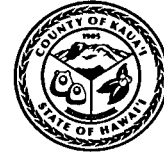


DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR
REIKO MATSUYAMA, MANAGING DIRECTOR

June 3, 2024

Public testimony received by the Planning Department as of June 3, 2024, 9:00 am for the June 4, 2024, Planning Commission meeting regarding the following item:

F.2.a/L.1. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2024-9), CLASS IV ZONING PERMIT (Z-IV-2024-4), and USE PERMIT (U-2024-4) to allow construction of a parking facility featuring four (4) canopy structures with rooftop photovoltaic (PV) system, new storage building, associated on-site improvements on a parcel situated on the west side of Ala Kalanikaumaka in Po'ipū, immediately adjacent to the Kukui'ula Shopping Center, situated approximately 350 feet west of the Ka'ulu Street/Ala Kalanikaumaka intersection, further identified as Tax Map Keys: (4) 2-6-015:010 & 011 (Por.), and affecting a total land area of approximately 13.35 acres = **KUKUI'ULA VILLAGE LLC.** [Director's report received 5/22/2024.]

MEMORANDUM

To: Kaaina Hull, Planning Director, County of Kauai
Fr: Trisha Kehaulani Watson, J.D., Ph.D.
Honua Consulting, LLC
Re: ADDENDUM to *Ka Pa'akai* Analysis Memo
Date: May 30, 2024

Overview

Following the submission of the revised *Ka Pa'akai* memo, comments were received from Elizabeth Okinaka. It was unknown at the time of submission by the primary author that Ms. Okinaka had been contacted by Fern Anuenue for consultation. A summary of these comments is being transmitting for transparency. As well all post-submission considerations of the project design and related recommendations.

As the *Ka Pa'akai* decision clearly articulates that the obligations of the state may not be delegated, the Commission should consider these comments, as well as any other comments, testimony, or introduced information, as appropriate, in conducting its three-part *Ka Pa'akai* analysis.

Additional Comments Received Post-Submission

Ms. Okinaka shared the following comments:

1. She expressed that the Koloa area contains numerous caves, lava tubes, burials, and caverns that are part of a culturally significant ancient agricultural system known as the Koloa Field System. Remnants of this system, including terraced outcrops and hale walls, are found throughout the area. The Koloa cave ecosystem is considered one of the 10 most critically endangered cave ecosystems in the world and is home to the Koloa Cave Spider (pe'e pe'e maka'ole), an 'aumakua with an estimated population of only 500 individuals. Ms. Okinaka questioned whether the U.S. Fish and Wildlife Service had been consulted regarding potential impacts to this species and its habitat.

2. Ms. Okinaka expressed general concerns about ongoing overdevelopment in the area and the cumulative impacts of projects like the proposed parking lot. She noted that a resort and possible condominium project are planned nearby. She also raised issues with the current and previous landowners' compliance with Land Use Commission (LUC) conditions, particularly related to the expansion of Koloa School and

the provision of community benefits. Ms. Okinaka stated that she does not support further expansions or improvements in the area until these outstanding issues are addressed.

Ms. Okinaka's comments are received and appreciated. In evaluating the claims about potential resources in the area, it does not appear that the resources identified exist in the discrete project area. These concerns underscore the need for a comprehensive assessment of the cultural and ecological landscape within the larger parcel in which the proposed project is situated, as discussed in the original *Ka Pa'akai* memo.

The conclusions made in the original memo remains otherwise unchanged. Specifically, that there are likely resources in the larger region, but none in the discrete project area. Further, it is unlikely the proposed action will affect traditional or customary practices in the project area, or even the surrounding region.

Additional Considerations and Recommendations

Upon further review of the project design, it is recommended that native and canoe plants be integrated into the landscaping plan for the project. An updated plant palette is being prepared to incorporate these culturally and ecologically important species. This will help to support native biodiversity and provide resources that can be used for traditional practices. Further, it will result in a net benefit to traditional and customary practices in the area, as it will create flora resources for practitioners to utilized. These resources do not currently exist in the project area. Additionally, it is recommended that all plants used for this project be sourced from on-island nurseries whenever possible.

