogatory way. You take your job very seriously. I do not know how many hours you average a week, but I highly recommend four-year term limits. Mel told me he agrees to that when I talked to him at Hale Līhu'e at the end of that meeting. That question did not even make it through KKCR (inaudible) to the front of that room. Now, you take that oath of office very seriously. This thirty-five (35) pages, I do not know who, if artificial intelligence (AI) wrote this. I do not know who wrote it, but we do not need a thirty-five (35) page recommendation when we do not even have fire extinguishers in most of our properties. Most people do not even have alarm systems in their houses for burglary, for fires that could go right to the police departments or fire departments. Part of an issue with fires is the proper notification that something bad has happened. Maui dropped the ball in a huge way. All of these fires on the mainland, please do your research, these are not natural occurrences. There are arsons involved. There are land grabs involved. I do not know who did the investigation for the Maui quote wildfires. Why do we call them wildfires? That is another term that needs to be looked into. We are not told the truth about certain events and Maui wildfires is one of them. I highly recommend that this thing gets thrown in the trash, shredded, and start off...I see Fern saying that she kind of agrees with me. I say, shred this Bill and start from scratch, because whoever came up with it...we need a new bus director, too. I do not mean to keep bringing it up. She laughed at me yesterday on the phone twice. Thank you.

Committee Chair Bulosan: Thank you. Is there anyone else wishing to testify on the amendment?

MILANI PIMENTAL, Executive Director, Kaua'i Habitat for Humanity:
Good morning, Councilmembers, I am Milani Pimental, Executive Director at Kaua'i Habitat for Humanity. This is Donna Rice, the president of our Board of Directors at Habitat. We are here today just to underscore our support of the Bill as currently amended. We wanted to commend the Council and especially the Administration for coming to us to work out solutions in considering these changes for our community, and what really might make things affordable or unaffordable, especially for a program like ours that works with the low income and the very low income in our community and that is the eighty percent (80%) Area Median Income (AMI) and below. We put in a number of hours and worked to achieve what you see there in front of you, in the attachment to our letter of testimony. We are satisfied with the Bill as it is. One (1) of the things that made this definitely acceptable and the numbers work out in our favor was the ability to waive the FRC charges. Of course, as an affordable developer, we are able to have exemptions along the way in certain County requirements, like the FRC already. That has always been a help for us. Again, in looking at these considerations, that will be a further help to ensure that the population that we serve continues to qualify for the affordable loans

that they need to meet the cost of construction and development. Donna, did you have anything that you wanted to share?

DONNA RICE, Board President, Kaua'i Habitat for Humanity: Donna Rice, President, Habitat. Just to emphasize the ability to build safe homes for this lower end group is very important. Many of the homes, as you know, we have been building on the west side which has a higher fire hazard, even though we are going to be building all over the island going into the future. To be able to have a home that we know is going to last a long time, with construction, not only with the environment, but for fire protection, but also be a lower cost to the homeowners in the long run. If we can build homes that have fire preventive materials, it is going to lower the cost of their insurance. The slight increase in the build materials, we are able to absorb and still be able to pass on a low-income home for them, one that they can afford, one that they can be able to attain a mortgage. We feel good with the Bill and the amendments that are being presented to you today.

Ms. Pimental: Before we end our time here, I did just want to share that my colleague in Maui at the Maui Habitat for Humanity has been through this, obviously, and for me the value in this Bill sits heavy on my shoulders as a non-profit leader and as a non-profit builder and developer. Maui Habitat lost in 2023 during the fires, eight (8) homes out of their subdivision—completely burned to the ground. We are fortunate their homeowners were well insured, with some gaps. We are all concerned with safety in our communities with the ever-changing environment and other pressing needs that weigh on our costs and other considerations. I urge you to consider passing this Bill, as amended, and really commend you for your deep thoughts and consideration on this. Thank you.

Committee Chair Bulosan: Is there any additional testimony on the amendment? Just the amendment. You can make suggestions to the existing amendment, yes.

Councilmember Cowden: Start with your name and push the button.

BRIAN BOWERS, Artistic Builders: Brian Bowers, I am the president of Artistic Builders, Corporation. Just a little background, I grew up in Maui, so I am very sensitive to the Maui fires, in Kihei. I have spent a lot of time in Lahaina. Built all over Maui, Kaua'i, O'ahu, and the Big Island, so I have done a lot of building. I am very sensitive to the fire situation. We were building in Lahaina when the fire hit. We ended up being part of the Kapalua Village Emergency Housing, I do not know if you heard about that one. We did fifty (50) homes in less than six (6) months and the majority were done before the one (1) year anniversary. We were flying a lot of workers here from Kaua'i over to Maui to help with the workforce, trying to make the best of a bad situation. A couple of concerns that I have...in principle I like what we are trying to do, we are trying to keep people safe. Lives are most important. Ka'aina Hull and Alisha Summers were very great. I had some concerns. I went and talked to them, and they were very helpful in talking through my concerns, so I really appreciated the time. Some of my concerns were from a building standpoint, the

setbacks...if you have a forty-five (45) foot house, you do fifteen (15) feet on each side, that house gets really, really narrow, then there is a fifteen (15) foot house. That is just a concern. We talked through the zero (0) lot line provision. I think that is really interesting. We built a project in Pā'ia where it had shared garages and a zero (0) lot line, and it turned out to be a really nice project and sold out really quickly and was right there in Pā'ia town. I think that can help with that, but then you have to have the whole subdivision basically designed with that idea in mind. If you do not do that then we talked about how you have to get the two (2) to agree. You both have to agree that that is going to be your house, because if I build a zero (0) lot line, then all of a sudden you have to be thirty (30) feet away, then that next lot is not usable, if it is a thirty (30) or forty (40) foot lot then you have to go thirty (30) feet. It makes sense for the master planned communities. If you are Habitat and you are planning out your subdivision and you are going to build the houses. The subdivisions where you are going to sell the lots to homeowners that want to build the house, I think, makes it pretty tough. The only amendment suggestion that I have is to make it a little clearer on the wording for the variations. I think the variations left to the discretion of the Fire Marshall...we as developers and builders like clear direction. It would be nice to just know that if you do this, this, and this, then you can be "X" amount of feet from the barrier. I think that is one (1) thing. The big thing that we are not addressing about Lahaina is the Lahaina fire was coming from the vacant lands.

Committee Chair Bulosan: I am sorry to interrupt. We have a timer here. If there is no additional people looking to testify, then you can have an additional three (3) minutes. Is there anyone else wishing to testify for the first time? I will bring you back for another three (3) minutes.

YELENA OKHMAN: Good morning, Chair Bulosan. Good morning, Councilmembers. Yelena Okhman here. I am grateful that we are having this discussion today because there have been so many questions that have been unanswered and unclarified. What we have been discussing here on the building costs, the increase of the building costs and also we do not have enough housing on Kaua'i. It will definitely affect the low-income people who will be building homes. For the clarification of the five (5) feet around the house in open zones, would it affect the square footage of how much usable space there is, because there is ten percent (10%) in open zones? Would it be in effect for this five (5) feet around the house? How would it affect in this situation? I want to mention in the discussion like this, I think we could have had KIUC present. We had DOW but we did not have KIUC here to discuss how much hazard could be done by a fire. I will add on more when we talk about the Bill, but this is it. Thank you.

Committee Chair Bulosan: Is there any more testimony on just the amendment, the current amendment that we have on the housekeeping proposals? Come on up.

