

COUNCIL MEETING

AUGUST 17, 2022

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Vice Chair Mason K. Chock at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Wednesday, August 17, 2022, at 8:33 a.m., after which the following Members answered the call of the roll:

Honorable Bernard P. Carvalho, Jr.
Honorable Mason K. Chock
Honorable Felicia Cowden
Honorable Luke A. Evslin
Honorable KipuKai Kuali'i

Excused: Honorable Bill DeCosta
Honorable Arryl Kaneshiro

APPROVAL OF AGENDA.

Councilmember Kuali'i moved for approval of the agenda, as circulated, seconded by Councilmember Carvalho.

Council Vice Chair Chock: We received no written testimony. Is there anyone in the audience or on Zoom wishing to testify? None.

There being no one present to provide testimony, the meeting proceeded as follows:

Council Vice Chair Chock: Are there any questions or discussion on this item from the Members?

The motion for approval of the agenda, as circulated, was then put, and carried by a vote of 5:0:2 (*Councilmember DeCosta and Council Chair Kaneshiro were excused*).

Council Vice Chair Chock: The motion is carried. Next item.

MINUTES of the following meetings of the Council:

August 3, 2022 Council Meeting
August 3, 2022 Public Hearings re: Bill No. 2873, Bill No. 2874, and Bill No. 2875

Councilmember Kuali'i moved to approve the Minutes, as circulated, seconded by Councilmember Carvalho.

Council Vice Chair Chock: We received no written testimony on this item. Is there anyone in the audience or on Zoom wishing to testify? None.

There being no one present to provide testimony, the meeting proceeded as follows:

Council Vice Chair Chock: Are there any questions or discussion on this item from the Members?

The motion to approve the Minutes, as circulated, was then put, and carried by a vote of 5:0:2 (*Councilmember DeCosta and Council Chair Kaneshiro were excused*).

Council Vice Chair Chock: The motion is carried. Next item.

CONSENT CALENDAR:

C 2022-177 Communication (05/23/2022) from the Director of Finance, transmitting for Council information, Period 10 Financial Reports – Statement of Revenues, Statement of Expenditures and Encumbrances, Revenue Report, and Detailed Budget Report as of April 30, 2022, pursuant to Section 21 of Ordinance No. B-2021-877, relating to the Operating Budget of the County of Kaua'i.

C 2022-178 Communication (07/12/2022) from the Mayor, transmitting for Council consideration and confirmation, the appointment of Shelley Konishi to the Civil Service Commission – Term ending 12/31/2024.

C 2022-179 Communication (07/25/2022) from Councilmember Evslin, transmitting for Council consideration and confirmation, the appointment of Mai Shintani to the Public Access, Open Space, Natural Resources Preservation Fund Commission (At-Large) – Term ending 12/31/2023.

Councilmember Kualii moved to receive C 2022-177, C 2022-178, and C 2022-179 for the record, seconded by Councilmember Carvalho.

Council Vice Chair Chock: We received no written testimony on these items. Is there anyone in the audience or on Zoom wishing to testify? Seeing none.

There being no one present to provide testimony, the meeting proceeded as follows:

Council Vice Chair Chock: Is there any final discussion from the Members?

The motion to receive C 2022-177, C 2022-178, and C 2022-179 for the record was then put, and carried by a vote of 5:0:2 (*Councilmember DeCosta and Council Chair Kaneshiro were excused*).

Council Vice Chair Chock: The motion is carried.

COMMUNICATIONS:

C 2022-180 Communication (07/14/2022) from the Mayor, requesting agenda time for a briefing from Smith Dawson & Andrews, Inc., Washington D.C. consultants, to provide a recap of the services and activities provided to the County during the past year as part of their professional services contract.

Councilmember Kualii moved to receive C 2022-180 for the record, seconded by Councilmember Carvalho.

Council Vice Chair Chock: Is Mr. Smith here?

There being no objections, the rules were suspended.

JIM SMITH (*via remote technology*): Good morning, Members of the Council. Good afternoon, from the East Coast. It is a pleasure to be here again. Today, I am joined by my colleagues, Kierstin Stradford and Catherine Beal, both are senior members of the Smith Dawson & Andrews, Inc. (SDA) team. We greatly appreciate the opportunity to appear before you this morning to give our annual report. I think you know that I am Jim Smith, the President of Smith Dawson & Andrews, Inc. We have had a great partnership with the County now for several years, and have worked with both the Office of the Mayor and the Council, and the County staff, and look forward to an annual federal agenda, representing the interests and priorities of the people of Kaua'i. I think we can say that we have done that with some success, and this past year has been no exception. As you know, it has been an extremely busy year, beginning with the election and inauguration of President Biden and his Administration, which came to office in January 2020. We were immediately hit by the impacts and effects of the pandemic, and the administration was funded with pandemic relief legislation, in the form of the Coronavirus Aid, Relief, and Economic Security (CARES) Act and the American Rescue Plan Act (ARPA), both of which Kaua'i fell very well under; Catherine will go through that in a little more detail. We also had a number of successes and Federal programs ranging from appropriations that we will talk about more later in our presentation. Of course, recently, with the announcement of the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) award, the twenty-four million eight hundred thousand dollars (\$24,800,000) pending approval by United States Department of Transportation (U.S. DOT) for the Po'ipū Road and mobility project. There is a lot to cover here, so I will not take up any more time. We did present a document, which I think you should have, before we move this morning, and I think it is up on the screen, so we can follow through that, and we can go through these projects in more detail. Of course, we will be available and open for questions and answers after Catherine and Kierstin go through this presentation. Let me also just say, it has been a great honor and real privilege to work for the County of Kaua'i on behalf of the Council and the Office of the Mayor. We greatly value our partnership with the County, and I would be remiss if I did not mention the support and effectiveness of Hawai'i Congressional Delegation. Without them, none of this would be successful or possible...Senator Schatz, Senator Hirono, and Congressman Kahele have been extremely supportive of Kaua'i's Federal priorities,

and “go to bat” for the County every day in Washington. With that, I will turn it over to Catherine, and let her go through the slide there.

CATHERINE BEAL (*via remote technology*): Thank you, Jim. It is great to see you all via Teams. As Jim previewed, we have a lot of information, and we will try to get through it as quickly as possible. Starting with the Coronavirus pandemic relief legislation. As you folks are probably very aware, in March 2020, Congress passed the CARES Act, which provided funding to the State, and the State has allocated eight million two hundred thousand dollars (\$8,200,000) to the County. In March 2021, Congress passed the ARPA in which the County received fourteen million twenty thousand dollars (\$14,020,000) directly from Treasury. I know that you folks are working through spending the ARPA dollars and creating those action plans, and we have been very pleased to see how the County has spent those dollars and look forward to seeing how the rest of those dollars are spent. Also included in the Coronavirus relief legislation were unemployment dollars, paycheck protection, and economic injury disaster loans. We did provide information and worked closely with the County and the Delegation on getting information out to the community. There is also additional funding for already established programs, such as the Native Hawaiian Housing Block Grant Program, and other programs. Those were really strong ways to rebound against the impacts of the Coronavirus pandemic. Moving on to the next slide.

In November 2021, Congress passed a huge transportation and infrastructure law, the Bipartisan Infrastructure Law, or the investment infrastructure and jobs that those names are intertwined, and that was a one trillion two million dollars (\$1,200,000,000) package that reauthorized service transportation programs for five (5) years, and included series of increased funding for well-known programs, such as RAISE, and new programs, such as the PROTECT Act; healthy streets, carbon reduction programs, we have some highlights on the slide; U.S. DOT, the Environmental Protection Agency (EPA), and the U.S. Department of Energy (DOE), including more departments and agencies that are still working on creating the notices of funding opportunities (NOFOs) to set up those programs, and we are sharing the grant notices of funding once those become available. Even though one trillion two million dollars (\$1,200,000,000) is a lot of money, there is a lot of competition and demand for these programs, so generally speaking, applicants to these programs will be successful when they are shovel-ready projects that have a real demonstrated impact on the community, and as those NOFOs, as we call them, we will continue to update the County with those.

Federal grants in general, we do send weekly updates to the Office of the Mayor, and to Department Heads on grants as they become available. We have sent grant announcements in a range of different areas including public safety, community and economic development, housing, natural resources...we do have a list there, and we are happy to go into detail with any of these grant areas. Then, of course, as Jim said, and as you folks know, last week, the U.S. DOT announced that the County successfully was awarded twenty-four million eight hundred thousand dollars (\$24,800,000) for the Po'ipū Road RAISE application. The County applied for RAISE in a previous cycle, which many years ago was called Transportation Investment Generating Economic Recovery (TIGER) in which the County was a

TIGER Grant recipient. After the 2021 application, we facilitated meetings with the U.S. DOT, where they highlighted the one (1) area where the application could be strengthened was in the benefit cost analysis, and in that, we did work with the County and brought in additional resources to really help strengthen this wonderful application successfully, because you folks got the award last week, so that is terrific, congratulations.

The appropriations process. Every year, we submit programmatic requests on behalf of the County. The most programmatic requests are to maintain or increase funding for already established programs like the Community Development Block Grant (CDBG), the Native Hawaiian Housing Block Grant, Supplemental Nutrition Assistance Program (SNAP), the Women, Infants, and Children's (WIC) Grant, et cetera., we submit a lot of programmatic requests to preserve and maintain funding. For the first time since 2010, in Fiscal Year (FY) 2022, Congress brought back community spending, which are also known as earmarks, and we worked very closely with the County to create two (2) applications that were funded in FY 2022, one for the Level 3 Electric Vehicle Charging Network, and the other for Lima Ola, and those projects were included in the FY 2022 appropriations process that was signed into law March 2022, so just a couple of months ago. The U.S. DOT in conjunction with the Hawai'i Department of Transportation, along with the U.S. Housing and Urban Development (HUD) office, they are working with the County to finalize those funding agreements for those two (2) projects, and we expect that there should be dollars transferred within the next couple of weeks, if not months, but we are working closely and keeping our eyes on that. All of FY 2022 was following up, we also jumped into the FY 2023 process, which is still ongoing, and FY 2023 begins October 1st, and in addition to submitting those programmatic requests, we also worked closely with the County and the Congressional offices to support three (3) projects, which have been included in the Senate and House appropriations bills. As you can see, additional funding for Lima Ola, the 'Ele'ele Water Reservation and Transmission System, and the Wailua/Kapa'a Sewer Collection System Inspection. Those three (3) projects, because they are in the FY 2023 bills, those have not been finalized or signed into law yet, but we do expect that Congress will pass those bills towards the end of this calendar year, potentially in December, and that is where we will see if those projects end up in the final bill, which will hopefully be signed into law quickly. We are closely monitoring that, but these are very successful projects and hopefully those three (3) projects will make it into the final FY 2023 bill.

That was a lot of information from me. I am going to turn it over to Kierstin to touch on more great things that are in the works. After that, we would love to hear your questions or comments. Kierstin, over to you.

KIERSTIN STRADFORD (*via remote technology*): Thank you, Catherine. Good morning everyone, it is great to meet you all via Teams. I will talk a little bit more about the Water Resources Development Act (WRDA) of 2022. To give a little bit more context into the legislation, in December 2020, the Water Resources Development Act, also known as WRDA, was signed into law. This legislation authorized studies of projects within the U.S. Army Corps of Engineers Civil Works Mission Areas, and this includes flood damage reduction, hurricane and storm damage reduction, shoreline protection, and ecosystem restoration. It also provides

the Army Corps the authority to address local environmental infrastructure needs. This legislation is re-authorized every two (2) years, giving Congress the opportunity to oversee the deployment and implementation of the Corps studies and projects. Smith Dawson & Andrews (SDA), we work with the County to identify projects that could be eligible for funding under the U.S. Army Corps Section 219, Environmental Infrastructure (EI) program, this authorization if secured, would enable the County to apply for funding within Section 219 for water, wastewater, and sewer projects. We work with the delegation to facilitate submissions of the authorization requests, and Congressman Kahele included a twenty million dollar (\$20,000,000) county-specific EI authorization in the House WRDA 2022 draft bill. Senator Schatz and Senator Hirono included a seventy-five million dollar (\$75,000,000) Statewide EI authorization in the Senate WRDA draft bill. The House and Senate are reconciling the two (2) drafts and are expected to pass the legislation by the end of the year. So, if the Statewide authorization moves forward, the County will still have an opportunity to apply for funding under that authorization.

I will move on to the Inflation Reduction Act (IRA) of 2022, which was recently signed into law by President Biden, yesterday. This historic law results from months of negotiation between Congress and the Biden Administration. This legislation includes seven hundred thirty-nine billion dollars (\$739,000,000,000) in investments to fight inflation, invest in domestic energy production and manufacturing, and reduce carbon emissions by roughly forty percent (40%) by 2030. This bill will also allow Medicare to negotiate for prescription drug prices and extend the expanded Affordable Care Act program for three (3) years, through 2025. We have included some highlights up on the screen, but I will just pull a few that may be of interests to the County. Two billion six hundred thousand dollars (\$2,600,000,000) to invest in Coastal Communities and Climate Resilience, three billion dollars (\$3,000,000,000) for Environmental and Climate Justice Block Grants, nine billion dollars (\$9,000,000,000) in consumer home energy rebate programs, focused on low-income consumers to electrify home appliances and energy efficient retrofits. Like the Bipartisan Infrastructure Law, various agencies will be working to implement and deploy programs included in the bill, some new and some old, over the next few months. Our team will continue to monitor the notices of funding, the leases, and inform the County of any opportunities. That concludes our high-level overview of some of the work we have engaged in with the County over the last year. We are happy to answer any questions or comments that you may have.

Mr. Smith: I will just add to Kierstin's comments regarding the Inflation Reduction Act, this legislation literally just signed into law yesterday afternoon by President Biden, so it is "hot off the presses." The legislation now goes to the appropriate agencies to implement, and to put out NOFOs and guidelines, and we will be tracking that very closely in the weeks and months ahead. Thank you, and happy to take any questions.

Council Vice Chair Chock: Thank you. I will open it up for questions from the Members? Would anyone like to kick us off? Councilmember Evslin, followed by Councilmember Cowden.

Councilmember Evslin: Thank you folks for the great presentation. You addressed most of my questions pre-emptively going through that, and I appreciate all the work you folks have done, especially, helping secure the twenty-four million dollars (\$24,000,000) for Po‘ipū, which is going to be a really great project. I asked you folks a similar question last year, so there has been word for years about trying to do more, as I understand, to increase opportunities for grants to municipalities who have eased zoning restrictions. I know that the Biden Administration in May, I believe, announced some White House Housing Program Action Plan with a bunch of bullet points on how they are going to incentivize housing production. Their number one thing was rewarding municipalities who have eased exclusionary zoning and done sort of main stream things to encourage housing production in downtown areas. There is a bunch of other stuff in there about financing for Additional Dwelling Units (ADUs) and helping ease permit barriers for manufactured housing, but from what I have see online, it seems like there is just a big outline of a plan, and I do not really see a lot of specifics of how we can take advantage of it from a policy perspective here, and if there are things like competitive DOT grant programs that are rewarding municipalities who have reduced zoning barriers to housing construction. If you have any specific guidance on what types of barriers exactly they are looking at us reducing; I think we have done a lot already, but there is a lot more to do, so anything along those lines that you could help provide guidance on. This might be a follow-up response, if you want to give us more detail later.

Mr. Smith: Catherine.

Ms. Beal: Yes, we are happy to do a deeper dive. Sorry, just to clarify, are you looking for specific grant programs, or are you looking for the criteria of coming out of the President’s action plan?

Councilmember Evslin: Probably both. The action plan number one bullet on it says, “Reward jurisdictions that have reformed zoning and land use policies with higher scores in certain grant processes for the first time at scale.” As I understand, there were things in the Bipartisan Infrastructure Bill that helped reward municipalities with grants that have done these types of zoning reform, but I cannot find exactly what the zoning reform they are looking for that gets rewarded, so as we are helping develop policy, it would help if we know specifically, what types of zoning reform would get rewarded, and then there are other sort of things about financing for ADU construction and manufactured housing, so any specifics from the Housing plan that you could provide us would be great.

Ms. Beal: Absolutely. I would love to do a follow-up just so we can give you that full view, but we will definitely look into that and get you all of those specifics.

Councilmember Evslin: Thank you.

Ms. Beal: Thank you.

Council Vice Chair Chock: Councilmember Cowden.

Councilmember Cowden: I want to start by thanking you for the work that you folks are doing for us. I am especially happy about the items on slide 7, the larger Lima Ola, it really makes a big difference. If I am hearing you correctly saying it is not yet completely approved, is that right? It still has to go through one (1) more layer before they say “yes.”

Ms. Beal: Correct. The FY 2022 projects signed into law and the County is currently working with DOT and HUD. FY 2023 is still pending, and we do expect to see final bills signed into law around December.

Councilmember Cowden: Around December.

Mr. Smith: The FY 2022 community directive spending projects, it has taken the agency a little longer than normal to get that guidance, and those grant agreements out. As Catherine mentioned in her comments, this is the first time that Congress has done with what they used to refer to as earmarking in over ten (10) years. There has been a lot of turnovers in agency and the Congress since that last round of earmarks occurred, so it took the department a little while to stand these programs up, but they have gotten the guidance down, they are issuing grant agreements, so as Catherine said, I think that money should flow relatively quickly.

Councilmember Cowden: The reason I was asking is, I would like to set an expectation both for myself and what I articulate appropriately. I do not watch the national too heavy, it is hard to watch some of the things that are going on, but it sounds like there might be some changes in November, so if there are significant changes in November, how likely is any of this stuff to get blocked at that point? Can they just say they are not going to...a lot of times it can take close to a year to approve the budget, so is this in the pipeline, so it might not happen?

Mr. Smith: You are right, there could be changes after November, of course, the midterm elections are being held this November, and there is a lot of speculation that the House of Representatives Majority could change from Democratic to Republican, and should that occur, obviously the Republicans would have different priorities that they would like to initiate in the House, but that being said, none of this money would be impacted by this. The money that was appropriated earmarked 2022 for Electric Vehicle (EV) charging, and for Lima Ola, those dollars have been approved, signed into law, and on the verge of executing grant aid, any change in majority of Congress is not going to impact that money. Hopefully, this money that is currently pending earmarked 2023 appropriations bills, which Congress is still working on, and for which we did secure additional assistance for local projects, hopefully, they will complete that appropriations process before the end of the calendar year and will be signed into law. Again, if that happens, regardless of what the outcome of the elections are, those projects would still be funded. The bigger question is, what is going to happen if the House Majority would go Republican, are the Republicans going to continue their community directive spending, or earmarks as we call them, and that we just do not know, that will just have to wait and see whether or not this funding stream remains a viable option for the County and other projects. I hope that clarifies it.

Councilmember Cowden: That is exactly what I was asking, so thank you. I am happy to hear there will not be disruption on elements like Lima Ola. I just want to make sure, and that is what I have been told, but I just needed to really nail that down.

Mr. Jim: You can go to the “bank” on that.

Councilmember Cowden: Okay. The Water Resource Development Act that is also solid, because we really need help in that direction, so that money in the Water Resource Development on slide 8, that is also “in the bank,” as you say.

Ms. Stradford: Each chamber has a separate version of the bill, and they are in the process of reconciling those two (2) versions, so that bill is not finalized as of yet, but largely, that legislation has been bipartisan in nature, and both sides of the aisle worked together to draft that legislation, so I think a lot of the provisions and the funding amounts that are included in the final work out legislation will remain.

Mr. Smith: We expect Congress to finish this legislation before the end of the calendar year and the President sign it into law. Until then, this is just draft legislation.

Councilmember Cowden: Thank you, Kierstin and Jim on that. Then, I have a training question to be an effective Councilmember, and this might be for Mr. Dahilig, but when we go to the National Association of Counties (NACo) events, you must be well aware of the NACo.

Mr. Smith: Yes, very much so.

Councilmember Cowden: They give us these NOFOs, and these are a little smaller nuance ones for which I tend to be most aware is housing and how to be dealing with our most vulnerable people on that spectrum. What is the role, when we see as Councilmembers, good NOFOs, is that for us and Mr. Dahilig? How do we kick that back up to our people in Washington? Jim, Kierstin, and Catherine, do we have you help us get that money? How does it work when we see good things, even the house to funds?

Mr. Smith: We provide those NOFOs to the Office of the Mayor, and I will let Mike explain the process from there.

MICHAEL A. DAHILIG, Managing Director (*via remote technology*): Good morning, Councilmembers. Mike Dahilig, for the record. As Jim mentioned, that is why we have Smith Dawson & Andrews in Washington D.C. for us to flag things that they know we are working on, and the things that may meet what our competitive opportunities for us to go and get these grants. In our experience, what has seemed to be the lead formula has been both persistence, as well as having things that are shovel-ready, or close to being shovel-ready. Having those plans on deck is typically when they pair a NOFO interest from individual Councilmembers that say, “I got wind of this at NACo, would you mind taking a look at this, and see if we can pair

things?” That communication does go back and forth, and if we do put together a package, ultimately, it does end up coming before your body for an approval to apply, receive, and expend, before we actually turn the wheels on anything, so that is where the Council involvement both informally and formally comes into the grant process. Typically because of the highly competitive nature of these Federal grants, I once remarked that getting a TIGER grant was harder than getting into Harvard based on the way that the statistics go. That is why we want to hold as many bullets as we can, that we do not spray them around on every single NOFO that is out there. We have to be focused and diligent in being competitive and answering the agencies questions in a rapid and timely fashion. Since the Obama Administration had actually transitioned to more of this competitive nature in removing the earmarks that are being discussed has been brought back, that competitive process is what we have been building as capacity throughout our different departments. When we see a green light from SDA saying this is a good match, lets “gun” it—we will push it, then when we do have the authorization from you folks at Council to actually submit an application, they will keep tabs on us, and also engage the agencies. I will say that they have been extremely helpful during the pandemic when we have not had the opportunity to be on the ground in Washington due to flight restrictions et cetera, to be able to lobby and push our projects for us. That is how we engage with our consultants, that is how we engage with you folks, and that is how we want to compete to win.

Councilmember Cowden: Okay, thank you. I guess I just have one (1) last question that is a concept question. When I am at NACo, what I notice is that almost everything is a competitive grant, so when we do these things on a competitive grant structure, we are really only able to address the problem through the lens of what the Federal government wants us to do it on, because I am getting a lot of complaints that were looking a bit mainland, or any place in the continental US or sometimes if things are not unique enough, is that correct? Pretty much all the Federal funding now that is not Social Security or something, but they are pretty much all competitive, so we have to ask for the money in a very narrow way through what they want us to do, am I getting that correct, through these competitive grants clearly defined...

Mr. Smith: Yes, you are correct in that the Federal government through these grant programs will dictate what their objectives are, and sometimes they do not align with local needs and priorities, which is what Mike was alluding to; how we scrutinize these grants. We look to grant opportunities that do align with local needs and local priorities in Kaua‘i and will the criteria for those grants match up well with local conditions, and the local environment. Like Mike said, it is a competitive process; we are competing against other communities in the U.S., so we do not just go after every grant that comes along, we try to be more strategic, and find opportunities in areas where we are fulfilling the Federal government’s objectives and the Federal government, through their grant program, are fulfilling our local needs and priorities in Kaua‘i.

Councilmember Cowden: Okay, thank you. That is very helpful, because when I am looking at these NOFOs that are out there, we are atypical of the

continental U.S. in a big area, so some of the things do not match well, but I am hearing you that you have that filter on fully. I appreciate that.

Mr. Jim: Yes, we do have that filter on it, and I will say that I get the direction of the Federal government in the last eighteen (18) months, I think aligns more closely with the needs of Kaua'i in the areas of climate resilience and coastal communities, and renewable energy. These are now priorities of the Federal government, where they always have not been in the past, but have always been priority for Kaua'i, so I would like to think that the Federal government's finally catching up with Kaua'i.

