

# DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

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DEREK S.K. KAWAKAMI, MAYOR  
REIKO MATSUYAMA, MANAGING DIRECTOR

## Testimony of Ka'āina Hull

Planning Director, Planning Department, County of Kaua'i

**LATE**

Before the

**Senate Committee on Housing and Senate Committee on Water and Land**

In consideration of

**Senate Bill 2018**

**Relating to Housing**

Dear Chair Chang, Chair Inouye, and Members of the Committees:

The County of Kaua'i Planning Department submits its testimony in **OPPOSITION** of SB 2018, which would prohibit the counties from enacting a development ordinance, policy, standard, agreement, or condition that would have the effect of changing the land use designation or zoning of a parcel to a less intensive use or reducing the intensity of land use within an existing zoning district below what was allowed under the land use designation and zoning ordinances of the county as in effect January 1, 2024.

While we strongly support the intent of this bill to ensure build out of existing urban lands, adapting land-use regulations is an essential aspect in the County's ability to effectively respond to and minimize the impact that changing conditions, such as climate change hazards, may have on public health, safety, and well-being. For example, planning for sea level rise necessitates the best available information on climate change is continually incorporated into planning decisions, which could include but is not limited to downzoning those residential properties that are subject to coastal erosion processes that will continue to be exacerbated by sea level rise.

Kauai County has been diligently working towards fostering resilience and addressing the impacts of coastal hazards on vulnerable areas. The ability to downzone is a critical tool that allows us to respond appropriately to evolving environmental conditions. In addition to undermining the County's ability to responsibly regulate land use, the proposed legislation bill is in direct conflict with several policies in the County's General Plan:

1. Regularly review and refine relevant policies, rules, and regulations based on the most currently available climate and hazard science and projections;
2. Identify lands/areas that may serve as buffers from coastal hazards and restrict development within them; and
3. Periodically update the shoreline setback and coastal protection article of the Comprehensive Zoning Ordinance to allow for adjustments in the setback calculations based upon best-available SLR data.

Consideration should be given to allow the Counties to still reduce the intensity of land use where the subject properties are subject to climate and coastal hazards.

Respectfully submitted,

Ka'āina Hull  
Planning Director, County of Kaua'i

Feb. 1, 2024, 1 p.m.  
Hawaii State Capitol  
Conference Room 225 and Videoconference

**To: Senate Committee on Housing**

**Sen. Stanley Chang, Chair**

**Sen. Troy N. Hashimoto, Vice-Chair**

**Senate Committee on Water and Land**

**Sen. Lorraine R. Inouye, Chair**

**Sen. Brandon J.C. Elefante, Vice-Chair**

**From: Grassroot Institute of Hawaii**

**Ted Kefalas, Director of Strategic Campaigns**

RE: SB2018 — RELATING TO HOUSING

Aloha Chairs and Committee Members,

The Grassroot Institute of Hawaii would like to offer its support for [SB2018](#), which would prohibit the counties from reducing the allowable density of a parcel or zoning district unless the county also enacts measures to ensure there is no net loss in allowable residential density throughout the county.

Basically, HB2018 would prevent counties from exacerbating the housing crisis. When a county changes a zoning ordinance to reduce the amount of housing that is allowed in a certain zone, it reduces the potential housing supply.

These sorts of “downzonings” have occurred in the past. For example, in 1973, Honolulu lowered the density of a parcel zoned for apartment use and the owner sued in response.<sup>1</sup>

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<sup>1</sup> David Callies, “[Land Use: Herein of Vested Rights, Plans, and the Relationship of Planning and Controls](#),” University of Hawai’i Law Review, 1979, pp. 171-172.

More recently, some iterations of Honolulu’s land-use reform bill included downzoning provisions. One draft would have limited the lot area of farm dwellings beyond the current limitations in city code.<sup>2</sup>

SB2018 would not strip the counties of the power to downzone entirely. But it would maintain a balance by allowing them to downzone a parcel or a zoning classification, but only if they upzone another area of land so as to retain or increase the total allowable housing in the county.

That particular draft of Honolulu’s land-use reform bill would likely have qualified under the balanced approach of SB2018, as it included several amendments to increase the housing stock. However, a state law would ensure that the housing supply is protected from future downzoning.

Thank you for the opportunity to testify.

Ted Kefalas  
Director of Strategic Campaigns  
Grassroot Institute of Hawaii

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<sup>2</sup> See [Bill 10 \(2022\), CD1](#), p. 21; Revised Ordinances of Honolulu, [§ 21-5.250 Farm dwellings.](#), accessed Jan. 20, 2024.

**SB-2018**

Submitted on: 1/29/2024 4:33:03 PM

Testimony for HOU on 2/1/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Regina Gregory	Individual	Oppose	Written Testimony Only

Comments:

oppose