

MINUTES

PLANNING COMMITTEE

October 3, 2018

A meeting of the Planning Committee of the County of Kaua'i, State of Hawai'i, was called to order by Mason K. Chock, Chair, at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Wednesday, October 3, 2018, at 9:16 a.m., after which the following Members answered the call of the roll:

Honorable Arthur Brun
Honorable Ross Kagawa (*present at 9:17 a.m.*)
Honorable Derek S.K. Kawakami
Honorable JoAnn A. Yukimura
Honorable Mason K. Chock
Honorable Arryl Kaneshiro, Ex-Officio Member
Honorable Mel Rapozo, Ex-Officio Member

Minutes of the September 19, 2018 Planning Committee Meeting.

Upon motion duly made by Councilmember Brun, seconded by Councilmember Yukimura, and carried by a vote of 4:0:1 (*Councilmember Kagawa was excused*), the Minutes of the September 19, 2018 Planning Committee Meeting was approved.

The Committee proceeded on its agenda item as follows:

Bill No. 2719 A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO AGRICULTURE DISTRICTS (ZA-2014-4) (*County of Kaua'i Planning Department, Applicant*) **(This item was Deferred.)**

Committee Chair Chock: Thank you. Can I have a motion to approve?
We are going to defer it later.

Councilmember Yukimura moved to approve Bill No. 2719, seconded by Councilmember Brun.

Committee Chair Chock: Thank you. Members, you might have gotten the memorandum from the Planning Department that both the Deputy Planning Director and Planning Director are out. They have asked for a deferral on this item, so if I could—unless there are any further questions.

(Councilmember Kagawa was noted as present.)

Committee Chair Chock: Councilmember Yukimura.

Councilmember Yukimura: In a sense, it is good because I think we really need to be briefed on the whole process by which Important Agricultural Lands (IAL) have been designated. I know I am overdue on developing some questions for that, but I think it is very important background that we know how those lands were identified, because we are now proposing to regulate them differently. I think there are other issues if preservation of agricultural land is really what we are trying to achieve.

Committee Chair Chock: Thank you.

Councilmember Yukimura: I will work on some of that.

Committee Chair Chock: Thank you. If there are any further questions, I know Councilmember Yukimura has some questions on IAL, but anything else regarding this Bill—it will come back in two (2) weeks to this Committee. Is there any other discussion? If not, I will take public testimony. I will suspend the rules at this time. Felicia.

There being on objections, the rules were suspended to take public testimony.

FELICIA COWDEN: Felicia Cowden, for the record. I am really glad that this is coming under discussion, and I am hoping and wondering if much outreach has happened to either the Farm Bureau, Hawai'i Farmers Union United, or even the Kaua'i Board of Realtors. I think sometimes, topics like this come up, get decided, and it moves past quickly. I think it is really important that we are engaging the community because this is, I think, long overdue but needs to be handled correctly with the key stakeholders. I say the Board of Realtors also or some of the developers because a lot times changes happen and they do not even know. I think that it is really important that when we sell agriculture land that is intended to be agriculture land, that it actually becomes agriculture land. I think that there are ways that we can make a difference in it. Sometimes when people put in a permit application, you have to have a farm plan, but they do not need to show any implementation of it when they get the final inspection. So looking at it comprehensively how we can actually manage this in a way that it intends to cradle real food production and then not punish that lighter-weight way of doing it that maybe some people want to do it. It seems like we have three (3) very different ways of managing agriculture lands. Some are very serious commercial agriculture that gets put in the same pot as the small diversified farmers that get put in the same pot as people who really want more of an estate. So, what we get where we are choosing to have it is what is intended and that when one does not fight with another group or at least they are all given their due. I am just going to expose my bias saying that I really do think that we need to be growing food for people on the island. That group seems to be in a position to really struggle both to be able to have the farmworkers on it to have enough people on the land that the pigs do not come and ravage everything that is needed when they can really have the diversified farming at a level that they can afford to do it. I thank you for having it in here, I ask that we get good stakeholders in there as well as the people from Planning, and to publish it. I am actually relieved that it will be deferred.

I am saddened to see that there is no one here to address this issue who it would be impacting other than myself I suppose, but I am a neighborhood farmer. Thank you very much.

Committee Chair Chock: Thank you. Is there anyone else who would like to testify? Second time? I will call the meeting back to order.