Mr. Bowers: The biggest thing from the Lahaina fire and why Kamehameha Schools is paying eight hundred million dollars (\$800,000,000) is because of the vacant land and not having the proper breaks between the lands. I

think that the subdivisions do a pretty good job of mowing the subdivisions. We have fire hydrants in subdivisions. Subdivisions between houses...I think there definitely are problems, but I do not know that they are as big as the problems, because once the fire is huge, and then it hits a subdivision...plus, the building standards are much better. The part that burned down in Lahaina is a lot of the older, single-wall construction, if you are familiar with that. It is just all really old wood versus nowadays we have better products. We have drywall. There is just a lot of better products out there. I see a lot of three (3) foot separations and plants around the houses, like a planter strip I think does preserve the houses not to have plants and different things built up against the house. You see a lot of dry-rot and a lot of different things. I do not know if five (5) feet is the right number, because you start taking away the beauty around the lot. Just a couple of suggestions.

Committee Chair Bulosan: Thank you. Is there any more testimony about the amendment? Go ahead. This is follow-up for this amendment.

Mr. Passarella: Yes. I did a little research. Norway, Denmark, and the United Kingdom (UK) rank among the best countries for residential fire prevention due to the strict building codes, mandatory smoke alarms, and resilient construction. Nordic countries consistently rank at the top of global fire safety resilience. They enforce mandatory smoke alarms and laws in residential housing and maintain rigorous public awareness campaigns like the Nordic Smoke Alarm. Someone is making money off of that. The UK implements strictly regulated building codes covering materials use, cavity fire barriers, and stringent fire retardancy standards for household furniture and electrical systems. Germany's nations mandates smokes alarms in private residences and rely heavily on noncombustible primary building materials like stone and brick rather than timber framing. Key prevention factors include mandatory detectants with lowest risk enforce laws requiring interconnected smoke alarms inside every bedroom, outside sleeping areas, and on every level. Building materials. European nations generally utilize masonry and concrete construction, which naturally limit the spread to wood-frame housing. Electrical and furniture standards. Strict regional regulations regarding grounded electrical plugs and fire retardant furnishings greatly reduce ignition sources. If you want more details, I will send that to the County Council. This is what I found yesterday at the Department of Health (DOH). This is a separate issue. We are still poisoning our *keiki*.

Committee Chair Bulosan: Thank you, Tommy. You can send that in.

Mr. Passarella: You will look into that? I still have more time, correct?

Committee Chair Bulosan: You still have time for testimony on this amendment.

Mr. Passarella: What causes problems? Are we looking to prevent property damage or prevent lives being damaged? One (1) of the things that

causes a lot of property damage is water damage. There has to be healthier ways of dealing with fires, such as vacuums, so we should look into technology that does not result in the damaging of that property. WB's Restaurant & Grill had a fire and they have been shut down for a while. I do not know what type of fire suppression system they had at their place, but we should look into all the different fires that have occurred on Kaua'i in the last ten (10) years and say, "What could have saved this versus that?" We really need to do our research before we pass a thirty-five (35) page Bill. Thank you.

Committee Chair Bulosan: Thank you. Is there any additional testimony on the amendment? Since the rules are still suspended, I do want to ask Director Hull...Councilmember Holland you had a follow-up.

Councilmember Holland: Yes. Thank you, Director. I was just hoping you could talk about the testimony we just received relating to the setback and try to address some of the concerns that were specifically brought up by the testifier.

Mr. Hull: Yes. The setbacks, again, are only for vacant lots and larger subdivisions of ten (10) or more units. Those would generally be subject to requirements in the subdivision for landscaping already going through the master planning process. The provision that was specifically represented says that the lot line can be reduced in scenarios where all of the property owners agree. Candidly, that will rarely happen. You will not get both property owners in an existing situation that will say, "Yes, you can build up to the property line, and I will build next to you." That is rarely going to happen but being that it is provided as an opportunity for future subdivisions, we wanted to say, if this scenario happens for existing lots, and all property owners agree, we want to provide that step out as well.

Councilmember Holland: When you are talking about fifteen (15) feet on either side, and a forty (40) foot lot, can you address that?

Mr. Hull: Yes.

Committee Chair Bulosan: Director, just be sure we are tying this in with the amendment.

Mr. Hull: The amendment is for the (inaudible) reductions.

Committee Chair Bulosan: Yes.

Mr. Hull: Rarely would you have a lot that is forty-five (45) feet wide. We did an analysis for four thousand five hundred (4,500) square foot lots currently existing and those were fifty-five (55) feet by about seventy-nine (79) or eighty (80) feet. The fifteen (15) foot setback would provide for a thirty (30) foot wide home. There are provisions to reduce that setback as well.

Councilmember Holland: Okay. There are provisions that would be able to allow for a house on a smaller parcel such as that to potentially have a change to the setback to accommodate for that.

Mr. Hull: Correct. Just to be clear, the example I just gave with the fifty-five (55) foot width, that was on the smallest lot permissible in the County Code right now, which is four thousand five hundred (4,500) square feet. Six thousand (6,000) to ten thousand (10,000) square feet is a standard lot. As we demonstrated in the handouts, those can clearly accommodate the setbacks. Again, the amendment is to allow for reduction with consultation with the Fire Chief on different designs.

Councilmember Holland: Thank you very much.

Committee Chair Bulosan: Are there any additional questions on the amendment for the Administration? Councilmember Cowden.

Councilmember Cowden: The same testifier, Brian Bowers, raised a good point about making the “mays” and the discretionary elements have some sort of predictable element in there. Is that something that we can consider? For example, what tends to make this “may” happen. Here on section (E), it is really the noncombustible material, so that is pretty clear. What probably is not clear is how much that distance would be adapted. In our small community, they typically have a conversation, and it is negotiated, is that what happens? When we say how much that setback may be reduced, I think that his trouble was with that the “vaguary” [sic] of what may be reduced—two (2) feet, five (5) feet, ten (10) feet?

Mr. Hull: It is not going to be a discussion with the community. Again, this is not existing, built environments, it is going to be a single developer. That single developer who is proposing a four thousand five hundred (4,500) square foot lot or smaller...and that is going to be a very rare occasion...we do not know if it is going to happen, but we anticipate it. We do anticipate it and that step-out is made specifically for those applications. On the rare occasion that it is necessary, that is when that conversation happens, and it happens either during the PDU phase at the Planning Commission or at the 201H State affordable housing process.

Councilmember Cowden: Okay.

Mr. Hull: Having said that, additional administrative rules certainly could be set up along those lines as well.

Councilmember Cowden: They could be set up, and then developers would be able to reference them so that they have some sort of idea so that it does not feel...sometimes we hear that it could be discretionary. That it works for this group and not for that group, so if there were rules, then they would know that they are following a standard that has a degree of fairness. I am not suggesting anything not

fair about you or your department, but we always have to think about what is ten (10) years from now.

Mr. Hull:

I understand.

Committee Chair Bulosan: Are there any additional questions?
Councilmember Kaneshiro.

Councilmember Kaneshiro: The previous testifier mentioned a fifteen (15) foot setback. Can you clarify what the setbacks are? I thought it was five (5) feet or half the height of the building.

Mr. Hull: Those are existing setbacks of five (5) feet and half of the height. That will be in play for all of Kaua'i. The only time that these fifteen (15) foot property line setbacks come into play is for brand new subdivisions that are fully vacant and have no development on them. Then the fifteen (15) foot setbacks are in play for those lots. It is a fifteen (15) foot side setback that can be reduced if they have...like a lot of flag-lots have driveways in them, so that fifteen (15) feet can be reduced because the driveway itself functions as a buffer. It will also be reduced at the front to be ten (10) to five (5) feet in the front because the road fronting the property also serves as a buffer.