As previously noted, future developments in the region should conduct *Ka Pa'akai* assessments, to evaluate their potential direct, indirect, and cumulative impacts on cultural resources and practices.

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR
REIKO MATSUYAMA, MANAGING DIRECTOR

June 3, 2024

Public testimony received by the Planning Department as of June 3, 2024, 9:00 am for the June 4, 2024, Planning Commission meeting regarding the following item:

F.4.b./L.4. ZA-2024-2: A bill for an ordinance amending Chapter 8, Kaua'i County Code 1987, as amended, relating to Zoning Designations in Hanapēpē, Kauai that would amend Zoning Map ZM-H 200 (Hanapēpē). The purpose of the bill is to eliminate the Special Treatment – Public Facilities (ST-P) zoning district designation for affected residential lots within Hanapēpē = **COUNTY OF KAUAI, PLANNING DEPARTMENT.**

Shelea Koga

From: Planning Department
Sent: Thursday, May 30, 2024 11:00 AM
To: Shelea Koga
Cc: Shanlee Jimenez
Subject: FW: In Favor of Zoning Amendment-ZA-2024-2

Mahalo,

Brent Sakei 😊

Phone#: (808) 241-4075

From: Roberta Williams <bobbiewilli@gmail.com>
Sent: Thursday, May 30, 2024 10:37 AM
To: Planning Department <planningdepartment@kauai.gov>
Subject: In Favor of Zoning Amendment-ZA-2024-2

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

Aloha

My name is Roberta Williams. My husband and I own our home and live at 3685 Uwao St, Hanapepe, Hawaii. My home is located in the ST-P zone indicated in this bill. I am submitting testimony in favor of Zoning Amendment -ZA-2024-2.

Last year I contacted a draftsman to assist in drawing plans for some changes and additions to my house. The intent was to replace an existing deck and to add a room to my house to be used as a craft room. He advised me to check with the Planning Department as I may have difficulty getting a permit.

The Planning Department did some research and advised me that my home sits in an ST-P zoning area. I had no idea what that meant so he informed me that I would have strict restrictions on what I would be able to add to my property. I was told that if I wanted to add a shed, a dog enclosure or any structure to my property I would need a special permit and that it may need to be presented to the planning commission.

This was very disturbing to me since a survey of my neighborhood showed that those homes outside the ST-P but still in my subdivision seem to have no barriers to adding such structures to their property.

It seemed very arbitrary and discriminatory to limit what I could do on my property when one street over and even those homes on my own street that fall outside of the ST-P don't have the same restrictions as I would when applying for a permit.

In light of the County of Kauai pushing for more affordable housing, it seems unusual to put up barriers to those properties that actually could add cottages and small rental units to help with this ongoing problem.

Removing the ST-P zoning could also help families, like a neighbor of mine, who had considered adding to their home so their children could continue to work and live on Kauai but were limited by the ST-P zoning on their property.

I wanted to thank the Planning Department Staff who helped me understand the limitations and saved me lots of time and expense in drawing up plans that would be difficult to secure a permit for. I am hopeful that passing this amendment will alleviate barriers and make it easier for us to improve our property. Please consider passing ZA-2024-2. Mahalo for your time and for considering this bill.

Sincerely,

Roberta Williams

Homeowner

3585 Uwao St

Hanapepe, HI 96716

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR
REIKO MATSUYAMA, MANAGING DIRECTOR

June 3, 2024

Public testimony received by the Planning Department as of June 3, 2024, 9:00 am for the June 4, 2024, Planning Commission meeting regarding the following item:

F.4.c./L.5. ZA-2024-3: A bill (2919) for an ordinance amending Chapter 8, Kaua'i County Code 1987, as amended, relating to the Comprehensive Zoning Ordinance (CZO). The purpose of this Ordinance is to expand the permissiveness of guest houses in zoning districts Residential (R-1 to R-6 and R-10 to R-20), Neighborhood Commercial (C-N), General Commercial (C-G), Agriculture (A), Open (O), and University (UNV), and make other technical edits = **KAUAI COUNTY COUNCIL.**

June 2, 2024

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

Re: ZA-2024-3 (Expansion of Guest House Uses), Agenda Items F.4.c and L.5

Aloha Planning Commissioners,

I ask that you give serious consideration as to whether ZA-2024-3 goes too far in allowing residential density increases in: (i) areas that are vulnerable to flooding or tsunamis, and (ii) existing residential neighborhoods.