Council Vice Chair Chock: Thank you. Councilmember Kualii.

Councilmember Kualii: *Aloha*, I will start by saying, *mahalo nui loa*, thank you also for this very thorough update on your advocacy efforts on our behalf in Washington DC. On slide 5, you quickly went through the Federal grants and you said you could provide more detail. I am especially interested in Housing and Community Economic Development. I am the Committee Chair on Housing & Intergovernmental Relations Committee and the Vice Chair on Finance & Economic Development Committee. As for housing, of course we all know about CDBG and HOME as ongoing long-term sources of Federal funding that we take advantage of, but I am curious to know if there is other funding that you can tell us about, just as an example. Also, anything about community and economic development.

Ms. Beal: The Bipartisan Infrastructure Law did include, as well as when ARPA, some funding for the Economic Development Administration for some new innovative Economic Development Grants, those were not funded as highly as the demand was for, so that was an incredibly competitive process for this past year. In addition, yes, you are right, CDBG is formula, so there is no competition within a formula grant space, and there are other neighborhood and community grants that are out of HUD and we can definitely provide a list of those programs that we are tracking.

Councilmember Kualii: I am sure the Housing Agency is working closely with you, but obviously, with all of this funding with the rental assistance, that was all really great. Even with the HUD money that we do get, that is great also, but we have...I forget the number, but it is a really high number of people with HUD vouchers, but they cannot use them, and they have sixty (60) days, then can extend it another thirty (30) days, but we just do not have the inventory of housing. Obviously need Federal funding to build more housing, and all types of housing, of course, affordable housing, rental housing, apartment buildings, and smaller units, and a lot of them, so it still seems like that is the kind of money that we need the most is not necessarily what the Federal government is providing, or am I wrong?

Mr. Smith: You are right. That is a major need, not only in Kaua'i, but throughout the Nation. I will add, that it remains a priority for the Biden Administration; however, in fact, in the Build Back Better Program, which was Biden's original proposal after he passed the CARES and ARPA Act was to pass this Build Back Better Program, and included hundreds and millions of dollars for

housing and new housing construction. Unfortunately, that is what was brought down in negotiations between the two (2) Houses and the two (2) parties for the last eighteen (18) months, it finally emerged as the Inflation Reduction Act of 2022, which President Biden just signed yesterday, but that legislation went from three trillion dollars (\$3,000,000,000,000), which is what President Biden proposed as his Build Back Better Initiative to seven hundred thirty nine billion dollars (\$739,000,000,000) that passed and was signed into law yesterday. Unfortunately, what was taken out, was all of the Housing money. So, there is still work to be done, and we know that it is a big need with the county. Fortunately, we were able to make up some of that funding through appropriations and continue to work with the Office of the Mayor, and push hard both with HUD, the Administration, and the Congress.

Councilmember Kualii: My only other question is, on slide 3, you listed the Native Hawaiian Housing Block Grant, and you mentioned it again on slide 7, when you were talking about the appropriations process; can you tell me in more detail about this Native Hawaiian Housing Block Grant, and whether that is funding to the State, to the County, or to both, and what is an example of something that our County did or can go after?

Ms. Beal: We are happy to provide additional detail on that, and follow-up just to make sure that we can give you that full picture. That is one of programs that we do submit annual programmatic requests for, to preserve, if not, increase funding for that program. I would have to double check how the formula is distributed and what the formal percentages are. I apologize, I do not have that off the top of my head, but we are more than happy to provide that.

Councilmember Kualii: Thank you. I will await your reply.

Council Vice Chair Chock: Thank you. Councilmember Carvalho.

Councilmember Carvalho: I appreciate the report, the update, and the opportunities here. I am very familiar with the TIGER grant process and now it is the RAISE program, so there is a lot of work that has to be done on our part, I hope everyone understands that, but I appreciate the information. Of course, the appropriation at Lima Ola and 'Ele'ele, but no matter what, we would also have to look at matching funds eventually, as we continue to move forward. I just wanted to ask about that question in any of these grant parts. Then, a little more of an update on the WRDA, because I know water, wastewater, sewer projects is a big thing coming up for all of us, and I know there is more time that needs to take place with this Congressman Kahele, Senator Schatz, and Senator Hirono—the funding there. I just wanted to understand that for the people; the environmental structure program, and how to secure that, and what are the next steps on that?

Mr. Smith: I will give an initial response and Catherine and Kierstin, please fill in. I think one of the big...we were able to inflate the Water Resources Development Act this year, which Kierstin reported on earlier, that it is currently in between the House and Senate, they are working on their version, but we do have a long-term authorization in that bill. In the House bill there is a direct appropriation or authorization for Kaua'i, and in the Senate version, it is a statewide,

it is much larger, but a statewide authorization. That will provide long-term and sustainable funding for these water and sewer need on the island. Do you folks want to add anything?

Ms. Beal: Yes. In WRDA 2022, this was the first time since 2007 in which Congress opened up the opportunity to include new additional environmental infrastructure authorizations, so with this authorization...and we will be watching to see if the twenty million dollars (\$20,000,000) specifically for the County, or the seventy-five billion dollars (\$75,000,000,000) for the State, or potentially both, if both get authorized, that would enable the County to submit an application that addresses water, wastewater, or sewage projects. Typically, those applications we have seen are for about one million dollars (\$1,000,000), the cap is five million dollars (\$5,000,000) of Federal assistance, and I know that some of these projects have a much higher price tag, but this is a great authorization to have to help support with these water, wastewater, and sewer projects. As Jim said, hopefully when those WRDA 2022 is signed into law, then that would open the opportunity for you to work with the local Army Corps to help develop the application, then ultimately, secure funding. This authorization is the first step permitting you to apply.

Councilmember Carvalho: The other part I am asking, we just need to be prepared for the process, and I wanted to make sure that...do we need to set aside matching funds, or whatever we need to do to assure we are prepared as everything goes together.

Ms. Beal: Absolutely, and we can provide additional information as that process progresses. Additionally, I know the Army Corps will want to be hands on and help shape these applications, and we will also work closely along with the delegation, because we understand how important these projects are.

Councilmember Carvalho: Okay, thank you.

Council Vice Chair Chock: Thank you. I have a few questions and I am sure there are a few more. The first one is about the weekly communications. We do get updates that are sent to us, but they are not weekly, so I am curious if we are able to receive those as well. I know the Administration sends us some communications about where we are, but I would love to be able to be even closer to those discussions, if possible, and whatever is appropriate.

Mr. Smith: We would be happy to provide whatever information you need.

Council Vice Chair Chock: Thank you. There were some roundabout questions around CBDG and opportunities that extend pass our County government. The work that you folks do are laser-focused on what our County priorities are as a government, and you folks have done a stellar job at that. With so much funding coming down the pike and on the table, and not to be greedy, but I think the kinds of discussions we are having is, how do we ensure that we do not leave anything on the table? With that being said, as a small county, we have a capacity, we can only take

on so much funding, and we can only accomplish so many projects. From that standpoint, I think some of us are very interested in identifying large grants that can be identified as possible passthrough through State and County into private and nonprofit hands that can serve similar needs that we have been identifying as a community; is that possible?

Mr. Smith: Yes, I think it is possible. I think there are programs that do lend themselves to nonprofits, and sometimes require a local government sponsorship, particularly, in the social service areas, so if that is something that the County is interested in, we should have further conversations about, is that right Catherine?

Ms. Beal: Yes, that is correct. There are a handful of grants that I think we could identify that do involve nonprofits or community groups, and can involve social services, economic development—so absolutely.

Council Vice Chair Chock: Thank you. My last question is targeted to Managing Director Dahilig. When you mentioned WRDA, it is really about us being shovel-ready, that is the term you used, so I am curious if we can get a little bit clearer...I know we talked about it at budget, but I am wanting to wrap our heads around what is “shovel-ready” that applies to what it is that we are looking at, so that we can anticipate focus. That can go widely, right? We have other funding sources coming down the pike that potentially we should be ready for. I do not expect an answer now, Mike, but if we can generate a list of shovel-ready projects, that would be helpful for the Council.

Mr. Dahilig: Certainly, we can provide things that we are either looking at throwing in the water, or we are already preparing to throw into the water as potential. I would like to note that, in terms of the Congressional directive spending allocations that you are seeing with the Senators office, specifically, Senator Schatz’s office and Senator Hirono’s office in providing money for the ‘Ele‘ele water reservoir and transmission system; those are things that will also be potentially qualified for something like WRDA, but as mentioned, because of the return of these types of funding streams, we also give this information to our Congressional Delegation, and at their own volition or choice, they decide to come behind the project and propose something like this. So, if something like this does not come through, we have that as an opportunity to chase WRDA, but also because it does have a nexus with supporting development of Hawaiian homelands in the Hanapēpē area and the ‘Ele‘ele area, we also chase the money that is being earmarked specifically for tribal and Native Hawaiian types of support areas as well. So that is the kind of things that Jim and his team educates us on as being able to move around, so we do not necessarily target a specific grant program per se, but we look at what when we are having a hopper, and be as nimble as we can to try to adjust that proposal to match what is coming in by the Congress. So if we do not have success with this Congress in being able to get the Congressional directed spending for the ‘Ele‘ele reservoir and transmission line, we believe that we have two (2) other opportunities from a grant standpoint to be able to compete both at WRDA and at tribal and Native Hawaiian support types of funding.

Council Vice Chair Chock: Thank you for that answer. My last question is about ARPA. I know we have identified the direction of the expenditure of this funding, but in the future, can we get an update to where that is headed?

Mr. Dahilig: Yes. In fact, we are scheduling individual meetings with the body to talk about ARPA 2.0. We are still in the process of getting ready to have those discussions with you folks and your priorities like we did last year. We would expect to have that dialogue throughout the month of September and hopefully getting a proposed budget for you as we receive an expenditure authorization sometime later in the fall. What we expect to also accompany that discussion is an update on where we are with ARPA 1.0, and we will have that prepared for the Council's information.

Council Vice Chair Chock: Thank you. I apologize for the acronyms, Councilmember Cowden. America Rescue Plan Act. Do you have a follow-up?

Councilmember Cowden: No, I am just appreciative of your question. I said good question.

Council Vice Chair Chock: Okay, thank you. Are there any further questions from the Members?

Councilmember Kualii: My other question has to do with...and I have not seen any of this, one specific thing I came across was the Bipartisan Infrastructure Law is giving fourteen billion two hundred thousand dollars (\$14,000,200,000) to the program with the Federal Communications Commission (FCC) for the affordable connectivity program, which replaces the emergency broadband benefit program which was part of ARPA, so this is not necessarily something the County can get for our coffers and our general funds, but it is what we can get for our citizens and residents, so I was thinking, are you finding anything that we as a county can then make sure our residents all sign up for. This one specifically would give thirty dollars (\$30) a month for internet service to eligible households and up to seventy-five dollars (\$75) per month for households on tribal lands, which includes the Department of Hawaiian Homelands (DHHL). I even see one hundred dollars (\$100) towards a purchase of a laptop, desktop computer, or tablet, as long as they put ten dollars (\$10) or fifty dollars (\$50) towards that. There has also been the long-time lifeline support benefit that helps people with paying for their telephone bill. I think in this time of inflation it would be great, if as a county, we were making all of our residents aware that they can take advantage of something like this, and it all adds up; thirty dollars (\$30) here, ten dollars (\$10) here, seventy-five dollars (\$75) here. Are there other types of Federal funds out there that our citizens can access directly that we should know about so we can tell them? One that comes to mind that is a big need that we see on the horizon is for all of our families, and a lot of them are seniors with older homes, who are going to need to do the cesspool to septic conversion, and that is such a big cost that a lot of them will not be able to do it without any type of governmental assistance. I am sure that is probably on your list; finding Federal funds to help our residents with sewer to septic conversions, but maybe there are others too.

Mr. Smith: You are correct that there are a variety of Federal programs for individuals and individual assistance, anything from nutritional assistance to housing assistance; you name it. It is not something that we track systematically, but maybe something that would be helpful, would be if we could put together a compendium or list of all those different Federal programs across the Federal agency from HHS to DOE for energy assistance that are available for individuals. We can make that available to the County.

Councilmember Kualii: I thought I saw, too, with this FCC moneys there are actually...it was with some of the NACo information that Councilmember Cowden was talking about, that I was able to access, they are even providing funding to counties to do programs of outreach and information, and it might be as simple as including things on our website, and what have you, but I will follow-up with the Administration on that as well, but thank you.

Council Vice Chair Chock: Are there any last questions from the Memberd? Is there anyone in the audience wishing to testify on this item? Is there anyone on Zoom wishing to testify? Final discussion on this. Councilmember Cowden.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Councilmember Cowden: I was just going to say, I really appreciate having the presentation, and it is really helpful in understanding the whole process. Just gratitude. Thank you so much.

Council Vice Chair Chock: Is there anyone else? Councilmember Kualii.

Councilmember Kualii: I would just say, I really appreciate the detail and I look forward to whatever additional things you will be providing and answering some of our questions. Thank each of you so much.

Council Vice Chair Chock: I will echo all of the *mahalo*, thank you so much. You folks have been with us for some time now, so you have a good finger on what our community is about. I really appreciate that, and I realize in this session our Council has asked for additional help and expansion of the services that you folks are providing. Please, what it takes, we would love to hear what it would be in order to continue that relationship and expand, at least the concerns and requests that we have here.

The motion to receive C 2022-180 for the record was then put, and carried by a vote of 5:0:2 (*Councilmember DeCosta and Council Chair Kaneshiro were excused*).

C 2022-181 Communication (07/21/2022) from the Chief of Police, Deputy Chief of Police, and Mark T. Ozaki, Acting Assistant Chief of Police, requesting Council approval to receive and expend State funds, not to exceed \$11,000.00, from the State of Hawai'i, Department of Health, Alcohol and Drug Abuse Division, as

reimbursement for the enforcement of Hawai'i Revised Statutes (HRS) Section 712-1258, prohibiting tobacco sales to minors via Memorandum of Agreement 2022-PB-002 Modification 1 effective September 1, 2022 through August 31, 2023.

Councilmember Kualii moved to approve C 2022-181, seconded by Councilmember Cowden.

Council Vice Chair Chock: We received no written testimony on this item. Is there anyone in the audience wishing to testify on this? Is there anyone on Zoom? If not, are there any final questions from the Members? Councilmember Cowden.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Councilmember Cowden: It is a small amount, but I appreciate hearing what the Police Department is doing. If we could just have a brief explanation of how we enforce the prohibition of tobacco sales. How are we spending this money? This looks like a reoccurring fee.

There being no objections, the rules were suspended.

TODD G. RAYBUCK, Chief of Police (*via remote technology*): Good morning, Vice Chair and Councilmember Cowden. Thank you for the question. I would like to turn it over to Acting Assistant Chief Ozaki to answer your question. The Administrative Technical Bureau (ATB) is responsible for conducting these operations, and he will be able to give you some insights in how we do that. Thank you.

MARK T. OZAKI, Acting Assistant Chief of Police (*via remote technology*): Good morning, for the record, Acting Assistant Chief Mark Ozaki, Administrative Technical Bureau. Again, good morning to all distinguished Councilmembers, and Vice Chair Chock. Councilmember Cowden, to answer your question, we do a compliance check with all retailers around the island of Kaua'i. There are at least three (3) checks at random times throughout the year, unannounced. We work with the Department of Health and the University of Hawai'i system, and we try to make sure we are keeping the retailers honest and making sure that they are not selling tobacco products to anyone under the age of twenty-one (21). Like I said, at least three (3) projects a year, sometimes there are more, not getting into too much of the details, because it is a "plain clothes" type of project. But it is just to check for compliance, and a way to make sure the retailers are training their employees the right way to make sure they are following the laws.

Councilmember Cowden: Okay, thank you so much.

Council Vice Chair Chock: Are there any further questions from the Members? Is there anyone wishing to testify on this item? Is there anyone on Zoom wishing to testify? Is there any final discussion?

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to approve C 2022-181 was then put, and carried by a vote of a vote of 5:0:2 (*Councilmember DeCosta and Council Chair Kaneshiro were excused*).

Council Vice Chair Chock: The motion is carried. Next item.

C 2022-182 Communication (07/25/2022) from the Director of Finance, requesting Council approval of the acceptance of legal terms and conditions from Quest Kace, vendor for the County's systems management and systems deployment software.

Councilmember Kualii moved to approve C 2022-182, seconded by Councilmember Carvalho.

Council Vice Chair Chock: We received no written testimony on this item. Is there anyone in the audience or on Zoom wishing to testify? Is there anyone on Zoom?

There being no one present to provide testimony, the meeting proceeded as follows:

Council Vice Chair Chock: If not, are there any questions from the Members? Councilmember Cowden.

Councilmember Cowden: I just would like a basic explanation of what it is.

Council Vice Chair Chock: I think we have Del on the line.

There being no objections, the rules were suspended.

DEL SHERMAN, Information Technology Manager (*via remote technology*): Aloha, Councilmember Cowden and Councilmembers. Del Sherman, Information Technology (IT) Manager for the County of Kaua'i. As far as what Quest Kace is, it is a computer appliance that comes with preloaded software that we use for managing the County's IT Help Desk ticketing system, and we also use it for deploying certain types of software, such as operating systems.

Councilmember Cowden: Okay, thank you. I just needed that simple explanation.

Council Vice Chair Chock: Are there any further questions? I will call the meeting back to order. Is there anyone wishing to testify on this item? Seeing none. Is there any final discussion?

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to approve C 2022-182 was then put, and carried by a vote of a vote of 5:0:2 (*Councilmember DeCosta and Council Chair Kaneshiro were excused*).

Council Vice Chair Chock: The motion is carried. Next item.

C 2022-183 Communication (07/28/2022) from Ka‘āina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission’s recommendation to amend the State Land Use District boundary concerning a parcel in Kapa‘a Homesteads, Kaua‘i and to amend Chapter 8, Kaua‘i County Code 1987, as amended, to change the zoning designation for this same parcel from Agriculture District (A) to Residential District (R-1).

Councilmember Kualii moved to receive C 2022-183 for the record, seconded by Councilmember Carvalho.

Council Vice Chair Chock: We have the bill coming up on our agenda Members, I am not sure if you want to ask questions now or reserve them for later. I know we have Mr. DeSilva here, too. I would like to ask if we can take testimony now, or wait for the item that will be coming up later. We should be coming up to it soon if you would like to wait. Is there any final discussion from the Members?

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to receive C 2022-183 for the record was then put, and carried by a vote of a vote of 5:0:2 (*Councilmember DeCosta and Council Chair Kaneshiro were excused*).

Council Vice Chair Chock: The motion is carried. Next item.

C 2022-184 Communication (07/29/2022) from Ka‘āina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission’s recommendation to amend Chapter 8, Kaua‘i County Code 1987, as amended, relating to Educational Campgrounds.

Councilmember Kualii moved to receive C 2022-184 for the record, seconded by Councilmember Carvalho.

Council Vice Chair Chock: Again, the bill will be coming up later. We received no written testimony on this item. Are there any other questions from the Members? Is there anyone in the audience wishing to testify on this item? Is there anyone on Zoom? Is there any discussion from the Members?

There being no one present to provide testimony, the meeting proceeded as follows:

The motion to receive C 2022-184 for the record was then put, and carried by a vote of a vote of 5:0:2 (*Councilmember DeCosta and Council Chair Kaneshiro were excused*).

Council Vice Chair Chock: The motion is carried. Next item.

C 2022-185 Communication (08/01/2022) from the Director of Human Resources, transmitting for Council consideration, the cost items for the State of Hawai'i Organization of Police Officers (SHOPO) Bargaining Unit 12 for the period July 1, 2021 through June 30, 2025, based on an arbitrated award and in accordance with the procedures contained in Chapter 89, Hawai'i Revised Statutes (HRS), pursuant to HRS Section 89-11 and Kaua'i County Charter Section 19.13B.

Councilmember Kualii moved to receive C 2022-185 for the record, seconded by Councilmember Carvalho.

Council Vice Chair Chock: We received no written testimony on this item. Is there anyone else in the audience or on Zoom wishing to testify? I will call the meeting back to order. Are there any final questions from the Members?

There being no one present to provide testimony, the meeting proceeded as follows:

The motion to receive C 2022-185 for the record was then put, and carried by a vote of a vote of 5:0:2 (*Councilmember DeCosta and Council Chair Kaneshiro were excused*).

Council Vice Chair Chock: The motion is carried. Next item.

C 2022-186 Communication (08/01/2022) from the Director of Human Resources, transmitting for Council consideration, the cost items for the Hawai'i Government Employees Association (HGEA) Bargaining Unit 15 (Ocean Safety Officers) for period July 1, 2021 to June 30, 2025, based on an arbitrated award and in accordance with the procedures contained in Chapter 89, Hawai'i Revised Statutes (HRS), pursuant to HRS Section 89-11 and Kaua'i County Charter Section 19.13B.

Councilmember Kualii moved to receive C 2022-186 for the record, seconded by Councilmember Carvalho.

Council Vice Chair Chock: We received no written testimony on this item. Is there anyone in the audience or on Zoom wishing to testify? Are there any questions from the Members? Is there any discussion?

There being no one present to provide testimony, the meeting proceeded as follows:

The motion to receive C 2022-186 for the record was then put, and carried by a vote of a vote of 5:0:2 (*Councilmember DeCosta and Council Chair Kaneshiro were excused*).

Council Vice Chair Chock: The motion is carried. Next item.

C 2022-187 Communication (08/03/2022) from Ka'āina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to amend Chapter 10, Article 3, Kaua'i County Code 1987, as amended, relating to the West Kaua'i Community Plan Implementing Ordinance, to implement Form-Based Code for Plantation Camps.

Councilmember Kualii moved to receive C 2022-187 for the record, seconded by Councilmember Carvalho.

Council Vice Chair Chock: We received no written testimony on this item. Is there anyone in the audience or on Zoom wishing to testify? Are there any questions from the Members? Is there any discussion?

There being no one present to provide testimony, the meeting proceeded as follows:

The motion to receive C 2022-187 for the record was then put, and carried by a vote of a vote of 5:0:2 (*Councilmember DeCosta and Council Chair Kaneshiro were excused*).

Council Vice Chair Chock: The motion is carried. Next item.

C 2022-188 Communication (08/03/2022) from Ka'āina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to amend Article 1 of Chapter 8, Kaua'i County Code 1987, as amended, relating to Definitions in the Comprehensive Zoning Ordinance (CZO).

Councilmember Kualii moved to receive C 2022-188 for the record, seconded by Councilmember Carvalho.

Council Vice Chair Chock: We received no written testimony on this item. Is there anyone in the audience or on Zoom wishing to testify? Are there any questions from the Members? Is there any discussion?

There being no one present to provide testimony, the meeting was proceeded as follows:

The motion to receive C 2022-188 for the record was then put, and carried by a vote of a vote of 5:0:2 (*Councilmember DeCosta and Council Chair Kaneshiro were excused*).

Council Vice Chair Chock: The motion is carried. Next item.

C 2022-189 Communication (08/08/2022) from the Chief of Police, Deputy Chief of Police, and Bryson M. Ponce, Assistant Chief of Police, requesting Council approval to accept reimbursement, in the amount of \$3,932.38, from the United States Marshals Service via Memorandum of Understanding (MOU) pursuant to 28 U.S.C. Section 566(e)(1) and 34 U.S.C. Section 20941, for equipment costs to conduct countywide sex offender registration enforcement and compliance.

Councilmember Kualii moved to approve C 2022-189, seconded by Councilmember Carvalho.

Council Vice Chair Chock: Are there any questions from the Members?
Councilmember Cowden.

Councilmember Cowden: Chief Raybuck, this is a really small amount, so I am sure this is an ongoing event. It says "reimbursement," but can you speak about how the countywide sex offender registration is enforced? How is it going?