Committee Chair Bulosan: Are there any additional questions for the Administration for the amendment as presented? Seeing none, I will call the meeting back to order.

There being no further questions, the meeting was called back to order.

Committee Chair Bulosan: Are there any further discussion on the amendment? Seeing no further discussion, can I get a roll call vote for the amendment?

The motion to amend Bill No. 2998, Draft 1, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 1 was then put, and carried by the following vote:

FOR AMENDMENT:	Carvalho, Cowden, Kaneshiro, Kualii	
	Bulosan	TOTAL – 5,
AGAINST AMENDMENT:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Councilmember Kaneshiro: I have two (2) amendments, these are coming from Councilmember Holland who is not on the Planning Committee.

Councilmember Kaneshiro moved to amend Bill No. 2998, Draft 1, as circulated, and as shown in the Floor Amendment, which is attached hereto as Amendment 2, seconded by Councilmember Kualii.

Committee Chair Bulosan: Councilmember Holland, please explain the amendment.

Councilmember Holland: You may recall during the last meeting that I was trying to search for alternatives to the five (5) foot hardscape. I understand that a limiting factor for some people...even if not financially if the cost is more, I would love for there to be options provided so that people can have choices. What I did was do some brief research about different places in Australia, for example, where Black Saturday happened in Victoria and some of the places that deal with fire a lot, and it does look like there are some codes that exist. The science team went back, looked at what those different things are, they analyzed a few different things, and they did say that under this situation with noncombustible walls, which is an increased cost, but if you had noncombustible walls with specific metal shutters that were included, that this could serve as an additional option to avoid the five (5) foot hardscape. If we want to call the Planning Department back up, they have been helping me with the science side of it and what they are comfortable with.

Councilmember Cowden: It removes any of that. Could it have soil, grass, or groundcover?

Councilmember Holland: Yes, it would remove the hardscape requirement of five (5) feet surrounding the home, under the condition that the walls were specific grade...and Ka'aina if you could expand a little upon what those specifics are for me, because I know you have done a lot of research on it.

There being no objections, the rules were suspended.

Mr. Hull: Ka'aina Hull again, with Fire Chief Gibson. When Councilmember Holland brought up the idea that Australia that did have these codes that did not have the groundscape, we did look into it. There are several options that we reviewed. This is the final option that was drafted, came up with, and was reviewed by U.S. Fire Alliance, DoKi Solutions, as well as UL, and FSRI. All three (3) came back saying that this would be an adequate response to exempting out the hardscapes. It is being provided as an option. It is not a cheaper option, but it is an option.

Councilmember Holland: Thank you, Director.

Committee Chair Bulosan: Are there any questions for the Planning Department regarding this amendment? Seeing none, is there any public testimony on this specific amendment?

ANA MO DES: *Aloha* Chair Bulosan and members of Council. I am going to use my testimony for this amendment because it is regarding the five (5) feet. My name is Ana Mo Des, and I prefer to use my allotted time back-to-back because I am very late for work. I would appreciate that, thank you.

Committee Chair Bulosan: We can do that.

Ms. Mo Des: This is very enlightening to listen to the testimony this morning, so I do appreciate being here to listen to it. My suspicion when I first read this Bill that whoever designed it is not from Kaua'i, is confirmed with what I heard today. The topography here is just so diverse that it would be really hard to "cookie-cut" any situation. Although it does not, with the language that I am hearing, require for any existing...I still want to direct your attention to page 24, Section 15 that reads, "Chapter 8 (Comprehensive Zoning Ordinance), Kaua'i County Code, 1987, as amended, is amended by amending its Section 8-4.5 (Standards of Development Applicable to All Residential Development), by adding new Subsections 8-4.5(e) and 8-4.5(f), to be appropriately inserted and to read as follows: (e) Noncombustible Zone. A five (5) foot noncombustible zone with groundcover comprised of hardscape (such as concrete, brick, or gravel) with a depth of at least for (4) inches shall be constructed and maintained for any residential structure. For pervious material like gravel or crushed rock, a protective barrier shall be utilized beneath the pervious hardscape that prevents organic material growth. This five (5) foot groundcover hardscape requirement is not required for accessory structures." It does not say that it should only be for any new construction built from 2027 on. Council Chair Rapozo's question, if there are any additions, well that wall would require this five (5) foot hardscape. What prevents the Planning Director, whoever it will be at that time, from implementing this law that you are all considering to pass just across the board? I do not see language that prevents that. Maybe that can be a considered amendment. Let us just, in a thought exercise, go through it. You are talking about a five (5) foot exterior wall. Let us look at what five (5) feet looks like. This is five (5) feet. Let us say that you have your neighbor that also needs another five (5) feet. (inaudible) Ten (10) feet right here. Do you recall any neighborhoods on Kaua'i that have an exterior wall that goes from the door to where I am? I have seen a lot of neighborhoods like that. It is pretty tight. That would require basically everything concrete from wall to wall. I come from a place that has that. There is maybe a little bit of lawn before a sidewalk. There are, maybe trees, and then the road. The trees become a nuisance. Those roots pop up and break through the concrete. Let us get rid of the trees because they are becoming a problem for the concrete. This concrete solution is very convenient for the fire prevention. Practically speaking it is a great idea. I do not believe that our firefighters are the kind of people...they train really hard and are not like you and me...they can persevere through the most egregious circumstances. I am not sure why we are trying to make things easy. They are not the kind of men that I see that are wanting things to be made easy for them. Let us just go through it. This is a very convenient solution. Let us expand it. There are a lot of issues on this island that could use this solution, for instance, the river. Let us dam the river, concrete the bottom, and get rid of the those slippery boulders, that mud between the toes, and on heavy rains we no longer

have brown water flowing through. The Los Angeles (LA) river does that. It is beautiful. So that is a convenient solution for that issue. Let us not stop there. How about the beaches? That sand—what a nuisance. It gets everywhere. I cannot even vacuum it out of my car. I know what you are thinking, it is really hard to dam the ocean. I am not trying to suggest that, but we can use concrete from the shore break all the way to the parking lot. We get rid of that problem. Yes, it is not that comfortable to lay on concrete when we are trying to experience the beach, so let us bring in the chaise lounges and the umbrellas, and charge people to be there. That money can go to the County and be directed and allotted to DOW that really does need this funding. That is a solution there. Now, if we have taken care of that area, why stop? Let us go to the forest. Those pesky trees that cause those forest fires. Let us eliminate all of that, concrete everything, and then you do not even get a landslide ever, because you have solved it with the convenient concrete method. Does that sound like a good idea? What could go wrong? I guess we would lose the beauty of nature, for one (1). Another issue I believe Councilmember Cowden touched on is the heat factor on the sun just burning on concrete, making everything really, really hot. That is okay because I work for an air conditioning company.

Committee Chair Bulosan: Thank you, Ana.

Councilmember Holland: Can I just ask a clarifying question, please?

Committee Chair Bulosan: Sure, I am sorry, that was the whole six (6) minutes.

Councilmember Holland: Quickly, do you support my amendment to provide an alternative to the five (5) foot hardscape, because it sounds like you do, but I just want to hear?

Ms. Mo Des: I support the Council rethinking the strategy on this. If we are really looking at trying to make things better for our firefighters, let us provide what the firefighters need to fight fires. For example, ensuring that there is water in the fire hydrants...

Councilmember Holland: I agree.

Ms. Mo Des: ...and funding that infrastructure because the County has this uncanny ability to create way more problems from the solutions to a problem. Thinking ahead, what impact could this have on everyone on Kaua'i? There is not just one (1) new neighborhood that is more valuable in lives than anyone else on this island.

