

GUEST VIEWPOINT

Moratorium proposal deserves serious consideration

Tim Bynum

Mayor Bryan Baptiste has proposed and the Planning Commission has unanimously recommended a temporary moratorium on agricultural subdivisions. The proposed moratorium ordinance states: "It is increasingly apparent that more stringent controls on the use of agricultural land are required to ensure the viability of agricultural production in the county" and notes "the public record contains numerous references to problems and inconsistencies in the regulation of agricultural land in the county."

The ordinance also states: "Failure to impose proper regulations will allow development to proceed and for new, non-agricultural uses in the county to become established during any such consideration in a manner that may irreversibly change the character of the county's agriculture districts to the possible detriment of the county and its residents."

Late in the evening last Wednesday, Feb. 20 the Planning Committee of the County Council voted 3 to 1 to receive the moratorium bill, effectively ending consideration at the committee level and recommending to the full council that it kill the ordinance. This action occurred with limited discussion and without entertaining a proposed amendment. I believe that this sudden action on an issue of critical importance is unwarranted. A more serious consideration of the proposal should occur.

In 1999 the county of Kaua'i invested \$1 million in our General Plan update which was completed in 2000. Thousands of Kaua'i residents participated in the year long process to set the vision and priorities for Kaua'i's future. The vision, simply stated, is that Kaua'i should be a special island with a "rural environment." That we have distinctly individual towns and communities each with its own unique history and character separated by broad open spaces and view planes. Said another way, we choose a different path than O'ahu or Maui. We choose a path for Kaua'i that keeps us a "garden island of unsurpassed natural beauty." I believe there is widespread agreement on this vision for Kaua'i. However, the General Plan is a vision and policy statement that can only be realized with specific actions. Specific ordinances need to be amended or created. The mayor, his administration and the council need to work together collaboratively, which has not always been an easy task.

Because the "broad open spaces" between our towns are zoned "Agriculture" and "Open" our policies regarding these lands are especially important if we are to realize our vision. The policy section of the General Plan states "allow incremental growth of towns, contiguous to existing development" and asks us to "limit the devel-

opment and dispersal of new agricultural communities through zoning regulations." However agricultural subdivisions have proliferated.

At Wednesday's meeting the administration outlined a timeline and specific steps that need to occur during a time-limited moratorium, including identification of Agricultural Lands of Importance, changes in open space density, and ordinances requiring public input and Planning Commission approval of large agricultural subdivisions.

These actions are among those specifically recommended in the General Plan, yet eight years have passed without their introduction. Just as delays in regulating Transient Vacation Rentals led to a proliferation of these units, the same proliferation is true of agricultural subdivisions. The council has just acted to stop new vacation rentals consistent with General Plan recommendations and should not delay dealing with ag subdivisions. These issues and others related to implementing Kaua'i's vision as outlined in our General Plan are consistent with the smart growth

principles I believe a majority of the council endorses and should be our highest priorities. Otherwise we need only to look to Maui or O'ahu to see where our current path leads.

I first learned about agricultural subdivision in 1999 when our family was looking to purchase our home on Kaua'i. Happily renting in the Wailua Houselots we were finally ready to buy. The market seemed good but prices were rising. We felt like we needed to move or we might lose our chance. But there were no homes for sale in the houselots at all and very few on the Eastside so we looked to buy a lot and build. Residential lots in Wailua were selling, at the time, for about \$100,000. Then we learned about a 3-acre lot in Wailua for a similar price. How could that be? It seemed an obvious choice then but I have come to understand the problem with continuing the practice.

As we went through the purchase process I started to understand the difference. The smaller lots were in residential zoning and the lots larger than one acre were on land zoned "agricultural." Agricultural subdivisions bypass the normal planning process and allow further subdivision through CPRs. They occur without public input, without consideration of the communities overall plan and priorities and without contributions to mitigate their impact. In 2000 local families could still benefit from ag subdivisions, indeed most of my neighbors are local working families. However the days when ag subdivisions benefit working class families are long gone. Lots in new ag subdivisions start at a half million and go well over a million dollars.

► **Tim Bynum** is a Kauai County Council member and resident of Kapa'a.

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