



WAILUA-KAPA'A  
NEIGHBORHOOD  
ASSOCIATION

January 12, 2021

(via email: counciltestimony@kauai.gov)

Kaua'i County Council  
4396 Rice Street  
Lihu'e, HI 96766

Re: Bill 2813 to Amend the CZO Chapter 8 - Shoreline Setback & Coastal Protection Ordinance  
(January 13, 2021 Committee Meeting)

Aloha Council Members:

Thank you for the opportunity to comment on Bill 2813. W-KNA strongly supports increasing the minimum shoreline setback from 40-feet to 60-feet or more. It is long overdue. Mahalo!

However, there are other proposed changes that are problematic.

- 1) The proposed definition for "**Public Park Facilities**" does not indicate whether or not a linear park like the County Multi-use Path falls within this definition:

"Public Park Facilities" means recreational facilities owned and operated by state or county park agencies for the benefit and use of the general public.

- 2) Public park facilities should be located landward of the shoreline setback area. The County should not exempt new public park facilities from shoreline setback rules and we suggest that the proposed (underscored) text be removed:

**Sec. 8-27. 7 Permitted structures within the shoreline setback area.**

(a) The following structures are permitted in the shoreline setback area.

All structures and/or landscaping not specifically permitted in this section are prohibited without a variance.

(15) Public park facilities, excluding restrooms, wastewater systems, shoreline armoring structures or improvements.

- 3) Portions of the multi-use Path at Wailua Beach, Lydgate Park, and along Pono Kai Resort are already undermined by coastal erosion which indicates the need for greater setbacks. Therefore, new segments of the Path should be built mauka of the shoreline setback area with exceptions made through the existing Variance Permit process.

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- 4) Please note that shoreline setback determination exemptions must still comply with the ordinance’s erosion-based and lot-depth based setback requirement. Therefore, we suggest adding the following sentence to Section 8-27.3(a)(2) for clarity:

“Proposed structures or subdivisions shall be subject to the setback requirements of Section 8-27.3(c) and (d), Section 8-27.4 and Section 8-27.5.”

In closing, these photos of the Path at Wailua Beach exemplify the need to locate these public park facilities landward of the shoreline setback area, not in the shoreline setback area.

Thank you for your attention to this matter.

Sincerely,



Rayne Regush

Chair

On behalf of the W-KNA Board of Directors