Councilmember Holland: Did you watch last week's meeting?

Ms. Mo Des: I just read the Bill.

Councilmember Holland: I think that you should watch last week's meeting where the presentation is given because I think it will answer some of the things that you are talking about.

Ms. Mo Des: I am just going to believe my eyes on what this Bill is because a lot of people can say things and interpret things, but it is not what I see written. I would like to ask the Council to really be thoughtful on what they are implementing as a law and dictating as people's yards because "yardens" are a thing. We all like to grow. We do not want to be told that we all need five (5) feet of a certain amount. In that instance, I do agree with you. If you do not pass this Bill, it does not mean that the Habitat cannot create with these parameters, or have developers come in that want to create with these parameters. Why this law to dictate forever that this is how buildings...when developers can actually do that themselves and promote that themselves and then maybe even have that be an inspiration for others.

Committee Chair Bulosan: Thank you, Ana.

Ms. Mo Des: There is one (1) last thing. This is about Lahaina. What happened in Lahaina was very...

Committee Chair Bulosan: I am sorry, Ana, I have to be fair to everyone.

Ms. Mo Des: And I want to say.

Committee Chair Bulosan: Can you email that to us at counciltestimony@kauai.gov?

Ms. Mo Des: This is my last sentence, and I am going to be out of here.

Committee Chair Bulosan: One (1) last sentence.

Ms. Mo Des: Vengeance belongs to God, but in John Chapter 14, I am given the authority to bring His name in. So, I do claim and plead the blood of Jesus over all of Hawai'i and Ni'ihau. May only what is of God's will be done and anything that is not of God's will be vanquished, in Jesus' mighty name. Amen.

Committee Chair Bulosan: Thank you. Is there any additional testimony on the existing amendment? Just on the amendment.

SANDI O'SHAUGHNESSY: Thank you, Council for allowing us to speak. My name is Sandi O'Shaughnessy and I live in Kapahi. The five (5) foot argument, so to speak, on whether it should be concrete, gravel, all of those things, obviously those all need to be considered. In Kapahi, very close to people's houses there are wild guinea grasses growing everywhere which are a massive fire hazard. It is a problem all over Kaua'i. A lot of these wildfires start and blow through these fields

and along the side of the road where there are native or non-native grasses growing, Albizia trees, etcetera, and I feel like we are not really looking at the mitigation problem with those things that are where a lot of these fires start. I know that it is not the Bill itself, but if we are looking at fire mitigation, we should definitely be considering how we are going to address these wild grasses and trees.

Committee Chair Bulosan: Thank you. Is there any additional testimony for this amendment? This is the same Bill. Thank you. Is there any additional testimony on the current amendment? Seeing none, I will call this meeting back to order.

There being no more public testimony, the meeting was called back to order.

Committee Chair Bulosan: Is there any additional discussion on the amendment? Councilmember Cowden.

Councilmember Cowden: I will just say thank you, Councilmember Holland, for looking at Australian policy. If people can afford to have a noncombustible house, it seems like they should not be penalized with that hardscape right around the edge. I appreciate the creativity and effort going in to look at that.

Councilmember Holland: Thank you.

Councilmember Kaneshiro: The amendment also does change the Ordinance date to take effect on October 1st, versus July 1st.

Councilmember Holland: It is just pushing it out a little bit to address those that are already under construction that was brought up earlier. I forgot to mention that.

Councilmember Cowden: Just do it for the whole thing...to push the date out. Can you just give one (1) more...I did not hear your reason that much because what is...there are already projects that are being designed?

Councilmember Holland: My understanding, correct me, Director, if I am wrong, is to allow extra time for the concern that was brought up about houses that are already in the works.

There being no objections, the rules were suspended.

Mr. Hull: Any permit that is already in the works would not have the standards applied to them. You do have some that may be in the process of having draftsman work done. They are midway through the process but do not have their permits in. It allows that buffer, if you will.

Councilmember Holland: It is just adding that little extra time so people who are caught in the start of it might have a little more time for this to take effect.

Councilmember Cowden: Where does it say that?

Councilmember Holland: It is just a date change on the bottom.
October 1st from July 1st.

Committee Chair Bulosan: Are there any additional questions for the
Administration while the rules are suspended?

Councilmember Cowden: You support this? This was your idea.

Mr. Hull: We support it.

Councilmember Holland: It was part of our discussion, and he had
brought up if I had supported also pushing the date out to address that concern at
the same time, and I said yes.

Councilmember Cowden: Okay.

Committee Chair Bulosan: Are there any additional questions for the
Administration?

There being no further questions, the meeting was called back to order.

Committee Chair Bulosan: Is there any other discussion on the
amendment?

Councilmember Kaneshiro: I am in favor of the amendment. I think it
does give a little more leeway for someone that cares about what their yard is going
to look like and does not want the concrete or the hardened area. For them, it will
cost a little more, but they can purchase that type of siding that is more fire resistant.
That is their own decision of what they do. As far as the date, I am in agreement,
too. We have been working on this and it has been in planning from prior to July. At
the time, they were thinking a year out. We are already in October, so it makes sense
to push it out.

Councilmember Cowden: We are in September.

Councilmember Kaneshiro: See? We are in September already. October
will be right around the corner anyway. It gives people a little more time to adjust.

Committee Chair Bulosan: Is there any additional discussion on the
amendment? Councilmember Holland.

Councilmember Holland: Yes. I would like to thank you all for
entertaining it. I know that I am not on the Committee, but I did look into some of
this. I initially looked at irrigated landscapes to keep a wetscape surrounding the

home. There will be additional conversation about that on my next amendment. I appreciate you considering this.

Committee Chair Bulosan: Is there any additional discussion? Seeing none, roll call vote please, on the amendment.

The motion to amend Bill No. 2998, Draft 1, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 2 was then put, and carried by the following vote:

FOR AMENDMENT:	Carvalho, Cowden, Kaneshiro, Kuali'i Bulosan	TOTAL – 5,
AGAINST AMENDMENT:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Councilmember Kaneshiro moved to amend Bill No. 2998, Draft 1, as circulated, and as shown in the Floor Amendment, which is attached hereto as Amendment 3, seconded by Councilmember Kuali'i.

Councilmember Holland: Thank you, this amendment is related to the periodic review. Again, it is looking at the irrigated landscape and the potential for waterlogged plants also to be included in that five (5) foot buffer. The problem is, and Director, please correct me if I misstate any of this, but my understanding after the scientists reviewed my suggestions and asks, was that, while they could support the fireproof walls and those additional items in the previous amendment that we just voted on, that they could not really scientifically support the specifics on irrigated vegetation, waterlogged vegetation, or bananas and certain things that were suggested. This amendment requires that those things are considered in the periodic review and that studies are done to allow for that to be an option in the future, but because the studies were not done, the scientists were not confident in making that assessment and allowing that amendment to go forward. In this case they would have the opportunity to complete the studies and prove without a doubt if plants like aloe vera or very water-heavy plants might also be allowed for the five (5) foot surrounding of the home. That is what this amendment is.

Committee Chair Bulosan: Is there any initial discussion?