There being no objections, the rules were suspended.

Mr. Raybuck: Good morning, Councilmember Cowden and Vice Chair Chock. Thank you for the question. As mentioned, we use funds and we have a great partnership with United States Marshal Service, who comes over and assists us with these operations to ensure compliance for sex offenders. I believe Captain Miller is on the line to be able to assist you in how those operations occur and how often they occur, so I will turn it over to him.

Councilmember Cowden: Okay.

JAMES J. MILLER, Detective (*via remote technology*): Good morning, Councilmembers. Sergeant Aaron Lester is one of our sex assault investigators who is a primary point of contact with the U.S. Marshals for this project and can give you a little more information on that.

AARON W. R. LESTER, Detective (*via remote technology*): Good morning, Council and Vice Chair. Councilmember Cowden, to answer your question for the U.S. Marshal sex offender registry sweep, we do these about twice a year. We have done two (2) so far this year. They assist us in reaching out and physically and visually verifying offenders' addresses. We have one hundred forty-two (142) registered offenders here on the island of Kaua'i. As of August 5, 2022, we have twenty-two (22) non-compliant offenders. The Kaua'i Police Department (KPD) in assistance with the U.S. Marshals go out physically to verify their address, place of employment, contact information, and all the development information that are required to be registered. In March of this year, U.S. Marshals came out and assisted us with a project and realized we could use some equipment to streamline the process, so we are asking for this money. This is not a reoccurring cost; this is for equipment purchase, so we will have two (2) computers that we will connect with the current justice information system and the Federal Bureau Investigation (FBI) to go out and have live data, and refer to their registered information in the field.

Councilmember Cowden: I appreciate that. I am curious, do we have any numbers...when we have these registered offenders if they become repeat offenders, or does it seem like that is not continuing being a problem with any of the individuals?

Mr. Lester: We do. I do not have all the numbers; I have July and August in front of me. From month-to-month, I have an E-mail from the Office of the Attorney General (AG) of non-compliant offenders, and the reasons for non-compliance can be anything from not returning...the AG mails them a letter every month.

Councilmember Cowden: My question was different than that. When we do have our registered offenders, do we have other incidents of assault from that community? Does that seem to be tame, like we are not having more problems with the people who have had a problem in the past, in terms of hurting others?

Mr. Lester: I have not seen that in my experience in the field.

Councilmember Cowden: So, it seems like it is working.

Mr. Lester: Yes.

Councilmember Cowden: Okay, that was my main concern. Thank you.

Council Vice Chair Chock: Are there any further questions from the Members? Hearing none, we received no written testimony on this item. Is there anyone in the audience or on Zoom wishing to testify? Seeing none.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to approve C 2022-189 was then put, and carried by a vote of a vote of 5:0:2 (*Councilmember DeCosta and Council Chair Kaneshiro were excused*).

Council Vice Chair Chock: The motion is carried. Next item.

CLAIM:

C 2022-190 Communication (07/26/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Clerkin, Sinclair and Mahfouz, LLP for USAA General Indemnity Company as subrogee for Stephen O'Donnell and Novelita Peralty, for property damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

Councilmember Kualii moved to refer C 2022-190 to the Office of the County Attorney for disposition and/or report back to the Council, seconded by Councilmember Cowden.

Council Vice Chair Chock: Are there any questions from the Members? We received no written testimony on this item. Is there anyone in the audience or on Zoom wishing to testify? Is there any discussion from the Members?

There being no one present to provide testimony, the meeting proceeded as follows:

The motion to refer C 2022-190 to the Office of the County Attorney for disposition and/or report back to the Council was then put, and carried by a vote of a vote of 5:0:2 (*Councilmember DeCosta and Council Chair Kaneshiro were excused*).

Council Vice Chair Chock: The motion is carried. Next item.

COMMITTEE REPORTS:

FINANCE & ECONOMIC DEVELOPMENT COMMITTEE:

A report (No. CR-FED 2022-06) submitted by the Finance & Economic Development Committee, recommending that the following be Approved as Amended on second and final reading:

“Bill No. 2862 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, SECTION 9.2, KAUA‘I COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES,”

A report (No. CR-FED 2022-07) submitted by the Finance & Economic Development Committee, recommending that the following be Approved on second and final reading:

“Bill No. 2871 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 23, ARTICLE 4, KAUA‘I COUNTY CODE 1987, AS AMENDED, RELATING TO COUNTY BUSINESS LICENSES,”

A report (No. CR-FED 2022-08) submitted by the Finance & Economic Development Committee, recommending that the following be Approved on second and final reading:

“Bill No. 2872 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUA‘I COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Tiered Residential Investor & Vacation Rental Tax Classifications*),”

Councilmember Kualii moved for approval of the reports, seconded by Councilmember Carvalho.

Council Vice Chair Chock: We received no written testimony on these items. Is there anyone in the audience or on Zoom wishing to testify?

There being no one present to provide testimony, the meeting proceeded as follows:

Council Vice Chair Chock: Are there any questions or discussion from the Members?

The motion for approval of the reports was then put, and carried by a vote of a vote of 5:0:2 (*Councilmember DeCosta and Council Chair Kaneshiro were excused*).

Council Vice Chair Chock: The motion is carried. Next item.

RESOLUTIONS:

Resolution No. 2022-29 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE CIVIL SERVICE COMMISSION (*Shelley Konishi*)

Councilmember Kualii moved for adoption of Resolution No. 2022-29, seconded by Councilmember Cowden.

Council Vice Chair Chock: Are there any questions on this Resolution? Is there any final discussion? Councilmember Cowden.

Councilmember Cowden: I always appreciate everyone who is willing to put this kind of effort out. Just a thank you.

Council Vice Chair Chock: I am sorry, I did not call for any public testimony on this item. Is there anyone in the audience or on Zoom wishing to testify? Seeing none. Is there any final discussion from the Members? If not, we will take a roll call vote on the Resolution.

There being no one present to provide testimony, the meeting proceeded as follows:

The motion for adoption of Resolution No. 2022-29 was then put, and carried by the following vote:

FOR ADOPTION:	Carvalho, Chock, Cowden, Evslin, Kualii	TOTAL – 5,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	DeCosta, Kaneshiro	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

JADE K. FOUNTAIN-TANIGAWA, County Clerk: Five (5) ayes.

Council Vice Chair Chock: The motion passes.

Resolution No. 2022-30 – RESOLUTION CONFIRMING COUNCIL APPOINTMENT TO THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND COMMISSION (*Mai Shintani – At-Large*)

Councilmember Kualii moved for adoption of Resolution No. 2022-30, seconded by Councilmember Carvalho.

Council Vice Chair Chock: We received no written testimony on this item. Are there any questions from the Members? Is there any final discussion from the Members? I just want to thank all of our volunteers for stepping up, it is a big commitment, and these are big decisions that happen at these commissions. Hearing no other discussion, roll call vote.

There being no one present to provide testimony, the meeting proceeded as follows:

The motion for adoption of Resolution No. 2022-30 was then put, and carried by the following vote:

FOR ADOPTION:	Carvalho, Chock, Cowden, Evslin, Kualii	TOTAL – 5,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	DeCosta, Kaneshiro	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Five (5) ayes.

Council Vice Chair Chock: The motion passes.

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2859) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO CAMPGROUNDS (*Kauai County Council, Applicant*)

Councilmember Carvalho moved to receive Proposed Draft Bill (No. 2859) for the record, seconded by Councilmember Carvalho.

Council Vice Chair Chock: We have Planning Director.

There being no objections, the rules were suspended.

KA’AINA S. HULL, Planning Director (*via remote technology*): Aloha, Vice Chair Chock and Members of the Council.

Council Vice Chair Chock: Do you want to give us an update on what has happened since the Commission?

Mr. Hull: I am sorry, this is the campground bill, right?

Council Vice Chair Chock: Correct, to receive.

Mr. Hull: This is the educational campground bill.

Council Vice Chair Chock: It is.

Mr. Hull: Okay, I am just making sure. Sorry, I know we have a fair amount of bills with you folks this morning. This Bill was initiated by Council and transmitted to the Planning Commission, and it essentially allows educational campgrounds to be permitted via Use Permit on agricultural lands. The Planning Commission received it, reviewed it, the Department made one (1) slight recommendation that it would be permissible both on agricultural and open lands, and the whole premise being that educational camps can be permissible for students eighteen (18) years old and younger to learn and be educated about agricultural activities on a camp environment. The restriction of the age limit in discussions with the Councilmembers who reintroduced this Bill was primarily to ensure that these types of educational camps were not essentially converted into de facto resort amenities and operations on agricultural lands. Ultimately, the Department supported it, so the Planning Commission with that one (1) amendment to also permit it via Use Permit in the Open Zone District.

Council Vice Chair Chock: Just to clarify, Members, the motion is to receive this Bill, we have another bill that came from the Planning Commission. We will receive this Bill and the other bill is what is being introduced.

Councilmember Cowden: Okay, so can I ask you my question?

Council Vice Chair Chock: Yes, please go ahead.

Councilmember Cowden: We are receiving this because this is how we had it first, and they changed it up?

Council Vice Chair Chock: Correct.

Councilmember Cowden: Are we going to see that today?

Council Vice Chair Chock: Correct, it is the fourth item on here.

Councilmember Cowden: I have one question on this, on page 3, where it says, Section 8-9.6, "This Section shall not apply to State and County campgrounds existing prior to December 2nd." Is it that long that we already had?

Council Vice Chair Chock: Yes.

Councilmember Cowden: Okay, will that be in the next piece?

Council Vice Chair Chock: Yes. Are there any further questions?
Councilmember Evslin.

Councilmember Evslin: If I can verify, it came up when we were originally doing the first campgrounds bill, and there was some discussion over, what my understanding was, that if the campgrounds has existed pre-Comprehensive Zoning Ordinance (CZO), that they would be able to continue, so there was some deliberation about whether that had happened or not. Anyway, the bill passed, and I think it was determined later that these campgrounds were post creation of the CZO and needed to be amended, that is my understanding. Mr. Hull might be able to verify that.

Councilmember Cowden: If we are doing that later, I can do that later.

Council Vice Chair Chock: Mr. Hull, do you have anything else to add on that?

Mr. Hull: No.

Council Vice Chair Chock: Are there any further questions? If not, is there anyone wishing to provide public testimony? Is there anyone on Zoom wishing to testify? Is there any final discussion? Again, the motion is to receive.

Councilmember Cowden: I was just saying Mr. DeSilva needs to come back in.

Council Vice Chair Chock: He will not be testifying. Roll call vote.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to receive Proposed Draft Bill (No. 2859) for the record was then put, and carried by the following vote:

FOR RECEIPT:	Carvalho, Chock, Cowden, Evslin, Kuali'i	TOTAL – 5,
AGAINST RECEIPT:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	DeCosta, Kaneshiro	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Five (5) ayes.

Council Vice Chair Chock: The motion passes. Next item, please.

Proposed Draft Bill (No. 2880) – A BILL FOR AN ORDINANCE AMENDING THE STATE LAND USE DISTRICT BOUNDARY CONCERNING A PARCEL IN KAPA'A HOMESTEADS, KAUA'I (*Manuel DeSilva, Jr., Trustee, Applicant*) (A-2022-1)

Councilmember Kuali'i moved for passage of Proposed Draft Bill (No. 2880) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for September 21, 2022, and that it be referred to the Planning Committee, seconded by Councilmember Carvalho.

Council Vice Chair Chock: Mr. Hull, would you like to give us a briefing on this?

There being no objections, the rules were suspended.

Mr. Hull: Thank you, Council Chair. The draft that you have in front of you was also not initiated by the Planning Department. This was initiated by an applicant landowner looking to essentially rezone and redesignate their property from State Land Use Agricultural District to State Land Use Rural District, and from County Agricultural Zoning District to County R-1 Zoning District. Several properties around this property are already within the existing State Land Use Rural District and County R-1 Zoning District, it is located within the homesteads designation within the Kaua'i General Plan, and is roughly four point six (4.6) acres in size. Given the surrounding area being pretty much entirely within the rural R-1 zoning designation, the Department and the Commission are supporting the petition and have submitted it to you folks for your review.

Council Vice Chair Chock: I am sure we have some questions, Councilmember Cowden, followed by Councilmember Evslin.

Councilmember Cowden: Is basically this allowing him to build another house?

Mr. Hull: With the designation that he currently has, under the County Agricultural zoning district, it qualifies for two (2) homes, the proposed R-1 designation will allow for the construction of five (5) dwelling units.

Councilmember Cowden: Okay, I am just trying to look at the size of the acreage. There are two (2) properties right next to each other, right? Are we seeing that? There are two (2) of these.

Council Vice Chair Chock: Sorry, what was the question?

Councilmember Cowden: I just trying to make sure I was clear, so they want to be able to make homes for their family, basically, right? I read through the discussion. Our applicant is not going to testify any longer.

Council Vice Chair Chock: It does not look like it.

Councilmember Cowden: Alright.

Council Vice Chair Chock: Councilmember Evslin.

Councilmember Evslin: In the Director's Report, it says if approved, the maximum density of the parcel through subdivision would allow a total of eight (8) residential units, four (4) residences, plus four (4) Additional Dwelling Units (ADUs).

Mr. Hull: That is if they decided to take action on a subdivision. My response about just qualifying for five (5) dwelling units would be outright permissible should this zoning amendment be approved by the County Council and signed by the Mayor, they would automatically qualify for five (5) dwelling units. Should they want to avail the property to a subdivision process which has additional review and action by the Planning Commission, as well as upgrades in infrastructure, they would, should they get that approval be able to apply for up to eight (8) units.

Councilmember Evslin: Okay, thank you. Also, the Director's Report, on page 7, says, the proposed project zoning change is to be cited in an area that has been designated Urban by the State Land Use Commission in University zoned by the General Plan and therefore, shall not distract the rural character of Kaua'i.

Mr. Hull: If that is what it states, I apologize, Councilmember Evslin, that would have been a typographical error.

Councilmember Evslin: Okay, so it is in fact, currently Agriculture?

Mr. Hull: It is currently State Land Use Agriculture, correct.

Councilmember Evslin: Just a process question. There are two (2) bills, one (1) to amend the State Land Use District boundary and one (1) to amend the County zoning; could you just explain? This is my first time seeing a bill to amend a State Land Use District boundary. My understanding in the process was that was the Land Use Commission's (LUC) discretion, and we match it with our own County zoning. Explain why we have a bill to amend the State Land Use District boundary.

Mr. Hull: The State Land Use District boundary amendments are generally handled through the State Land Use Commission unless the proposal is under fifteen (15) acres in size. If the proposal is under fifteen (15) acres in size, they seek that authority to make it respective to the County, so you have a simultaneous action. When you see larger projects, first a State Land Use Commission action to rezone the State Land Use District, and should that occur, then subsequently, they will apply for a County zoning district. Because this is under fifteen (15) acres, this can technically be done simultaneously. Now, if there is a disagreement that say, the State Land Use District should not be converted to Rural, then that would automatically infer that the County zoning district cannot be Residential. But it is being proposed in tandem with each other, because both the Department and the Planning Commission felt it was appropriate.

Councilmember Evslin: Okay, so because it is under fifteen (15) acres it requires no LUC action, and the County has full discretion. Thank you.

Council Vice Chair Chock: I am trying to understand that. Councilmember Cowden.

Councilmember Cowden: I am trying to understand it better, too, because this seems unusual for what we generally get. Basically, this property is going to become more consistent with its neighbors. When I look at the neighbor properties, they are broken up into smaller pieces and they have homes. I tried to read through it and understand, and I see only letters of support. I can tell that not all of them live right next to it, but they have similar interests, so they are saying “good guy” and he is trying to include his family on his property. Do we have any resistance from anyone? I did not see it in there.

Mr. Hull: I do recall one (1) member of the public testifying in opposition. This was someone who, I believe, has testified before the County Council, and this was an individual, I believe, from another island that had not actually read the proposal.

Councilmember Cowden: Okay, I saw that. Is there any reason that we should be aware that if we say “yes” to this, that it sets a precedent that would be unintended by when we are saying “yes” to this?

Mr. Hull: At the end of the day, precedent for legislative action is not the same as judicial precedent where it is essentially binding, should a judicial precedent be set in those types of cases. For legislative precedent indeed...well let me step back, it is not a precedent in a sense that each individual case for rezoning needs to be reviewed, analyzed, and acted upon individually. This property is both located in the Homestead General Plan designation, which is for low density rural development, as well as this is already surrounded by Residential zoning. I think if there are any particular proposals that somewhat meet very specific criteria in that nature, then in general, we are supportive. But again, we need to review it, at least the Planning Department. When it gets to the County Council, we need to review these each individually parcel-by-parcel as they come, or proposal-by-proposal as they come.

Councilmember Cowden: Okay, thank you. Vice Chair, this is just a first read anyway, right?

Council Vice Chair Chock: Yes, that is correct. It will go to Committee if we pass it.

Councilmember Cowden: Okay.

Council Vice Chair Chock: Are there any other questions? Again, I got a little bit confused with the two (2) bills. I think I somewhat get your explanation. Would you mind repeating it again?

Mr. Hull: Yes, definitely. The State of Hawai‘i enjoys dual-zoning designations, State Land Use Zoning and County Zoning. The State Land Use has four (4) land use districts: Conservation, Agricultural, Rural, and Urban. In the Rural and Urban districts, you can have, within the County-level, Residential zoning. In the Agricultural district, you cannot. What this proposal is doing is, first requesting to amend the State Land Use District around this property

from State Land Use “Agricultural” to State Land Use “Rural” district, just for the property area, which much of the other properties around it already have that Rural designation. Because the property is under fifteen (15) acres, pursuant to Hawai‘i Revised Statutes (HRS) 205, the authority for reviewing it is not going to be the Land Use Commission, it will be ceded to the County to take action on that. The first request is ultimately for the Council to review and act upon a State Land Use District amendment less than fifteen (15) acres for the subject property to go from Agricultural to Rural designation. Should the Council approve that proposal, then the second request is essentially to allow for that property to also then be moved from the County Agricultural district into the County R-1 Residential district.

Council Vice Chair Chock: Okay.

Mr. Hull: Does that make sense? Sorry if I muddled it.

Council Vice Chair Chock: It does make perfect sense. I was just wondering why we could not do it in one (1) bill. I get it. It is two (2) separate actions that are dependent on each other. Okay. Sorry, are there any last questions? Is there any public testimony on this item? Anyone online? Come up, Mr. Lindner. You are a professional already, so please state your name for the record.

JEFFREY LINDNER: I think that is great. You could look at it like...should the County maybe look at the fact that you cannot convert agricultural land with more density...that could be looked at setting a precedent. It could be a good thing, right? At some point, what you are saying is that there is some existing Rural land and that basically there is a place to get some density. It is R-1. It is valuable to look at it as setting a precedent. It is already there. That would be a good place to start.

Council Vice Chair Chock: Thank you. Is there anyone else that would like to testify? None.

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Council Vice Chair Chock: Is there any final discussion on this item? Hearing none, roll call vote please.

The motion for passage of Proposed Draft Bill (No. 2880) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for September 21, 2022, and that it be referred to the Planning Committee was then put, and carried by the following vote:

FOR PASSAGE:	Carvalho, Chock, Cowden, Evslin, Kuali‘i	TOTAL – 5,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	DeCosta, Kaneshiro	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Five (5) ayes.

Council Vice Chair Chock: Next item.

Proposed Draft Bill (No. 2881) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUA‘I COUNTY CODE 1987, AS AMENDED, RELATING TO ZONING DESIGNATION IN KAPA‘A HOMESTEADS, KAUA‘I (*Manuel DeSilva, Jr., Trustee, Applicant*) (ZA-2022-13)

Councilmember Kualii moved for passage of Proposed Draft Bill (No. 2881) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for September 21, 2022, and that it be referred to the Planning Committee, seconded by Councilmember Carvalho.

Council Vice Chair Chock: We received no written testimony on this item. Are there any questions for this item? Hearing none, is there anyone in the audience or on Zoom wishing to provide testimony? None. Is there any final discussion?

There being no one present to provide testimony, the meeting proceeded as follows:

Councilmember Cowden: This is just the second half of what we just discussed. This is the same thing.

Council Vice Chair Chock: Yes, this is the same. Okay, we will take a roll call vote.

The motion for passage of Proposed Draft Bill (No. 2881) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for September 21, 2022, and that it be referred to the Planning Committee was then put, and carried by the following vote:

FOR PASSAGE:	Carvalho, Chock, Cowden, Evslin, Kualii	TOTAL – 5,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	DeCosta, Kaneshiro	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Five (5) ayes.

Council Vice Chair Chock: The motion passes.

Proposed Draft Bill (No. 2882) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUA‘I COUNTY CODE 1987, AS AMENDED, RELATING TO CAMPGROUNDS (*Kaua‘i County Council, Applicant*) (ZA-2022-10 – *Planning Commission Recommendation*)

Councilmember Kualii moved for passage of Proposed Draft Bill (No. 2882) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for September 21, 2022, and that it be referred to the Planning Committee, seconded by Councilmember Carvalho.

Council Vice Chair Chock: Councilmember Evslin.

Councilmember Evslin moved to amend Proposed Draft Bill (No. 2882) as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 1, seconded by Councilmember Kualii.

Councilmember Evslin: This amendment just adds the words “and the Open Zoning District” to the Findings and Purpose section. The Bill that came back from the Planning Commission amended the original Bill to add in the Open Zoning District into where educational campgrounds were allowed. That draft, as I understand, did not have respective language in the Findings and Purpose. This amendment just adds that.

Council Vice Chair Chock: Ka‘āina, would you like to comment on the amendment? Is that by request?

There being no objections, the rules were suspended.

Mr. Hull: We are good with the cleanup. We really appreciate Council Services Staff being able to catch that and clean that up.

Council Vice Chair Chock: Are there any further questions on the amendment?

There being no objections, the meeting was called back to order, and proceeded as follows:

Council Vice Chair Chock: Is there any final discussion on the amendment? None.

The motion to amend Proposed Draft Bill (No. 2882) as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 1 was then put, and carried by a vote of 5:0:2 (*Councilmember DeCosta and Council Chair Kaneshiro were excused*).

Council Vice Chair Chock: We are back to the main motion as amended. Are there any questions? Councilmember Cowden.

Councilmember Cowden: I just want to make it really clear for anyone listening or watching. This is basically when we had the restriction to avoid “glamping.” This is such that it will not hurt Boy Scout camps or rehabilitation camps for children and things like that. I just want to make sure that we get the broad brushstroke that we are making sure that we do not shut out youth-oriented camps. Is that correct, Ka‘āina?

There being no objections, the rules were suspended.

Mr. Hull: Sorry. Yes, I would agree with that assessment of the Draft Bill. It does ensure that educational camps can occur on

Agricultural lands insofar as there is a nexus with agricultural activities through education.

Councilmember Cowden: We do not educate people over eighteen (18), because the concern is that there is too much opportunity for exploitation of that title?

Mr. Hull: Yes. I think when we were going through the Glamping Bill, the Department did present to the Council and to the public that we had quite honestly been inundated with attempts by resort operations to utilize developed campgrounds on Agricultural lands to setup really just resort operations under the auspices of agricultural activities. I think there is still a considerable amount of concerns of these resort operations trying to use this educational campground vehicle to possibly get a foot in the door. While the Department and Commission can work to ensure that agriculture and education is definitely a component of any proposal, there are still concerns I believe. At least for right now, restricting it to just students eighteen (18) years and younger, we believe in the spirit of that proposal ensures that it will not turn into a de facto resort operation.

Councilmember Cowden: I want to give the example of U-Turn for Christ, which is somewhat an agriculturally based drug rehabilitation camp that I go and work with when invited. Can you tell me how this would be viewed? How would U-Turn for Christ be viewed relative to any of this? Is U-Turn for Christ or another program like that happen? Not because it is faith-based, but could we have another program like that, or would this prohibit that?