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Committee Chair Chock: Is there any further discussion before I ask for a deferral?

Council Chair Rapozo: I just have a question.

Committee Chair Chock: Council Chair Rapozo.

Council Chair Rapozo: I apologize. I do not know if I remember being briefed or not, but would Agriculture One (AG1) basically be IAL and would be restricted to one (1) dwelling per unit regardless of the size?

Committee Chair Chock: That is what I am reading, yes.

Council Chair Rapozo: And then the Agriculture Two (AG2) would allow one (1) dwelling unit and an additional dwelling unit for every three (3) acres?

Committee Chair Chock: Which I believe is the current structure.

Council Chair Rapozo: But I guess my question as far as farmworker housing as it relates to IAL, how does that work? How does that play into that? Are they able to construct farmworker housing on IAL?

Councilmember Yukimura: Yes.

Committee Chair Chock: I think those were some of the questions that actually came up. I did not get an answer about that. It came up at the first reading on this. I was hoping that they would be here, but that is why they asked for a deferral to answer it.

Council Chair Rapozo: Okay. I can wait, but I just thought that if anyone knew that answer. I will formulate some questions as well.

Committee Chair Chock: I appreciate that. Councilmember Yukimura.

Councilmember Yukimura: I believe farmworker housing would apply to all agriculture lands, but whether it is sufficient to promote the kind of farming that Felicia mentioned is one of the questions. I just want to say that I think Felicia's comment is well-taken in terms of the outreach to different groups so that they understand what is being proposed. I actually would like to see it way before the Bill

comes to the Council, because the timeline when it comes to the Council is so short. If in the development of the Bill, the Planning Department or even at the Planning Commission-level, there was the outreach, it takes time for the community to really get the word and begin to grasp what is being proposed. By engaging them at the earlier stages of a bill's development, you will have many more people here today and many more people involved, informed, and able to give comments. That is part of the reason we took three (3) years to do the farmworker housing or even the barking dogs law because we were consulting with the hunters and the different groups to make sure that any bill that we were developing would work for these various groups and that we got their input. I would hope that in the future, that kind of groundwork would be done before the bill comes to the Council.

Committee Chair Chock: Okay.

Councilmember Yukimura: I also want to say that the constitutional amendment that was made in 1978, which mandated the passage of—by the Legislature of a bill to identify Important Agricultural Lands had as its main purpose, the production of food, which is at the level that our Governor and others are speaking about. It is about moving the needle on the ninety percent (90%) of imported food that we now get and depend on to feed ourselves and the visitors. The question of what is going to move that needle is really related to agriculture lands and how we regulate and manage agriculture lands. My sense of the AG2 that is being proposed here is that it is just going to be business as usual. It is mainly going to be country estates. If that is what it is going to be, I asked them how many acres of all lands that are presently zoned Agriculture are in AG1, and how many acres are in AG2? They could not tell us at first reading, but those kinds of questions are really important so we understand the impact that this Bill could have.

Committee Chair Chock: Okay. Is there any further discussion?
Councilmember Kagawa.

Councilmember Kagawa: For me, I see no value in jumping to conclusions about Planning as far as what they did. They asked for a deferral. The reason they asked for a deferral is they are going to be here at next meeting to answer the questions. Again, I do not see the value of jumping to assumptions or conclusions when they are not here. Let us just wait. It is two (2) weeks. Let us just wait until they are here and ask them the questions. I do not see any value of jumping to conclusions when they are not here to answer. Thank you.

Committee Chair Chock: Okay. Anyone else? I will just say before the deferral, I did actually forward it to the Farm Bureau and other organizations upon receipt of it, so some of these stakeholders do have the Bill in front of them. I, too, am a little bit concerned that they were not part of the front-end of the discussion. I think that is part of what the Planning Department is now underway with, so I look forward to the discussion and working on this Bill further. If there is no other discussion, can I have a motion to defer the item?

Councilmember Kagawa moved to defer Bill No. 2719, seconded by Councilmember Brun, and unanimously carried.

Committee Chair Chock: The motion passes. This concludes the business of the Planning Committee. The Planning Committee is now adjourned.

There being no further business, the meeting was adjourned at 9:27 a.m.

Respectfully submitted,



Allison S. Arakaki
Council Services Assistant I

APPROVED at the Committee Meeting held on October 17, 2018:



MASON K. CHOCK
Chair, PL Committee