Councilmember Cowden: For the public, we do not get to hear before each other does things. I would have added to this. I appreciate that can go into the review. Whether we do another thing or do a friendly amendment, I think that soil analysis and percolation rates should also be in that review. I think when we avoid percolation rates it is a big mistake in how we plan it, and that kind of falls onto what Ms. Mo Des said. When we look at the fire impact on plants. If we have an eighty (80) mph wind and we have really hot fires, that is really the anomaly. What we learned at National Association of Counties (NACo) conferences and our field trips there, after you have a fire, you have all of this flooding potential. Flooding is more

common than fire here. When we are looking at all this extra concrete especially in a narrow neighborhood, as Ms. Mo Des was talking about, you had ten (10) feet out of fifteen (15) feet of asphalt or hardened out of twenty (20). When we scorch the soil in ways that this Bill asks to do in a lot of places, you do not have the percolation rates so then you are going to have really intensive flooding. Absolutely percolation rate increases when you have natural plantscapes, when the plants can live the way that they are meant to live with leaves on the ground and all of that. We do not have to add it to your amendment, I can see on your face that you are not interested.

Councilmember Holland: I am just not clear.

Councilmember Cowden: Percolation rates should really be in this wildfire resilient landscaping because when we have hardpacked ground, which is what happens when you have the sun always shining on the ground, you do not have good percolation rates. Percolation rates happen when you have active landscaping. I know that is the truth.

Committee Chair Bulosan: Is there any additional discussion? I do have to go to public testimony, so I do not know if you want to keep on with the discussion.

Councilmember Holland: I was just wondering what the Director thought about that.

There being no objections, the rules were suspended.

Mr. Hull: Yes, because the Bill does not require concrete, you can use hardscape as well, if a homeowner opted to use concrete in their five (5) foot noncombustible zone, it would not be allowed to go beyond the existing threshold of sixty percent (60%) for a residential lot. It does not allow for extra concrete beyond what the Code currently requires. The percolation rate should stay the same, but I do understand.

Councilmember Cowden: The percolation rate does not stay the same if you do not have plants.

Mr. Hull: No, I just wanted to clarify that extra concrete beyond the sixty percent (60%) non-pervious surface limitation on residential lots does not change. I just wanted to clarify that the concrete does not change. Then, for the overall proposal, Councilmember Holland had approached the team to ask about using certain types of landscaping there, and the team did go back and look. When looking at how wildfire science can provide guidance for regulatory regimes, either the science group is going to look at a forensic analysis of a wildfire event that happened and/or they are also going to use laboratory tests in which they are recreating a wildfire event on the built environment. In both of those scenarios and the data they had, they did not have anything that could indicate that landscaping would be an adequate mitigation measure for the hardscape. Having said that, with the draft proposal, we would be going back to FSRI as well as Hawai'i Wildfire

Management Organization (HWMO) and say, in looking at certain documents and studies that were produced about wildfire resilient landscapes, is there an interface between those and the five (5) foot noncombustible zone? Candidly, I had that conversation with the Executive Director of HWMO yesterday.

Committee Chair Bulosan: While the rules are suspended, we will take public testimony.

Councilmember Cowden: I actually had one (1) more question.

Committee Chair Bulosan: Go ahead.

Councilmember Cowden: This would be a question for both the Fire Department and the Planning Department. When we look at all of these modern fire build elements, what we saw in Lahaina is...after the fire everything was toxic. Everything is really toxic, where probably when you have a Hicks home that is just wood, it is not going to be so toxic. All of these hardened, new products create that toxicity, is that correct?

Mr. Gibson: That is absolutely correct. It is what we are putting inside of the house—couches, mattresses. It is what we are putting outside of the house—cars, tires, batteries, all of those things are creating the toxicity.

Councilmember Cowden: Even those hardened walls...it would not be for concrete, but we just have to look at how all these things balance.

Committee Chair Bulosan: Are there any additional questions for the Administration for the amendment? Seeing none, we will take public testimony on the amendment as proposed. Is there anyone wishing to testify on the amendment? Seeing none.

There being no public testimony, the meeting was called back to order.

Committee Chair Bulosan: Is there any final discussion on the amendment?

Councilmember Cowden: I will be supporting this amendment. I think it is certainly valuable to review as many things as we can review, especially when I brought up how often most of our reviews or reports actually happen. I would hope in the first five (5) years, which will be into the future. It will be after these places are built, for the most part, though it can be looking at what is out there in the nation. It will really matter that we look and check that what we have done is right. Certainly, I support more flexibility and breadth in the review.

Committee Chair Bulosan: Councilmember Kaneshiro.

Councilmember Kaneshiro: I am supportive of the amendment. I know we have heard concerns about how often the reviews are. I am a little more positive on the reviews because I know that the County already meets annually for wildfires. It is not as big as, say, a general plan type of meeting and result. I do know that annually, the Fire Department is meeting with the community, so I see those meetings continuing and these types of things being incorporated into it. I definitely think that, yes, more information is better. If we are looking at other ways to protect the house then we also look at what type of landscapes may be available at the same time. I am in favor of this amendment.

Committee Chair Bulosan: Is there any additional discussion on the amendment? Seeing none, roll call vote for the amendment.

The motion to amend Bill No. 2998, Draft 1, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 3 was then put, and carried by the following vote:

FOR AMENDMENT:	Carvalho, Cowden, Kaneshiro, Kualii	
	Bulosan	TOTAL – 5,
AGAINST AMENDMENT:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Committee Chair Bulosan: Are there any other amendments for this Bill now that it has been amended three (3) times?

Councilmember Kualii moved to amend Bill No. 2998, Draft 1, as circulated, and as shown in the Floor Amendment, which is attached hereto as Amendment 4, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Thank you, Mr. Kualii. Mine is housekeeping that is pertaining to that section on the gutters. It is just adding “if installed” to make it clear that it is an optional component and not mandatory.

Committee Chair Bulosan: Is there anyone wishing to testify on the amendment? It is adding “if installed” for gutters in the previous discussion. Seeing no testimony. Is there any further discussion? Seeing none, roll call vote on this fourth amendment.

The motion to amend Bill No. 2998, Draft 1, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 4 was then put, and carried by the following vote:

FOR AMENDMENT:	Carvalho, Cowden, Kaneshiro, Kualii	
	Bulosan	TOTAL – 5,
AGAINST AMENDMENT:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Committee Chair Bulosan: With that, we are still in discussion, and I wanted to give the public...if there are any more amendments, let me double check.

Seeing no more amendments, I wanted to give the public one (1) last opportunity for public testimony on the entire Bill as amended four (4) times. Is there anyone wishing to testify on the entire Bill as amended? Seeing none, we do have another question.

There being no objections, the rules were suspended.

Committee Chair Bulosan: Director Hull.

Councilmember Cowden: I have a simple question. I did read this. It is a long Bill, and it has a lot of details, so I had a few things that I was just confused about. There are probably simple answers, but it would help me. On page 12 Section 5 in the middle of the page. What was removed was dwelling, single-family attached. These are definitions and I wondered why we deleted that definition because I did not see it replaced.

Mr. Hull: The single-family attached is a structural element where it is literally, you will find some proposals avoiding the setbacks, currently the ten (10) foot building-to-building setback, by literally putting a nonstructural element attached to it—a couple of two-by-fours that are separated by three (3) or four (4) feet—which is a clear hazard.

Councilmember Cowden: That means that if I put a...and there is actually a lot in my neighborhood, someone has put a lean-to against the wall.

Mr. Hull: No. Where it is structurally dependent, that is fine. It is where it is structurally independent.

Councilmember Cowden: When we just have three (3) inches in between.

Mr. Hull: Yes.

Councilmember Cowden: We took that out so that we do not have that in here.

Mr. Hull: No.

Councilmember Cowden: When we saw where you can build on the zero (0) lot line between different parcels, and we had that in our presentation, I would assume that the developer builds it that way. Those look like...

Mr. Hull: Those are structurally dependent.

