

MINUTES

PLANNING COMMITTEE

April 18, 2007

A meeting of the Planning Committee of the Council of the County of Kaua'i, State of Hawai'i, was called to order by Councilmember Jay Furfaro, Vice-Chair, at the Historic County Building, Room 201, Līhu'e, Kaua'i, on Wednesday, April 18, 2007, at 5:18 p.m., after which the following members answered the call of the roll:

Honorable Jay Furfaro
Honorable Shaylene Iseri-Carvalho
Honorable Mel Rapozo
Honorable Bill "Kaipo" Asing, Ex-Officio Member
Honorable Tim Bynum, Ex-Officio Member

EXCUSED: Honorable JoAnn A. Yukimura
Honorable Ronald Kouchi

The Committee proceeded on its agenda items as shown in the following:

Bill No. 2204 A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8 OF THE KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE (Transient Vacation Rental and Bed and Breakfast operations)
[This item was deferred.]

JAY FURFARO, PLANNING COMMITTEE VICE-CHAIR: I would like to point out that we also have scheduled an Executive Session that may result in some amendments to this bill and with Councilwoman Yukimura's absence, I am suggesting that we would handle this on May 2 allowing some time to get some feedback, look at further amendments and then do it in workshop on May 16. I will make those announcement as such, but it would be only appropriate for me to ask if there is anyone in the audience that would like to speak on this bill. Barbara, please come right up.

There being no objections, the rules were suspended.

BARBARA ELMORE: Barbara Elmore. I was going to apologize for taking your time, but I have waited 7 ½ hours, so I think three (3) minutes will not hurt you after all this. You have been here a lot longer than that, but since you are having an Executive Session, I wanted to mention two (2) things especially and I would just like to give an analogy. I would like for you to think of yourselves as the schools Superintendent all of you together. So you decide to send out a note to all the children in all the school saying, these are the items allowed in school. You

have number 1: pencils, number 2: erasers, number 3: paper, number 4, ruler, and that is the complete list and all the children and the schools across the island get that list. I look at that list and tell my child, no, you can't take a knife to school because it is not on the list. Mr. Blaine Kobayashi would look at that list and, say, oh son, you can take a knife to school because we assume, since it is not on the list, it is okay. To me, that is analogous to this situation with the vacation rentals. I would like for you to consider all the possibilities. At some point early on, the idea of banning vacation rentals in residential neighborhoods was just taken off the table. I would like to think it is still on the table. I know there are powerful forces that would just give you... well, I won't say the word, but give you a hard time about that.

The second thing that I want to mention is, I have gone to the www.kauai.gov website many times, but I always go to the government section. Just out of curiosity yesterday, I went to the... up at the top, there is like four (4) sections. There is one for visiting and I explored that. It was mind boggling to me because I misplaced the one sheet, but there is one point on there, frequently asked questions. One question is, can you recommend a hotel and tell me how much it will cost basically... that is not the exact wording and the answer is, we cannot recommend specific hotels or give you the rates, you will have to contact them. Yet, on this same website, there are listings... here is one for vacation rentals. These are all their facilities and gives their website that you can just click on instantly from the County... the County is providing this free advertising for these vacation rentals. Here is one that... two (2) beachfront vacation homes and this is from the County website. Two (2) homes, each one starts at \$5,000 per week, per home, seven (7) day minimum. Here is a secluded, romantic cottage on nine (9) acres of land and I don't think that is in the VDA. There are other listings... I won't go into all those, but there is a... you can go to...

MEL RAPOZO: Barbara, you said that is on the County website?

Ms. Elmore: Yes, it is under accommodations.

Mr. Rapozo: Really?

Ms. Elmore: I had to do the printer friendly version, so it is not the pretty colors, but... accommodations... bed and breakfast, there is condo rentals, hotels, rental homes, reservations, vacation ownership. That is where I found those. Then, there is actually three (3) places that the County is providing these free ads. If you go to the www.kauai.gov home page and there is a section at the top and you could click on vacation directory and there are two (2) little boxes. There is the box for Kaua'i products, there is a box for Kaua'i services. Under Kaua'i services, there are vacation properties as a separate listing, vacation rental, vacation rental companies, vacation rental homes... here is the list of the vacation rental and this is the printer version, so it is much prettier with pictures and colors. Here is one page with... you can see it is from the site (vacation rental home). Here is vacation properties and this is eight (8) pages on our official County taxpayer

website and we talk about saving taxpayer money. These eight (8) pages are on the website for the County of Kaua'i. These are not just hotels... in fact, we don't have this many hotels I don't think. There is also...

Mr. Rapozo: And you are clicking on the visitor tab?

Ms. Elmore: This one was from clicking on the vacation directory. Visiting is one of the major main page.

Mr. Rapozo: I have never clicked on it.