Mr. Hull: I am not intimately familiar with the U-Turn for Christ operations. I will say that if there is no fee being charged and they are hosting it on their property Agricultural or otherwise, then without the commercial component, it would be outright permissible. Also, too, I believe if it is occurring on lands owned by the Department of Hawaiian Home Lands (DHHL), they are completely outside of the authority of the County of Kaua'i. That is really under DHHL's jurisdiction and authority as to whether or not they would allow it.

Councilmember Cowden: Okay, thank you. They are on DHHL lands. Thank you.

Council Vice Chair Chock: Are there any further questions? I will take public testimony on this item. Is there anyone in the audience or online? None.

There being no one present to testify, the meeting was called back to order, and proceeded as follows:

Council Vice Chair Chock: Is there any final discussion? No? I will say that we were happy to pass the first bill. We did that fairly quickly. It is important for us to return to adjust sometimes. That was my intention when I co-introduced this Bill with Councilmember DeCosta. I am happy that we can include educational campgrounds. They are very integral to our students' development. I am happy to support this, and we will see as this develops, how it works, and what other adjustments we have to make moving forward.

Councilmember Cowden: I just want to acknowledge that at Kahili Mountain Park, that is actually an excellent piece of property that is utilized in so many good ways and not the least of which has adult education that is involved with it. They have recently been doing some youth “prehab” as opposed to “rehab.” Something that I have heard very strongly across our community is the need for adult therapeutic care to try to straighten out people’s behaviors. That can come up in Committee if we want to be able to do that. Okay, thank you.

Council Vice Chair Chock: Is there any additional final discussion? If not, we will take a roll call vote.

The motion for passage of Proposed Draft Bill (No. 2882) as amended on first reading, that it be ordered to print, that a public hearing thereon be scheduled for September 21, 2022, and that it be referred to the Planning Committee was then put, and carried by the following vote:

FOR PASSAGE:	Carvalho, Chock, Cowden, Evslin, Kuali'i	TOTAL – 5,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	DeCosta, Kaneshiro	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Five (5) ayes.

Council Vice Chair Chock: Let us get through the Collective Bargaining items before we take a caption break.

Proposed Draft Bill (No. 2883) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 12 BETWEEN JULY 1, 2021 AND JUNE 30, 2025

Councilmember Kuali'i moved for passage of Proposed Draft Bill (No. 2883) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for September 21, 2022, and that it be referred to the Committee of the Whole, seconded by Councilmember Carvalho.

Council Vice Chair Chock: We received no written testimony on this item. Are there any questions? Is there any public testimony on this item? Is there anyone online? None. Is there any final discussion? Councilmember Cowden.

There being no one present to testify, the meeting was called back to order, and proceeded as follows:

Councilmember Cowden: I just want to make a comment that when we are looking at numbers like five percent (5%) for payroll increases, given the amount of inflation right now, I think it is the least we can do when we are really struggling to be holding on to our people. I see Annette is there. If she wants to make a comment for this, or for me, the next one.

Council Vice Chair Chock: Do you have a question for her?

Councilmember Cowden: If she has something she wants to share with us, I am happy to hear it, otherwise I am good.

There being no objections, the rules were suspended.

ANNETTE L. ANDERSON, Director of Human Resources (*via remote technology*): Good morning. Thank you for the question, Councilmember Cowden. My only comment would be that on this particular item, as well as the next one, I just want to emphasize that they are both arbitration awards as opposed to some of the other matters that have previously come before you that were settlement agreements. These are awards from an arbitration panel. Thank you.

Council Vice Chair Chock: Thank you. We are on final discussion. Did you have another question? Councilmember Evslin.

Councilmember Evslin: I believe this is from the documents we have for Unit 15, but I think it was raised in this one as well. In the arbitration, it mentions, "The County of Kaua'i contends that they do not have the current ability to pay and that a pay raise would impact the level of services currently provided and would not be a prudent managerial or fiscal decision. The proposals would place the County in a budget deficit." This might be a question for Reiko. Could you respond to that? Would the pay raises put the County in a deficit or how would we manage it?

Ms. Anderson: I will defer to Reiko. She was a witness and testified at both hearings.

REIKO MATSUYAMA, Director of Finance (*via remote technology*): I would say that individually looking at each of the bargaining units in silos, no. We can afford them. Again, when you combine everything, that is when it starts to really influence our budget process to make sure that we can cover all of the collective bargaining agreement increases together.

Councilmember Evslin: Okay.

Councilmember Cowden: I have a follow-up.

Council Vice Chair Chock: Follow-up, go ahead.

Councilmember Cowden: We have a lot of open positions, right? We end up being able to fill that amount. I understand that wages is the largest part of our budget. Right now, it seems like every topic that comes before us, we have these holes especially in managerial and engineering positions, and different layers of what we are dealing with. We spend more money not being able to address our problems. Would having enough people help? That is to you, Reiko.

Ms. Anderson: I am sorry, what was the question? Did you say that having more people would assist?

Councilmember Cowden: What I am saying is, it was really a question to Reiko. When we do not have enough people to get the job done, we end up spending more money. Since it seems like we have openings, we are able to catch it. I am just double-checking. These are things that we talked about repeatedly during the budget.

Ms. Matsuyama: I hope I am understanding the question. I think the premise is that when there are vacancies, the work still gets done, but it is covered with overtime.

Councilmember Cowden: My question is, at least what we have been discussing through our whole process, when we do not have enough people to get the work done, we tend to have challenges. We cannot attract a good workforce because they cannot afford a house or have enough money to live. Giving them a five percent (5%) raise or three percent (3%) raise is something that we are largely in agreement on. We have had this conversation a lot. Am I missing something? I am kind of surprised to hear that we are saying “no” at this point. You are not saying “no,” okay?

Councilmember Evslin: Sorry, that was just from the arbitration panel. I think the County said that we cannot pay, and the panel then decides that the County has to pay “x” amount, which is what we have before us. I was just asking about the County’s original position. My take is that the County’s position now is that we are going to abide by the arbitration award.

Councilmember Cowden: We have to because it is an arbitration award. We have been having this conversation for months. We are struggling to pay wages so people can have a house. These people work for us. Some are department heads.

Council Vice Chair Chock: I think that is your perspective. Everyone else has their own. There was another follow-up question. I am going to go to Councilmember Kualii.

Councilmember Kualii: Reiko, when you talk about the ability to pay and you are looking at future compensation based on collective bargaining agreements or arbitration awards, future ability to pay is tied to future revenue, right? Does the Department of Finance forecast the future real property tax revenue and is that the amount that you are going off of? As the system is, each year during the Budget, it is the Administration and the Council’s responsibility to balance the Budget. Beyond forecasting real property tax revenues based on the current rates, the Council has the ability to balance the budget by increasing the rates, correct? That kind of leaves the opening that we can afford future raises...

Ms. Matsuyama: Yes, that is correct.

Councilmember Kualii: ...if it is negotiated.

Ms. Matsuyama: We do not forecast real property tax revenue beyond the immediate future year. Yes, the assumption is...and the arbitrator and

union attorneys say that the County has full discretion over their property taxes, so they can always increase rates and increase them in order to cover these raises.

Councilmember Kualii: The other thing was a thought that I wanted to share to see if you agree. Being that our residents like everyone in the Country is dealing with inflation and there is not much that the County can do directly, would you agree that what the County can do is to make sure that we keep our people employed, fill vacancies, and that we provide reasonable raises so that they have more income to deal with the higher prices? Do you agree with that?

Ms. Matsuyama: I think our job is to try to stimulate the local economy. Speaking to vacancies, I know for us, we have probably more than we have ever had. They are becoming harder to fill. I think that is across-the-board and maybe I am stepping on Annette’s toes here. I think what we try to do is generate jobs, not just County jobs, but also infrastructure, Capital Improvement Projects (CIP), and just getting people to work in general.

Councilmember Kualii: Thank you.

Council Vice Chair Chock: Are there any other questions?

There being no objections, the meeting was called back to order, and proceeded as follows:

Council Vice Chair Chock: Is there any final discussion? If not, we will take a roll call vote.

The motion for passage of Proposed Draft Bill (No. 2883) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for September 21, 2022, and that it be referred to the Committee of the Whole was then put, and carried by the following vote:

FOR PASSAGE:	Carvalho, Chock, Cowden, Evslin, Kualii	TOTAL – 5,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	DeCosta, Kaneshiro	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Five (5) ayes.

Council Vice Chair Chock: The motion passes. We will take our caption break and come back to the next collective bargaining item.

There being no objections, the meeting recessed at 10:21 a.m.

The meeting reconvened at 10:32 a.m., and proceeded as follows:

Council Vice Chair Chock: Welcome back, we are on the second Collective Bargaining Agreement.

Proposed Draft Bill (No. 2884) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 15 BETWEEN JULY 1, 2021 AND JUNE 30, 2025

Councilmember Kualii moved for passage of Proposed Draft Bill (No. 2884) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for September 21, 2022, and that it be referred to the Committee of the Whole, seconded by Councilmember Carvalho.

Council Vice Chair Chock: We received no written testimony on this item. Are there any questions on this item from the Members? Is there anyone in the audience or on Zoom wishing to testify? None.

There being no one present to provide testimony, the meeting proceeded as follows:

Council Vice Chair Chock: Is there any final discussion? If not, roll call vote please.

The motion for passage of Proposed Draft Bill (No. 2884) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for September 21, 2022, and that it be referred to the Committee of the Whole was then put, and carried by the following vote:

FOR PASSAGE:	Carvalho, Chock, Cowden, Evslin, Kualii	TOTAL – 5,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	DeCosta, Kaneshiro	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Five (5) ayes.

Council Vice Chair Chock: The motion passes. Next item.

Proposed Draft Bill (No. 2885) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 10, ARTICLE 3, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE WEST KAUAI COMMUNITY PLAN IMPLEMENTING ORDINANCE (*County of Kauai Planning Department, Applicant*) (ZA-2022-9)

Councilmember Kualii moved for passage of Proposed Draft Bill (No. 2885) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for September 21, 2022, and that it be referred to the Planning Committee, seconded by Councilmember Carvalho.

Council Vice Chair Chock: Councilmember Evslin.

Councilmember Evslin moved to amend Proposed Draft Bill (No. 2885) as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 2, seconded by Councilmember Kualii.

Councilmember Evslin: This amendment is at the request of the Planning Department. This Bill was transmitted to the Council by the Planning Commission. As Council Services was formatting the Bill, there were some inconsistencies that were found. The Amendment adds references to the Plantation Camp Form-Based Code throughout the Bill, and it allows finalization edits, including all appendices to ensure accuracy.

Council Vice Chair Chock: Okay. I am going to suspend the rules. Ka‘āina, could you just give us an overall review of the Bill and then address the amendment, please.

There being no objections, the rules were suspended.

Mr. Hull: Thank you. I will give a brief overview of the Bill and then go into the draft Amendment that was circulated. The Draft Bill is the product of about twelve (12) to fourteen (14) months of Planning Department Staff working to get this Form-Based Code before you. As you recall, during the West Kaua‘i Community Plan, it was recognized that our existing Plantation Camps—Pākalā Camp, Numila Camp, Kaumakani Camp, and Kaumakani Avenue—are within the County zoning Agriculture District. Under the Agricultural Policy, we are not really allowed to repair and refurbish dilapidated structures. Under the Agricultural Policy, technically, the County’s long-range policy for these camps was for them to be amortized and phased out. Through the West Kaua‘i Community Plan, it was ultimately reviewed and vetted with the community that these are living communities that should not be phased or amortized out. They should be allowed to be refurbished and rebuilt exactly as what was there originally. The Plantation Camp zoning designation was proposed and ultimately adopted for those camp areas that have State Land Use Urban Designations. In the discussions with the community as well as with the Council, it was brought up that beyond just allowing these structures to be rebuilt and house families, that indeed these are dynamic and active communities to this day. Having the ability for them to progress forward and further be developed may be appropriate, but within the confines of perhaps the form and character of existing camps themselves. That is where the Planning Department committed to coming back to the Council with an approach to allow further development of small areas within the camps that are still vacant, to have additional housing, but again, within the form and character of the camps. The approach we took with Form-Based Code, which really is a model of coding that the County of Kaua‘i has looked at and adopted for South Kaua‘i, as well as West Kaua‘i town cores like Hanapēpē, Waimea, and Kekaha. It looks at the structural improvements of the built environment of a given area and provides regulatory mechanisms to ensure that further development keep inline again with the form and character of the built environment’s pattern. There are two (2) proposed camp areas that can be allowed to be expanded in the Draft Bill with this Form-Based Code. One is the Kaumakani Village or Kaumakani Camp area. The other is Kaumakani Avenue, which is the historical avenue. The two (2) areas that already have existing development, really that is what they have and that is what they could build. Kaumakani Camp or Kaumakani Village has an additional twelve (12) acres within State Land Use Agriculture that is being proposed to be included within this new Form-Based Code area that will allow for future development of Kaumakani

Cottages, if you will, or small multi-family units. That is about twelve (12) acres and could allow from anywhere between seventy (70) to one hundred twenty (120) dwelling units. In the Avenue area, which has much more restrictive and separate built environment patterns, and as a small two-acre vacant parcel, in looking at keeping with the form and character of that area, the proposal for the additional two (2) acres would allow anywhere from eight (8) to twelve (12) new dwelling units within again, the Avenue built environment form and character. That is all I have for you today. I know this is first reading and I do not want to get into the weeds too much. We will have a bit more of a thorough presentation should you decide to send this through to Committee. I am open to any questions. I believe the landowner...technically the Planning Department is the applicant here, but we did this with the consent of the landowner. Ultimately, if you have any questions for the landowner, I believe they have called in via Zoom to address any of those questions.

Council Vice Chair Chock: Did you want to say anything about the amendment? I wanted to get that taken care of.

Mr. Hull: I apologize. The amendment...we want to thank Council Services Staff...after this rush of bills that we sent up, we recognize that we have some legislative drafting issues. Council Services Staff actually helped to get this up to par with what is expected. They are really cleaning up the form and content of the Draft Bill. We appreciate Council Services Staff doing that legwork and are far supportive of it.

Council Vice Chair Chock: Thank you. The amendment is non-substantive. We can take any questions on the amendment. Hopefully we can get through that and then get back to the main motion. Are there any questions on the amendment? Hearing none, is there anyone in the audience or on Zoom wishing to testify on the amendment? We are going to have testimony on the main motion as well. You can testify either time. Do you want to testify on the amendment? Please push the button to begin. You can start when the light turns green. You can also come up for another three (3) minutes. We will let you know, and the light will turn red.

HOWARD GREENE: Thank you for hearing this. I just want to say that we are in support of this. I just want to ask if you have any questions or concerns, or need any clarification about this or our position?

Council Vice Chair Chock: Are there any clarifying questions?

Councilmember Cowden: I have a question on the broader piece.

Council Vice Chair Chock: We can take it since he is here.

Councilmember Cowden: Okay. This might really be for Ka'āina. Why is Camp 6 not on this?

Mr. Greene: I can answer that. That was originally not in the State Land Use Urban designation. Therefore, the County could not take action on it.

Councilmember Cowden: If Camp 6 could have action on it, would you rebuild that area as well?

Mr. Greene: Yes. We would like to keep that camp going and we continue to maintain it within the restrictions that are placed upon us.

Councilmember Cowden: When we are looking at these areas in Kaumakani when you are adding fresh buildings, you have workers that you are wanting to be putting in there, or is some of that for different migrant workers? No. It is all for long-term workers that would go into the new housing?

Mr. Greene: Yes, that is primarily targeted for long-term rentals for our workers, agricultural workers, and other local Westside families.

Councilmember Cowden: Okay, thank you.

Council Vice Chair Chock: If we have additional questions, since he is here, we can call him back up.

Councilmember Cowden: Alright.

Mr. Greene: Thank you.

Council Vice Chair Chock: Are there any other clarifying questions? If not, thank you, Mr. Greene. Would anyone else like to testify on the amendment? Hearing none, I will call the meeting back to order.

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Council Vice Chair Chock: We are on the amendment. Members, is there any final discussion?

The motion to amend Proposed Draft Bill (No. 2885) as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 2 was then put, and carried by a vote of 5:0:2 (*Councilmember DeCosta and Council Chair Kaneshiro were excused*).

Council Vice Chair Chock: The amendment passes. We are on the main motion. I will suspend the rules. Please, if you have any questions.

Councilmember Cowden: Kaʻāina, a little piece of the background...I have talked with my friends who lived a decent amount of their lives in the plantation camps. They said that they have never been happier. Some of them specifically in these ones...can we put it up in Camp 6. Camp 6 is largely Niʻihauian. It seems like

it would be nice if their places could be improved. It seems like Numila is getting torn down. When we have this as a Form-Based Code, can this get put anywhere else or on other lands? It seems like a good solution for our challenges.

There being no objections, the rules were suspended.

Mr. Hull: Thank you, Councilmember Cowden. Currently, Form-Based Code for plantation camps can be placed on two (2) other camps, Numila and Pākalā. In Numila, the landowner did not elect to go through the process with us for whatever reason that may be. For Pākalā, which is also Gay & Robinson, there were two (2) reasons we essentially held back on it. The first is that there is a large vacant quadrant of Pākalā that still needs to go through the State Land Use District amendments like we discussed in the previous bill, but those amendments are over fifteen (15) acres in size, so we could not do it within the County's jurisdiction and would necessitate Gay & Robinson going to directly to the LUC first, before we can do a possible Form-Based Code for that area. The same holds true for Camp 6 as well. This is an area that is very similar, quite honestly, to Kaumakani Camp. I think the County would be very interested in looking at a Form-Based Code option, but again, it does not have State Land Use Urban designations. It has State Land Use Agriculture designation that is over fifteen (15) acres in size and again would necessitate Gay & Robinson going to the LUC first.

Councilmember Cowden: Okay, I probably have another question for the Manager.

Council Vice Chair Chock: Why do we not take all the questions with Ka'āina, and then we can clarify things with Mr. Greene. Are there any other questions? No? We are going to treat Mr. Greene as a resource person. Could I ask you to come back up? Councilmember Cowden, if you could address your question to Mr. Greene.

Councilmember Cowden: I think the area in Camp 6, not meaning to intrude in your own business, but that is an important and valuable area as well. How many acres is that?

Mr. Greene: I am not exactly sure, but according to Ka'āina, it is over fifteen (15) acres. I will look into that.

Councilmember Cowden: Okay, maybe we can ask Ka'āina how big it is. It seems like that area is sorely in need of repair but is also very needed by the people in there. When I deal with people who are displaced, it seems like they are people who are family to people who live up there. If Camp 6 gets improved, would it stay a Ni'ihauian camp? Are you allowed to do that?

Mr. Greene: Yes, we primarily use that right now for our local workforce and many of the people from Ni'ihau as well, and for many of their families, too. We definitely want to keep that camp going. We have just been taking small steps with Form-Based Code, Plantation Camp zoning, and the West Kaua'i Community Plan. It is a capacity issue that we have right now. We certainly do not

plan on abandoning that camp and do want to look towards the future with that particular camp.

Councilmember Cowden: Okay. That is all one big, large tax map key, so it is not like you can grab just fifteen (15) acres of it and fix just fifteen (15) acres of it?

Mr. Greene: Alright.

Council Vice Chair Chock: Thank you. Are there any other questions for Kaʻāina or Mr. Greene? Okay, thank you, sir.

Mr. Greene: Thank you.

Council Vice Chair Chock: This is just first reading. We have two (2) absent Members. If we could get our questions out, I know we will be deliberating on this.

Councilmember Cowden: I have one (1) more question for Mr. Greene. Why are you not wanting to do this for Pākalā Camp?

Mr. Greene: Well, we did, but Kaʻāina cited some of the obstacles. Perhaps we could revisit Pākalā in the future as well for this Form-Based Code application.

Councilmember Cowden: Okay.

Council Vice Chair Chock: Councilmember Carvalho.

Councilmember Carvalho: Are you open to all of that? You are open to discussing future opportunities, correct?

Mr. Greene: Absolutely.

Councilmember Carvalho: Totally.

Mr. Greene: I have always said that we are so thankful for the Plantation Camp designation and the whole West Kauaʻi Community Plan. This is a whole other layer that helps us put investment into these communities. Prior to that, the sort of unwritten plan was to abandon these camps and these families. Obviously, that is not a solution. We are quite thankful for how the process has come about and the results of it.

Councilmember Carvalho: One more thing, is there that commitment to keep the character of that camp site, which is important?

Mr. Greene: That is what the Form-Based Code does. It preserves that setting, architecture, roads, parks, et cetera. Yes.

Council Vice Chair Chock: Thank you. Councilmember Cowden.

Councilmember Cowden: I think this area is important. A number of your tenants are seniors. Is that fair to say, because they worked in the sugar fields? It seems that some of these are not even paying rent. You are putting in a senior day center and daycare center. Is there going to be a senior house on the Boulevard?

Mr. Greene: That is one (1) of the ideas. There is one (1) section of the Avenue that has an administrative type of zoning layer. That is where we have our current offices, where the former Gay & Robinson boarding facility was for the single workers. I think that is one (1) of the allowable uses as a dormitory type of facility. We have not made a decision or created a business plan on what type of facilities will be there, but this Form-Based Code allows for that type of use.

Councilmember Cowden: Okay, thank you.

Council Vice Chair Chock: Thank you. We are on the main motion. Is there any public testimony? Jeff.

Mr. Lindner: I support this. It is great that the Planning Department is developing some private housing. The concern I have is whether this will be used as a model outside of the plantation camp area? There is wording in here where it says that it is going to be used as a model in general. The question is, could this not have been done under an Agricultural...the base code has everything under Urban and Agriculture. What it seems like is...I mean, Urban to Rural. Everything seems to be sort of left out as a perimeter. Is this going to be the new model from Urban to Rural...Agriculture is just going to be left out. It appears this model leaves Agriculture land out. It is related to Agriculture zoning in some way. How can we do this and why can we not do the other camps with agriculture? In a sense, every agricultural parcel is multi-zoned and has multiple densities. Just like these, these could be...an agricultural parcel could have multi-parcels, just because that is how they are. Through the Agriculture Subdivision Rural, you could have multiple housing in the same way as we are doing here. It is one (1) lot with a lot of density. It states, "Natural, Rural, Suburban, General, Urban, and Urban." Natural, I guess is next to...it just seems like this is going to be used in Līhu'e where there is not going to be any agricultural subdivisions or agricultural anything. Everything has to be converted to Urban or Rural before we can do anything.

Council Vice Chair Chock: That was your first three (3) minutes. I would like to ask if anyone else would like to testify. If not, you can have another three (3) minutes.

Councilmember Cowden: Jeff. Jeff.

Council Vice Chair Chock: I asked him. He is done. Does anyone have final discussion? Do you have more questions? Councilmember Cowden.

Councilmember Cowden: I have a question for Ka'āina. When we discussed this before with the Planning Department or during an earlier discussion,

you said that this is something that can be applied to other agricultural properties. I think Mr. Lindner was asking a question similar to what came up last time and how the plantation camps work. This is really good especially without having the subdivision requirements of roads being a certain width with sidewalks and everything else. It seems like a needed solution to a number of the challenges that we have when it is truly applied to agricultural workers. Can you speak for a moment if this is going to be applied to anywhere else? You said it might be coming up.