Councilmember Cowden: Those are structurally dependent, so those are duplexes that are straddling a property line.

Mr. Hull: Either duplexes, garage scenarios, or carport scenarios.

Councilmember Cowden: Two (2) weeks ago we saw design drawings of that.

Mr. Hull: You had duplex designs that were straddling a lot line, but you also had carports straddling the lot line where the dwellings were not actually adjacent.

Councilmember Cowden: Right.

Mr. Hull: The single-family paradigm with a connected carport.

Councilmember Cowden: Right. It has the potential for crumbling but if the developer decides to do that, I would presume that the developer would be the one to do that. You are not usually going to see two (2) people buy separate lots and say, "Hey neighbor."

Mr. Hull: We would not anticipate that. The provision is provided if that wanted to be done, but we would not anticipate that.

Councilmember Cowden: This is just you cannot have something that looks like it is attached. We are just saying that does not happen.

Mr. Hull: Yes.

Councilmember Cowden: Alright. My other very simple question is I noticed that we have definitions and the same definitions in several different places, they might have a few added or are not there. I read through every one (1) of them and I do not understand why we have them there. Is it because it is a different section? And we have to have...

Mr. Hull: Correct.

Councilmember Cowden: ...and we do not reference back to the old section? We just have to repeat ourselves.

Mr. Hull: One (1) definition is being provided in Chapter 12 which is a different Kaua'i County Code chapter than Chapter 8, so both chapters need the definitions.

Councilmember Cowden: Okay. Thank you.

Committee Chair Bulosan: Are there any additional questions for the Administration?

Council Chair Rapozo: On page 21, this is on the maximum lot coverage. This Bill will increase the maximum lot coverage for R1 to R6 to sixty percent (60%). That was not discussed. Is that for everyone now?

Mr. Hull: Yes, I am sorry. That was more of a clean-up in that one (1) section of the Code already has the sixty percent (60%), and this is just reiterating that it is sixty percent (60%).

Council Chair Rapozo: I was not aware...how long have we been at sixty percent (60%)?

Mr. Hull: Around the time that the Additional Rental Unit (ARU) Ordinance was passed.

Councilmember Cowden: You were not here.

Council Chair Rapozo: Thank you.

Committee Chair Bulosan: Are there any additional questions for the Administration? Thank you.

There being no further questions, the meeting was called back to order.

Committee Chair Bulosan: Final discussions. Committee Members and non-Committee Members, if you want to have any final discussion as well. Council Chair Rapozo.

Council Chair Rapozo: I will go first, thank you. Again, as a non-Committee Member, one (1) thing I learned all these years on this Council is you learn to count really quickly. I see that this is probably going to pass today. We got, or I got the information last night from CAK and BIA and passed it on to you today. I am still a little uncomfortable about the cost, not that I am disputing what is being said, because it is so significantly different, I have to track down why that is different. It has to be in how they figured out the numbers. I do not think it is malicious in any way. I just think that there is a reason why those numbers are so different. If this is going to pass out of the Committee Meeting today, I will spend the next few days trying to track that information down. I think one (1) of the testifiers today talked about clarifying some of the language in this Bill. That is why I am more open to taking our time because all these amendments that dropped today, we see them for the first time today. We do not have the luxury, because of the Sunshine Law, we do not get to see these things and go explore them. I am not sure what the pressure is to get it passed out of Committee today. I just do not. We are looking at a Bill that will take effect in October of 2027. We went through this exercise with the Residential Investor with Real Property Tax. It looked very good. We went through it because we wanted to help so many people. Then we found out, "oops," we did not see everything. Now we have to go back, refund money, and repeal the Bill. This is a big Bill with major impacts on a lot of people going forward. For me, as it comes

before the full Council, I will need to have all of my questions answered. The other thing that we do not have, especially when we amend Bills at this level, is the public input. Again, everyone is finding out today what these new amendments are. I do not know how many of you noticed that the testimonies for this Bill really just came in the last few days. People do not know. We do not have the Garden Island Newspaper right now sharing with the world what we are doing, so it is word-of-mouth, then everyone gets “freaked out” because they did not watch the meeting, and they do not know the technical parts of this Bill, so now they start “pounding out” testimonies. Again, this will happen when you have four (4) amendments. Four (4) amendments that will generate input. I always believe that we should do all the work in the Committee and not at the full Council Meeting. This is what this Committee process is for, it is to work out all of the kinks and the clarifications, because the last thing we want to do is pass a bill that has language that is vague that can result in false interpretations of what we are trying to do. Then you cause confusion in a community and that is what we try to prevent. I believe that it is our job here to flush out all of the concerns and questions. You cannot do that if we do not have the community’s input, which we will start getting right before the Council Meeting. Then we will have to either send it back to the Committee, or amend it in the full Council, which is not the preferred way to go. I am not going to ask...I made those comments up front... that I would suggest that we take another couple of weeks so that we can flesh out all of the questions and concerns. We got testimonies up until today. I just got testimonies for this Bill today, while we are in this meeting. We will not have the opportunity or the proper time to process and vet out with the Planning Department and everyone else. If I were voting today, I would not be voting in support of it and I would be asking for a deferral. If we get it to the full Council next week, hopefully I will be prepared to make a vote at that time. Thank you.

Councilmember Cowden: I am also one (1) who wants to have it delayed another two (2) weeks because something that I think is really important about this, is that we are the first county in the nation, at least that is what we have been told, to create a WUI Bill. It is very important and is setting a standard that will probably be looked at in many other places. I think it will possibly be looked at nationally. I honestly feel like it needs to have a cluster of policy bills. We need to have a very holistic piece and when we just go with how it is now or the worst possible scenario that I was bringing up in one (1) of the amendments is after the Lahaina fire, it almost turned the soil into glass. It was so hard that the percolation rate would not have mattered in that case, especially when we have so much sand. I think that when it is zero (0) or the absolute worst scenario, I feel like we really have to have a really strong understanding of soils and how soils manage. When we look at people bringing up climate change, yes, climate change is happening, but it is probably happening as much as the abuse of the soil as it is for what happens in the air, in the sky, and the carbon offset and all of that. I think that I would really have liked to have had KIUC. I am sure that they spoke with the Planning Department. I think that is a big part of it, too, because when I think of when we are looking at fire safety, do we say that you have to have underground powerlines? That is what started Lahaina. It has had a big part of many of the California fires. In the wildfire area, we are putting all of

this burden right on the houses. I feel like we need to have a much broader element of how we are looking at it. As a comment about the annual reviews, when we first pass something with a yearly review, we are going to have four (4) brand new Councilmembers next time. Our Mayor will have been sitting in this room, because either one (1) of the candidates are here, but there will be quite a bit of time that comes on and we start to forget and we do not look so closely. This does not say when that annual review starts. When does it start? Does it start as soon as the first time that we build it? Does it start as we just look every year? I appreciated how Councilmember Kaneshiro complimented the amazing work that our Fire Department has done with HWMO. I am really happy to be a part of those stakeholder groups. I have been paying attention since I started almost eight (8) years ago, and it is really that fire interest has been hot on the heels of the Lahaina fire, but ten (10) years from now, it may no longer be. We might not be looking at that as much then. I think we need to be very, very careful. We are not crushed for time and it is work to sit there and look at it, but I think that the landscaping elements are parts that really do make me uncomfortable, because I think that if you have a whole, big subdivision that has landscaping that is going to starve the soil of its microbes, mycelium, worms, and all of that, if we starve our soil we are going to create a hotscape and we are going to increase the problem. I really want to see a lot more looked at with the plants, not just how fast they burn, but how much taking them away creates a burnable space. Where I do appreciate what Ms. Mo Des said, if you are only looking at fire suppression and you are not looking at flooding, when you ruin the soil, you increase the flooding because it will not percolate as well. I think that all of that is really important.

