

PUBLIC HEARING

SEPTEMBER 21, 2022

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, September 21, 2022, at 8:40 a.m., at the Council Chambers, 4396 Rice Street, Suite 201, Historic County Building, Lihu'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  
Honorable KipuKai Kualii  
Honorable Arryl Kaneshiro

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

"Bill No. 2885 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 10, ARTICLE 3, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO THE WEST KAUA'I COMMUNITY PLAN IMPLEMENTING ORDINANCE (*County of Kaua'i Planning Department, Applicant*) (ZA-2022-9),"

which was passed on first reading and ordered to print by the Council of the County of Kaua'i on August 17, 2022, and published in The Garden Island newspaper on August 25, 2022.

The following communication was received for the record:

1. Pa, Robert, dated September 21, 2022

The hearing proceeded as follows:

Committee Chair Chock: Is there anyone in the audience or on Zoom wishing to testify on Bill No. 2885?

ROBERT PA: I have some documents for each and every one of you.

Committee Chair Chock: You can give them to the staff.

Mr. Pa: *Aloha*, my name is Chief Robert Pau'ole Pa from the Polynesian Kingdom of Atooi. I am also *konohiki* of the Wai'oli District. I see what you have before us in regards to the Plantation Camps. Inside of this document, on the third page, it has on the top...it talks about the traditional

Hawaiian *ahupua'a*. What do you mean by that? What are you proposing to the people regarding this? Right now we are in litigation with the Attorney General in Honolulu. They were supposed to come with five (5) things. One of them was their jurisdiction in Hawai'i over the Kingdom of Atooi. That they cannot provide right at this moment. We also just won a court case on the Big Island regarding lack of jurisdiction and dismissal. Right now, we are looking at all of these lands in the plantation, that has not been returned to the lessees of the plantations. All of these lands are stolen lands. Now we are looking at all of the State of Hawai'i that are on these lands. The proof of the theft is continuing. The State of Hawai'i is still continuing in this illegal occupancy here in Hawai'i. We call it the Kingdom...it is where we live. What you are doing here is you are totally committing a crime by continuation of the genocide and theft in Hawai'i with the Kingdom and with the people. I would advice you to really look at what is going on and how you are changing our zoning. We do not have enough food in Hawai'i. We should be feeding our people with all of these zoning changes. It should be for food. It should not be like what you are trying to do with what is going on. We have all kinds of different problems going on here. None of those moneys stay here. Our roads are damaged. Everything is damaged. Nothing is getting fixed here. People like Mark Zuckerberg is coming in and undermining our land. You are giving them permits to do all of this. Now I hear they want to blow a reef up. All of this stuff is coming out. Where is it going to stop? Where do we stand? I am just letting you know for the record, you all will be committing a crime to pass this and to change the word "*ahupua'a*" to define that word to go against our people and not even use anybody from the Polynesian Kingdom or anybody who has their ancestral *koko* to the land. With that, I just want to say, please do the right thing.

Committee Chair Chock: You can have additional time too. Does anyone else want to testify? Do you have a clarifying question?

Councilmember Cowden: I have a clarifying question. I appreciate the context of what you are speaking of and maybe the misuse of the word *ahupua'a*. My deeper question is if this piece here that is just basically workforce housing, we could call it the Plantation Camp housing to put workers in for creating food, is it specifically this problem, or is it the use of the word?

Mr. Pa: It is both. We, as a people, just say, from Hawaiian Homes, we do not have anything. We cannot do anything. They do not allow us to do anything. They give us a piece of property. They can take it at any time...our agricultural land. They do not give us water. Now, we are going to make a facility and build houses for who? Who are these houses for? Who is going to be staying in there? Is it for Polynesian people? Is it for people from here that will be taking care of the land? Probably not. I can almost guarantee that it is not. This is going to be a big development person doing this. It will be another person who is coming in like we had with...

Committee Chair Chock: Did you get your answer?

Councilmember Cowden: Yes.

Mr. Pa: There is a lot of zoning that you are doing that is illegal. You are changing it to benefit people and people not from here. These are people that have the "green."

Committee Chair Chock: *Mahalo*, Mr. Pa. Thank you. I can talk to you later about what this project is about. I have one (1) more person wanting to testify. You can come back if you like.

Mr. Pa: Okay.

Committee Chair Chock: Mr. Lindner.

JEFFREY LINDNER: I support Gay & Robinson's right to build much needed affordable housing. This should be done as an agriculturally planned community. It is affordable and has been done before. Why should Gay & Robinson be held hostage by the County to take part in their trojan horse against agriculturally zoned land and involve them in a whitewash of an oppressed history. This is not a planned community. This is a misapplied theory establishing a regulation of all future developments where the Planning Director dictates design and has final say. I do not know if you looked up Form-Based Code (FBC), but FBC is supposed to replace zoning with a regulating plan. This project removes agriculture from the Plantation Camp. It adds Rural and it adds Urban. FBC allows for different lot sizes. This is a single lot. FBC is supposed to increase density. Who knows what the density is. You cannot ready what the density is. It has no lot lines. In other words, there are no homes for sale for the working-class people. I am not sure if the terms from the County included that they cannot sell the land. I would think Gay & Robinson has a lot of land that they would like to sell. I am not sure if that is a condition discouraging ownership. That would be problematic. It is a historic thing. Is the plantation going to own the shops? That is what they used to do. That is historic. The other thing is the architecture. The architecture is supposed to be a thing. You are supposed to follow some architecture. This is the architecture. This is the type of architecture. There really is no design. The Planning Director...

