

PUBLIC HEARING

FEBRUARY 24, 2021

A public hearing of the Council of the County of Kaua'i was called to order by Mason K. Chock, Chair, Planning Committee, on Wednesday, February 24, 2021, at 8:31 a.m., at the Council Chambers, 4396 Rice Street, Suite 201, Historic County Building, Līhu'e, and the presence of the following was noted:

Honorable Bernard P. Carvalho, Jr.
Honorable Mason K. Chock
Honorable Felicia Cowden
Honorable Bill DeCosta
Honorable Luke A. Evslin (*via remote technology*)
Honorable Arryl Kaneshiro

Excused: Honorable KipuKai Kualii

JADE K. FOUNTAIN-TANIGAWA, County Clerk: Please note that we will run today's meeting pursuant to the Governor's Supplementary Emergency Proclamations with the most recent relating to the Sunshine Law being his Eighteenth Supplementary Emergency Proclamation dated February 12, 2021.

The Clerk read the notice of the public hearing on the following:

"Bill No. 2804 – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO USES IN THE AGRICULTURE ZONING DISTRICT,"

which was ordered to print by the Council of the County of Kaua'i on January 27, 2021, and published in The Garden Island newspaper on February 7, 2021.

The following communications were received for the record:

1. Drent, Les, dated February 24, 2021
2. Imperato, Carl, dated February 22, 2021
3. Rodrigues, Gary W., dated February 23, 2021

(One registered speaker requested to testify regarding this agenda item.)

The hearing proceeded as follows:

Committee Chair Chock: Let the record reflect that we have received written testimony, and one (1) person registered to testify this morning. I will suspend the rules for this Public Hearing and call upon Mr. Les Drent. Mr. Drent, can you hear us?

LES DRENT (*via remote technology*): Hello.

Committee Chair Chock: We are ready for your testimony. If you are ready, you can start. You have up to six (6) minutes and you may begin at any time.

Mr. Drent: I do not need six (6) minutes. I would have Zoomed in, but I am driving. This is for Bill No. 2804, the agriculture retail bill. I have submitted about three (3) inches worth of testimony yesterday, hopefully that is all in front of you. I apologized to the girls in the office that needed to copy all of that and circulate it, but this has been an ongoing issue for eighteen (18) years for our farm. We were first permitted back in 2003 and given the green light by the Planning Department only to have that permit pulled, because they said it was an oversight that someone had missed it and the fact that we were going to grow coffee on our farm and retail that coffee from a four hundred (400) square foot area inside of our building there—we do all of our coffee processing. Since that time the Planning Department still has not allowed us to retail. We have seen how Commission hearings go here. We are never optimistic about that, with all the people that are opposed to agricultural activities, especially around our two (2) farms up in Kawaihau—we have three (3) farms up there. We had three (3), but we sold one (1) a couple of months ago as a result of all this. I have seen how the Commission hearings go. I see the public opposition. Two (2) to three (3) weeks ago, we had a neighbor cut our irrigation line, cut our coffee, threatened to burn our house down over the coffee odors. I do not know. This has been an ongoing thing and the Planning Department has never gotten behind this. This agriculture retail State law was passed in 2012. Mayor Derek S.K. Kawakami signed it when he was over there at the legislature and it says, “That agriculture retail shall be permitted.” This County is the only County that never went and acted on that. We filed a declaratory judgment a few years ago against the County Planning Department over this. Judge Watanabe still has not brought it in front of her. She did tell the County Attorneys to put this in front of the Planning Commission and opine on it—they never did that. Now you folks are finally moving this bill, which is almost a year after the pandemic started. You say that this is a result to try to help the farmers, because of the COVID-19 situation, but we are twelve (12) months down the line here and you folks still have not allowed this. We are not food farmers. We do value-added crops. We grow chocolate, coffee, tobacco for Kaua’i Cigar, and corn for our Kaua’i distilling company. So this thing has just been...I have seen the bastardization of agricultural land here by wealthy landowners all over the island—pig farming. I have locals in my neighborhood that do not like the farming. They do not like the smell, they do not like the fertilizer, they do not like the mulching that goes on when we need to mulch our orchard. People do not like the traffic coming down the roads and I am just here to say, why has the County not acted on this until now, since 2012? That is my one question. The second question is, that when you do pass this into law, what are you going to do to push back against the people that are going to be complaining when I put a sign out for agricultural retail to sell our goods and I have tourists rolling down the driveway, because I have landowners around me right now who are not going to like it and they are not going to want it, and they are going to be complaining. With all that said, hopefully I am under the six (6) minutes, if you have any answers, I would sure like to hear them, because this has been just a complete...this has been mishandled since day one by the County of Kaua’i. You folks should have been

supporting farmers eighteen (18) years ago when I started my farm. I should not be selling my farm because of permits that are pulled and denials by Commissions and all the rest of that baloney, so that is all I have to say. I am not happy reallocating assets away from Kaua'i, away from the industry here, and away from agriculture. That is the result that I see. Okay, I will talk to you later, bye.

Committee Chair Chock: Thank you, Mr. Drent. This will be going to Committee next and we will have more indepth discussion on it. Clerk, are there any other testifiers? If no other testifiers, this concludes the Public Hearing for Bill No. 2804. Thank you very much.

There being no further business, the public hearing adjourned at 8:38 a.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA
County Clerk

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