Committee Chair Bulosan: Councilmember Holland.

Councilmember Holland: Thank you all, very much. I would like to start off by thanking Councilmember Kaneshiro for introducing my amendments and for all of your support. I want to say that overall for this Bill, I am obviously concerned that there is an increase in costs. I love that it is offset by the FRC charge being reduced, but I definitely have concerns about the funding of DOW as well. I think that there is a deeper conversation there because I think that we should not be paying the FRC for most housing, especially affordable housing anyway. When it comes to deferral like two (2) of you have mentioned to have more time, I do not have any opposition to that. I want to speak a little to some of the testimony today. We heard very clearly and I hear very clearly that life and the cost of life is always going to be of more value than a little bit of an investment that costs a home little bit more per square foot. To me that is always a clear decision. Looking at the overall management of fire risk of wildlands, flammable invasive species, and all of that, it is definitely an ongoing and important part of the conversation. I do not think that this measure really has anything to do with that, but we have looked and we already have passed additional fire measures to limit flammable species around homes and structures. I think that these continue to be important things that we also have to work on. I do not think that they necessarily negate the prevention mechanism that this is, but I do think that these are also really critical things that we need to look at. I think that it is not an ideal Bill. I appreciate that was said also by, I believe, DOW.

This is not an ideal situation, but it is needed so that we can do everything that we can because the cost of life is so valuable and not losing life is valuable. I really appreciated the comments of Habitat. I think there are a lot of different things that we have to look at, like I said—water, addressing ability, electricity, all of these different things that we are talking about to be able to put fires out, is critically important. The bottom line is we are still going to be talking about this in ten (10) years because we have a radically changing environment. There is no going back when it comes to the invasive species that we are now dealing with. I have said it before and I will say it again, if we get another hurricane and we have Albizia like we do today, it is going to be a massive difference than what we saw in 1992. That goes for fire when it comes to all of these invasive species. There is no sign of that getting better. I think that the more that we can prepare and the more that we can think ahead and be proactive is the right thing to do. Overall, I support the fundamentals of this. I do get concerned when I see these massive differences in some of the cost assessments because I know nothing about building at all. I cannot do anything. So, I have no idea and no understanding of what that looks like or the reasonable cost that they would be. I think it is important to understand that some of the understandings that we all might have about a tree holding water, or irrigated grasslands like I had suggested, is still something that we have to go back to the scientists that test these things and actually know. They test these things in the field and in the lab to get that clarity, which is why I appreciate that we are considering the future of some of the vegetation and I also respect the fact that they do not have the data to do that today. I do think that, from my experience growing up partially in Australia and going back and forth, I have lived in a place where every single bush home has that concrete-surrounded patio. It is covered with a metal awning that has a very Australian look, but it is something that we learned to utilize as a patio space and is pretty common throughout all of rural Australia. I do not think it is unnecessarily arbitrary, I just think that we are just not used to that here in Hawai'i because we should not have to be used to that because we should not have an Australian landscape here and we do. There are no perfect solutions, but at the end of the day the investment in safety and the saving of lives will remain my priority as a Councilmember. Thank you very much.

Committee Chair Bulosan: Councilmember Kaneshiro.

Councilmember Kaneshiro: I will just say up front I have no reason to not want a deferral on this. I do not think it needs to be passed today right away. Getting a little more information on it is always good, but I do know that we should end up getting to a point where we just have to make a decision. I am open to a deferral if people are not comfortable yet. I do not think that the amendments that we passed were that controversial, actually, they probably helped. In some cases, being able to do the siding that is fire resistant so that you will not need to do the five (5) foot hardscape. As far as the whole Bill goes, the added cost to do this is the thing that sits in everyone's stomach. We do not want to add costs to homeowners, but when you look at it and after hearing from DOW, I am even more compelled that we actually need it because DOW said that we might not be able to provide water for everyone. What do we do? We have to protect ourselves first and these measures are here to

protect ourselves first and protect our homes first, so that we do not have to sit there and say, "I hope my water is going to turn on" or "I hope that the utilities do not go off because of the fire that is going on and I cannot get water to myself." This protects your house. This will help to protect your house now. I see the need for it and I am in favor of that. Resilience starts with us. This is what this does, creating resilience from us. I am open to the deferral, but I am open to voting on this. I am in favor of voting on it, but I am willing to entertain the deferral. The more information that comes in the better. I know that we have a big discrepancy in costs. There are many factors. At the end of the day, maybe they have to get together and say that these are the exact specs of what we are working with and let us compare them. People have brought out in the public the fear that if we pass this then all the costs on these types of materials are going to go up, but like septic systems, the costs started growing. I do not necessarily see this like the septic systems. The septic system you need to get, you need to install in your yard, and there are only a few people that do it. When we are talking about new construction, these guys are bidding on an entire house. This small cost is not going to affect whether they will go with that contractor or not. That contractor is going to have to find ways to make it affordable for these people to actually build the house. They get to "spec" it with different developers and this is not a big portion of the house costs. I see it as apples and oranges in that aspect which makes me a little more comfortable on it. I do not see people going crazy and saying that the new construction is going to cost way more because I have to do all of these little extra things along the way. These are just my comments. Again, I am in favor of this Bill. I do see the need for it more so with DOW and their comments today, but I am willing to entertain the deferral and hear more from the public.

Committee Chair Bulosan: Go ahead.

Councilmember Carvalho: I just also want to say, *mahalo* for the discussion. I appreciate the team effort, even with DOW like Councilmember Kaneshiro was just mentioning, and the need to push forward...even with our Planning Department. I have had numerous conversations on this issue. To me, we need to move forward, that is what I am thinking. At the same time, I know there are challenges and there are issues, but what is the decision to make today? Again, for me, I have had numerous discussions, I think addressing this sooner rather than later because heaven knows what is going to happen tomorrow. I truly appreciate the discussions and the efforts going back and forth. I am still at that point. Believe me, I really appreciate the effort and the talking, especially with DOW coming forward. Then of course, our Planning Department and the Fire Department. I have had discussions personally as well and they are saying that this is something that is needed sooner than later. At the same time, as decision makers we need to look at the overall picture. At the same time, I am at that point right now. I just wanted to share that.

Committee Chair Bulosan: Councilmember Kualii.

Councilmember Kualii: This is a really big Bill, critically important, with lifesaving impacts. I am ready to support it today, but of course, I can easily

support a deferral as well. I appreciate all of the work that has been put into it so far. It has been a long time coming and a lot of work put into it. I appreciate the floor amendments today that make it a better Bill. I just hope that people would use the next two (2) weeks with a deferral to get more input from the public, to get more information from contractors or whomever, look at the numbers more closely, and then to work on any additional amendments that might make the Bill even better. Yes, there is no rush. I would support a deferral.

Council Chair Rapozo: I just want it clear that I definitely support the Bill in concept. We will not lose or save one (1) life by taking a two (2) week deferral. It is not that critical regardless of what we do today or two (2) weeks from now—it is not going to change how many lives that we save. I appreciate the understanding. I will figure out the disparity. The disparity is probably something that they just started with different numbers or whatever the case may be. I just want to feel comfortable. There is a bigger reason, too. This was discussed by, I cannot remember his name, he is from the UL...

Councilmember Cowden: Derek Alkonis.

