

RESPONSE TO KAUAI COUNTY DRAFT GENERAL PLAN POLICIES

TO: Kauai County Planning Dept.

FROM: Gabriela Taylor, Laurie Quarton, Sharon Goodwin and Anne Walton (W-KNA members, providing independent comments)

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PREAMBLE: Comments below are based on the August 2016 release of the Draft General Policies without the benefit of information provided to the CAC members at their August and September 2016 meetings or the 2020 Draft General Plan.

In general, if the County of Kauai were to set specific, quantifiable targets for each of its policies, it would be far more binding and functional in terms of actually realizing measurable results in regards to managing growth and determining more specifically what kind of growth Kauai will see in the future. Without quantifiable targets, the 2020 General Plan will only serve as guidance, providing no assurances of what is in store for the future of Kauai.

Additionally, we strongly recommend the County of Kauai set specific short, long and mid-term measurable and accountable milestones for what *has* to be achieved within certain time increments between 2020 and 2035. If these milestones are not achieved, then there needs to be accountability by the County as to why the milestones have not been met and a course correction made in a timely manner *before* they move forward with any pending or new actions.

POLICY 1: Manage Growth to Preserve Rural Character	
POLICY 1 TARGETS:	STRATEGIES FOR ACHIEVING POLICY 1 TARGETS:
<p>1. First and foremost, before any new development is to take place, the GP should articulate “what are the types and amount of growth that are sustainable when we reach 2035?” and use this as a standard for developing policies, and associated actions, in regards to future growth.</p>	<p>a) The General Plan Update (GP) needs to state that Kauai County government is to be proactive, not reactive, in addressing growth (in other words, must be preemptive in regards to the current trajectory based on real numbers).</p> <p>b) Rather than accept DBEDT growth forecasts as a given and then trying to accommodate to that growth level, the GP should base growth decisions on what is sustainable when we reach 2035.</p> <p>c) Criteria for “sustainable in 2035” should be based on:</p> <ol style="list-style-type: none"> 1. Ensuring the ratio of developable to non-developable land is maintained; 2. the amount of population that can reasonably be supported in order to not exceed the capacity of the current infrastructure; 3. total population growth does not exceed 1.1% per year - this is determined by births minus deaths, minus outflow, plus in-migration to Kaua`i; 4. tourism development and tourism services are maintained as indicated below (see section on “Tourism”).
<p>2. No net loss of green or open space (“green” and “open space” to be defined) between 2020 and 2035.</p> <p>3. Maintain current balance in terms of percentage of island-wide developable versus non-developable land between 2020 and 2035.</p>	<p>a) Inventory all existing developable land including residential, commercial, industrial, agricultural lands and put a cap based on what already exists for each category, allowing no new development <u>or</u> land use designation changes – effectively put a freeze on where we are today in terms if what property can be developed and how it can be developed.</p>
<p>4. Use existing land use designations and land development permits as controls mechanisms to create a system of checks and balances in</p>	<p>a) Be prescriptive about a more stringent due process for preventing or controlling changes in land use designations (e.g. Hokuia Place).</p> <p>b) Put statutes of limitations on land development permits if not</p>