Regarding areas that are vulnerable to flooding or tsunamis: I believe that it would be irresponsible public policy to encourage additional residential density in areas that are vulnerable to flooding or tsunamis, as well as in tsunami evacuation zones for which the evacuation capacity is currently (or would be, with additional residential density) exceeded. I therefore urge that ZA-2024-3 be amended to exclude such areas from the additional guest house permissiveness that ZA-2024-3 would allow.

Regarding existing residential neighborhoods: certainly, it must be acknowledged that there is some point at which additional density threatens important qualities of existing residential neighborhoods. Consider a traditional, relatively-dense single-family household neighborhood like Wailua Houselots, where parcels are often no larger than 0.14 acres:

- Originally, only one dwelling unit (plus a 500 square foot guest house with no kitchen) was allowed on such a parcel. But over time the zoning rules became more-and-more permissive so that now three dwelling units (the originally-allowable dwelling unit, plus an ADU, plus an 800 square foot ARU) are allowed (subject, of course, to meeting the other development and parking standards). I.e., where only one family or living group was originally allowed on such a parcel, the zoning requirements have already been loosened over time to allow up to three separate living groups on the parcel.
- The language of Section 2(i) of ZA-2024-3 appears to allow one guest house (where a "guest house" can now be as large as 800 square feet and have a kitchen) for each of the up-to-three dwelling units on such a parcel. So, in a neighborhood where only one dwelling unit was originally allowed on a parcel, and three dwelling units are currently allowed on the parcel, it appears that six dwelling units (i.e., one 800 square foot "guest house with kitchen" for each of the three already-allowable dwelling units) would be allowed under ZA-2024-3.

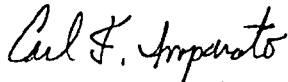
That potential doubling of density *might* possibly be acceptable in a low-density (R-1-zoned) residential neighborhood. But is such additional density appropriate in the R-2 through R-40 neighborhoods?

Granted, not every small parcel would be able to accommodate 6 dwelling units because of constraints imposed by other development standards. But there will certainly be cases in which 6 small dwelling units (say 800 square feet each) could be constructed on small residential parcels, creating very undesirable impacts on nearby neighbors.

Is it appropriate that 6 families or living groups should be allowed to live on parcels in neighborhoods that have long been understood to be single-family residential neighborhoods? Would it be fair to other residents in a neighborhood to see their R-4 zoned neighborhoods degraded (over time) into *de facto* R-24 neighborhoods (i.e., an acre that originally had 4 quarter-acre parcels allowing only one dwelling unit per parcel could be transformed, under ZA-2024-3, into 24 dwelling units on that same acre)?

In order to prevent such scenarios from becoming reality, consideration should be given to amending ZA-2024-3 so as to not be applicable to the R-2 through R-40 zoning districts.

Thank you for considering these concerns.



Carl Imperato
P.O. Box 1102
Hanalei HI 96714

carl.imparato@juno.com

FW: Testimony for Planning commission meeting- 6/4/24

Shanlee Jimenez <sjimenez@kauai.gov>

Thu 5/30/2024 8:06 AM

To:Alisha Summers <asummers@kauai.gov>

-----Original Message-----

From: Laurie Makaneole <makaneole@yahoo.com>

Sent: Wednesday, May 29, 2024 9:24 PM

To: Planning Department <planningdepartment@kauai.gov>

Cc: Felicia Cowden <fcowden@kauai.gov>; Rep. Luke A. Evslin <repevslin@capitol.hawaii.gov>

Subject: Testimony for Planning commission meeting- 6/4/24

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

I want to support Kauai County Bill 2919- that will allow ADU on Ag zoned lands and other lands here on Kauai. This will really help farmers and families here on Kauai. I only wish the ADU could be larger than 800 square feet...but that is better than not at all.

