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**TESTIMONY OF COUNCIL CHAIR BILL "KAIPO" ASING
KAUA'I COUNTY COUNCIL**

ON

H.C.R. NO. 348, H.D. 1

Requesting The Land Use Commission and the
County Council and the Planning Commission of Maui and Kaua'i Counties to
Recognize that Vacation Rental Uses
in Single-Family Dwellings and Farm Dwellings
in State Agricultural Districts Are Not Prohibited
Under Chapter 205, Hawai'i Revised Statutes

House Committee on Water, Land, Ocean Resources & Hawaiian Affairs

April 4, 2008

11:00 a.m.

Conference Room 312

Dear Chair Ito and Members:

The Kaua'i County Council recently completed legislation regulating the transient vacation rental industry. This effort was the culmination of several years of research, public hearings, numerous bill drafts and heated debate. The final result was a law which, while not satisfying everyone, was a step at the reclamation of communities by residents. Many felt powerless as their once family oriented communities evolved into places where strangers came and went on a weekly basis.

During the formulation of this ordinance, the County Council was mindful of the limits set out in State law as regards zoning ordinances and the elimination of non-conforming uses. Much care, discussion, and research went in to the formulation of a law that would be legally viable. To that end, the Council consulted with then director of the Land Use Commission, Tony Ching. Mr. Ching advised us that based on his own plain reading of the HRS §§205-2, 205-4.5(6), 205-5(b), 205-5(b)(2), *overnight accommodations are not permitted uses* on agriculture zoned land, and that county zoning ordinances cannot permit overnight accommodations. The County's ordinance therefore is consistent and compliant with State law.

Finally, the Kaua'i ordinance regulating transient vacation rentals on agricultural zoned lands reflects the historical community preference for the retention of agriculture zoned lands and the attendant rural ambience agricultural activities engenders. Gentleman farms masquerading as "horizontal resort communities" are by and large not desired by the local community.

I am therefore strongly opposed to Resolution No. H.C.R. 348 H.D.1 which may significantly hamstring this county's efforts to regulate transient vacation rentals.

Sincerely,

BILL "KAIPO" ASING
Council Chair

AN EQUAL OPPORTUNITY EMPLOYER