

PUBLIC HEARING

NOVEMBER 3, 2021

A public hearing of the Council of the County of Kaua'i was called to order by Mason K. Chock, Chair, Planning Committee, on Wednesday, November 3, 2021, at 8:31 a.m., at the Council Chambers, 4396 Rice Street, Suite 201, Historic County Building, Līhu'e, and the presence of the following was noted:

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

Council Chair Kaneshiro: Please note that we will run today's meeting pursuant to the Governor's COVID-19 Response Emergency Proclamation with the most recent relating to the Sunshine Law dated October 1, 2021.

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

"Bill No. 2838 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO TRANSIENT ACCOMMODATIONS (*Kaua'i County Council, Applicant*) (*ZA-2021-2 – Planning Commission Recommendation*),"

which was passed on first reading and ordered to print by the Council of the County of Kaua'i on October 6, 2021, and published in The Garden Island newspaper on October 18, 2021.

The following communications were received for the record:

1. Bailey, Karla, dated November 2, 2021
2. Blaich, Beryl, dated November 2, 2021
3. Burrell, Pamela, dated November 2, 2021
4. Drayton, Rick and Debra, dated November 2, 2021
5. George, Sam, dated November 2, 2021
6. Levin, Barbara, dated November 2, 2021
7. Lis, Elizabeth, dated November 2, 2021
8. Ludolph, Douglas, dated November 2, 2021
9. Osterlund, Hob, dated November 2, 2021
10. Perry, Dorothy, dated November 2, 2021
11. Pollock, Robert, dated November 2, 2021
12. Schmitt, Jane, dated November 2, 2021
13. Tico, Teresa, dated November 2, 2021
14. White, Andrew, dated November 2, 2021
15. Young, Koa, dated November 2, 2021

The hearing proceeded as follows:

Committee Chair Chock: For those testifying, you will have six (6) minutes to speak. The light will turn green during your six minutes. The light turns yellow when you have thirty (30) seconds remaining and red when your time is complete. I will remind you when your time is up. After you are finished testifying, you can watch the remainder of the meeting at www.kauai.gov/webcastmeetings. The first speaker is Lorraine Mull. Are you here Lorraine?

LORRAINE MULL (*via remote technology*): I am. Good morning, my name is Lorraine Mull and I am here to offer my strong support of Bill No. 2838. I have been a full-time resident here on Kaua'i for thirty (30) years. I have two (2) children who grew up here. Both of them went to Hanalei School and went on to graduate from the University of Hawai'i at Mānoa. After graduation, they went off to the mainland, but both came back to Kaua'i to live in the place they love more than anywhere else in the world. We now have a third generation on Kaua'i, a new baby girl in our family that I want to see grow up on a Kaua'i that we will all still recognize decades from now. Kaua'i is at a crossroads, a tipping point. If we do not have a plan, we will be a part of someone else's plan. Commercial developed campgrounds have become a thinly discussed path for resort expansion on open space. I am sure everyone has heard about the proposed campground in Princeville that has caused such consternation in the community. Recently, we heard about another luxury campground being contemplated in Open Agricultural land in Kilauea at Waikoa. Now, the "coconut wireless" is buzzing about a similar project being considered in Maha'ulepu. This is an islandwide issue. This island has faced the challenges of floods, road closures, the pandemic, and a tsunami of tourists that we were not prepared for. It has brought into sharp focus the fact that we now face an important choice; do we take the necessary steps to protect and preserve our way of life and the treasure of our open spaces, or do we fall prey to empty promises that developers of resorts create onto our open spaces? No one will argue that tourism is not a very important cog in the engine of our economy. If we care about what kind of place we fundamentally are and what we want to be, we should not sell out to unbridled development and unfettered tourism. We have limits to the strain on our roads, our infrastructure, and our special way of life. We need to plan carefully for the future. We have important choices to make and this Bill is a huge step in protecting and preserving our open space. Do we want to maintain the magnificent beauty, open spaces, and green vistas that make Kaua'i so desirable, both for our residents and for the visitor experience? Or do we want to let outside corporate money make their choices for our future before they sell their assets to other big money corporations, then pack-up, fold their tents, and leave a trampled place behind? We need to keep our open space truly open. We need to keep Kaua'i green for our families, neighbors, and future. Bill No. 2838 is a critical step towards making sure our island maintains its fundamental character and open space. This Bill is extremely time sensitive, and I urge the County and County Council to pass it and move it on to the Mayor's desk. Thank you so much for the careful stewardship of this treasured island we all call "home." *Mahalo.*