Ms. Elmore: There is government, there is kama'āina, there is visiting and there is business and one more I think. But, then, also near the top you can click on vacation directory and that is where I found these listings for all these vacation rentals and vacation companies. You can also go to... this is on their... I don't want to take up too much of your time, but these are vacation rentals companies. Two (2) full pages of vacation rental companies. There are sections on there for frequently asked questions aside from the one I mentioned before. This question is, where I can I find a secluded cottage to rent on Kaua'i, Gilligan's Cottage and Moloaa Beach and their website with the link. This one says, where can I find listings of hotels, vacation rentals on Kaua'i... www.kauairealtor.com... we are providing those services and we are encouraging people because so many people go to the County website when they plan to visit here. I would like for you to go tonight and look on your own computers because I am not making this up. It shocked me.

Mr. Furfaro: I will recognize Councilwoman Iseri-Carvalho, she has a question for you Barbara.

Ms. Iseri-Carvalho: Is the author of that website contained on the website?

Ms. Elmore: No, it is the official... and I know that the Administration does the website. I know you guys don't do it.

Ms. Iseri-Carvalho: So www.kauai.gov?

Ms. Elmore: www.kauai.gov.

Ms. Iseri-Carvalho: Wow.

Ms. Elmore: And then if you follow and you scroll down on those little windows...

Ms. Iseri-Carvalho: Links.

Ms. Elmore: Well, some of the... the first list that I showed you was directly under accommodations on the County websites and some of the other were

under visitor directory, visitor... what did I say?

Mr. Furfaro: Visitor services I think you said.

Ms. Elmore: Services and there is vacation... Kaua'i products and Kaua'i services and then both of those under Kaua'i services, there are four (4) separate listings for vacation... properties, vacation rentals, vacation companies, vacation homes and there are two (2) listings under Kaua'i products (vacation rental and vacation homes). So it seems to me that the County has been complicit, at least the Administration has been complicit in this (inaudible) of vacation rentals. I won't take up your time today going over my objections to the parts of the bill itself, but I will get those to you. I would like for you to consider that analogy. If knives and guns are not on the list of items allowed at school, why are they considered okay? Why are we considering Blaine Kobayashi's written letter as a law that we have to follow? I think you need to start with zero and look at the... the CZO did not mention these uses in residential neighborhoods or in agricultural land or on open land. They were not mentioned there. They were knives and guns that people wanted to bring in just because they are not on the list.

Mr. Furfaro: Barbara, thank you very much for bringing this to our attention. I will send over a correspondence over to the IT Department. I will ask them, you know, perhaps, you know, what is happening here with the County's website. Is it linking to real estate, is it linking to Chamber of Commerce activities that are making this turn up, but I will raise the question on what the standard is for the linking here.

Ms. Elmore: I am trying not to take up too much of your time, but I did have... when you click on vacation directory from the www.kauai.gov home page, it takes you to something called Discover Kaua'i official tourism of site of the County of Kaua'i. So it is all still official County sites and there is one of these links that you click... it takes you to... I have forgotten what it is called now. I don't see it.

Mr. Furfaro: I will ask the staff to send over some correspondence for us to get some clarification on what the Administration has directed the policy be in IT. I will get that clarification. Thank you again for your comments on the Kobayashi opinion. For those that are watching, the Kobayashi opinion is one that says, unless you specifically prohibit something, it is allowable.

Ms. Elmore: And, you know, you might understand that if there were no numbered list in the CZO, but there are lists in each section. These are the permitted uses in residential neighborhoods. 1, 2, 3, 4, 20 or whatever. Vacation rentals are not there. They are the knives and guns and there is a big massive effort to convince you people. Oh well, since they are not on the list, it is okay, but I was hoping today that you would have a new County Attorney's opinion. He may agree with Kobayashi, I don't know. But, common sense, you are the deciders and you can use your common sense to think, well, it is not on here, why should we allow it.

Mr. Furfaro: Well, again, on the agenda item for the County Attorney, I just want to make sure, it is dealing with legal questions and issues and it may not actually come out with an opinion. But let me ask, are any other Councilmembers have any questions of Barbara?

Ms. Elmore: Could I ask one more question?

Mr. Furfaro: Yes, go right ahead.

Ms. Elmore: Are you going today in your Executive Session, are you going to act on the latest amendments?

Mr. Furfaro: No, we will not act on anything regarding... again, I would just kind of summarize. At the request of Councilwoman Yukimura, I would see that if there is any time to circulate some amendments, it will be now until the next Planning Committee meeting on May 2 of which I want to correct myself. There is not a workshop scheduled, but there will be a Committee that some of these amendments would be looked at again... probably May 16 and hopefully a bill that goes to the full Council on May 23.

Ms. Elmore: I will just hold my other comments about the bill until then.

Mr. Furfaro: Thank you Barbara. Could I have a motion to defer this item?

The meeting was called back to order, and proceeded as follows:

Upon motion duly made by Councilmember Rapozo, seconded by Councilmember Iseri-Carvalho, and unanimously carried, Bill No. 2204 was deferred.

There being no further business, the meeting was adjourned at 5:30 p.m.

Respectfully submitted,



Lisa Ishibashi
Council Services Assistant

APPROVED at the Committee Meeting held on May 16, 2007:



JOANN A. YUKIMURA
Chair, Planning Committee Chair