<p>regards to development that remains relevant to current conditions at any given time on Kauai.</p>	<p>exercised within a given time frame (10 years). c) Review land development permits that have not been executed within five years and incorporate the ability to change the terms and conditions of those existing land development permits based on extenuating circumstances (e.g., unanticipated rate of coastal erosion, current infrastructure at that time not able to meet development needs, etc.). d) Developers must post a bond(s) to insure future infrastructure completion as required by County Planning Dept. is fully realized in advance of the completion of the development project. e) Infrastructure costs escalate the longer a project is on hold. The Planning Dept. and developer must take into consideration real costs (accounting for inflation) of infrastructure upgrades.</p>
<p>5. Establish “sustainability standards” for land development and incorporate them into development permit requirements in order to preserve the rural character of Kauai for future generations.</p>	<p>a) Sustainability standards should include working within limitations of existing infrastructure so as not to create undue pressure on the existing system; providing solution-based considerations for addressing transportation/traffic/congestion, waste and energy management plans consistent with island limitations; and meeting environmental quality standards (e.g., incorporating % of green space into developments, native plant use in landscaping, use of rain gardens, etc.).</p>
<p>6. Set targets and standards for high density developments to ensure maintenance of green or open space areas.</p>	<p>a) Need to be more prescriptive and set targets for high density development areas (e.g., to include mixed uses, easy access to public transportation, incorporating green areas, incorporating common use areas, etc.). b) Need to set targets (% of new developments) for how many of these “high density models” should be part of our future development. 1. Percentage of high density developments should reflect the current island birth rate. 2. In setting standards for “high density models” make a nexus between: housing for working families (policy #2), healthy and complete neighborhoods (policy #4), reduce the cost of living (policy #6), etc., etc.</p>
<p>POLICY 2: Providing Housing for Working Families</p>	
<p>POLICY 2 TARGETS:</p>	<p>STRATEGIES FOR ACHIEVING POLICY 2 TARGETS:</p>
<p>1. Regulatory “boundaries” should not be considered “onerous”, but rather be designed to set a high standard for what can be achieved in terms of meeting sustainable growth requirements.</p>	<p>a) This is a slippery slope and if regulatory standards are set for the protection of civil society, then they should apply to all development projects regardless of what kind of housing. “Eliminating regulatory barriers” means cutting corners, and/or making exceptions. This is not acceptable. If there is a problem with the “regulatory barriers”, then fix that, don’t make exceptions to the rules.</p>
<p>2. Form active public-private partnerships that directly contribute to reducing the cost of living and promoting a sustainable future for Kauai.</p>	<p>a) Increase the number of high density, multiple-use developments in order to contribute to: 1. reducing the cost of living by creating development cost savings efficiencies that are passed onto the consumer 2. the shift in clean energy by making use of renewable technologies 3. climate change adaptation by making use of BMPs such as set-backs (sea level rise), rain water gardens (increase in precipitation), water catchment systems (drought), etc. 4. providing small business opportunities in the mixed use component 5. that all future developments/subdivisions must be in the</p>

	affordable range (meeting government guidelines as such). 6. that “affordable” will be permanent with no time limit(s).
POLICY 3: Recognize the Identity of Kauai’s Individual Towns and Districts	
POLICY 3 TARGET:	STRATEGIES FOR ACHIEVING POLICY 3 TARGET:
Maintain the unique ambiance, cultural and historical character of each of Kauai’s individual districts and towns.	<p>a. Maintain Traditional Architecture Standards in Towns</p> <ol style="list-style-type: none"> 1. only permit those buildings, which reflect traditional style 2. revitalize existing empty shops/buildings before new permit given for new commercial development. Give permit priority to those particular applicant(s). <p>b. Permits must be exercised within the 5 year active period, i.e., “use it or lose it.”</p>
POLICY 4: Design Healthy and Complete Neighborhoods	
POLICY 4 TARGET:	STRATEGIES FOR ACHIEVING POLICY 4 TARGET:
Design healthy and complete neighborhoods that meet the housing needs of a range of income levels, provide easy access to multiple alternative transportation opportunities, contain ample open space and meeting space for community members to gather both formally and informally, provide easy access to jobs and services, contribute to maintaining the rural character of Kauai and quality of life factors.	<p>a) “<u>safe roads</u>”: Needs a definition and examples such as – “maintained for safe and comfortable transit for motorized vehicles, as well as ample space for alternative forms of transportation such as bicycles to co-exist with vehicles on the road bed, and safe walking corridors for pedestrians”.</p> <p>b) “<u>functional parks</u>”:</p> <ol style="list-style-type: none"> 1. Also needs a definition. 2. We should set targets for “urban green space” as a driver for converting derelict or underutilized space into parks; for identifying appropriate locations for new parks as “rest areas”; and, encouraging the county to invest in parks by purchasing undeveloped areas (e.g., the space next to the 2 new hotels going up next the Marriott Courtyard is a prefect example of what should have been set aside as a park). <p>c) “. . . access to jobs, commerce, transit and public services”: Again, this eludes to the need for high density, multiple-use housing development areas – so why not set targets in order to be explicit about this need (see policy #2 comments).</p> <p>d) No new development requiring infrastructure can be considered until County has met current infrastructure needs for water, sewer, roadway access, energy, and landfill.</p>
POLICY 5: Make Strategic Infrastructure Investments	
POLICY 5 TARGET:	STRATEGIES FOR ACHIEVING POLICY 5 TARGET:
Primary focus should be on addressing current needs (reactively), while creating some efficiencies by simultaneously planning for future needs (proactively) within the limitations of the growth management model.	<p>a) Address current infrastructure deficits using a “sustainability model” (e.g., maintaining open space, protecting watersheds, completing the shift to clean energy, preparing for climate change) as guidance.</p> <p>b) Address future infrastructure investments by staying within the guidelines established by the GP in regards to growth management and controls (see Policy 1).</p>
POLICY 6: Reduce the Cost of Living	
POLICY 6 TARGET:	STRATEGIES FOR ACHIEVING POLICY 6 TARGET:
Reduce the cost of living by implementing a sustainability policy as a basis for creating a more self-sufficient Kauai.	<ol style="list-style-type: none"> a) Provide housing for working families (e.g., high density, multiple-use housing). b) Help small businesses thrive. c) Help agriculture lands be productive. d) Complete the shift to clean energy. e) Prepare for climate change. f) Develop an income diversification model moving away from the