Committee Chair Chock: Thank you, Lorraine. Next up is Mary Paterson. Mary, are you here?

MARY PATERSON (*via remote technology*): I am. Thank you so much to all the Councilmembers for their really incredible work. I had no idea that it took this much effort to get a Bill through the Council and the Planning Department. I really appreciate all the efforts. I do not have anything prepared, but I have spoken before. What Lorrie has said pretty much echoes everything that I agree with. I just am really horrified at the thought of our open spaces around the island being subjected to, as she puts it, "unbridled development." Our island is pretty much full. We have developed huge areas that really should not have been developed in the first place. We have tremendous traffic problems, we have overburdened our infrastructure, and there are so many reasons not to have development, even in the correct places. Having it in open space and agricultural space is really not helping anybody. It lowers the experience for every tourist that comes here and for every resident that lives here. I urge the County Council to act very quickly and as soon as possible on this Bill. We need to pass it and let it get to the Mayor's desk. I would like to comment on the last time testimony was taken and I did hear the testimony from one of the farmers, Ned, who I know and admire. I really do not feel that this Bill, for a commercially developed campgrounds has any bearing on the farmer's need for workforce housing. I do not see that the two (2) issues are anything alike. I do agree that we do need to help the farmers with workforce housing on agricultural properties. Those are not going to be commercially developed campgrounds where you are going to charge three hundred dollars (\$300) or five hundred dollars (\$500) per night and in a money-making process. I do want to make sure that something is put in the Bill that will not confuse the two (2) issues. I want to make sure that we take care of our farmers while taking care of the open spaces and agricultural lands that we do have. We just really need to call on everyone to manage the over-tourism by restricting resort development to Resort-zoned land and not to give any new resort, and especially under the new General Plan, that no new resorts are permitted under the North Shore portion of the General Plan until 2028. Even then, I hope that we will not let unbridled development take place. I just feel that keeping open space is really critical to the tourism industry, as well as maintaining the quality of life for our residents. I have been a resident here for over thirty (30) years and I have lived here longer than I have lived anywhere else in my life, even though I am not local. I will never sound local. Every atom in my body has been recreated from Kaua'i. I feel very strongly about this land and this island. I am doing everything possible to help where I can. This is just one of the areas. I really appreciate everybody's time. I urge you to pass this Bill as soon as possible. I thank the Councilmembers who brought this Bill forward to the table originally. I really hope that you can pass it today. Thank you very much for your time.

Committee Chair Chock: Thank you, Mary. Next on the list is Debbie Goodwin. Debbie, are you here? Debbie, if you are here, please let us know, if not, I am going to move on. I will circle back to see if anyone is present. Next on the list is Kenneth Minor. Mr. Minor, are you here?

