



WAILUA-KAPA'A
NEIGHBORHOOD
ASSOCIATION

August 10, 2020

(via email: planningdepartment@kauai.gov)

Kauai County Planning Commission
4444 Rice Street, Suite A473
Lihu'e, Hawai'i 96766

Re: Zoning Amendment ZA-2020-14 for the Shoreline Setback & Coastal Protection Ordinance

Aloha Chair Nogami-Streufert and Planning Commission Members:

The Wailua-Kapaa Neighborhood Association (W-KNA) appreciates the opportunity to comment on the proposed revisions to this ordinance. We wholehearted support increasing the minimum shoreline setback line from 40-feet to 60-feet. But, we are concerned about other proposed changes.

- 1) Considering that the shoreline setback area is essentially a “no build zone”, it seems inappropriate for the bill to add exclusions and exceptions to the current shoreline setback rules. Since the bill seeks to address the current climate change crisis, it is contrary to, and inconsistent with, the purpose and expressed objectives to facilitate construction within the shoreline setback area. See the new proposed language in:
 - Sec. 8-27.3 (a)(2)
 - Sec. 8-27.7 (a)(15)
- 2) There is another Iniki on the way, no doubt. To now accept **requests for exceptions to the shoreline setback line** in order to build seaward is unwise, particularly when the intent of amending the existing ordinance is to conform with the updated science and impacts from climate change and sea level rise.
- 3) One of the justifications for this bill is to “utilize planning approaches that are adaptive in nature”. Yet, by eliminating the previously required Variance Permit to build in the shoreline setback area may be foolhardy, since 3 or more feet of sea level rise is anticipated by later this century.
- 4) Consider watching the August 5, 2020 County Council Park & Recreation Committee proceedings (Item PRT 2020-01) to learn more about the downside of insufficient setbacks. Erosion damage to the Lydgate Multiuse Path is discussed and staff testifies that erosion data was not available during the planning/construction phase for that section. Better data is available now, but not if we create legal loopholes with this bill.
- 5) A 2018 Kauai Coastal Erosion study is referenced in the bill, but is apparently not available on the county’s website, nor is there a link to this resource. Since erosion rates have increased over recent decades due to impacts from climate change, understanding the updated calculations (which differ from the 2011 Fletcher study which used the average of the last 100 years) would be helpful. In addition, including a definition for “annual erosion rate” in the bill could be beneficial.

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- 6) The County is well-positioned to set a good example by using appropriate setbacks to the greatest extent possible. Locating a lifeguard tower in the setback area may be appropriate, but aligning the coastal bike path too far seaward generally is not. Only if the County is granted a Variance Permit would building a public park facility in the shoreline setback area be acceptable.
- 7) Now that we have new historical erosion rates based on recently mapped shoreline positions, it is unclear by the County is exempting themselves from the same setback standard as others.
- 8) Eliminating the requirement for a Variance Permit for county public parks facilities will not reduce Kauai's exposure to coastal hazards – it will increase the risk and increase taxpayer expense.

For example, these photos of the County Path at Wailua Beach (across from Coco Palms Hotel), and the significant erosion next to the Path at Pono Kai Resort-Kapaa, exemplify the need to locate these public park facilities landward of the shoreline setback area, not in the shoreline setback area.



If county is truly committed to community resiliency planning in light of climate change science, the public park facilities exemption should be removed.

Thank you again for the opportunity to comment.

Sincerely,

Rayne Regush, Chair

On behalf of the W-KNA Board of Directors

cc: Planning Director Kaaina Hull (khull@kauai.gov)