



**Hanalei-Ha'ena Community Association
Post Office Box 1072
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January 31, 2017

Kaua'i County Planning Department
Attn: Long Range Division
4444 Rice Street, Suite A473
Lihue, HI 96766.

Re: Hanalei-to-Ha'ena Community Association Comments on Draft General Plan

The Board of Directors of the Hanalei-to-Ha'ena Community Association ("HHCA") submits the following comments and concerns regarding the January 2017 Draft of the Kauai General Plan ("Draft").

I. Tourism

Tourism is an important part of Kauai's economy; but the Kauai economy's over-reliance on ever-increasing growth in tourism is an existential threat to the character of the Hanalei-Wainiha-Ha'ena area, and to the safety and quality of life of residents of the area.

Island-wide, the ratio of tourists-to-residents exceeds 40% for much of the year.¹ But the situation in the Hanalei-Wainiha-Ha'ena area is far more extreme. The resident population in this area is less than 1500 people.² If even as few as 6% of the tourists on Kauai on an average day visit the north shore, they can double the population of the Hanalei-Wainiha-Ha'ena area. The area's infrastructure is not capable of handling this; the area's rural character and quality of life are compromised by this; and safe, rapid evacuation of the tsunami zone is made impossible by this.

- Tourist traffic is overwhelming the Hanalei-Wainiha-Ha'ena area's roads and bridges, beach and parks, parking capacity, commercial centers and neighborhoods.
- Expanding tourist activities and services are crowding out residents at local beach parks (for example, Black Pot and Ke'e) and beaches (for example, Makua).
- Hanalei, Wainiha and Ha'ena have been converted (through the proliferation of illegal and grandfathered TVRs and B&Bs, made worse by poorly-regulated transient rental websites such as AirBnB) into *de facto* resort areas, leaving fewer and fewer residences available for residents.

¹The 2015 Average Daily Visitor Census (ADVC) was 24,533 (page 2-79); the 2015 Kauai population was 71,735 (page 1-3); so on an annual average basis, the ADVC increases Kauai's population by 34%. However, during the 4 peak months of the year, the ADVC is 10% - 15% higher than the annual average ADVC. Therefore, for much of the year, the ADVC increases Kauai's population by 37% - 39%, and even more on the peak days of those months.

² The 2010 census for Hanalei District 401.04 stated that the district's population was 1,344.

- Safe evacuation of the Hanalei-Wainiha-Ha'ena tsunami zone is not possible when it needs to be done quickly, due to the very large and ever-increasing number of tourists and tourist vehicles west of Princeville.

The Draft projects only an additional 8.5% increase in Average Daily Visitor Census (ADVC) over the next 20 years (just 0.4% per year). This is an amount which in itself is already problematic as the present ADVC exceeds desirable levels. But based on the past 5 years' average ADVC growth rate of 4.6% per year, it is very clear that this 8% per two decades projection is unrealistically low, and that the problems that will be created if uncontrolled tourism growth is allowed to continue will be unmanageable.

The Draft's six tourism-related "Permitting Actions and Code Changes" (page 2-83) propose to focus new resort development within the existing VDAs. We of course support this reaffirmation of the purpose of the VDAs. We also support the related recommendations to not increase the amount of Resort zoning in the future. But these actions would do very little to reign in tourism growth over the next 20 years, as there would still be more than more than 3,700 unbuilt visitor units in the VDAs.

The most significant problem with the Draft is that it proposes no policies, no targets, and no actions to try to limit tourism and tourism growth to desirable, manageable, sustainable levels. Instead, the Draft's strategy is to accommodate, facilitate and encourage more tourism growth.

Even more disconcerting, the Draft has no prescription for what to do when its extremely unlikely forecast of just 0.4% tourism growth per year is exceeded. The Draft's projected 2020 Visitor Arrival Forecast of 1.15 million (page 1-5) has already been exceeded (in 2015 and 2016). Reliance on divine intervention to keep the number of tourists in check ("*if history can be trusted, we can expect some form of disrupting event in the visitor industry every five to ten years,*" page 1-5) is not sound planning. It is not acceptable that, rather than address the growth management issue, the General Plan instead hopes that another tsunami, hurricane or economic depression will save the day.