KENNETH MINOR (*via remote technology*): Yes. My name is Kenneth Minor and I am also speaking on Bill No. 2838, this morning. I appreciate the hard work of those that had the foresight to craft Bill No. 2822 to begin with and then to improve on it to become Bill No. 2838. We are now at another stage of the approval process, and we hope to see this Bill move along to the Mayor's desk very soon. It is such a great opportunity to do something so positive for all of today's Kaua'i and Kaua'i's long-range future in protecting much of our open space. Management of our lands, the resources it uses, and the people and communities it touches, along with the environmental impact, are all just a part of the responsibility that we have to oversee and protect our open spaces and keep Kaua'i unique and special. This Bill will help Kaua'i move forward at a defined and reasonable rate and that we continue to address the many issues we already live with and are trying to improve upon. We already work hard to manage the impact of tourism, power and water issues, roads and traffic issues, and the pressure on police, fire, rescue, medical services, and hospitals. We have to be very careful when we start adding more pressures to this list. Guidance such as those contained in Bill No. 2838 mandate a positive future for our communities, our native habitat, and help us maintain a sustainable environment to limit the unintended consequences that our open spaces might suffer without this Bill. Being that there is no valid or overriding argument to not get this done for Kaua'i's future, I would greatly appreciate your approval of Bill No. 2838. Thank you for your valuable time, knowledge, dedication, hard work, and wisdom. Thank you.

Committee Chair Chock: Thank you, Mr. Minor. Next on the list is Frances White. Fran, are you there?

FRANCES (FRAN) WHITE (*via remote technology*): Yes, I am here. Thank you. Good morning and *aloha*. I will certainly add my thanks to all of you who are so key to getting this protection done. My name is Fran White and I thank you again for taking my testimony. There are certainly many reasons for passing Bill No. 2838 as quickly as we can. It is crisp, specific, and well-written legislation. Thank you. Prohibiting developed campgrounds on our precious and limited Open and Agricultural-zoned spaces is critical. These are simply resorts and belong in Resort-zoned spaces as this Bill enables. It is my understanding that no new resorts or perhaps dramatic expansions of existing ones are contemplated by Kaua'i's General Plan and Mary reinforced that. They will not get reviewed even until 2028. The additional stress that more and more tourists put on our infrastructure, people, and island is something that needs to be addressed now so that we have time to evaluate how best to proceed with any additional resort development and how to develop adequate infrastructure for our existing population and current tourist load. Sustainable tourism is the new "watch word." Kaua'i needs to figure out how to successfully implement that. We are concerned about the growing burden of the traffic. The "Kapa'a Crawl" is very real and affects all of us daily. We are concerned about power. On the North Shore, we often have electrical power hits, despite the lines being underground. Those lines are fifty (50) years old now and starting to fail.

How does adding more tourist accommodations help that problem? We are concerned about the roads. The County is busy repairing many roads and for that we are grateful. On balance, we cannot keep up with the potholes and unnecessary repairs. This is exacerbated by the massive numbers of tourists. The new roads seem like a pipedream. Where? How? We are concerned about any high-wind events and hurricanes. These developed campgrounds with their flimsy tents provide yet another source of deadly flying objects during high winds. Anyone who was here during Hurricane Iniki or Iwa can tell you how terrifying it was to have your home collapse while you are in it or to feel your home tremble as somebody else's roof plows into your living room. We are concerned about the ability of our waste management and disposal systems to accommodate even more tourists that would come to these developed campgrounds. We are concerned about water. The Garden Island frequently provides Surfrider water quality reports on how polluted our streams are. Do we really need more tourist accommodations? No. Bill No. 2838 helps protect Kaua'i from the overdevelopment that puts so much more strain on our people and infrastructure. Kaua'i is a beautiful and extraordinary island. Those of us who live here want to keep it that way for ourselves and for a sensible number of tourists. *Mahalo nui loa* to each of you for accepting this challenging role serving the people of Kaua'i and for protecting us all by passing Bill No. 2838 as quickly as possible. Thank you. I appreciate it.

Committee Chair Chock: Thank you, Fran. Next on the list is Carolyn Burkhardt-Padgett. Carolyn, are you here? Going once. Going twice. Okay, we will come back to you. Susan Humphrey-Barnett. Susan, are you here?

SUSAN HUMPHREY-BARNETT (*via remote technology*): I am. My name is Susan Barnett and I wish to speak to Bill No. 2838. Thank you very much for the opportunity to voice my support for this Bill. It is important that we limit resort expansion to areas that are already specifically zoned for resorts. I really do not feel the need to repeat all that has been said already about the limits of our current infrastructure. I agree with all of those statements and the need to keep as much open green space as possible on the island. I just wanted to thank you for your responsiveness on this issue and for continuing to move this Bill expeditiously through your process. Thank you.