Thank you from Laurie Makaneole

FW: Opposition to Draft Bill #2919: Protecting Local's Property Rights and Livelihoods

Shanlee Jimenez <sjimenez@kauai.gov>

Thu 5/30/2024 6:16 AM

To:Alisha Summers <asummers@kauai.gov>

From: Dr. Dustin Dillberg <dtd777@gmail.com>

Sent: Wednesday, May 29, 2024 1:34 PM

To: Planning Department <planningdepartment@kauai.gov>

Subject: Opposition to Draft Bill #2919: Protecting Local's Property Rights and Livelihoods

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

Subject: Opposition to Draft Bill #2919: Protecting Local's Property Rights and Livelihoods

Dear Planning Commission and County Council Members,

I hope this email finds you well. I am writing to express my strong opposition to Draft Bill #2919, which proposes restrictions on short-term rentals of guest houses/ADUs. As a long-time resident of Kauai with three generations of family roots on the island, I am deeply concerned about the potential impact this bill could have on our community and my family's livelihood. I own one property on island, I own a small medical clinic that serves locals only, I work hard for my family, I give back to my community, and this bill would devastate my family situation we worked so hard to achieve.

Living on Kaua'i, one of the most expensive places in the world, presents its own set of challenges. I respect what this bill is trying to achieve as we certainly have a housing crisis and we are watching out of state investors buy up homes and drive up the cost of living on Kaua'i, especially in the most desirable areas such as Poipu and Princeville. As a young boy I always dreamed of living in Poipu and being able to have my kids one day be able to safely get to and from the beach to fish and surf without driving. It was researching how to make that dream reality that brought me to the neighborhood of poipu beach estates that I built my house in 2014. I was told by the planning department that this neighborhood has zoning in the VDA and is one of very few on island that would allow us to live in our house and short term rent our guest house (when not hosting our family who are not lucky enough to work and live on Kaua'i). My ability to sustain our family's dream, engage in local charitable work, host family and classmates who no longer live on Kaua'i, and contribute to the local economy hinges significantly on the income generated from short-term renting our guest house/ADU in Poipu Beach Estates. This income has not only helped me maintain my residence in Poipu, where I was raised, but it has also allowed me to continue supporting local businesses and participating in community initiatives.

I understand the county's efforts to address the housing crisis and prevent out-of-state owners from monopolizing viable rentals. However, it's crucial to recognize that not all short-term rental hosts fit into this category. For many of us, renting out our guest houses/ADUs is not just a supplemental source of income but a lifeline that enables us to remain in the communities we love and support.

Restricting our ability to rent out these properties would not only jeopardize our financial stability but also disrupt the fabric of our community/neighborhood. Many families like mine that live in our neighborhood rely on this income to cover essential expenses such as mortgage payments, property

taxes, and healthcare costs. Additionally, the loss of short-term rental income could force residents to consider leaving communities/neighborhoods that are mostly vacation rental properties. This not only further eliminates our culture and kama'aina from these areas but also encourages them to look for living/rentals in other areas of the island, exacerbating the very issue the bill aims to solve.

I urge you to reconsider the provisions outlined in Draft Bill #2919 and explore alternative solutions that strike a balance between addressing the housing crisis and preserving the rights of Kama'aina property owners. Collaborative efforts that involve input from all stakeholders, including local residents and businesses, are essential in crafting effective policies that benefit the entire community.

Thank you for taking the time to consider my perspective on this matter. I remain hopeful that together, we can find a solution that upholds the principles of fairness, sustainability, and prosperity for all residents of Kauai.

Sincerely,

Dr. Dustin Dillberg DACM, L.Ac. PAS
Pain Free Kauai
(808) 245-0007
(808) 652-6449 Cell
www.painfreekauai.com