We therefore believe that it is very important that the General Plan redirect the County's tourism policies and actions from the current "come-one, come-all" boosterism of tourism, to a set of policies and actions focused on discouraging any increase in the number of tourists beyond the current ADVC.

In addition to keeping matters from becoming worse, high priority must be given to implementing measures to reverse the damage that has already occurred, and to restore to Hanalei-Wainiha-Ha'ena the balance, rural character, quality of life and safety that have been lost under the existing General Plan. The harmful impacts of the existing level of tourism in Hanalei-Wainiha-Ha'ena must be reduced. This requires decreasing tourism's traffic and parking impacts, returning our neighborhoods to residential uses, and restoring the public's ability to safely evacuate the tsunami hazard zone.

We therefore recommend that the Draft be revised to incorporate the following:

1. The General Plan's "Vision and Goals" should state that tourism-related development on Kauai should be limited to a level that does not exceed Kauai's infrastructure capacity, does not threaten Kauai's rural character, and does not degrade residents' quality of life.

2. The General Plan should adopt the policy that to protect Kauai's communities and rural character and residents' quality of life, County government will use all measures at its disposal to discourage any increase in the Average Daily Visitor Census beyond its current (2016) level.
3. The Draft's proposed tourism policy should be amended to state that: "*The policy of the General Plan is to uphold Kauai as a unique visitor destination by focusing on revitalization, limiting new resort growth and other tourism-related development to existing Visitor Destination Areas, and limiting the Average Daily Visitor Census to its current (2016) level.*"
4. The General Plan must include concrete actions to achieve these tourism growth management policy goals. Those actions should include the following:
 - (a) Increase taxes on rental vehicles; increase property taxes on resorts, TVRs and B&Bs; and obtain and use authority from the state to increase the Transient Accommodation Tax.
 - (b) Confine all new tourism-related uses, including tourism-related accommodations, attractions and retail uses, to the existing VDAs.
 - (c) Do not permit any expansion of tourism-related uses or commercial activities on public lands or facilities.
 - (d) Phase-out non-conforming TVRs outside the VDAs (seeking amendments to HRS 46-4 if necessary); strictly enforce against, and close, non-permitted and out-of-compliance transient rentals (TVRs and B&B's); and take strong action as soon as possible to deal with the enforcement challenges created by on-line transient accommodation websites such as AirBnB.
 - (e) Redirect any County tourism promotion, and work to redirect the state's tourism promotion for Kauai, towards tourism that will not increase the ADVC and will reduce the negative impacts of the existing ADVC. This includes eliminating County funding and subsidies for activities or events that are primarily tourism-focused.
 - (f) Institute priority access for residents (resident-only camping areas, allocation of a percentage of campsites for residents, and/or resident priority in the camping permit reservation system) at crowded County parks.
 - (g) Institute resident-only parking areas, supported by strictly-enforced tow-away regulations, at crowded parks and facilities and in neighborhoods affected by non-resident parking.
 - (h) Restrict vehicle access on Route 560 west of Princeville to Kauai residents' vehicles and public transit/shuttles. (Consideration can be given to the possible issuance of a limited number of non-resident-vehicle day passes, not to exceed the disaster evacuation and parking capacities of the Hanalei-Wainiha-Ha'ena area.)
 - (i) Determine the disaster evacuation capacity, legal parking capacity and wastewater disposal capacity of the Hanalei, Wainiha and Ha'ena communities, and the numbers of vehicles, tourists and residents in these communities on both peak and average days. The scope and details of this work should be defined with substantial community input, to ensure that the work truly evaluates the capacity and limitations of the area's infrastructure as it currently exists.