Mr. Hull: Germane to the last speaker's testimony on applying it to agricultural lands...this technically is not being applied to State Land Use Agriculture lands, right? The discussion is that it is being applied to State Land Use Urban lands that the State Land Use Commission recognized years ago that these really were Urban uses and the County had not for some time. Through the West Kaua'i Community Plan, we kind of caught up with that recognition, if you will. Trying to lay it over State Land Use Agriculture lands would be a bit tricky, because of the fact that there are farm dwelling requirements for State Agriculture lands. Every tenant that Gay & Robinson has in these camps does not sign a farm dwelling agreement as would a tenant or owner would do in State Land Use Agriculture lands. Having said that though, the modeling that we did and the coding that we did with the plantation camp exercise and Form-Based Code exercise has been very enlightening for the Department and myself, in looking particularly at Kaumakani Camp, not necessarily using this built environment pattern in the agricultural area, but perhaps as an option in Urban or Rural areas of the island to provide an option. Not a mandate, but an option. An option has begun to edge into our radar. When you look at the pattern and the interaction of the community at Kaumakani Camp, and I think there are stories of families and individuals that grew up or live in the camps, there is much of this discussion and talk of how community-oriented and family-oriented these camps are. They are interconnected and resilient. Really getting in there, I do not think these are individuals that are just waxing nostalgic on it. There is a very cohesive communal family *'ohana* orientation within the community and as an Urban Planner if you will, much of that we can say...I will not say all of that...but some of that we can say is a direct correlation with the way the built environment is set up. The houses are structured so close to the roadway and the road is a substandard road that accommodates *kūpuna* and children walking with cars and no car even daring to go five (5) miles per hour. There are community garages, so the cars are separated out and also the fact that if they were lots...they are not quite lots...but if they were lots, they are three thousand (3,000) square feet. Everything that I just talked about whether you want to call it "smart growth" or "new urbanism," these are very much of the forefront of planning design standards today. We recognize that our Code and existing Zoning Code prohibits this built environment pattern. Recognizing that after having worked in there and coding it, there is every intention of drafting up a subdivision and zoning ordinance that will not, again, be a mandate but is an option for developers and landowners to look at to provide housing opportunities. That I would say is the jumping off platform should this...even if this Bill is not adopted, that is one of the next projects that the Planning Department will be looking at.

Councilmember Cowden:

Thank you.

There being no objections, the meeting was called back to order, and proceeded as follows:

Council Vice Chair Chock: We are on final discussion. Is there any final discussion? Councilmember Evslin.

Councilmember Evslin: I appreciate the work of the Planning Department. I am pretty excited about this. I appreciate Ka‘āina’s discussion explaining it at the end there to recognize that for the natural development pattern of our plantation camps pre-Zoning Code were built in a way that that built community and as our Zoning Code said, sort of outlawed that type of development pattern. We can certainly see that within our town cores in that all of our sort of vibrant town cores all across Hawai‘i were built pre-zoning codes and those zoning codes have made that type of development impossible. I have always appreciated Form-Based Code as a way to rectify that. I think it is interesting at least that as Ka‘āina said, this is at the forefront of urban planning and Smart Growth principles. It is going back to the way that communities were naturally built pre-zoning. I am excited about the possible use of Form-Based Code for plantation camps. I think they have been really innovative through this. I did try and go through the seven hundred (700) pages of documents on Form-Based Code that you provided us and did not make it very far. I would appreciate, when we get to Committee, you said there was going to be a presentation, but I hope that we can dive into a lot of the details here to see how it is going to look or receive some of the feedback that you took in from the community on how to really enshrine that sense of community in the plantation camps. I am really excited about this. Thank you for all of your work, and to Gay & Robinson for the collaboration here with the Planning Department to make this happen.

Council Vice Chair Chock: Great. Is there any additional final discussion? Hearing none, could I get a roll call vote?

The motion for passage of Proposed Draft Bill (No. 2885) as amended on first reading, that it be ordered to print, that a public hearing thereon be scheduled for September 21, 2022, and that it be referred to the Planning Committee was then put, and carried by the following vote:

FOR PASSAGE:	Carvalho, Chock, Cowden, Evslin, Kuali‘i	TOTAL – 5,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	DeCosta, Kaneshiro	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Five (5) ayes.

Council Vice Chair Chock: The motion passes. Next item, please.

Proposed Draft Bill (No. 2886) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO COMPREHENSIVE ZONING ORDINANCE DEFINITIONS (*County of Kaua‘i Planning Department, Applicant*) (ZA-2022-14)

Councilmember Kualii moved for passage of Proposed Draft Bill (No. 2886) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for September 21, 2022, and that it be referred to the Planning Committee, seconded by Councilmember Cowden.

Council Vice Chair Chock: Thank you. We received no written testimony on this item. Councilmember Evslin.

Councilmember Evslin moved to amend Proposed Draft Bill (No. 2886) as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 3, seconded by Councilmember Kualii.

Councilmember Evslin: This is my final amendment for the day. This is also by request of the Administration. The Bill as sent over from the Planning Commission. As Council Services was going through it, there were some reformatting works done...pretty extensive formatting work done...and some clarifying of terminology. The amendment that is in front of you shows, the amended language on the right-hand column. You can see the amendments highlighted in yellow. The left-hand column shows the original language. The Bill that is in front of us has two hundred twenty-four (224) definition changes, which I am sure Ka'aina is going to get into. The amendment modified ninety-six (96) of those. The ninety-six (96) modified definitions are included in this very extensive amendment here. The other one hundred twenty-eight (128) are not included in the amendment because they were not touched. You can briefly go through the ninety-six (96) definitions.

Council Vice Chair Chock: Again, this is first reading. We do have missing Councilmembers. I would like to be able to move through this and get to Committee as expediently as possible. I am going to suspend the rules and give the floor to Ka'aina.

There being no objections, the rules were suspended.

Mr. Hull: Thank you, Council Vice Chair Chock and Members of the Council. For our last bill here at the full Council, we have a comprehensive update to the definitions section of the Comprehensive Zoning Ordinance (CZO). This Bill has been worked on in some fashion or another for the past decade. It did come up to the Council several years ago and there was quite honestly a lot going on between the definitions section and the Use Table. There was a lot of confusion created by the Department by submitting such a comprehensive and robust change. Ultimately, that Bill was received. There were not any positions against, it was just fairly confusing. In trying to spin this Bill back up, at the heart of this Bill, it is just looking at definitions. Our definitions serve as the foundation and premise for permitting as well as enforcement. Making sure we have succinct definitions is crucial in the implementation of the Code. Even in discussions with the Council Chair during our drafting of this Bill that we submitted to you, there was an effort to focus solely on the definitions section of the Zoning Ordinance, and not looking at any amendments to the table. What you have here are a series of either clarifying changes to existing definitions that are within our definition table as they are implemented through either the overall regulatory scheme of the Zoning

Ordinance or through the Use Table. You have clarifying amendments to existing definitions in the Zoning Code. You also have removal of definitions or words that are not used anywhere in our Zoning Ordinance; therefore, the definition is not necessary. Thirdly, you have brand-new definitions for words that are used throughout the Table or Code that do not have any definitions. That is the vast majority of the proposal. It is existing words that are used in our Use Table of permitted uses in various zoning districts that did not have a definition. That is the majority of the proposal. Lastly, there is no real substantive changes here. These are all clarifying proposals. The only real substantive changes where through the definitions we are actually reversing policy is, we can only identify one (1), and that is the definition of "Day Use Area." Day use areas are outright permissible in the Open Zoning District. The Open Zoning District is the most restrictive zoning district and to be generally used for preservation and conservation efforts. The existing definition of Day Use Areas is a commercial use that is outright permitted in the Open Zoning District and that is the one (1) proposal where we are looking at saying that we cannot charge a fee or otherwise and that day use areas and to be used for non-commercial purposes. That is the only real substantive change that we are actually diametrically changing the policy via definition. As we get into the weeds in Committee or if you have questions here, there may be some concerns about clarifying definitions that we have that we feel are necessary to implement the Use Table as it is connected to a particular word in the defining section, but we are open for any criticisms, amendments, discussions, or questions. That is kind of it in a nutshell.

To go through the amendment that you have in front of you, in the Department and Council going back and forth over the past decade, when we transmitted this, I will be honest, we did not realize until Council Services caught it, that there was a considerable amount of formatting changes. So much to the point that there were discussions about bringing it back to the Planning Commission, reformatting it, and sending it back. I have to be very thankful to Jenelle over at your Office who graciously offered to go through that process. I probably owe her more than my first born, but she made all of these changes as concisely as they could possibly be made. The amendment before you are just to get that formatting structure. There is nothing substantive in this format change.

Council Vice Chair Chock: I appreciate that. I will take questions on the amendment, which is a cleanup amendment. Although it is long, I have gone through them. Are there any other questions? Councilmember Kualii.

Councilmember Kualii: I was not clear on what he was saying. What page is "Day Use Area" on?

Council Vice Chair Chock: I think he was referring to the main Bill.

Councilmember Kualii: Okay.

Council Vice Chair Chock: Not the amendment. The substantive changes are within the main Bill that was introduced. We are only talking about the amendment first, which is non-substantive. We have excellent staff who look at the details and that is what you have before you. Councilmember Cowden.

Councilmember Cowden: I just have a little bit of a process question that might be for you as much as it would be for Ka‘āina. Definition changes can be very significant. I am hoping that in Committee we are able to set aside the time to allow a little bit of the tedium of going through it and not to be opening that up today. I really appreciate the way that Jenelle has created this structure. It makes it much easier to look at it. I have looked at some of those definitions. Nothing grabbed me as being problematic. Today, we are not going to go through the different items, are we?

Council Vice Chair Chock: I would leave it as...because we have some Councilmembers missing, I would throw out as many questions as possible so that they can prepare properly. If you are wanting to have them, be prepared at Committee to give us a summary of each definition, then perhaps that is appropriate. Perhaps they do not need to respond today.

Councilmember Cowden: I would rather write it and give it to them.

Council Vice Chair Chock: Thank you. I agree. Are there any other questions on the amendment? Let us take public testimony on the amendment.
Mr. Lindner.

Mr. Lindner: I have one (1) question on the parcel definition. It does not seem to be consistent with Real Property’s definition where the parcel definition means “an area of contiguous land owned by a person, a lot or contiguous group of lots in single ownership or under single control usually considered a unit for purposes of development.” The Real Property Tax Assessment Division has that a condominium property regime (CPR) is a parcel. That is not made clear here. I guess the only other one is the farm dwelling. It is used as a residence a lot of times...the Real Property is...I have seen it when there is a Class III zoning. A Class III zoning can be put into eleven (11) or fifteen (15) in a Class III zoning if it is a residence. If it is an agricultural Class III zoning, it does not specify how many houses are on that. I think that should be defined and how you are using residence within the farm dwelling. That is all. Thank you.

Council Vice Chair Chock: Thank you. Would anyone else like to testify on the amendment? I would just suggest...thank you for your testimony. If you have anything in writing that you outlined specifically, it might be helpful for us as we deliberate in Committee.

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Council Vice Chair Chock: We are on the amendment. Is there any final discussion on the amendment? None.

The motion to amend Proposed Draft Bill (No. 2886) as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 3 was then put, and carried by a vote of 5:0:2 (*Councilmember DeCosta and Council Chair Kaneshiro were excused*).

Council Vice Chair Chock: We are on the main motion. Are there any questions? Councilmember Evslin.

Councilmember Evslin: Ka‘āina, thank you for doing this. I think it mostly appears to be all good. You mentioned in your opening that you did not want to make any changes to the Use Table. That sounds prudent. The Use Table has always been a little frustrating to me. Instead of laying it out where you can look across the line and look at single-family homes and see permissible or non-permissible across each zoning category, instead of doing that, it separates everything, so you have to scroll down through lots of pages. It is a tangent here, but sort of related. If you are talking cleanup, was there consideration of trying to condense the Use Table so that you could go straight across an item instead of scrolling down through multiple items. Maybe along those lines, is it appropriate? It does not seem that hard of a change. Would that be appropriate to add that on in Committee as an amendment?

There being no objections, the rules were suspended.

Mr. Hull: When we did that previously about five (5) or six (6) years ago or even longer, we tried doing it in tandem with each other. As we tried to sort through it with Councilmembers, each of the definitions that we were trying to change, along with the uses in the Use Table, we threw our hands up in confusion at each other. Not including it was not intentional to say that the Use Table does not need to be fixed. It is not the most user-friendly interface. I think we are in complete agreement. In trying to recognize which part of the apple we should bite off first, knowing that we have to restart the process, we decided that definitions might be the most appropriate because they have very specific ramifications and how implementation is occurring. The Use Table would be the next step, if you will.

Councilmember Evslin: Thank you. I know we have about seventy-two (72) bills from you on this agenda, so maybe in your next series of bills, you can throw us the Use Table changes. I appreciate it. You are doing some good work here.

Council Vice Chair Chock: Are there further questions on the main motion? Members, if you have any questions in writing ahead of time. I will take public testimony on the main motion. Is there anyone online? None.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Vice Chair Chock: Is there any final discussion? If not, roll call vote.

The motion for passage of Proposed Draft Bill (No. 2886) as amended on first reading, that it be ordered to print, that a public hearing thereon be scheduled for September 21, 2022, and that it be referred to the Planning Committee was then put, and carried by the following vote:

FOR PASSAGE:	Carvalho, Chock, Cowden, Evslin, Kuali'i	TOTAL – 5,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	DeCosta, Kaneshiro	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Five (5) ayes.

Council Vice Chair Chock: That brings us to Bills for Second Reading.

BILLS FOR SECOND READING:

Bill No. 2862, Draft 1 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, SECTION 9.2, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES

Councilmember Kuali'i moved to approve Bill No. 2862, Draft 1 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Cowden.

Council Vice Chair Chock: We received no written testimony on this item. Are there any questions on this item? This is a Bill for Second Reading relating to golf courses. We had some amendments in Committee.

Councilmember Cowden: I am just making sure the amendment made it in here. It did. No problem.

Council Vice Chair Chock: I will call for public testimony.

There being no objections, the rules were suspended to take public testimony.

Mr. Lindner: This is related to golf course, right? The issue is that we are amending something. The fact that it says that it is not being assessed for highest and best use seems like it is diametrically opposed to getting housing for people. I believe there are probably four hundred (400) acres in Līhu'e that are golf courses with R-4 zoning on it. You could make more of that. It already exists. If R-4 zoning is existing, you are not taxing assessing people on that. If you were to assess people on that they would have to pay higher taxes. People would, I would think, think twice about converting. Going into the future, are you saying that if it is on agricultural land or if it is on Urban zoned land, and it is R-4, why would you not tax or assess for highest and best use to encourage people to develop for housing.

Council Vice Chair Chock: Thank you. Would anyone else like to testify?

There being no further public testimony, the meeting was called back to order, and proceeded as follows:

Council Vice Chair Chock: We are on final discussion.

Councilmember Cowden: I am just making a comment on the change that I had put in there. There is a difference in how we are going to look at a golf course and what it is really used for. The piece is a part of a master plan and a big piece of it is the water use, flow, and flood mitigation. That is different than an R-4. It can be Open zoned and can be R-1. The main piece of this was just a simple change taking it away from what is called imparted value.

Council Vice Chair Chock: Is there any final discussion from the Members? If not, we will take a roll call vote.

The motion to approve Bill No. 2862, Draft 1 on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR APPROVAL:	Carvalho, Chock, Cowden, Evslin, Kuali'i	TOTAL – 5,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	DeCosta, Kaneshiro	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Five (5) ayes.

Council Vice Chair Chock: The motion passes. Next item, please.

Bill No. 2871 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 23, ARTICLE 4, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO COUNTY BUSINESS LICENSES

Councilmember Kuali'i moved to approve Bill No. 2871 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Carvalho.

Council Vice Chair Chock: We received no written testimony on this item. Are there any questions from the Members? Is there anyone in the audience or on Zoom wishing to testify?

There being no one present to provide testimony, the meeting proceeded as follows:

Council Vice Chair Chock: Is there any final discussion from the Members? If not, roll call vote.

The motion to approve Bill No. 2871 on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR APPROVAL:	Carvalho, Chock, Cowden, Evslin, Kuali'i	TOTAL – 5,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	DeCosta, Kaneshiro	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Five (5) ayes.

Council Vice Chair Chock: The motion passes. As promised, Members, we are going to take a recess from our Council Meeting and open up our Committee Meetings. Committee Chairs, if you could open up your Committee and then recess so we can get to the Finance & Economic Development Committee for a presentation.

There being no objections, the meeting recessed at 11:18 a.m.

The meeting reconvened at 1:57 p.m., and proceeded as follows:

Council Vice Chair Chock: Welcome back. We are on Bill No. 2872.

Bill No. 2872 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Tiered Residential Investor & Vacation Rental Tax Classifications*)

Councilmember Kuali'i moved to approve Bill No. 2872 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Carvalho.

Council Vice Chair Chock: We received no written testimony on this item. We are on second reading for this Bill. Are there any questions from the Members? Is there anyone in the audience or on Zoom wishing to testify? We are on the tiers Bill that we have been deliberating on for the last six (6) weeks or so.

There being no one present to provide testimony, the meeting proceeded as follows:

Council Vice Chair Chock: Is there any final discussion from the Members?

Councilmember Cowden: I have a small comment.

Council Vice Chair Chock: Yes, please.

Councilmember Cowden: Thank you all for listening to the presentation by the Department of Finance. I had that before this, because I get really concerned about this Bill. What I like about this Bill is that it will take that sharp bump if someone hits that threshold. I think that is really good. I think we need to be very careful, whoever is in here making those property tax rates. Using a metaphor, I see a bill like this as basically being the potential of a gun. The rates are the bullets, right? If you do not have any bullets, there is no harm. When we look at people who are the unintended consequences of what we were just discussing, if we push four (4), five (5), or fifty (50) houses into sales or something else, and it ceases to be available for either the homeowner or the long-term renter, we have missed our goal. That is why I had wanted to bring that base rate up to two million dollars (\$2,000,000). To me, that is just any old house within two (2) years will be valued at that. I hope not. I will be voting for this, because I like that it takes the bump or spike out. I am very cautious that this could be used for what is intended to be a good purpose and it might end up really have people fall through the cracks.

Council Vice Chair Chock: Thank you. Does anyone else have final discussion? Councilmember Kualii.

Councilmember Kualii: I see this more as a tool, and a surgical tool at that. It will allow future Councils to look at the tax rates and have the ability to set them differently all within the Vacation Rental and Residential Investor tax classes. I see it as a good thing.

Council Vice Chair Chock: Councilmember Carvalho.

Councilmember Carvalho: I like to believe it is a good thing. We had a healthy discussion at all levels. At the end of the day, it is just another way of adjusting and moving forward. With all the discussions that have happened, even with the Administration and Department of Finance, we are on the right path. It is just setting the base for the next level. We are addressing a lot of the people who may come into some challenging times. We can work through that. I believe that. We can help them all. I look forward to supporting this.

Council Vice Chair Chock: Thank you. Councilmember Evslin.

Councilmember Evslin: I also support the Bill. I appreciate the Real Property Tax Assessment Division working with Council Vice Chair and I for the last four (4) years on this. It has been a long time coming. One of the barriers for a while was on the implementation costs. I know the Real Property Tax Assessment Division has done some work to try to bring those costs down. We discussed it a little bit the last time, but we should expect a money bill coming soon for one hundred thousand dollars (\$100,000) to pay for software upgrades to implement this next year. As we had discussed here, I do think it will make our Tax Code more equitable. The intent is to smooth that curve out for those on the margins, so when you do cross that threshold, we do not get a whole bunch of E-mails from people saying their house when up in assessed value slightly, they did not know they had to turn in a lease agreement, so their taxes went up by fifty percent (50%). Those issues will hopefully be alleviated with this. Hopefully they see their taxes only go up by some marginal amount and next year they need to ensure that they correct it. Also, ensuring that

high-valued properties are paying their fair share. Right now, we do have low property tax rates compared to the mainland. It incentivizes mainland investors to park their money in Hawai'i real estate and make lots of money over the appreciated value of that property while paying minimal property taxes. It is a contributor to our housing crisis. It is not the cause of our housing crisis. We are building too little homes, that is the cause. Certainly, it is a contributor to our housing crisis when one (1) in five (5) homes is either a Transient Vacation Rental (TVR) or a vacant Residential Investor house. Hopefully we can use this as one more tool as everyone said. Thank you all for the discussion, thank you the Real Property Tax Assessment Division, and thank you to Council Vice Chair Chock for working with me on this.

Councilmember Cowden: I thought of a question I meant to ask. My question would be for the Department of Finance, either for Reiko or Del from Information Technology (IT). Do we have a software package identified? I know you mentioned last time anticipating something like one hundred thousand dollars (\$100,000). Do we have that, and do we know that we will be able to implement it?

There being no objections, the rules were suspended.

Ms. Matsuyama: Yes, all of the counties in Hawai'i use the same software vendor. All of the other counties have tiers. We are the last ones. The software company has provided us a quote of one hundred thousand dollars (\$100,000) to setup the proposal that is in place. Part of the problem is that we did not budget the one hundred thousand dollars (\$100,000) and then there is the timing of it. That will all come into play once we are secured with this Bill.

Councilmember Cowden: Okay, thank you.

Council Vice Chair Chock: Question?

There being no objections, the meeting was called back to order, and proceeded as follows:

Council Vice Chair Chock: Does anyone have discussion?

Councilmember Evslin: In addition to thanking the Real Property Tax Assessment Division for their work on this, going forward, I do realize it is going to be a heroic push to try to get this implemented by next fiscal year. I think there will be a lot of work going forward to make this happen. I appreciate it in advance of all the work that will take place. Thank you.

Council Vice Chair Chock: Every time we make a change to our Tax Code, there is the potential for some fallout. As the discussion that we had today has shown, while I will not be here in 2024, you will be having this discussion. I do not want to convolute the two (2). I think if you believe in the philosophy that we as leaders have this obligation to find some equity and balance in the system, then this is the tool and one of the tools that we have before us that we have to reach those goals. As was mentioned by our Director of Finance, this one particularly, considering

the housing needs that we have, goes far in moving us in that direction. My encouragement is that we prepare in advance the changes that do occur. They evidently will always cause some sort of gap that we need to pay attention to. With that, I appreciate the Real Property Tax Assessment Division being willing to do this. As Councilmember Evslin has said, this is something that we have been discussing and looking at for many years. I am glad to see it come to fruition. Okay, if there is no additional discussion, could I get a roll call vote?

The motion to approve Bill No. 2872 on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR APPROVAL:	Carvalho, Chock, Cowden, Evslin, Kuali'i	TOTAL – 5,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	DeCosta, Kaneshiro	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Five (5) ayes.

Council Vice Chair Chock: The motion passes. The last item, could you call us into Executive Session?

EXECUTIVE SESSION:

ES-1080 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing and request for settlement authority in the matter of Grove Farm Company, Incorporated vs. County of Kaua'i, et al., Civil No. 5CCV-22-0000057 (Fifth Circuit Court). This briefing and consultation involve the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

Councilmember Carvalho moved to convene in Executive Session for ES-1080, seconded by Councilmember Kuali'i.

Council Vice Chair Chock: Does anyone have any questions? Is there anyone in the audience or on Zoom wishing to testify? None.

There being no one present to provide testimony, the meeting proceeded as follows:

The motion to convene in Executive Session for ES-1080 was then put, and carried by the following vote:

FOR EXECUTIVE SESSION:	Carvalho, Chock, Cowden, Evslin, Kualii	TOTAL – 5,
AGAINST EXECUTIVE SESSION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	DeCosta, Kaneshiro	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Council Vice Chair Chock: The motion is carried. That concludes the business on our agenda. Not seeing or hearing any objections, this Council Meeting is now adjourned.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 2:08 p.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA
County Clerk

(August 17, 2022)

FLOOR AMENDMENT

Proposed Draft Bill (No. 2882), Relating to Educational Campgrounds

Introduced by: LUKE A. EVSLIN

Proposed Draft Bill (No. 2882), SECTION 1 is amended in its entirety to read as follows:

“SECTION 1. Findings and Purpose. The Council finds that positive supportive environments that camps create provide young people with the opportunity to grow socially, develop important life skills (including critical workforce-relates skills), and experience nature, all in a fun, hands-on setting. Problem-solving, flexibility, and communication are skills critical to an individual’s success as they age and are easy to focus on while in an educational camping environment.