	dependency on a mono-economy (tourism) and providing jobs that help Kauai become more self-sufficient (“a” through “e”).
POLICY 7: Build A Balanced Transportation System	
POLICY 8: Address Wailua-Kapa‘a Traffic	
POLICIES 7&8 TARGET:	STRATEGIES FOR ACHIEVING POLICIES 7&8 TARGET:
No net gain in number of cars on the road at any given time and net reduction in congestion by developing a singular, comprehensive, island-wide transportation plan linking all major centers of commerce with multi-modal transportation options.	<p>a) These 2 policies should be combined and eliminate the heading for #8. Maybe no one has been paying attention, but over the last bunch of years while we have been complaining about Kapa‘a, equally frustrating congestion is occurring in every direction from Lihue. There needs to be an island-wide transportation plan.</p> <p>b) Although this does mention “multi-modal transportation options”, bottom line is we have to either create incentives or disincentives for people to stop the dependency on their cars. You can keep adding lanes and by-passes ad nauseum, however, in time there will be more cars filling those new spaces and we will be back where we started. Time for specific controls on this one.</p> <p>c) Study all existing former cane haul/other roads as alternate roadways before building new roads. No commercial development on those alternate roads allowed.</p> <p>d) Impose a higher vehicle tax on rental cars. Limit the number of rental cars a company can own/operate.</p> <p>e) Require hotels to provide transportation for guests.</p> <p>f) Consider Uber drivers.</p>
POLICY 9: Protect Kauai Scenic Beauty	
POLICY 9 TARGET:	STRATEGIES FOR ACHIEVING POLICY 9 TARGET:
Maintain green and open space unencumbered by human impacts in order to maintain and preserve the scenic beauty of Kauai for future generations.	<p>a) Set specific targets for percentage of open/green space vs developed space (e.g., no net loss of current open and green space – see Policy 1).</p> <p>b) Increase the amount of high-density development to ensure controls on urban sprawl.</p> <p>c) In regards to “views between towns”, this will require specific standards about visual distractions such billboards and cell towers – so let’s be explicit about what we mean about when and where man made visual distractions of any sort should be allowed.</p> <p>d) Given that the natural environment is our most valuable asset, encourage education about respecting nature, recycling and Malama ‘aina. This needs to begin early at home, pre-school and continue through the grades. Put out community service radio and TV educational ads.</p> <p>e) Consider Municipal Refuse Facility (MRF). This facility encourages recycling, zero-waste. Let’s make Kauai truly the “Garden Island”.</p>
POLICY 10: Uphold Kauai as a Unique Visitor Destination	
POLICY 10 TARGET:	STRATEGIES FOR ACHIEVING POLICY 10 TARGET:
Maintain and protect Kauai’s natural assets by controlling visitor impacts.	<p>a) This fails to identify the need to preserve the very thing that brings visitors to Kauai – the natural environment. This should include specific language about managing both visitor and resident impacts on the natural resources of Kauai and how were going to do that including:</p> <ol style="list-style-type: none"> 1. develop a carrying capacity and limits of acceptable change (model) to manage impacts from tourism activities 2. develop both regulatory and voluntary best management practices (BMPs) for tourism infrastructure development (e.g., coastal set backs, waste water and solid waste