Council Chair Rapozo: He mentioned the importance of making sure that our insurance companies stay in our market for fire insurance. That was not talked about today. That is my concern. We want a Bill that is so tight and clear that the insurance companies can appreciate and say that they will stay in this market. It is not just about the cost of the construction. That is one (1) of my bigger concerns, but the reality is if we do not firewise our communities, insurance companies may pull out. It is not about getting cheaper rates. I heard someone say earlier today that it is going to lower your insurance rates. That guy made it very clear it is not about lowering insurance rates, this is about keeping insurance companies in the market, because if you cannot get insurance, you are not getting a mortgage. If you are not getting a mortgage, you are not getting a house. It is just beyond just the cost. It is beyond what this Bill entails. It is what this Bill will allow this community to benefit from, and it is an insurance company that stays in the market. Thank you.

Committee Chair Bulosan: I will just share my comments. I will state first that I am in support, and I do think we should pass it out today. I will start with a date. August 8, 2023, was the Lahaina fires. Since August 8, 2023, we have had seven (7) wildfires on Kaua'i. Luckily, we are not counting deaths. When I think about this Bill and the work that has been done, in the introduction of this Bill, our Administration made the description that the team that worked on this was the 1998 Olympic Dream Team that came together to propose some changes in our laws to protect our community. The 1998 Olympic Dream Team, and if you were alive and know who that team was and are fans of basketball, that was the best team arguably of all basketball teams. But I think Chief Gibson was completely wrong on that. This is not the NBA basketball team that came to build this. I would use the analogy that they assembled the Avengers. I say the Avengers, because when you look at the Avengers, the Avengers were Avenging something. They were Avenging the death of

one hundred one (101) people. When we think about this Bill and how big it is and the efforts that have been put together on this, we are talking about the Avengers as in the U.S. Fire Alliance, the Fire Safety Research Institute, the Headwater Economics, National Fire Protection Association, the HWMO, not to mention many different contractors that came together, the input from the entire community here that lives here, the input of that experience, the challenge of what occurred, and then us, the Councilmembers that have to deliberate these questions and talk with the experts, talk with our community, reach out, make sure that we are considering every aspect of it. We brought together the Avengers. If the Avengers showed up to the door right now and said, "We have to do this because we just do not want to count—we just do not want to put up another number in that category of lost lives." I truly appreciate this body and the Committee for the work that you have done and the Avengers that were assembled in the last two (2) years to work on this and all the input from our community. My push to want to pass this is not a rush in my perspective, it is a call to action to prevent these things. I do not want to wait. I give that example as in I do not want to wait because I am a serial prepper. I have a go-bag in every car and in every place. I am ready for everything, and I still do not feel ready with this Bill that it is going to do enough because it needs more, but that does not mean I do not prepare or I do not do the necessary things from now until then to be ready. I feel like this is one (1) step forward and will allow us to address some if not a lot of the concerns that we experienced that experts have shared with us. I would love to be the first to protect. That is something that I want us as a body to continue to work towards. The argument about cost of living versus cost of life, it is such a hard one to sit in this seat as your community decision maker regarding these bills, because I do not have a home. We have been looking to buy a house, build a house, add an extension, or convert a garage, for the last seven (7) years. I am telling myself that I am going to pay more to protect my community and protect myself. I can say that, yes, to me. In fact, before this Bill was put on, I did do these home hardening things, before this was even discussed. I just personally looked at the things I could do to protect myself and my family for a three thousand (3,000) square foot commercial building where I spend half my time aside from this. It cost me one thousand two hundred dollars (\$1,200) and a backbreaking twelve (12) hours to pick up gravel and put five (5) feet worth of gravel around the building with the missing two and a half (2 ½) pedicles in my spine and forty (40) Advils, I feel safer. Was one thousand two hundred dollars (\$1,200) worth it? Totally. Was it before this Bill was considered? Yes. I am glad that we are looking at home hardening. Now, the next step is to convince my parents, even though I am going to pay for it, that we still have to do that because they are going to lose their plants...and they love their plants. They absolutely love their plants, maybe more than me, but if that saves them, if that saves me and some possibly future inheritance that may or may not go to us, probably not, but let us do it. When we think about the time variance, I trust this Avengers team that we put together, and I trust this body to work on it and make sure we do the necessary pieces to address all the needs. Hence, why I think these four (4) amendments adequately address some of those needs. There are other parts that need to be addressed that is not related to this Bill that will actually help our community. In all the discussion, probably the one (1) thing that I have not heard mentioned that I want to point out is that what this Bill has done, and that this body

has done, it has allowed the community to engage and start doing the things now. You do not have to wait to do any of these things to protect yourself. If you are worried, you can do it right now, regardless of the Bill. I hope that voluntary practice is done by our community because we are the first ones to respond for your house, for yourself, and for your family. Our job is to support that movement and allow us to have better and safer communities and support each other. I feel like if there is more to be done in this Bill, I can see it happen in other bills, but I feel very confident in this Bill currently as is, as amended and I hope that we can move forward on this. Are there any additional comments?

Councilmember Cowden: I have additional comments. I want to tell the team building the bills, I am very much behind it. I am planning to do it to my own house and have started to. What I want to say is had we not moved this two (2) weeks last time, it probably would have passed on our last Council Meeting. I was very uncomfortable that I had not heard from the large landowners. I had not heard from the large developers. On Friday, I texted them and explained where we were at. In fact, they did not know. They did not know it had even come before the Council. I had rather vigorous discussion—two (2) different long phone calls with one (1) of the landowners and with another developer. Five different properties did not even know that this was in front of the Council. We would have already passed it before they heard it.

(Councilmember Carvalho was noted as not present.)

Councilmember Cowden: I had some texts and emails back and forth with the Administration, so I can tell that amendment that Councilmember Carvalho put in is a reflection of what happened with that. I was happy about that. I was texting with the Planning Director. What I really wanted was a meeting. I did not get that meeting. I looked at my text, I did not bluntly ask for it, I said that I was really uncomfortable, which is my way of saying that I want to have a meeting. All I got were a few texts saying that there will be an amendment. I came in here blind. What I will say is those large landowners did not know, even last Friday that it was coming here. I thank one (1) set of large landowners that did come in. I really do feel like it does need more conversation and I actually would like to have my own meeting. I am glad that a couple of my Councilmember colleagues got that. I would like to meet with the Planning Department to actually look at amendments that I would like. I am glad that it worked in. The big one (1) that made it in.

(Councilmember Carvalho was noted as present.)

Councilmember Cowden: I really would like to move to defer if these people who are the most likely to be developments [sic] did not even know it was in front of the Council until last Friday when I communicated with them, I would say that they did not have enough time. I am thankful to the one (1) that really did work with the Planning Department that got the amendment that Councilmember Carvalho put in that I think is very important, so I am not ready, so I would like to move to defer.

Councilmember Cowden moved to defer Bill No. 2998, Draft 1 as amended to Bill No. 2998, Draft 2, seconded by Councilmember Kaneshiro.

The motion to defer Bill No. 2998, Draft 1, as amended to Bill No. 2998, Draft 2, to the next Committee Meeting, was then put, and carried by the following vote:

FOR DEFERRAL:	Cowden, Kaneshiro, Kualii	TOTAL – 3,
AGAINST DEFERRAL:	Carvalho, Bulosan	TOTAL – 2,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Committee Chair Bulosan: The Bill has been deferred and that will conclude the Planning Committee Meeting.

There being no further business, the Committee was adjourned at 12:07 p.m.

Respectfully submitted,



Stephanie Funtanilla
Council Services Assistant I

APPROVED at the Committee Meeting held on October 7, 2026:



ADDISON BULOSAN
Chair, PL Committee