The Council also finds that the camping experience can build a sense of community between participants. Group activities where everyone works together highlights the importance of community and develops an understanding of civic responsibility. The educational camping experience can develop our youth’s sense of place for their home and outdoor environment through learning and practicing agricultural and cultural practices unique to the history of Kaua’i.

The Council also finds that Ordinance No. 1105, which became effective December 2, 2021, prohibits Developed Campgrounds in the Open Zoning District and creates a possible dilemma for existing State and County parks and facilities located in the Open Zoning District.

The purpose of this Ordinance is to permit educational campgrounds in the Agriculture Zoning District and the Open Zoning District under the Use Permit process and to exempt existing State and County campgrounds from Sec. 8-9.6.”

(Material to be added is underscored.)

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(August 17, 2022)

FLOOR AMENDMENT

Proposed Draft Bill (No. 2885), A Bill For An Ordinance Amending Chapter 10, Article 3, Kaua'i County Code 1987, As Amended, Relating To The West Kaua'i Community Plan Implementing Ordinance (*County of Kaua'i Planning Department, Applicant*) (ZA-2022-9)

Introduced by: LUKE A. EVSLIN, Councilmember (By Request)

1. Amend Proposed Draft (Bill No. 2885), SECTION 3, to read as follows:

"SECTION 3. The West Kaua'i Community Plan is hereby amended to adopt a Kaumakani Plantation Camp Walkable Mixed Use District map and design standards through [Appendix "D"]. **the Plantation Camp Form-Based Code, attached as Appendix "D", and is by reference incorporated herein and made a part hereof.**"

2. Amend Proposed Draft (Bill No. 2885), SECTION 4, relating to Section 10-3.1(b), to read as follows:

"(b) Nature of the West Kaua'i Community Plan Ordinance. This Article provides the necessary framework and guidelines to direct future development and capital improvements in the West Kaua'i area, whose boundary is described in the report entitled "West Kaua'i Community Plan." Additionally, this Article supplements Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance) and Chapter 9, Kaua'i County Code 1987, as amended (Subdivision Ordinance) by regulating use and development standards within the West Kaua'i Special Planning Areas, as identified in the zoning maps attached to Ordinance No. 1083 **and Ordinance No. *****, and on file with the Planning Department, County of Kaua'i."

3. Amend Proposed Draft Bill (No. 2885), SECTION 4, relating to Section 10-3.3, Application of Regulations, to read as follows:

"Section 10-3.3 Application of Regulations.

(a) The West Kaua'i Form-Based Code, attached as Appendix "C" **and the Plantation Camp Form-Based Code, attached as Appendix "D"**, to the West Kaua'i Community Plan, [is] **are** by reference incorporated herein and made a part hereof. The provisions of the West Kaua'i Form-Based Code **and the Plantation Camp Form-Based Code** shall apply to all new development located within the Special Planning Areas, as identified in the zoning maps attached to Ordinance No. 1083 **and Ordinance No. *****, and on file with the Planning Department, County of Kaua'i.

(b) The regulations and procedures established in Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance) shall apply within the Special Planning Areas of the West Kaua'i Planning District, except to the extent that such regulations or procedures are changed or modified by the provisions of the West Kaua'i Form-Based Code. When the provisions of this Article differ with respect to the provisions of Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance) and Chapter 9, Kaua'i County Code 1987, as amended (Subdivision Ordinance), the West Kaua'i Form-Based Code shall supersede such provisions as provided in Chapter 8, Article 11, Kaua'i County Code 1987, as amended (Special Treatment Districts (ST))."

4. Amend Proposed Draft Bill (No. 2885), SECTION 4, relating to Section 10-3.5, Special Planning Areas, Designations, and Procedures, by adding the language as bolded and highlighted below:

“Section 10-3.5 Special Planning Areas, Designations, and Procedures.

(a) Designation of Special Planning Areas “K,” “L,” “M,” [and “N.”] “N,” and “O.” The boundaries of the following form-based code districts are hereby adopted as described in the West Kaua‘i Form-Based Code **and the Plantation Camp Form-Based Code**, attached as Appendix “C” and Appendix “D” to the West Kaua‘i Community Plan, and shall be referred to as follows: . . .”

5. Amend the West Kaua‘i Community Plan including all Appendices to authorize finalization editing, such as reformatting and revising the text and graphics, if needed, to ensure accuracy.

(Material to be deleted is bracketed. New material to be added is underscored. Amended material is highlighted.)

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(August 17, 2022)

FLOOR AMENDMENT

Proposed Draft Bill (No. 2886), Relating to Comprehensive Zoning Ordinance Definitions

Introduced by: LUKE A. EVSLIN (By Request)

Proposed Draft Bill (No. 2886), SECTION 2 is amended by amending the specific definitions from Section 8-1.5 as follows, with appropriate alphabetizing as needed:

ORIGINAL PROPOSED DRAFT BILL NO. 2886 WORDING	AMENDED PROPOSED DRAFT BILL NO. 2886 WORDING
<p>1. “Accessory Building” or “Structure”] “Accessory Structure” means a [building or] structure which is subordinate to, and the use of which is incidental to that of the main [building,] structure or use on the same lot or parcel[,] <u>and not used for human occupancy of habitation.</u></p>	<p>[“Accessory Building” or “Structure”] “Accessory Structure” means a [building or] structure [which] that is subordinate to, and the use of which is incidental to, that of the main [building,] structure or use on the same lot or parcel[,] <u>and not used for human occupancy of habitation.</u></p>
<p>2. “Additional Rental Unit” means a rental unit that includes a kitchen, bedroom(s) and bathroom facilities, attached or detached from a dwelling unit that is used for the purpose of a long term rental unit. When built within an existing residential dwelling unit or attached to one, the two (2) units together shall constitute a multi-family dwelling.</p>	<p>“Additional Rental [Unit]” Unit (ARU) means a rental unit that includes a kitchen, bedroom(s), and bathroom facilities, attached or detached from a dwelling unit that is used for the purpose of a [long term] long-term rental unit. When built within an existing residential dwelling unit or attached to one, the two (2) units together shall constitute a multi-family dwelling.</p>
<p>3. “Adult Family Boarding Home” means any family home providing for a fee, twenty-four (24) hour living accommodations to no more than five (5) adults unrelated to the family, who are in need of minimal “protective” oversight care in their daily living activities. These facilities are</p>	<p>“Adult Family Boarding Home” means any family home [providing for a fee,] licensed by the State of Hawaii Department of Health to provide twenty-four (24) hour living accommodations for a fee to no more than five (5) adults unrelated to the family, who are in need of minimal “protective” oversight care in their daily living activities. [These facilities</p>

<p>licensed by the Department of Health, State of Hawai'i under the provisions of Secs. 17-883-74 to 17-883-91.</p>	<p>are licensed by the Department of Health, State of Hawai'i under the provisions of Secs. 17-883-74 to 17-883-91.]</p>
<p>4. “Adult Family Group Living Home” means any family home providing twenty-four (24) hour living accommodations for a fee to five (5) to eight (8) elderly, handicapped, developmentally disabled or totally disabled adults, unrelated to the family, who are in need of long-term minimal assistance and supervision in the adult's daily living activities, health care, and behavior management. These facilities are licensed by the Department of Health, State of Hawai'i, under the provisions of Secs. 17-883-74 to 17-883-91.</p>	<p>“Adult Family Group Living Home” means any family home [providing] licensed by the State of Hawai'i Department of Health to provide twenty-four (24) hour living accommodations for a fee to five (5) to eight (8) elderly, handicapped, developmentally disabled, or totally disabled adults, unrelated to the family, who are in need of long-term minimal assistance and supervision in [the adult's] their daily living activities, health care, and behavior management. [These facilities are licensed by the Department of Health, State of Hawai'i, under the provisions of Secs. 17-883-74 to 17-883-91.]</p>
<p>5. “Agriculture” means the breeding, planting, nourishing, caring for, gathering and processing of any animal or plant organism for the purpose of nourishing people or any other plant or animal organism; or for the purpose of providing the raw material for non-food products. For the purposes of this Chapter, agriculture shall include the growing of flowers and other ornamental crops and the commercial breeding and caring for animals as pets.</p>	<p>“Agriculture” means the breeding, planting, nourishing, caring for, gathering, and processing of any animal or plant organism for the purpose of nourishing people or any other plant or animal organism; or for the purpose of providing the raw material for non-food products. For the purposes of this Chapter, agriculture shall include the growing of flowers and other ornamental crops and the commercial breeding and caring for animals as pets.</p>
<p>6. “Alley” means a public or permanent private way less than fifteen (15) feet wide for the use of pedestrians or vehicles which has been permanently reserved and which affords, or is designed or intended to afford the secondary means of access to abutting property.</p>	<p>“Alley” means a public or permanent private way less than fifteen (15) feet wide for the use of pedestrians or vehicles [which] that has been permanently reserved and [which] affords, or is designed or intended to afford, the secondary means of access to abutting property.</p>
<p>7. “Automobile Storage” means any structure or area used for the long-term storage of automobiles or marine vehicles. A facility or site, such as a baseyard, used for any</p>	<p>“Automobile Storage” means any structure or area used for the long-term storage of automobiles or marine vehicles, including a facility or site, such as a baseyard, used for any</p>

<p>combination of the following: the storage, service, and/or repair of automobile equipment, construction materials, vehicles, and the staging of employees.</p>	<p>combination of the following: the storage, service, and/or repair of automobile equipment, construction materials, vehicles, and the staging of employees.</p>
<p>8. “Campground, Developed” means land or premises designed to be used, let, or rented for compensation, monetary or otherwise, for transient occupancy by campers traveling by automobile or otherwise and which contain such facilities as tent sites, bathrooms or other sanitary facilities, piped water installations, and parking areas, but not including mobile home parks. Each individual tent camping site offers a campsite that may have permanent footings, platforms, and/or private restroom facilities. Developed campgrounds may include facilities for the temporary placement of camp trailers and camping vehicles that are utilized for non-permanent residential uses.</p>	<p>“Campground, Developed” means land or premises designed to be used, let, or rented for compensation, monetary or otherwise, for transient occupancy by campers traveling by automobile or otherwise, and which contains facilities such as tent sites, bathrooms or other sanitary facilities, piped water installations, and parking areas, but not including mobile home parks. Each individual tent camping site offers a campsite that may have permanent footings, platforms, and private restroom facilities. Developed campgrounds may include facilities for the temporary placement of camp trailers and camping vehicles that are used for non-permanent residential uses.</p>
<p>9. “Campground, Undeveloped” means land or premises designed to be used by property owners and their guests for non-commercial camping purposes. There are no permanent footings or platforms, and there are no permanent structures. There is no compensation, monetary or otherwise, for use of this site.</p>	<p>“Campground, Undeveloped” means land or premises: (1) designed to be used by property owners and their guests for non-commercial camping purposes; (2) without permanent footings, platforms, or structures; and (3) without compensation, monetary or otherwise, for use of the site.</p>
<p>10. “Cemetery” means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbaria, mausoleums, mortuaries and crematoriums, provided the crematorium has the approval of the Department of Health, Planning Commission and</p>	<p>“Cemetery” means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbaria[.]; mausoleums[.]; mortuaries[.]; and crematoriums, provided the crematorium has the approval of the State of Hawai'i Department of Health, Planning</p>

<p>Council when operated in conjunction with and within the boundary of the cemetery.</p>	<p>Commission[and], and County Council when operated in conjunction with and within the boundary of the cemetery.</p>
<p>11. “Church” means a building designed for or used principally for religious worship or religious services. <u>See “Religious Facilities.”</u></p>	<p>[“Church” means a building designed for or used principally for religious worship or religious services.] <u>See “Religious Facility.”</u></p>
<p>12. “Commercial Use” means the purchase, sale or other transaction involving the handling or disposition (other than that included in the term “industry” as defined in this Section) of any article, substance or commodity for profit or a livelihood, including in addition, public garages, office buildings, offices of doctors and other professionals, public stables, recreational and amusement enterprises conducted for profit, shops for the sale of personal services, places where commodities or services are sold or are offered for sale, either by direct handling of merchandise or by agreements to furnish them but not including dumps and junk yards.</p>	<p>“Commercial Use” means the purchase, sale, or other transaction involving the handling or disposition (other than that included in the term “industry” as defined in this Section) of any article, substance, or commodity for profit or a livelihood, including [in addition,] public garages, office buildings, offices of doctors and other professionals, public stables, recreational and amusement enterprises conducted for profit, shops for the sale of personal services, places where commodities or services are sold or are offered for sale, either by direct handling of merchandise or by agreements to furnish them but not including dumps and junk yards.</p>
<p>13. “Community Center” means a structure utilized as a place of assembly for members or organizations and/or as an outreach facility to provide public services, such as health screening and elderly services.</p>	<p>“Community Center” means a structure used as a place of assembly for members or organizations or as an outreach facility to provide public services (such as health screening and elderly services).</p>
<p>14. “Compatible Use” means a use that, because of its manner of operation and characteristics, is or would be in harmony with uses on abutting properties in the same zoning district. In judging compatibility the following shall be considered: intensity of occupancy as measured by dwelling units per acre, pedestrian or vehicular traffic generated, volume of goods handled, and other factors such as, but not limited to:</p>	<p>“Compatible Use” means a use that, because of its manner of operation and characteristics, is or would be in harmony with uses on abutting properties in the same zoning district. In judging compatibility, the following shall be considered: intensity of occupancy as measured by dwelling units per acre, pedestrian or vehicular traffic generated, volume of goods handled, and other factors such as, but not limited to: vibration</p>

<p>vibration noise level, smoke, odor or dust produced or light or radiation emitted.</p>	<p>noise level[,]; smoke, odor, or dust produced; or light or radiation emitted.</p>
<p>15. “Condominium Property Regime (CPR)” means whenever the sole owner or all of the owners including all of the lessees of a property expressly declare, through the execution and recordation of a master deed, together with a declaration, which declaration shall set forth the particulars enumerated by Hawai‘i Revised Statutes Chapter 514B, the sole owner’s or their desire to submit the property to the regime established by Hawai‘i Revised Statutes Chapter 514B, there shall thereby be established a condominium property regime with respect to the property, and Hawai‘i Revised Statutes Chapter 514B shall be applicable to the property. If the master deed is already recorded, the recordation of the declaration is sufficient to achieve the same result.</p>	<p>“Condominium Property Regime (CPR)” means whenever the sole owner or all of the owners including all of the lessees of a property expressly declare, through the execution and recordation of a master deed, together with a declaration, which declaration shall set forth the particulars enumerated by Hawai‘i Revised Statutes (HRS) Chapter 514B, the sole owner’s or their desire to submit the property to the regime established by HRS Chapter 514B, there shall thereby be established a condominium property regime with respect to the property, and HRS Chapter 514B shall be applicable to the property. If the master deed is already recorded, the recordation of the declaration is sufficient to achieve the same result.</p>
<p>16. “Day Care Center” means any facility which complies with the State of Hawai‘i licensing requirements where seven (7) or more children under the age of eighteen (18) are cared for without overnight accommodations at any location other than their normal place of residence. This term includes child care services and other similar uses and facilities consistent with this definition, and not covered by the “Family Child Care Home” definition.</p>	<p>“Day Care Center” means any facility [which] that complies with [the] State of Hawai‘i licensing requirements where seven (7) or more children under the age of eighteen (18) are cared for without overnight accommodations at any location other than their normal place of residence. This term includes child care services and other similar uses and facilities consistent with this definition, and not covered by the “Family Child Care Home” definition.</p>
<p>17. “Distance, Measurement of” means unless otherwise specified, all distances other than height shall be measured in a horizontal plane. Height shall be measured vertically.</p>	<p>“Distance, Measurement of” means, unless otherwise specified, all distances other than height shall be measured in a horizontal plane. Height shall be measured vertically.</p>
<p>18. “Diversified Agriculture” means the growing and harvesting of plant crops for human consumption which</p>	<p>“Diversified Agriculture” means the growing and harvesting of plant crops for human consumption [which] that does not</p>

<p>does not involve a long-range commitment to one (1) crop. Diversified agriculture includes truck gardening and the production of fresh vegetables, and minor fruit or root crops such as guava or taro.</p>	<p>involve a long-range commitment to one (1) crop. Diversified agriculture includes truck gardening and the production of fresh vegetables, and minor fruit or root crops such as guava or taro.</p>
<p>19. “Division of Land” means the division of any lot or parcel or portion thereof into two (2) or more lots, plots, sites or parcels for the purpose, whether immediate or future, of sale, transfer, lease, or building development. It includes subdivisions and resubdivision and other divisions of land and may relate to the process of dividing land or to the land or territory divided.</p>	<p>“Division of Land” means the division of any lot or parcel or portion thereof into two (2) or more lots, plots, sites, or parcels for the purpose, whether immediate or future, of sale, transfer, lease, or building development. It includes subdivisions and resubdivision and other divisions of land and may relate to the process of dividing land or to the land or territory divided.</p>
<p>20. “Dry Cleaning” means the process of removing dirt, grease, paints and other stains from wearing apparel, textile fabrics, rugs and other material by the use of nonaqueous liquid solvents, flammable or nonflammable, and it may include the process of dyeing clothes or other fabrics or textiles in a solution of dye colors and nonaqueous liquid solvents.</p>	<p>“Dry Cleaning” means the process of removing dirt, grease, paints, and other stains from wearing apparel, textile fabrics, rugs, and other material by the use of nonaqueous liquid solvents, flammable or nonflammable, and it may include the process of dyeing clothes or other fabrics or textiles in a solution of dye colors and nonaqueous liquid solvents.</p>
<p>21. “Dwelling” means a building or portion thereof designed or used exclusively for residential occupancy and having all necessary facilities for permanent residency such as living, sleeping, cooking, eating and sanitation.</p>	<p>“Dwelling” means a building or portion thereof designed or used exclusively for residential occupancy and having all necessary facilities for permanent residency such as living, sleeping, cooking, eating, and sanitation.</p>
<p>22. “Dwelling, Farm” means the same as defined in Hawai‘i Revised Statutes Section 205-4.5(a)(4): “a single-family dwelling located on and used in connection with a farm, including clusters of single-family farm dwellings permitted within agricultural parks developed by the State, or where agricultural activity provides income to the family occupying</p>	<p>“Dwelling, Farm” means the same as defined in Hawai‘i Revised Statutes (HRS) Section 205-4.5(a)(4): “a single-family dwelling located on and used in connection with a farm, including clusters of single-family farm dwellings permitted within agricultural parks developed by the State, or where agricultural activity provides income to the family occupying</p>

<p><u>the dwelling.” If the dwelling is located on a parcel within the State Land Use Agricultural District, it is considered a farm dwelling and must observe all the restrictions contained within Hawai‘i Revised Statutes Chapter 205.</u></p>	<p><u>the dwelling.” If the dwelling is located on a parcel within the State Land Use Agricultural District, it is considered a farm dwelling and must observe all the restrictions contained within HRS Chapter 205.</u></p>
<p>23. “Dwelling, Multiple Family” means a building or portion thereof consisting of two (2) or more dwelling units and designed for occupancy by two (2) or more families living independently of each other, where any one (1) of the constructed units is structurally dependent on any other unit.</p>	<p>“Dwelling, Multiple Family” or “Dwelling, Multiple-Family” or “Dwelling, Multi-Family” means a building or portion thereof consisting of two (2) or more dwelling units and designed for occupancy by two (2) or more families living independently of each other, where any one (1) of the constructed units is structurally dependent on any other unit.</p>
<p>24. “Dwelling, Single Family Attached” means a building consisting of two (2) or more dwelling units designed for occupancy by two (2) or more families living independently of each other where each unit is structurally independent although superficially attached or close enough to appear attached.</p>	<p>“Dwelling, Single Family Attached” or “Dwelling, Single-Family Attached” means a building consisting of two (2) or more dwelling units designed for occupancy by two (2) or more families living independently of each other where each unit is structurally independent although superficially attached or close enough to appear attached.</p>
<p>25. “Dwelling, Single Family Detached” means a building consisting of only one (1) dwelling unit designed for or occupied exclusively by one (1) family.</p>	<p>“Dwelling, Single Family Detached” or “Dwelling, Single-Family Detached” means a building consisting of only one (1) dwelling unit designed for or occupied exclusively by one (1) family.</p>
<p>26. “Dwelling Unit” means any building or any portion thereof which is designed or intended for occupancy by one (1) family or persons living together or by a person living alone and providing complete living facilities, within the unit for sleeping, recreation, eating and sanitary facilities, including installed equipment for only one (1) kitchen.</p>	<p>“Dwelling Unit” means any building or any portion thereof [which is] designed or intended for occupancy by one (1) family or persons living together or by a person living alone and providing complete living facilities[,] within the unit for sleeping, recreation, eating, and [sanitary facilities,] sanitation, including installed equipment for only one (1) kitchen[. Any], provided that any building or portion thereof that contains</p>

<p>Any building or portion thereof that contains more than one (1) kitchen shall constitute as many dwelling units as there are kitchens.</p>	<p>more than one (1) kitchen shall constitute as many dwelling units as there are kitchens.</p>
<p>27. “Factory Built Housing” means any structure or portion thereof which is: designed for use as a building or dwelling; prefabricated or assembled at a place other than the building site; and capable of complying with the standards and requirements contained in Sec. 12-4.4 of Chapter 12, Building Code.</p>	<p>[“Factory Built] “Factory-Built Housing” means any structure or portion thereof [which] that is: designed for use as a building or dwelling; prefabricated or assembled at a place other than the building site; and capable of complying with the standards and requirements contained in Sec. 12-4.4 of Chapter 12, Building Code.</p>
<p>28. “Family” means an individual or group of two (2) or more persons related by blood, adoption or marriage living together in a single housekeeping unit as a dwelling unit. For purposes of this Chapter, family shall also include a group of not more than five (5) individuals unrelated by blood, adoption or marriage.</p>	<p>“Family” means an individual or group of two (2) or more persons related by blood, adoption, or marriage living together in a single housekeeping unit as a dwelling unit. For purposes of this Chapter, family shall also include a group of not more than five (5) individuals unrelated by blood, adoption, or marriage.</p>
<p>29. “Family Care Home” means any care home occupied by not more than five (5) care home residents. These facilities are licensed by the Department of Health, State of Hawai‘i, under the provisions of Secs. 17-883-74 to 17-883-91.</p>	<p>“Family Care Home” means any care home licensed by the State of Hawai‘i Department of Health to be occupied by not more than five (5) care home residents. [These facilities are licensed by the Department of Health, State of Hawai‘i, under the provisions of Secs. 17-883-74 to 17-883-91.]</p>
<p>30. “Family Child Care Home” means providing child care services and other similar uses consistent with this definition where six (6) or fewer children under the age of eighteen (18) are cared for in a private dwelling unit without overnight accommodations at any location other than the children’s normal place of residence and which complies with State of Hawai‘i licensing requirements.</p>	<p>“Family Child Care Home” means [providing] a facility licensed by the State of Hawai‘i Department of Health to provide child care services and other similar uses consistent with this definition where six (6) or fewer children under the age of eighteen (18) are cared for in a private dwelling unit without overnight accommodations at any location other than the children’s normal place of residence [and which complies with State of Hawai‘i licensing requirements.].</p>