	<p>practices, use of landscaped buffer zones, etc.)</p> <p>3. develop mandatory and voluntary best management practices for tourism service providers (e.g., reef walking, diving practices, wildlife interactions)</p> <p>b) The impacts of steady growth in tourism need to be addressed. Too much and disproportionate tourism has resulted in infrastructure stress, traffic gridlock, over-crowded beaches and parks, strains on fire, police, EMT and rescue services, noise, and community disruption. Additionally, uncontrolled tourism growth is contributing to a decrease in positive visitor experience of Kauai. To mitigate tourism, we recommend these steps be taken with due notice to tourism service providers in advance of the effective date of the GP (2020):</p> <ol style="list-style-type: none"> 1. Require all future rental vehicles to be electric or hybrid. 2. Impose higher taxes on vehicle rentals and apply tax to maintenance of multi-modal transportation system 3. Limit the total number of rental vehicles available for public use at any given time on the island (set a cap). 4. Moratorium on resorts. No more building permits for future tourist accommodations (or up-zonings). No extensions of existing tourist accommodation permits past 5 years ! (clock begins with date permit issued). Use it or Lose it! 5. Create incentives as a negotiation tool to reduce size of already approved development(s). 6. No up-zoning of agriculture lands. 7. Increase TAT (transient accommodations) fees. 8. Increase property tax rates for resort properties. 9. Aggressive enforcement against non-permitted TVR's and B&B's and airbnb's.
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POLICY 11: Help Business Thrive

POLICY 11 TARGET:	STRATEGIES FOR ACHIEVING POLICY 11 TARGET:
<p>Build an income diversification model to support small business development and move away from the tourism-based mono-economy on Kauai.</p>	<p>a) This might be better stated as “Help (Small Scale) Local Businesses Thrive”.</p> <p>b) Be careful about compromises made by “streamlined approval processes”. This seems a little contradictory and maybe the “approval process” needs to be examined before making exceptions to it.</p> <p>c) Provide incentives to encourage private-public partnerships, particularly in regards to the development of income diversification models and linking that to a more self-sufficient future for Kauai (see Policy 6-f).</p>

POLICY 12: Help Agricultural Lands Be Productive

POLICY 12 TARGET:	STRATEGIES FOR ACHIEVING POLICY 12 TARGET:
<p>Develop a comprehensive sustainable food model for Kauai to support 20-30% of food sources being grown and consumed locally by 2035.</p>	<p>a) This points to the need to keep a percentage of our land zoned as truly agricultural to ensure there is enough affordable ag land to make farming profitable.</p> <p>b) Aloha+ Challenge has specific target for sustainable food supply that should be adopted (20-30% grown and consumed locally).</p> <p>c) Kaua`i County must make small land plots available for farmers to lease, as on Maui. Mayor Carvalho says that 70 county acres are available for small plots leases in Kilauea now. We need more.</p> <p>d) The county should permit temporary farm dwellings for workers on existing ag land where owners hire farm workers. Small,</p>

	<p>sanitary and safe dwellings are needed on organic farms, which provide produce for our Sunshine Markets.</p> <p>e) No up-zoning from agriculture land. Keep AG in Ag!</p> <p>f) Industrial agriculture businesses (non-food producing) need stricter regulations: buffer zones around schools, hospitals, commercial businesses, churches, places where people gather and transparency. Industrial ag should not be conducted in ag zones, and should only take place on land zoned for industrial use, and should be taxed as such.</p>
POLICY 13: Protect Our Watersheds	
POLICY 13 TARGET:	STRATEGIES FOR ACHIEVING POLICY 13 TARGET:
<p>Maintain and protect the natural function of all of Kauai’s watersheds by ensuring that their flow remains unimpeded and at least 30% of the watershed land undisturbed by human alteration.</p>	<p>a) We have a state sanctioned ahupua’a management framework, and a traditional knowledge base for how to manage watersheds. There needs to be a strong reference to this as a foundational piece for how we protect our watersheds.</p> <p>b) One way we can honor our Kupuna (see Policy 19) is by using their knowledge of traditional natural resource management to protect the natural functioning of our watersheds.</p> <p>c) Respect native Hawaiian rights (Policy 16) by protecting their use, access to, and management approaches to ahupua’a natural functions.</p>
POLICY 14: Complete Kauai’s Shift to Clean Energy	
POLICY 14 TARGET:	STRATEGIES FOR ACHIEVING POLICY 14 TARGET:
<p>80% of Kauai’s energy will come from green (renewable energy) sources by 2050.</p>	<p>a) This could be linked to income (job) diversification through the development of a green workforce.</p> <p>b) This should be reflected in all development permit requirements.</p> <p>c) New tourism infrastructure development facilities (hotels) should be required to develop their own self-sufficient renewable (green) energy system.</p>
POLICY 15: Prepare for Climate Change	
POLICY 15 TARGET:	STRATEGIES FOR ACHIEVING POLICY 15 TARGET:
<p>Kauai will serve as a model for climate change preparedness by taking a proactive approach to potential climate impacts. The General Plan will incorporate tried and tested resilience and adaptation principles and measures in all new developments.</p>	<p>a) This whole description in the new policy piece sounds too reactive rather than proactive. Why don’t we talk about:</p> <ol style="list-style-type: none"> 1) Building more resilient communities; 2) building disaster preparedness plans; 3) mitigating the impacts we are already seeing from climate change; 4) incorporating basic climate change precautionary principles into our development plans and permit requirements, infrastructure planning, sustainable food plan, etc. <p>b) This should be a cross cutting component of the other 19 policies.</p>
POLICY 16: Respect Native Hawaiian Rights and Wahi Pana	
POLICY 16 TARGET:	STRATEGIES FOR ACHIEVING POLICY 16 TARGET:
<p>Acknowledge and show respect for native Hawaiian rights, Wahi Pana, local knowledge and traditional practices by explicitly integrating this approach into the 19 policies and overall framework of the General Plan.</p>	<p>a) There is missing a critical piece in the 20 policies about making use of traditional Hawaiian knowledge and practices as the underpinning and guidance for decision making about all future policy directions, management and human interactions with both the land and sea.</p> <p>b) We should make use of the models that have been formally (codified) by the state such as the ahupua’a model, konahiki model (e.g., Haena community based fisheries rules), as well as the less</p>