Committee Chair Chock: Mr. Linder, that is your first three (3) minutes. You can come back for an additional three (3). Would anyone else like to testify on this item? Would you like another three (3) minutes, Mr. Pa? Come on up.

Mr. Pa: We just want you to do the right thing. It is really hurting our people today. The facilities that we have today, it is not helping our people. There is one item coming up about them giving a place to have a rehabilitation place for the people. That is what we need over here. We need somewhere to rehabilitate the problem that we have. The problem is not the pandemic. The problem is the ice and Fentanyl problem that we have. That is the kind of facility we need here. Our people are dying left and right on the streets. If you look in the statistics, two hundred (200) per day are dying from Fentanyl. I know that this has nothing to do with this item. I am talking about the facilities. We need these kind of facilities. If it is going to be something that the public is going to get out of it...feeding our public, homeless, and Hawai'i first, we are all for that. We cannot take stuff from people. We have to work together to make things right. To fix

the problem right is to fix what happened to the plantation lands. All of that is not up for grabs to these people. It is not. It is stolen lands that we have to bring back and help our people. Helping our people is the main concern for all of us here today. My daughter, she went off the bench and she is back on again. She is trying. We need facilities that will help our people. We need understanding and clarification on really what is going to happen and what is going on. We need a broad picture of everything. It is hard. May God be with you all. May you do the right thing in the name of the Lord, please. Think about our people suffering, crying, and dying out there. We have our own who want to build lands and save properties for their families. Like I said, God bless you all and please do the right thing. Thank you.

Committee Chair Chock: Thank you. Would anyone else like to testify?  
Mr. Lindner for a second time.

Mr. Lindner: It is a short building. Here is one. This is the architectural thing. Mr. Hull is going to be the final say on how that gets approved. It is all about the history. I do not see...this is bad news for agricultural land and development on agricultural land. Nothing can be done on these lands. A camp, which is...you have to take it out and put it in something. This is Form-Based. Form-Based looks good. Yes, it is the character and the build...when people drive by...what about the creativity of the people who want to live there. They can build something. It seems sort of out of place. If it is historically, you should them use...where it talks about the plantation and all of the *heiau* they have torn down and all of the streams they have moved. Beadings of the unions and so forth. The agricultural-zoned designation is an illegal classification. From 2000 to the 2018 update, nothing is allowed. The County just does not allow anything on agricultural lands. They will go to lengths to not let anyone do anything with it. This is an example of it. I think this is going to be a fiasco. You saw the pictures. Why put people in a camp with no...there is no lot line. I do not even know where you hang your laundry or whatever. The agricultural zoning has been targeted. They give it to some people. They do not give it to other people. They try to make laws so you cannot use it. That is illegal. That is a crime. That is organized. If someone in the County does not do something about it, it should go to Federal Court and be...

Committee Chair Chock: I think there is a clarifying question.  
Councilmember Cowden.

Councilmember Cowden: I appreciate you saying a lot. It is kind of all over the place. I want real simple answers and not long answers. What I am hearing is, you do not necessarily have an objection to Gay & Robinson having their Plantation Camp housing...is that correct?

Mr. Lindner: More housing, correct.

Councilmember Cowden: Okay, I am just trying to get things clear.

Mr. Lindner: Right.

Councilmember Cowden: Your objection is, the fact that it takes this special zoning ordinance to carve out a piece, because you are feeling that it should be allowed on agricultural land without having to put a special zoning on top of it. Is that correct?

Mr. Lindner: That is correct.

Councilmember Cowden: The third thing that I am hearing is, a challenge that you have with Form-Based Code as you are interpreting it, I am not sure if it is right or not, is that it becomes antiseptically clean and does not allow for a natural expression of the person who is living in the house. Am I hearing that right?

Mr. Lindner: That is correct.

Councilmember Cowden: Are those the main three (3) pieces of your testimony?

Mr. Lindner: And that it is not for sale. This looks like...

Councilmember Cowden: Okay, I got it. It is not for sale. I got it. What this is to my understanding, it is basically farm worker housing. This is not an agricultural subdivision.

Committee Chair Chock: Thank you.

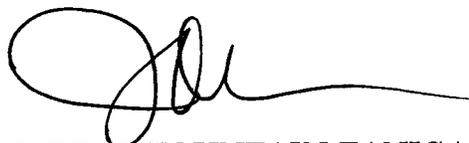
Councilmember Cowden: Thank you.

Mr. Lindner: It could be a planned community, which does not have to be...

Committee Chair Chock: Okay, thank you. Would anyone else like to testify on this item? Is there anyone online? Not hearing or seeing anyone else, that concludes the public hearing for Bill No. 2885.

There being no further testimony on this matter, the public hearing adjourned at 8:58 a.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA  
County Clerk