5. As the County should be discouraging, rather than encouraging and facilitating, the excessive increases in tourism that are on the horizon, the Draft's proposed Permitting Action related to the Princeville Airport (on page 2-66), which allows the future use of the Princeville Airport site for tourist flights, should be amended to *"Close the Princeville Airport to all aircraft uses other than emergency or disaster recovery uses, and re-purpose the site for use as a tourism transit center and park-and-ride hub for the north shore."*

II. Viewplane Protection

The Draft proposes regulatory tools to "preserve views" and "minimize impacts to view corridors from roads or public places to the ocean, and from the mauka to makai" (pages 2-15, 2-103). This wording needs to be amended, as it explicitly limits the viewplane protection concept, eliminating from consideration other important viewplanes that ought to be protected - for example, the very important views of the Hanalei River ridge from Hanalei's beaches and Hanalei pier. Please amend the wording to *"Minimize impacts to view corridors from roads or public places to the ocean, from public places and the ocean to important landmarks, from makai to mauka, and from the mauka to makai."*

The explanatory text on page 2-102 also neglects to mention the Hanalei River ridge viewplane, which is puzzling given the well-known community and island-wide concern over protecting this iconic viewplane. Please amend the text to include the Hanalei River Ridge: *"Other less known landmarks are no less important to defining our sense of place, particularly for the communities near them. For example, Crater Hill is an important coastal landform near Kīlauea Town, the Hanalei River ridge defines the iconic views of Hanalei from the areas beaches, parks, waters and pier, while Hā'upu Ridge frames the Līhu'e District and divides it from the South Kaua'i District. Landforms such as Kālepa Ridge and Kilohana Crater have similar framing qualities and help define and characterize nearby communities as distinct settlement areas".*

The Hanalei River ridge should also be added to the Heritage Resource Map (Figure 5-8).

III. Transportation: Traffic Calming

The Draft proposes to collaborate with DOT on certain matters (roundabouts, for example) related to state highways and county roads (page 2-42). A similar policy should be included in the General Plan for the far more important issue of traffic calming on state highways and county roads in residential areas. Traffic calming is of particular importance to the Hanalei-Wainiha-Ha'ena communities on Route 560/Kuhio Highway, as well as on Weke Road.

Please add an additional Partnership Need (after Partnership Need 3.c on page 2-42) stating the following: *"Develop policies and implement actions for traffic calming on County roads, and strongly urge HDOT to implement actions to calm traffic on State Highways in residential communities."*

IV. Issues Specific to Hanalei, Wainiha and Ha'ena

A. Proposed Vision, Goals, Actions and "Place Based Designations"

Regarding the proposed vision, goals, actions and "place based designations" for Hanalei (pages 4-44, 4-45, 4-50 and 5-8): as Hanalei does not have a recently-updated community plan, the adoption of any of these visions, goals, actions or designations in

the General Plan would be premature, as such an adoption would be a top-down imposition of these visions, goals and actions on our community.

Indeed, some of the proposals could be cause for some concern. For example, the proposed requirement that off-street parking lots be located behind buildings could unduly constrain Hanalei's town character; the proposed creation of a park-and-ride location in Hanalei town would encourage more tourist rental cars to come into the valley to park in Hanalei rather than at a Princeville transportation hub; and the proposed "neighborhood center/neighborhood general/neighborhood edge" designations could have many ramifications regarding the types of development allowed in those areas.

To avoid any future misunderstandings about the nature of the proposals, we request that the General Plan explicitly state that no land use designations related to neighborhood center/neighborhood general/neighborhood edge, and none of the proposed visions, goals and actions, should be considered to be anything more than unvetted preliminary proposals unless and until they have been endorsed by the community.

B. Agricultural zone, Open zone and Public land policies for Hanalei-Wainiha-Ha'ena

We support the proposed policy to "*preserve and protect Agricultural lands*" (page 4-5). However, we believe it is very important that the General Plan also explicitly state that no tourism development (agricultural tourism, B&Bs, tourist attractions, etc.) will be allowed in the Hanalei-Wainiha-Ha'ena Agricultural and "Natural" zones; and that Hanalei-Wainiha-Ha'ena taro fields shall be protected from all development, including gentleman's estates, by the removal/transfer of all housing density from these lands.

We request that the General Plan actions for Hanalei also include actions committing the County to work with the DLNR to: (i) not allow any expansions of commercial activities on state-jurisdictional public lands; (ii) implement the County Council's 2014 resolution (Resolution 2014-49) to protect Hanalei Bay from threats posed by mega-yachts/offshore TVRs; and (iii) vigorously enforce DLNR's regulations for Hanalei-Wainiha-Ha'ena beaches and waters.