Committee Chair Chock: Thank you, Susan. The next on the list is Mike Stewart. Mike, are you here? If not, Kristine Cocke.

KRISTINE COCKE (*via remote technology*): Yes, I am here. Hello there. My name is Kristine Cocke and I am speaking on behalf of myself and my husband, Bobby. We are also residents here for over forty (40) years. First of all, I would really like to thank each and every one of you for the time and energy you put into this. It is so critical and really you wear your hearts on your sleeves. You are all passionate about everything that you do and all the important issues for the island and community. We really do appreciate it. It is not going unnoticed. We fully support Bill No. 2838 and feel open space should be preserved for the community and its

needs. As I have seen you have addressed in the Bill, it is written in the Kaua'i County Comprehensive Zoning Ordinance (CZO) Chapter 8, to provide regulations and standards for land development to preclude, I repeat, to preclude inadequate harmful, disruptive conditions that may prove detrimental, I repeat, detrimental to the social and economic wellbeing of the residents. This states, "for the residents." We feel developing "glamping" resorts that charges up to one thousand five hundred dollars (\$1,500) a night on open space does not benefit the residents and should only be done in a Resort-zoned area. Bill No. 2838 will clarify and prevent real estate developers from exploiting and distorting any gray area loopholes or language their lawyers can find now or in the future, and for the entire island of Kaua'i. We fully support this Bill as a protection of open space and feel that all developers should go through the correct process in applying in a Resort-zoned area for developed camping or "glamping" and it is more like a commercial hotel project. We attended the Starwood Princeville Golf "Glamping" Project meeting and I specifically asked if this "glamping" project could be sold in the near future. Jason Cruz, who was the Project Manager said, "We are developers. Yes, it could be sold." It is quite obvious that the project is not out for the community's needs or welfare. Thank you for addressing and precluding any future problems by writing Bill No. 2838 as a protection for open space. I cannot help but feel a sense of urgency. As we see it, it is critical to pass this Bill as written and are humbly grateful for all that you do for Kaua'i. *Mahalo.*

Committee Chair Chock: Thank you, Kristine. Next up is Doug Ludolph. Doug, are you here?

DOUG LUDOLPH (*via remote technology*): Yes. Good morning. I would like to also thank you for the work that you do. I was born and raised in California from 1942 to 2006, when I moved to Northern California to get out of the rat race in Southern California. I was a fire fighter down there for thirty-six (36) years for a small fire department. I also sat in on Council Meetings there. I know all that you are going through and appreciate your efforts. I want you to know that I strongly support and am in favor of passing Bill No. 2838. In the time that I spent in the small city, I saw open land being swallowed up by development. I saw the children of the area that were forced into moving their play areas and they fought over the areas for protection to keep open space – the small spaces that they had. These groups would fight over these small spaces. I have seen the overdevelopment of open land and it is a serious problem for all people, not just the children, but all of us want the freedom to have space where we can enjoy life. We are just part-timers here on the island. We have been coming and own property and homes for years. I have a daughter who has lived full-time here, she is a psychologist on the island, and she is also strongly in support of the Bill. She is online right now with clients and is unable to speak this morning. Again, I want to thank you for all your hard work and would like to say that I support everything that has already been said. Everyone has already covered everything I would have said, so I will pass my time on to others. Thank you again for your efforts. Please get this Bill passed soon.

Committee Chair Chock: Thank you, Doug. Next on the list is Andrew White. Andrew, are you here?