	formal models used every day and based on traditional knowledge.
POLICY 17: Protect Access to Kauai's Treasured Places	
POLICY 17 TARGET:	STRATEGIES FOR ACHIEVING POLICY 17 TARGET:
Recognize the privilege of access to Kauai's treasured places through the use of responsible behavior that does not compromise the value and integrity of these places.	<p>a) It is important to mention responsible use of these places – meaning engagement with the land and sea that takes into consideration the need to leave it a better place than it is now for future generations. (we really think that access should be stated as a “privilege” rather than a “right”).</p> <p>b) Learning the value of these treasured places and how to treat them can either be learned through native Hawaiian oral traditions (“talk story” approach) and/or more formal classroom learning. This would serve as a good platform for intergenerational Keiki to Kupuna learning (policies 18 and 19).</p>
POLICY 18: Nurture Our Keiki	
POLICY 18 TARGET:	STRATEGIES FOR ACHIEVING POLICY 18 TARGET:
Guide, nurture and mentor our Keiki so they have the choices available to them to ensure a sustainable future here on Kauai.	<p>a) This will require more than “valuing youth”. We, as a whole Kauai community, have a responsibility to guide, nurture, mentor and direct the next generation to a future where they first of all have choices, and secondly are guided towards making wise and informed choices about their own future. This piece is huge and cannot be underestimated in importance. It also depends on us making sound decisions right now, starting with this DGP.</p> <p>b) Improve Education for Keiki (see Policy 17).</p> <p>c) Provide drug/alcohol treatment/ rehabilitation facilities.</p>
POLICY 19: Honor Our Kupuna	
POLICY 19 TARGET:	STRATEGIES FOR ACHIEVING POLICY 19 TARGET:
Honor, respect and make use of the wisdom and knowledge of our Kupuna in guiding us towards a more sustainable future for Kauai.	<p>a) We need to make a statement about valuing Kupuna knowledge, their connection with the past, and their role as stewards of the traditional Hawaiian culture. We need to keep these qualities of the Kupuna alive and honor it by incorporating it into all the place-based decisions we make about Kauai.</p> <p>b) We need to make a statement about the value of intergenerational sharing of knowledge and guidance between the Kupuna and Keiki (connect this policy piece to policy #18).</p>
POLICY 20: Communicate with Aloha	
POLICY 20 TARGET:	STRATEGIES FOR ACHIEVING POLICY 20 TARGET:
Communicate, reflect and live with Aloha from the community level to all private and public sectors co-existing on Kauai.	<p>a) We need to live our lives with Aloha – walk the talk and be living examples to others, let our actions reflect the same Aloha that we expect from the guiding principles of this plan – this responsibility belongs to everyone.</p> <p>b) Aloha also means a seamless relationship between the guidance in the General Plan and the interests of the community. This comes by way of open and transparent communication between the County of Kauai and community members whereby the desires and interests of the community are taken into consideration and applied to planning, policy and execution of any new development or changes on this island.</p>