<p>31. “Floor” means a structure or portion thereof that divides a structure into a “story” or stories. Any vertical space between floors that exceeds six (6) feet-six (6) inches or more in height shall be deemed a separate floor or story.</p>	<p>“Floor” means a surface area within an enclosed structure that divides a structure into a “story” or stories. Any vertical space between floors that is more than 78 inches in height shall be deemed a separate floor or story.</p>
<p>32. “Food Processing and Packaging of agricultural products” means facilities where raw and/or refined agricultural products are made suitable for human consumption and prepared for transport and sale.</p>	<p>“Food Processing and Packaging of [agricultural products] Agricultural Products” means facilities where raw [and/or] or refined agricultural products are made suitable for human consumption and prepared for transport and sale.</p>
<p>33. “Frontage” means that portion of a parcel of property which abuts on a road, street, or highway.</p>	<p>“Frontage” means that portion of a parcel of property [which] that abuts [on] a road, street, or highway.</p>
<p>34. “Front, Building” means the side of a building or structure nearest the street on which the building fronts. In cases where this definition is not applicable, the Planning Director shall make the determination.</p>	<p>[“Front, Building”] “Building, Front” means the side of a building or structure nearest the street on which the building fronts. In cases where this definition is not applicable, the Planning Director shall make the determination.</p>
<p>35. “Garage” means a building or structure or a portion thereof in which a motor vehicle is stored, housed, kept, repaired or serviced.</p>	<p>“Garage” means a building or structure or a portion thereof in which a motor vehicle is stored, housed, kept, repaired, or serviced.</p>
<p>36. “General Flood Plain Area” means the area consisting of the approximate flood plain area as delineated on the flood maps, where detailed engineering studies have not been conducted by the Federal Insurance Administration to delineate the flood fringe and floodway and identified as A, X, and D Zones on the FIRM.</p>	<p>“General [Flood Plain] Floodplain Area” means the area consisting of the approximate [flood plain] floodplain area as delineated on the flood maps, where detailed engineering studies have not been conducted by the Federal Insurance Administration to delineate the flood fringe and floodway and identified as A, X, and D Zones on the FIRM.</p>
<p>37. “Grade” [with reference to a street or land surface, means the gradient, the rate of incline or decline expressed as a</p>	<p>“Grade” [with reference to a street or land surface, means the gradient, the rate of incline or decline expressed as a percent.]</p>

<p>percent.] <u>means the elevation of the ground surface. Grade can be existing or finished.</u></p>	<p>means the elevation of the ground surface, which can be existing or finished.</p>
<p>38. “Guest House” means a building with a floor area of no more than five hundred (500) square feet, may contain a kitchen, and is used for dwelling purposes by guests, tenants, or owner(s). A guest house shall not be used for a transient vacation rental (TVR) or homestay operation within or outside of the visitor destination area (VDA).</p>	<p>“Guest House” means a building with a floor area of no more than five hundred (500) square feet, which may contain a kitchen, and is used for dwelling purposes by guests, tenants, or owner(s). A guest house shall not be used for a transient vacation rental (TVR) or homestay operation within or outside of the visitor destination area (VDA).</p>
<p>39. “Height Building.” See appropriate Chapter provisions.</p>	<p>“Height Building.” “Building, Height.” See appropriate Chapter provisions.</p>
<p>40. “Height, Fence or Screen” means the vertical distance measured from the ground level to the top of the fence. For the purpose of applying height regulations, the average height of the fence along any unbroken run may be used provided the height at any point is not more than ten percent (10%) greater than that normally permitted.</p>	<p>“Height, Fence or Screen” “Height, Fence” or “Height, Screen” means the vertical distance measured from the ground level to the top of the fence. For the purpose of applying height regulations, the average height of the fence along any unbroken run may be used provided the height at any point is not more than ten percent (10%) greater than that normally permitted.</p>
<p>41. “Home Business” means any use customarily conducted entirely within a dwelling and carried on solely by the inhabitants thereof, in connection with which there are: no display from the outside of the building; no mechanical equipment used except as is normally used for domestic or household purposes; and no selling of any commodity on the premises; which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. The office, studio, or occupational room of an architect, artist, engineer, lawyer or other similar professional person; a family child care home; business conducted entirely by phone or by mail (not involving frequent bulk shipments); and an office for</p>	<p>“Home Business” means any use customarily conducted entirely within a dwelling and carried on solely by the inhabitants thereof, in connection with which there [are:] is: no display from the outside of the building; no mechanical equipment used except as is normally used for domestic or household purposes; and no selling of any commodity on the premises; which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. The office, studio, or occupational room of an architect, artist, engineer, lawyer, or other similar professional person; a family child care home; business conducted entirely by phone or by mail (not involving frequent bulk shipments); and an office for “homework” of a person in</p>

<p>“homework” of a person in business elsewhere; all shall be permitted as home businesses except that no activity involving, encouraging, or depending upon frequent visits by the public and no shop or clinic of any type shall be deemed to be a home business.</p>	<p>business elsewhere; all shall be permitted as home businesses except that no activity involving, encouraging, or depending [upon] on frequent visits by the public and no shop or clinic of any type shall be deemed to be a home business.</p>
<p>42. “Homestay” means an owner occupied dwelling unit in which overnight accommodations are provided to transient guests within the same dwelling unit in which the owner resides and the respective owner currently benefits under Sec. 5A-11 of this Code for a homeowner’s exemption for the homestay site. A guest house may not be used as accommodations for transient guests in a homestay operation.</p>	<p>“Homestay” means an [owner occupied] owner-occupied dwelling unit in which overnight accommodations are provided to transient guests within the same dwelling unit in which the owner resides and the respective owner currently benefits under [Sec.] Section 5A-11 of this Code for a homeowner’s exemption for the homestay site. A guest house may not be used as accommodations for transient guests in a homestay operation.</p>
<p>43. “Junk” means any worn-out, cast-off, or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some use; any article or material which, unaltered or unchanged and without further reconditioning can be used for its original purpose as readily as when new shall not be considered junk.</p>	<p>“Junk” means any worn-out, cast-off, or discarded article or material [which] that is ready for destruction or has been collected or stored for salvage or conversion to some use; any article or material [which,] that, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new shall not be considered junk.</p>
<p>44. “Land Coverage” means a man-made structure, improvement or covering that prevents normal precipitation from directly reaching the surface of the land underlying the structure, improvement or covering. Structures, improvements and covering include roofs, surfaces that are paved with asphalt, stone, or the like such as roads, streets, sidewalks, driveways, parking lots, tennis courts, patios, and lands so used that the soil will be compacted so as to prevent substantial infiltration, such as parking of cars and heavy and repeated pedestrian traffic. Land coverage shall</p>	<p>“Land Coverage” means a man-made structure, improvement, or covering that prevents normal precipitation from directly reaching the surface of the land underlying the structure, improvement, or covering. Structures, improvements, and covering include roofs, and surfaces that are paved with asphalt, stone, or the like, such as roads, streets, sidewalks, driveways, parking lots, tennis courts, patios, and lands so used that the soil will be compacted so as to prevent substantial infiltration, such as parking of cars and heavy and repeated pedestrian traffic. Land coverage shall not include</p>

<p>not include bus stops, bus shelters and public shared use paths greater than ten (10) feet in width. Any shared use path wider than ten (10) feet requires the Planning Director's approval for lot coverage exemption. <u>The Planning Director may determine that a material is semi-permeable (e.g., grasscrete or grass pavers) and that the respective area covered by the semi-permeable material may qualify for up to a fifty percent (50%) reduction in lot coverage. Provided such improvements cannot otherwise be made without conflicting with the provisions of this chapter, County or State improvements and retrofitting of improvements when such improvements are required to comply with the Americans with Disabilities Act (ADA) shall not be included in calculating land coverage.</u></p>	<p>bus stops, bus shelters, and public [shared use] shared-use paths greater than ten (10) feet in width. Any [shared use] shared-use path wider than ten (10) feet requires the Planning Director's approval for lot coverage exemption. <u>The Planning Director may determine that a material is semi-permeable (e.g., grasscrete or grass pavers) and that the respective area covered by the semi-permeable material may qualify for up to a fifty percent (50%) reduction in lot coverage. Provided such improvements cannot otherwise be made without conflicting with the provisions of this chapter, County or State improvements and retrofitting of improvements when such improvements are required to comply with the Americans with Disabilities Act (ADA) shall not be included in calculating land coverage.</u></p>
<p>45. "Loft" means the floor placed between the roof and the floor of the uppermost story within a single family detached dwelling, the floor area of which is not more than one-third (1/3) the floor area of the story or room in which it is placed.</p>	<p>"Loft" means the floor placed between the roof and the floor of the uppermost story within a [single family] single-family detached dwelling, the floor area of which is not more than one-third (1/3) the floor area of the story or room in which it is placed.</p>
<p>46. "Lot Area" means the total of the area, measured in a horizontal plane, within the lot boundary lines.</p>	<p>"Lot Area" means the total of the area, measured in a horizontal plane, within the [lot boundary lines.] property lines.</p>
<p>47. "Manufacturing, Construction Material" means the <u>processing and packaging establishments involving significant mechanical and chemical processes, large amounts of metal transfer, or extended shift operations. Typical activities include, but are not limited to: paper and textile milling; wood millwork and the production of prefabricated structural wood products; the manufacture of soaps and detergents; rubber processing and the</u></p>	<p>"Manufacturing, Construction Material" means the <u>processing and packaging establishments involving significant mechanical and chemical processes, large amounts of metal transfer, or extended shift operations. Typical activities include, but are not limited to: paper and textile milling; wood millwork and the production of prefabricated structural wood products; the manufacture of soaps and detergents; rubber processing and the manufacture of rubber products; the</u></p>

<p><u>manufacture of rubber products; the production of plastics and other synthetic materials; primary metals processes; the manufacture of vehicles, machinery and fabricated metal products; electroplating; cement making and the production of concrete; gypsum and related products; the production of chemical products, perfumes and pharmaceuticals; and the production of paving and roofing materials. This term does not include those activities associated with petroleum processing; the manufacture of explosives and toxic chemicals; waste disposal and processing; and/or the processing of salvage, scrap, and junk materials.</u></p>	<p><u>production of plastics and other synthetic materials; primary metals processes; the manufacture of vehicles, machinery, and fabricated metal products; electroplating; cement-making and the production of concrete; gypsum and related products; the production of chemical products, perfumes, and pharmaceuticals; and the production of paving and roofing materials. This term does not include those activities associated with petroleum processing; the manufacture of explosives and toxic chemicals; waste disposal and processing; [and/or] or the processing of salvage, scrap, and junk materials.</u></p>
<p>48. <u>“Manufacturing, Light” means the processing and packaging establishments involving activities which are non-offensive to adjacent uses; involve no open storage or other types of outdoor accessory uses other than parking and loading; do not involve processes which generate significant levels of heat, noise, odors and/or particulates; and do not involve chemicals or other substances which pose a threat to health and safety. Typical activities include, but are not limited to, the production of handcrafted goods, electronics-intensive equipment, components related to instrumentation and measuring devices, bio-medical and telecommunications technologies, computer parts and software, optical and photographic equipment, and other manufacturing, processing, and packaging uses meeting the criteria prescribed herein.</u></p>	<p><u>“Manufacturing, Light” means the processing and packaging establishments involving activities that are non-offensive to adjacent uses; involve no open storage or other types of outdoor accessory uses other than parking and loading; do not involve processes that generate significant levels of heat, noise, odors, or particulates; and do not involve chemicals or other substances that pose a threat to health and safety. Typical activities include, but are not limited to: (1) the production of handcrafted goods, electronics-intensive equipment, components related to instrumentation and measuring devices, bio-medical and telecommunications technologies, computer parts and software, and optical and photographic equipment, and (2) other manufacturing, processing, and packaging uses meeting the criteria prescribed herein.</u></p>
<p>49. <u>“Mineral Extraction” means any excavation or removal of natural materials not related to or not occasioned by an impending development of the site of the excavation.</u></p>	<p><u>“Mineral Extraction” means any excavation or removal of natural materials not related to or [not] occasioned by an impending development of the site of the excavation.</u></p>

<p>50. “Mortuary” means an establishment providing services such as preparing the human dead for burial and arranging and managing funerals, and may include limited caretaker facilities and crematorium facilities. This classification excludes cemeteries and columbariums.</p>	<p>“Mortuary” means an establishment providing services such as preparing the human dead for burial and arranging and managing funerals, including limited caretaker facilities and crematorium facilities, but not including cemeteries and columbariums.</p>
<p>51. “Motel” means a group of attached or detached buildings containing rooms, designed for or used temporarily by automobile tourists or transients, with garages attached or parking space conveniently located to each unit, including auto court, tourist court or motor lodge, or otherwise, which rooms do not constitute dwelling units.</p>	<p>“Motel” means a group of attached or detached buildings containing rooms, designed for or used temporarily by automobile tourists or transients, with garages attached or parking [space] spaces conveniently located to each unit, including auto court, tourist court, or motor lodge, [or otherwise,] which rooms do not constitute dwelling units.</p>
<p>52. “Nonconforming Building [and] or Structure” means a building or structure or portion thereof lawfully existing on September 1, 1972 or as a result of any subsequent amendment to this Zoning Ordinance and which does not comply with the regulations of the zoning district in which it is located.</p>	<p>“Nonconforming Building [and] or Structure” means a building or structure or portion thereof, lawfully existing on September 1, 1972 or as a result of any subsequent amendment to this Zoning Ordinance, [and which] that does not comply with the regulations of the zoning district in which it is located.</p>
<p>53. “Nonconforming Use” means a lawful use of a building or land existing on September 1, 1972 or as a result of any subsequent amendment to this Zoning Ordinance, and which does not comply with the regulations for the zoning district in which it is located.</p>	<p>“Nonconforming Use” means a lawful use of a building or land, existing on September 1, 1972 or as a result of any subsequent amendment to this Zoning Ordinance, [and which] that does not comply with the regulations for the zoning district in which it is located.</p>
<p>54. “Nursery” means the growing, collecting or storing of plants for the purpose of selling to others for transplanting.</p>	<p>“Nursery” means the growing, collecting, or storing of plants for the purpose of selling to others for transplanting.</p>

<p>55. “Open Space” means the portion or portions of a parcel unoccupied or unobstructed by buildings, paving or structures from the ground upward.</p>	<p>“Open Space” means the portion or portions of a parcel unoccupied or unobstructed by buildings, paving, or structures from the ground upward.</p>
<p>56. “Orchards” means the establishment, care and harvesting of over twenty-five (25) fruit bearing trees such as persimmon, guava, banana or papaya for the purpose of selling the fruit to others.</p>	<p>“Orchards” means the establishment, care, and harvesting of over twenty-five (25) [fruit bearing] fruit-bearing trees, such as persimmon, guava, banana, or papaya, for the purpose of selling the fruit to others.</p>
<p>57. “Parking Area, Public” means an open area, other than street or alley, used for the parking of automobiles and available for public use whether free, for compensation, or as an accommodation for clients or customers.</p>	<p>“Parking Area, Public” means an open area, other than a street or alley, used for the parking of automobiles and available for public use whether free, for compensation, or as an accommodation for clients or customers.</p>
<p>58. “Permanent Open Space” means <u>areas designated within a subdivision or other development project to be utilized for open space purposes or recreational uses in perpetuity, and it does not include any structures. This space cannot be used for any future density calculation.</u></p>	<p>“Permanent Open Space” means an area designated within a subdivision or other development project to be used for open space purposes or recreational uses in perpetuity, not including any structures. This space cannot be used for any future density calculation.</p>
<p>59. “Power Purchase Agreement (P.P.A.)” means a contract in which the purchaser, a registered public utility pursuant to H.R.S., Chapter 269, consents to purchasing more than one hundred (100) kilowatts of electricity from a transmitting party.</p>	<p>“Power Purchase Agreement [(P.P.A.)] (PPA)” means a contract in which the purchaser, a registered public utility pursuant to [H.R.S.] Hawai'i Revised Statutes Chapter 269, consents to purchasing more than one hundred (100) kilowatts of electricity from a transmitting party.</p>
<p>60. “Private Street” means any parcel of land or non-exclusive easement not owned by the County or State of Hawai'i, nor offered for dedication to the public, not a common driveway, and which is used or intended to be used for vehicular access to a lot or parcel.</p>	<p>“Private Street” means any parcel of land or non-exclusive easement that is: not owned by the County or State of Hawai'i, [nor] not offered for dedication to the public, not a common driveway, and [which is] used or intended to be used for vehicular access to a lot or parcel.</p>

<p>61. “Property Line” means any property line bounding a lot as defined in this Section.</p>	<p>“Property Line” or “Lot Line” means any property line bounding a lot as defined in this Section.</p>
<p>62. “Property Line, Front” means the line separating the lot from the street or other public areas. In case a lot abuts on more than one (1) street, the lot owner may elect any street lot line as the front line provided that the choice, in the discretion of the Planning Director, will not be injurious to adjacent properties and will comply with any other reasonable determination of the Planning Director. Where a lot does not abut on a street or where access is by means of an access way, the lot line nearest to and most nearly parallel to the street line is the front lot line. In cases where this definition is not applicable, the Planning Director shall designate the front lot line.</p>	<p>“Property Line, Front” means the line separating the lot from the street or other public areas. [In case] Where a lot abuts [on] more than one (1) street, the lot owner may elect any street [lot] property line as the front property line, provided that the choice, in the discretion of the Planning Director, will not be injurious to adjacent properties and will comply with any other reasonable determination of the Planning Director. Where a lot does not abut [on] a street or where access is by means of an [access way,] accessway, the [lot] property line nearest to and most nearly parallel to the street line [is] shall be the front [lot] property line. [In cases where] Where this definition is not applicable, the Planning Director shall designate the front [lot] property line.</p>
<p>63. “Property Line, Rear” means that line of a lot which is opposite and most distant from the front line of the lot. In cases where this definition is not applicable the Planning Director shall designate the rear lot line.</p>	<p>“Property Line, Rear” means [that] the line of a lot [which] that is opposite and most distant from the front property line of the lot. [In cases where] Where this definition is not applicable, the Planning Director shall designate the rear [lot] property line.</p>
<p>64. “Property Line, Side” means any lot boundary not a front or rear lot line.</p>	<p>“Property Line, Side” means any [lot boundary] property line that is not a front or rear [lot] property line.</p>
<p>65. “Public Shared Use Path” means a minimum eight (8) foot width bikeway that is physically separated from motorized vehicular traffic by an open space or barrier, and is within the highway right-of-way or has an independent right-of-way. Shared use paths may also be used by pedestrians, skaters, wheelchair users, joggers, and other non-motorized users.</p>	<p>“Public [Shared Use] Shared-Use Path” means a minimum eight (8) foot width bikeway that is physically separated from motorized vehicular traffic by an open space or barrier, and is within the highway right-of-way or has an independent right-of-way. [Shared use] Shared-use paths may also be used by pedestrians, skaters, wheelchair users, joggers, and other non-motorized users.</p>

<p>66. “Public Utility” has the meaning defined in Sec. 269-1, H.R.S.</p>	<p>“Public Utility” [has the meaning] means the same as defined in [Sec. 269-1, H.R.S.] Hawai‘i Revised Statutes Section 269-1.</p>
<p>67. “Rear, Building” means the side of the building or structure opposite the front. In cases where this definition is not applicable, the Planning Director shall make the determination.</p>	<p>“Rear, Building” “Building, Rear” means the side of the building or structure opposite the front. In cases where this definition is not applicable, the Planning Director shall make the determination.</p>
<p>68. “Recreational Trailer” means a portable structure, used or designed for human habitation or occupancy and built on a chassis with wheels, which is capable of being licensed as a motor vehicle, a vehicle or a trailer pursuant to Hawai‘i Revised Statutes Chapter 249 and transported on a highway, but which is unable, due to its size, design, construction or other attributes, to comply with the minimum standards and requirements applicable to dwellings or buildings, or portions thereof, contained in Sec. 12-4.4 of Chapter 12, Building Code.</p>	<p>“Recreational Trailer” means a portable structure, used or designed for human habitation or occupancy, and built on a chassis with wheels, which is capable of being licensed as a motor vehicle, a vehicle, or a trailer pursuant to Hawai‘i Revised Statutes Chapter 249 and transported on a highway, but which is unable, due to its size, design, construction, or other attributes, to comply with the minimum standards and requirements applicable to dwellings or buildings, or portions thereof, contained in Sec. 12-4.4 of Chapter 12, Building Code.</p>
<p>69. “Recreation Vehicle Park” means a parcel of land under one (1) ownership which has been planned and improved and which is let or rented or used for the temporary placement of camp trailers and camping vehicles which are utilized for non-permanent residential use.</p>	<p>“Recreation Vehicle Park” means a parcel of land under one (1) ownership [which] that has been planned and improved and [which] is let [or], rented, or used for the temporary placement of camp trailers and camping vehicles [which] that are [utilized] used for non-permanent residential use.</p>
<p>70. “Registration Number” means a number assigned to a transient vacation rental in a Visitor Destination Area by the Finance Director upon registration of said rental.</p>	<p>“Registration Number” means a number assigned to a transient vacation rental in a [Visitor Destination Area] visitor destination area by the [Finance] Director of Finance upon registration of [said] the rental.</p>

<p>71. “Religious Facilities” means buildings, other structures, and land designed to be used for purposes of worship.</p>	<p>[“Religious Facilities” means buildings, other structures, and land designed to be used for purposes of worship.] “Religious Facility” means a building, structure, or land designed to be used for purposes of worship.</p>
<p>72. “Repair” (as applied to structures) means the renewal or treatment of any part of an existing structure for the purpose of its maintenance. The word “repairs” shall not apply to any change of construction such as alterations of floors, roofs, walls or the supporting structure of a building or the rearrangement of any of its component parts.</p>	<p>“Repair” [(as applied to structures)] means the renewal or treatment of any part of an existing structure for the purpose of its maintenance. [The word “repairs” shall] This term applies to structures, but does not apply to any change of construction such as alterations of floors, roofs, walls, or the supporting structure of a building or the rearrangement of any of its component parts.</p>
<p>73. “Resource Management” means <u>non-commercial</u> uses and facilities pertaining to forest products, minerals and other natural resources.</p>	<p>“Resource Management” means <u>non-commercial</u> uses and facilities pertaining to forest products, minerals, and other natural resources.</p>
<p>74. “Retail Stores or Shops” means an establishment primarily engaged in selling goods, wares, or merchandise directly to the ultimate consumer.</p>	<p>[“Retail Stores or Shops”] “Retail Store” or “Retail Shop” means an establishment primarily engaged in selling goods, wares, or merchandise directly to the ultimate consumer.</p>
<p>75. “Slope” means a natural or artificial incline, as a hillside or terrace. Slope is usually expressed as a ratio or percent.</p>	<p>“Slope” means a natural or artificial incline, such as a hillside or terrace. Slope is usually expressed as a ratio or percent.</p>
<p>76. “Solar Energy Facility” means a use and/or structure(s) that collects and utilizes the sun’s radiant energy as an electrical source for the primary purpose of commercial distribution. To qualify as a solar energy facility the use and/or structure(s) must be operated or managed by a registered public utility pursuant to H.R.S. Chapter 269, or the electricity generated is transmitted to a registered public utility under a Power Purchase Agreement (P.P.A.).</p>	<p>“Solar Energy Facility” means a use [and/or structure(s)] or structure that collects and [utilizes] uses the sun’s radiant energy as an electrical source for the primary purpose of commercial distribution. To qualify as a solar energy facility, the use [and/or structure(s) must] or structure shall be operated or managed by a registered public utility pursuant to [H.R.S.] Hawai’i Revised Statutes Chapter 269, or the electricity generated [is] shall be transmitted to a registered public utility under a Power Purchase Agreement [(P.P.A.)] (PPA).</p>