ANDREW WHITE (*via remote technology*): Yes, I am. My name is Andrew White. Like everyone else, I just want to thank you and appreciate all of your efforts towards keeping Kaua'i a livable and hospitable place. I stand to take this opportunity to testify in support of Bill No. 2838. As we all know, Kaua'i has become a premier destination for Hawaiian tourism. With that, it is also succumbing to many of the ailments that it brings. Having had the opportunity to travel to many island destinations around the world, each one different, yet each one sharing the same limitations of land, resources, infrastructure, changing societal values, underemployment, and affordable housing, and each relying on tourism to fill both governmental and individual coffers, I envision our wonderful Kaua'i also falling into the same trap as many of these places. Each of these unique destinations if asked today might say, "If only we had..." I am hoping, no, I am begging you, that our Councilmembers, please take heed of the voices within each of you, and pass Bill No. 2838 so that you can honestly say that you did take a stand before it was too late. Bill No. 2838 is not a panacea for all that ails Kaua'i, but it begins the process of placing a marker down and say, "enough is enough," when it comes to over-tourism and perceived easy money that comes with it, Bill No. 2838 prohibits more tourist accommodations under the guise of developed camping and helps protect our already overtaxed infrastructure, roads and beaches, sewage and utilities, and others as noted by prior testifiers. We are not Disneyland. That is where visitors expect their mess to be cleaned up each night, so everything is pristine the next morning. We are all residents of this wonderful island. We are not just hidden people behind making Kaua'i just another post hard stop. Bill No. 2838 will put a stop on developed camping before Kaua'i loses control of its open spaces and agricultural lands. It places a ceiling on what kinds of accommodations and where they are placed before they begin to sprout like soggy mushrooms after a Kaua'i rain. Having developed camping accommodations sprouting willy-nilly across Kaua'i will only cheapen the visitors experience, lessen the foundations of buildings on a sustainable island environment, and worse, amplify the overreliance on tourism that Kaua'i now experiences. Please take a moment and think what Kaua'i will look like if you do not pass Bill No. 2838 and whether you want to be remembered for not taking a stand when it was still possible. I humbly request that you pass Bill No. 2838 and take a stand for a better Kaua'i for all of its residents. Thank you for your time and consideration on these critical issues at a critical juncture for Kaua'i. *Mahalo*.

Committee Chair Chock: Thank you. Next on the list is Michael Shandling. Michael, are you here?

MICHAEL SHANDLING (*via remote technology*): Yes, I am. Thank you. I am a forty-year part-time resident of Princeville. I have been here since 1982 and I spend about half of my time here. The other half, I have lived in Aspen, Colorado, so I understand the resort lifestyle and what it is to live in a resort environment. I just want to say that I agree with everything that the people who preceded me have said.

I want to reiterate how important the open space is for the future of Kaua'i. The motivation that most of us have for living on Kaua'i is quality of life. The motivation for developers is pretty simple, it is dollars and cents. With that being said, I appreciate the Council's efforts in upgrading Bill No. 2822 to Bill No. 2838, which seems to be even more inclusive for everyone on the island instead of just Princeville, and how important it is to get this Bill passed to preserve the open space we have for the future. Thank you.

Committee Chair Chock: Thank you. Next on the list is Tom Mull. Tom, are you here?

TOM MULL (*via remote technology*): Yes, sir, I am. Good morning. Thank you for this opportunity to speak. Thank you for the work that you do. Thank you for the work that you have already done on this Bill. Why is this Bill so important? Why is its passage so urgent? Why is there a call to arms? Why do I quote Dr. King's famous words, "Act with the fierce urgency of now"? It is because of a series of events triggered by the manner in which the Mayor has responded to the COVID-19 pandemic. The secret is out. It is out worldwide. Kaua'i is the most desirable place on the planet to live. From its natural beauty to its natural isolation, with an emphasis on an islandwide respect for how uniquely special we are. How can this magical place be preserved and saved from development? Living here, as my wife put so eloquently in something that she wrote and sent in, is like "walking into a painting." And it really is. How can we protect and preserve this? The answer is through you and your efforts of controlled growth. Not no growth, not overgrowth, but controlled growth. Bill No. 2838 does just that. The developers will come. They have come and they are here now. Some of them will be honest, honorable, well-intended, and respectful people. Some will be misleading, implicitous, and greedy, interested only in making money for themselves. Some will be both. How do we as an island of approximately seventy thousand (70,000) people now, with seventy thousand (70,000) ideas on how to proceed to do this, how do we decide which is the proper way to reach this golden mean of controlled growth? We do it through you, through your involvement, and through your passage of Bill No. 2838. I just want to say, while I have this opportunity and your attention, what we do not need on the North Shore is more resort or hotel accommodations. We do need something. We need affordable housing. If saving and protecting open space is important, how important is providing affordable housing for those who need it? Some of these people have been here for generations. It should be based on the concept of "first in, first out." The people who have been here the longest, in my opinion, should be protected the most. Please consider them as I know you have and I know you will, in all your efforts to protect this island. Protect the people as well. Thank you.