C. Disaster Preparedness/Emergency Evacuation

Notably missing from the Draft's proposed goals and actions (page 4-50) are goals and actions to ensure that new development does not further degrade the safety of our communities in the event that rapid evacuation is required. The General Plan's policies and actions should not encourage new development in the tsunami evacuation areas, which encompass most of Hanalei and Ha'ena and much of Wainiha. The November 2016 draft of the General Plan implicitly acknowledged this critical concern (for example, Action 1.a on page 2-24 had stated "*allow additional rental units in all residential communities, with the exception of areas affected by existing and future hazards*"). But the revised draft has inexplicably deleted that condition, and with it the policy that development should not be encouraged in tsunami evacuation areas.

All of the Permitting Actions and Partnership Needs regarding the encouragement of additional development (including those on page 2-29) should be amended to add the condition "*with the exception of areas affected by existing and future hazards.*"

The General Plan's policies and actions should also work towards reducing the existing threats to our communities' disaster resilience by reducing the ADVC west of Princeville

to a level that can be supported by the area's existing infrastructure. Limiting the number of non-resident vehicles that enter Hanalei Valley (see Item I.4.h above) is an important first step for increasing our communities' disaster evacuation capability.

D. Bike Paths in Hanalei-Wainiha-Ha'ena

The "North Shore Shared Use Path" cited in the Draft was a plan produced by a special interest group (Kauai Path) without community consensus or approval; and as such, it should not be afforded legitimacy as public policy. While it is very likely that there is widespread community support for one-or-more shared use paths in the Hanalei-Wainiha-Ha'ena communities, the purposes, locations, designs and other parameters of such paths should be the product of our communities' vision, needs and desires, not those of an outside agency or special interest group. It would therefore be very wrong for the General Plan to declare that County policy is to "construct the North Shore Shared Use Path," or to indicate that path on the Transportation maps in Chapter 5.

Therefore, we request that the Draft be amended as follows:

- Amend the statement that DOT provide bicycle facilities "on all State Highways, including bridges." (page 2-50) This statement paints with too broad a brush, and in addition to not reflecting any community consensus, it would have very negative implications as the "all" in the statement can/will be used as an attack on our cherished one-lane bridges (which are important both as historical and traffic calming facilities). The Draft's statement should be conditioned by removing the word "all" and appending the phrase "*where desired in community plans.*"
- The Draft's proposal to "*Construct the North Shore Shared Use Path*" (page 2-74) is based solely on the 2012 *North Shore Path Alternatives* document that was produced by a bicycle path advocacy group. The Draft's proposal should be amended to read "*Evaluate the possible creation of one-or-more north shore shared use paths, consistent with the visions and desires of the affected local communities and local Community Plans.*"
- The "North Shore Path" should be deleted from the Policy Maps on pages 5-41, 5-42 and 5-43, as the "North Shore Path" should not be misconstrued to have any legitimacy as public policy at this time.

The January 2017 Draft also adds the assertion (not contained in the November 2016 Draft), on page 4-45, that "*there is also support for a possible parallel, shared use path makai of Kūhiō Highway, which could connect community civic uses between the single row of existing buildings and existing agricultural lands.*" Aside from the wording error in the statement (the authors must have intended "mauka" rather than "makai"), it is not true that the community has discussed or expressed support for a shared use path along Hanalei's taro lo'i. The new sentence is misleading and should be deleted from the Draft.

To be clear: the concerns stated above should not be mistaken as opposition towards one-or-more possible shared use path(s). Instead, we simply request that the current vision for bicycle access in the Hanalei-Wainiha-Ha'ena communities³ be respected by the General Plan unless and until that vision has been updated through an open, collaborative process that reflects the communities' desires.

³ The *Kuhio Highway Historic Roadway Corridor Plan* (page 18) states that Route 560, within and outside of Hanalei town, "shall be a shared use road for vehicles and bicycles."

V. Implementation

The General Plan needs to include both a timetable for the implementation of the actions, resolutions and ordinances proposed in the Plan, and a requirement for semi-annual progress reports to the County Council. Without a requirement to report to the public, including progress on meeting the Plan's milestones, implementation will fail.

Thank you for your consideration of these comments and concerns.

A handwritten signature in black ink, appearing to read 'Joel Guy', is written over a light blue rectangular background.

Joel Guy, President
Hanalei-to-Ha'ena Community Association