<p>77. “Specialized Agriculture” means the growing, collection or storing of any plant for ornamental or non-food use such as flowers and pot plants.</p>	<p>“Specialized Agriculture” means the growing, collection, or storing of any plant for ornamental or non-food use such as flowers and [pot] potted plants.</p>
<p>78. “Stock Raising” means the breeding, feeding, grazing, herding or sheltering of more than one (1) animal such as cattle, sheep, pigs, goats, and horses, for any purpose.</p>	<p>“Stock Raising” means the breeding, feeding, grazing, herding, or sheltering of more than one (1) animal, such as cattle, sheep, pigs, goats, and horses, for any purpose.</p>
<p>79. “Story” means the space in a building between the upper surface of any floor and the upper surface of the floor next above, and if there be no floor above, then <u>it is</u> the space between the upper surface of the topmost floor and the ceiling or roof above. No story shall be more than twelve (12) feet high measured from the floor level to the wall plate line.</p>	<p>“Story” means the space in a building between the upper surface of any floor and the upper surface of the floor next above, [and if there be] provided that if there is no floor above, then <u>it is</u> the space between the upper surface of the topmost floor and the ceiling or roof above. No story shall be more than twelve (12) feet high measured from the floor level to the wall plate line.</p>
<p>80. “Structure” means anything <u>affixed</u>, constructed, or erected which requires location on the ground or which is attached to something having location on the ground, excluding vehicles designed and used only for the transportation of people or goods, and excluding utility poles and towers constructed by a public utility.</p>	<p>“Structure” means anything <u>affixed</u>, constructed, or erected [which] <u>that</u> requires location on the ground or [which] is attached to something having location on the ground, excluding vehicles designed and used only for the transportation of people or goods, and excluding utility poles and towers constructed by a public utility.</p>
<p>81. “Subdivider” means a person commencing proceedings to effect a division of land for him or herself or for another.</p>	<p>“Subdivider” means a person [commencing] <u>who commences</u> proceedings to effect a division of land for [him or herself or for] <u>the person or</u> another.</p>
<p>82. “Subdivision” means the division of land or the consolidation and resubdivision into two (2) or more lots or parcels for the purpose of transfer, sale, lease, or building development, and when appropriate to the context shall relate to the process of dividing land for any purpose. The term also includes a building or group of buildings, other</p>	<p>“Subdivision” means the division of land or the consolidation and resubdivision into two (2) or more lots or parcels for the purpose of transfer, sale, lease, or building development, and when appropriate to the context shall relate to the process of dividing land for any purpose. [The] <u>This</u> term also includes a</p>

<p>than hotel, containing or divided into two (2) or more dwelling units or lodging units.</p>	<p>building or group of buildings, other than a hotel, containing or divided into two (2) or more dwelling units or lodging units.</p>
<p>83. “Tenant” means a person who occupies real property owned by another based upon an agreement between the person and the landlord/owner, almost always in exchange for rental payments.</p>	<p>“Tenant” means a person who occupies real property owned by another based [upon] on an agreement between the person and the [landlord/owner, almost always] landlord or owner, usually in exchange for rental payments.</p>
<p>84. “Time Share Plan” means any plan or program in which the use, occupancy, or possession of one (1) or more time share units circulates among various persons for less than a sixty (60) day period in any year, for any occupant. The term “time share plan” shall include both time share ownership plans and time share use plans, as follows:</p> <p>(1) “Time Share Ownership Plan” means any arrangement whether by tenancy in common, sale, deed, or other means whereby the purchaser receives an ownership interest and the right to use the property for a specific or discernible period by temporal division.</p> <p>(2) “Time Share Use Plan” means any arrangement, excluding normal hotel operations, whether by membership agreement, lease, rental agreement, license, use agreement, security or other means, whereby the purchaser receives a right to use accommodations or facilities, or both, in a time share unit for a specific or discernible period by temporal division, but does not receive an owner-ship interest.</p>	<p>[“Time Share] Timeshare Plan” means any plan or program in which the use, occupancy, or possession of one (1) or more [time share] timeshare units circulates among various persons for less than a sixty (60) day period in any year, for any occupant. The term [“time share] “timeshare plan” shall include both [time share] timeshare ownership plans and [time share] timeshare use plans, as follows:</p> <p>(1) [“Time Share] Timeshare Ownership Plan” means any arrangement whether by tenancy in common, sale, deed, or other means whereby the purchaser receives an ownership interest and the right to use the property for a specific or discernible period by temporal division.</p> <p>(2) [“Time Share] Timeshare Use Plan” means any arrangement, excluding normal hotel operations, whether by membership agreement, lease, rental agreement, license, use agreement, security, or other means, whereby the purchaser receives a right to use accommodations or facilities, or both, in a [time share] timeshare unit for a specific or discernible period by temporal division, but does not receive an [owner-ship] ownership interest.</p>

<p>85. “Time Share Unit” means the actual and promised accommodations, and related facilities, which are the subject of a time share plan.</p>	<p>“Time Share” “Timeshare Unit” means the actual and promised accommodations, and related facilities, [which] that are the subject of a [time share] timeshare plan.</p>
<p>86. “Trailer Home” means factory built housing which is capable of being licensed as a vehicle or trailer pursuant to Hawai‘i Revised Statutes Chapter 249 and transported upon a highway.</p>	<p>“Trailer Home” means [factory built] factory-built housing [which] that is capable of being licensed as a vehicle or trailer pursuant to Hawai‘i Revised Statutes Chapter 249 and transported upon a highway.</p>
<p>87. “Transient” or “Transients” means any person who owns, rents, or uses a dwelling unit or a portion thereof for one hundred eighty (180) days or less, and which dwelling unit is not the person’s primary residence under the Internal Revenue Code. This definition shall not apply to nonpaying guests of the family occupying the unit, patients or clients in health care facilities, full-time students, employees who receive room and/or board as part of their salary or compensation, military personnel, low-income renters receiving rental subsistence from State or Federal governments, or overnight accommodations provided by nonprofit corporations or associations for religious, charitable, or educational purposes where no rental income is transacted.</p>	<p>“Transient” [or “Transients”] means any person who owns, rents, or uses a dwelling unit or a portion thereof for one hundred eighty (180) days or less, [and which] where the dwelling unit is not the person’s primary residence under the Internal Revenue Code. This definition shall not apply to nonpaying guests of the family occupying the unit, patients or clients in health care facilities, full-time students, employees who receive room [and/or] or board as part of their salary or compensation, military personnel, low-income renters receiving rental [subsistence] assistance from [State or Federal governments,] the state or federal government, or overnight accommodations provided by nonprofit corporations or associations for religious, charitable, or educational purposes where no rental income is transacted.</p>
<p>88. “Transient Vacation Rental” means a dwelling unit which is provided to transient occupants for compensation or fees, including club fees, or as part of interval ownership involving persons unrelated by blood, with a duration of occupancy of one hundred eighty (180) days or less.</p>	<p>“Transient Vacation [Rental]” Rental (TVR)” means a dwelling unit [which is] provided to transient occupants for compensation or fees, including club fees, or as part of interval ownership involving persons unrelated by blood, with a duration of occupancy of one hundred eighty (180) days or less.</p>

<p><u>“Transient Vacation Rental, Single Family” means a single-family dwelling unit, other than a homestay, which is used as a transient vacation rental.</u></p> <p><u>“Transient Vacation Rental, Multi-Family” means a multi-family dwelling unit which is used as a transient vacation rental.</u></p>	<p><u>“Transient Vacation Rental, Single-Family” means a single-family dwelling unit, other than a homestay, that is used as a transient vacation rental.</u></p> <p><u>“Transient Vacation Rental, Multi-Family” means a multi-family dwelling unit that is used as a transient vacation rental.</u></p>
<p>89. “University” or “College” means a nationally-accredited institution of learning that provides full-time or part-time education, whether public or private, including but not limited to community colleges and college-preparatory institutions, providing facilities for teaching, research, and group learning, and authorized to grant academic diplomas and/or degrees.</p>	<p>“University” or “College” means a nationally-accredited institution of learning that provides full-time or part-time education, whether public or private, including but not limited to community colleges and college-preparatory institutions, providing facilities for teaching, research, and group learning, and authorized to grant academic diplomas [and/or] or degrees.</p>
<p>90. “Use” means the purpose for which land or building is arranged, designed, or intended, or for which either land or building is or may be occupied or maintained.</p>	<p>“Use” means the purpose for which land or a building is arranged, designed, or intended, or for which [either] land or a building is or may be occupied or maintained.</p>
<p>91. “Used” includes designed, intended or arranged to be used.</p>	<p>“Used” includes designed, intended, or arranged to be used.</p>
<p>92. “Use Permit” means a permit issued under the definite procedure provided in this Chapter allowing a certain use which is conditionally permitted for the particular district.</p>	<p>“Use Permit” means a permit issued under the definite procedure provided in this Chapter allowing a certain use [which] that is conditionally permitted for the particular district.</p>
<p>93. [“Utility Facility” means a use or structure used directly in distribution or transmission of utility services.] <u>“Utility Facility, Private or Public” means the structures or site used for the delivery of utility services, such as solid waste, sewer, water, cable, and electricity. These structures and</u></p>	<p>[“Utility Facility” means a use or structure used directly in distribution or transmission of utility services.] <u>“Utility Facility, Private” or “Utility Facility, Public” means the structures or site used for the delivery of utility services, such as solid waste, sewer, water, cable, and electricity. These</u></p>

<p><u>facilities include but are not limited to transfer stations, transformers, pump stations, water tanks, and equipment sheds.</u></p>	<p><u>structures and facilities include but are not limited to transfer stations, transformers, pump stations, water tanks, and equipment sheds.</u></p>
<p>94. “Utility Line” means the conduit, wire or pipe employed to conduct water, gas, electricity or other commodity from the source tank or facility for reduction of pressure or voltage or any other installation, employed to facilitate distribution.</p>	<p>“Utility Line” means the conduit, wire, or pipe employed to conduct water, gas, electricity, or other commodity from the source tank or facility for reduction of pressure or voltage or any other installation, employed to facilitate distribution.</p>
<p>95. “Wall” means any structure or device forming a physical barrier, which is so constructed that fifty percent (50%) or more of the vertical surface is closed and prevents or tends to prevent the passage of light, air and vision through the surface in a horizontal plane. (This includes structures of concrete, concrete block, wood or other materials that are solids and are so assembled as to form a solid barrier, provided carport posts, columns and other similar structures not constructed of fifty percent (50%) or more of the vertical surface shall be deemed walls.)</p>	<p>“Wall” means any structure or device forming a physical barrier, which is so constructed that fifty percent (50%) or more of the vertical surface is closed and prevents or tends to prevent the passage of light, air, and vision through the surface in a horizontal plane. (This includes plane, including structures of concrete, concrete block, wood, or other materials that are solids and are so assembled as to form a solid barrier, provided that carport posts, columns, and other similar structures not constructed of fifty percent (50%) or more of the vertical surface shall be deemed walls.) walls.</p>
<p>96. “Zoological Garden” means a parklike area in which live animals are kept in large enclosures for public exhibition for a fee.”</p>	<p>“Zoological Garden” means a parklike park-like area in which live animals are kept in large enclosures for public exhibition for a fee.”</p>

(The right column shows the amended language. Material to be deleted is bracketed. New material to be added is underscored.)
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Summary of Reasons for Amendments for Floor Amendment (August 17, 2022)
Proposed Draft Bill (No. 2886), Relating to Comprehensive Zoning Ordinance Definitions

PROPOSED DRAFT BILL NO. 2886 TERM	REASON FOR AMENDMENT
1. Accessory Building or Structure	<ul style="list-style-type: none"> • Change “which” to “that.” • Add comma.
2. Additional Rental Unit	<ul style="list-style-type: none"> • Add acronym. • Change “long term” to “long-term.”
3. Adult Family Boarding Home	<ul style="list-style-type: none"> • Rearrange wording to make uniform with other similar definitions herein. • Make more generalized reference Department of Health licensing (the stated Hawai‘i Administrative Rules sections are outdated and have been repealed).
4. Adult Family Group Living Home	<ul style="list-style-type: none"> • Rearrange wording to make uniform with other similar definitions herein. • Make more generalized reference Department of Health licensing (the stated Hawai‘i Administrative Rules sections are outdated and have been repealed). • Add comma.
5. Agriculture	<ul style="list-style-type: none"> • Add comma.
6. Alley	<ul style="list-style-type: none"> • Change “which” to “that.” • Add comma.
7. Automobile Storage	<ul style="list-style-type: none"> • Simplify formatting.
8. Campground, Developed	<ul style="list-style-type: none"> • Various non-substantive formatting changes. • Legislative Drafting Manual prefers “used” over “utilized.”
9. Campground, Undeveloped	<ul style="list-style-type: none"> • Various non-substantive formatting changes.

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PROPOSED DRAFT BILL NO. 2886 TERM	REASON FOR AMENDMENT
10. Cemetery	<ul style="list-style-type: none"> • Various non-substantive formatting changes.
11. Church	<ul style="list-style-type: none"> • In keeping with other definitions, the term “Church” can be deleted, with reference to “Religious Facility.” • “Religious Facilities” changed to “Religious Facility” to make singular and more generalized.
12. Commercial Use	<ul style="list-style-type: none"> • Add commas. • Do not need both “including” and “in addition.”
13. Community Center	<ul style="list-style-type: none"> • Legislative Drafting Manual prefers “used” over “utilized.” • Legislative Drafting Manual discourages use of “and/or.”
14. Compatible Use	<ul style="list-style-type: none"> • Minor punctuation changes.
15. Condominium Property Regime (CPR)	<ul style="list-style-type: none"> • Define HRS acronym for repetitive use in the definition.
16. Day Care Center	<ul style="list-style-type: none"> • Change “which” to “that.” • Remove unnecessary “the.”
17. Distance, Measurement of	<ul style="list-style-type: none"> • Add comma.
18. Diversified Agriculture	<ul style="list-style-type: none"> • Change “which” to “that.”
19. Division of Land	<ul style="list-style-type: none"> • Add comma.
20. Dry Cleaning	<ul style="list-style-type: none"> • Add commas.

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PROPOSED DRAFT BILL NO. 2886 TERM	REASON FOR AMENDMENT
21. Dwelling	<ul style="list-style-type: none"> • Add comma.
22. Dwelling, Farm	<ul style="list-style-type: none"> • Define HRS acronym for repetitive use in the definition.
23. Dwelling, Multiple Family	<ul style="list-style-type: none"> • Clarify that “multi-family” and “multiple-family” are known variations.
24. Dwelling, Single Family Attached	<ul style="list-style-type: none"> • Clarify that “single-family” is a known variation.
25. Dwelling, Single Family Detached	<ul style="list-style-type: none"> • Clarify that “single-family” is a known variation.
26. Dwelling Unit	<ul style="list-style-type: none"> • Various non-substantive formatting changes.
27. Factory Built Housing	<ul style="list-style-type: none"> • Change “factory built” to “factory-built.” • Change “which” to “that.”
28. Family	<ul style="list-style-type: none"> • Add commas.
29. Family Care Home	<ul style="list-style-type: none"> • Rearrange wording to make uniform with other similar definitions herein. • Make more generalized reference Department of Health licensing (the stated Hawai‘i Administrative Rules sections are outdated and have been repealed).
30. Family Child Care Home	<ul style="list-style-type: none"> • Rearrange wording to make uniform with other similar definitions herein. • Make more generalized reference Department of Health licensing (the stated Hawai‘i Administrative Rules sections are outdated and have been repealed).
31. Floor	<ul style="list-style-type: none"> • Wording change pursuant to the American Planning Association dictionary. • Non-substantive numbering style change.

Summary of Reasons for Amendments for Floor Amendment (August 17, 2022)
Proposed Draft Bill (No. 2886), Relating to Comprehensive Zoning Ordinance Definitions

PROPOSED DRAFT BILL NO. 2886 TERM	REASON FOR AMENDMENT
32. Food Processing and Packaging of Agricultural Products	<ul style="list-style-type: none"> • Capitalize entire definition, for uniformity. • Legislative Drafting Manual discourages use of “and/or.”
33. Frontage	<ul style="list-style-type: none"> • Change “which” to “that.” • The word “abuts” does not need to be followed by the word “on.”
34. Front, Building	<ul style="list-style-type: none"> • For uniformity with other similar terms (e.g., “Property Line, Rear” and “Parking Area, Public”), “Building” should precede “Front.”
35. Garage	<ul style="list-style-type: none"> • Add comma.
36. General Flood Plain Area	<ul style="list-style-type: none"> • Change “floodplain” to one word.
37. Grade	<ul style="list-style-type: none"> • Various non-substantive formatting changes.
38. Guest House	<ul style="list-style-type: none"> • Adding the word “which.”
39. Height Building	<ul style="list-style-type: none"> • For uniformity with other similar terms (e.g., “Property Line, Rear” and “Parking Area, Public”), “Building” should precede “Height.” • Add comma to term.
40. Height, Fence or Screen	<ul style="list-style-type: none"> • Clarify that the terms are separate.
41. Home Business	<ul style="list-style-type: none"> • Various non-substantive formatting changes.
42. Homestay	<ul style="list-style-type: none"> • Various non-substantive formatting changes.

Summary of Reasons for Amendments for Floor Amendment (August 17, 2022)
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PROPOSED DRAFT BILL NO. 2886 TERM	REASON FOR AMENDMENT
43. Junk	<ul style="list-style-type: none"> • Change “which” to “that.” • Add comma.
44. Land Coverage	<ul style="list-style-type: none"> • Various non-substantive formatting changes.
45. Loft	<ul style="list-style-type: none"> • Change “single family” to “single-family.”
46. Lot Area	<ul style="list-style-type: none"> • Change “lot boundary lines” to “property lines” (the more commonly used and defined term).
47. Manufacturing, Construction Material	<ul style="list-style-type: none"> • Add commas. • Legislative Drafting Manual discourages use of “and/or.”
48. Manufacturing, Light	<ul style="list-style-type: none"> • Various non-substantive formatting changes.
49. Mineral Extraction	<ul style="list-style-type: none"> • Removing the additional, unnecessary “not.”
50. Mortuary	<ul style="list-style-type: none"> • Various non-substantive formatting changes.
51. Motel	<ul style="list-style-type: none"> • Incomplete sentence would need to say “parking spaces” or “a parking space.” • Add comma. • Non-substantive formatting change.
52. Nonconforming Building or Structure	<ul style="list-style-type: none"> • Various non-substantive formatting changes.
53. Nonconforming Use	<ul style="list-style-type: none"> • Various non-substantive formatting changes.
54. Nursery	<ul style="list-style-type: none"> • Add comma.

Summary of Reasons for Amendments for Floor Amendment (August 17, 2022)
Proposed Draft Bill (No. 2886), Relating to Comprehensive Zoning Ordinance Definitions

PROPOSED DRAFT BILL NO. 2886 TERM	REASON FOR AMENDMENT
55. Open Space	<ul style="list-style-type: none"> • Add comma.
56. Orchards	<ul style="list-style-type: none"> • Various non-substantive formatting changes.
57. Parking Area, Public	<ul style="list-style-type: none"> • Incomplete sentence.
58. Permanent Open Space	<ul style="list-style-type: none"> • Various non-substantive formatting changes.
59. Power Purchase Agreement (P.P.A.)	<ul style="list-style-type: none"> • Various non-substantive formatting changes.
60. Private Street	<ul style="list-style-type: none"> • Various non-substantive formatting changes.
61. Property Line	<ul style="list-style-type: none"> • The terms “property line” and “lot line” are interchangeable and both used.
62. Property Line, Front	<ul style="list-style-type: none"> • Various non-substantive formatting changes. • The word “abuts” does not need to be followed by the word “on.” • Adding the word “property” before the word “line,” in keeping with the term “Property Line, Front.” • “Accessway” can be one word.
63. Property Line, Rear	<ul style="list-style-type: none"> • Various non-substantive formatting changes. • Adding the word “property” before the word “line,” in keeping with the term “Property Line, Rear.”
64. Property Line, Side	<ul style="list-style-type: none"> • For consistency, using “property line” rather than “lot boundary.” • Adding the word “property” before the word “line,” in keeping with the term “Property Line, Side.”

Summary of Reasons for Amendments for Floor Amendment (August 17, 2022)
Proposed Draft Bill (No. 2886), Relating to Comprehensive Zoning Ordinance Definitions

PROPOSED DRAFT BILL NO. 2886 TERM	REASON FOR AMENDMENT
65. Public Shared Use Path	<ul style="list-style-type: none"> • “Shared-Use” rather than “Shared Use.”
66. Public Utility	<ul style="list-style-type: none"> • Various non-substantive formatting changes.
67. Rear, Building	<ul style="list-style-type: none"> • For uniformity with other similar terms (e.g., “Property Line, Rear” and “Parking Area, Public”), “Building” should precede “Rear.”
68. Recreational Trailer	<ul style="list-style-type: none"> • Add commas.
69. Recreation Vehicle Park	<ul style="list-style-type: none"> • Various non-substantive formatting changes.
70. Registration Number	<ul style="list-style-type: none"> • Unify capitalization style. • Change “Finance Director” to “Director of Finance.” • Legislative Drafting Manual discourages use of “said” as an adjective.
71. Religious Facilities	<ul style="list-style-type: none"> • Make definition singular.
72. Repair	<ul style="list-style-type: none"> • Rearranging and various non-substantive formatting changes.
73. Resource Management	<ul style="list-style-type: none"> • Add comma.
74. Retail Stores or Shops	<ul style="list-style-type: none"> • Clarify that the terms are separate. • Make the terms singular (which also matches the existing definition wording).
75. Slope	<ul style="list-style-type: none"> • Incomplete sentence.

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PROPOSED DRAFT BILL NO. 2886 TERM	REASON FOR AMENDMENT
76. Solar Energy Facility	<ul style="list-style-type: none"> • Various non-substantive formatting changes. • Legislative Drafting Manual prefers “shall” over “must” and “uses” over “utilizes.” • Legislative Drafting Manual discourages use of “and/or.”
77. Specialized Agriculture	<ul style="list-style-type: none"> • Add comma. • Correct term for plants in pots is “potted plants.”
78. Stock Raising	<ul style="list-style-type: none"> • Add commas.
79. Story	<ul style="list-style-type: none"> • Non-substantive formatting and wording change.
80. Structure	<ul style="list-style-type: none"> • Change “which” to “that.”
81. Subdivider	<ul style="list-style-type: none"> • Non-substantive wording changes.
82. Subdivision	<ul style="list-style-type: none"> • Non-substantive wording change.
83. Tenant	<ul style="list-style-type: none"> • Non-substantive wording changes.
84. Time Share Plan	<ul style="list-style-type: none"> • “Timeshare” can be one word.
85. Time Share Unit	<ul style="list-style-type: none"> • “Timeshare” can be one word. • Change “which” to “that.”
86. Trailer Home	<ul style="list-style-type: none"> • “Factory-built” can be a hyphenated compound word. • Change “which” to “that.”

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PROPOSED DRAFT BILL NO. 2886 TERM	REASON FOR AMENDMENT
87. Transient	<ul style="list-style-type: none"> • Singular “transient” already encompasses the plural “transients.” • Non-substantive formatting and wording changes. • Legislative Drafting Manual discourages use of “and/or.”
88. Transient Vacation Rental	<ul style="list-style-type: none"> • Add acronym for TVR (which is in conformity with other definitions). • Remove unnecessary “which is.” • Change “which” to “that.” • Change “single family” to “single-family.”
89. University or College	<ul style="list-style-type: none"> • Legislative Drafting Manual discourages use of “and/or.”
90. Use	<ul style="list-style-type: none"> • Various non-substantive wording changes.
91. Used	<ul style="list-style-type: none"> • Add comma.
92. Use Permit	<ul style="list-style-type: none"> • Change “which” to “that.”
93. Utility Facility, Private or Public	<ul style="list-style-type: none"> • Clarify that the terms are separate (which is in conformity with other definitions).
94. Utility Line	<ul style="list-style-type: none"> • Add commas.
95. Wall	<ul style="list-style-type: none"> • Various non-substantive formatting and wording changes.
96. Zoological Garden	<ul style="list-style-type: none"> • Change “parklike” to “park-like.” • Remove the unnecessary word “large.”