Committee Chair Chock: Thank you, Mr. Mull. There are a few names that I passed over. I understand they are still on the call. I am going to call them out now. Please respond if you would like to testify. The first is Debbie Goodwin. Debbie, are you here?

DEBBIE GOODWIN (*via remote technology*): Yes, I am here.

Committee Chair Chock: Okay, you have the floor.

Ms. Goodwin: I just want to say thank you for all your time and effort. So much has already been said and I agree with all that has been said. I support this Bill. I know it is going to help us out a lot. Thank you so much for all your work and effort. Please help push this through. Thank you.

Committee Chair Chock: Thank you. Next is Carolyn Burkhardt-Padgett. Carolyn, are you here?

CAROLYN BURKHARDT-PADGETT (*via remote technology*): Yes, I am here. I am not going to repeat the many things that have been said that I agree with. I would just like to voice my support also for Bill No. 2838. Thank you.

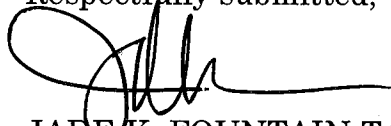
Committee Chair Chock: Thank you very much. The last speaker is Mike Stewart. Mike?

MIKE STEWART (*via remote technology*): Hello. *Aloha* and thank you for all your work. You have a tough job, and you have to listen to all of us and everyone involved. I am calling in to voice my support for Bill No. 2838 mainly because I am so busy, I cannot line item that everyone does in politics. I would lose my mind. This is near and dear, because I am at ground zero for this proposed tent thing that is literally outside my back door. I moved to Kaua'i in 1970 when I was eighteen (18) years old. I lived in the taro fields with beautiful Hawaiian families who luckily, they have land in their families. I have seen Hawaiians be priced out of the market and not be able to work in Princeville serving all the visitors, but have to live in Kapahi or somewhere affordable. Affordable housing is critical to this island. Another hotel in Princeville, really? There are plenty of rooms available. I just see this as kind of runaway development, and I appreciate you taking the time to listen to all our concerns. You do what I could not do. I really appreciate all the work that you are doing. I am calling in support of Bill No. 2838 and protecting open spaces. Once they are not open anymore, it is over. Look at Maui, O'ahu, and other islands. In a finite place like an island, there is only so much room. Much of this is sacred to Hawaiians. I do not know what to say other than to thank you for listening and I hope you support this Bill through to its passage. Everything everyone said is great. I agree wholeheartedly. Not no growth, not runaway growth, and not just another "cash cow" for offshore interests that do not live or sweat it out here every month or put up with increased traffic. There is plenty for a small place like this to have visitors come and enjoy the island, and not leave such a big impact that is irreversible. I thank you for listening and thank you for my time here. I am in support of Bill No. 2838. Thank you so much.

Committee Chair Chock: Thank you, Mr. Stewart. That ends the testimony for Bill No. 2838. This will be going to Committee in two (2) weeks.

There being no further testimony on this matter, the public hearing adjourned
at 9:07 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jade K. Fountain-Tanigawa', written in a cursive style.

JADE K. FOUNTAIN-TANIGAWA
County Clerk

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