

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

NEIL ABERCROMBIE
GOVERNOR
RICHARD C. LIM
DIRECTOR
MARY ALICE EVANS
DEPUTY DIRECTOR
JESSE K. SOUKI
DIRECTOR
OFFICE OF PLANNING

OFFICE OF PLANNING

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

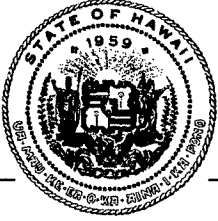
Telephone: (808) 587-2846
Fax: (808) 587-2824

To: House Committee on Agriculture **From:** Teri Hee, Secretary

Date: March 13, 2012

Re: SB2350SD1_BED-OP_03-14-12_AGR **CC:**

Testifier:	Rodney Funakoshi Planning Program Administrator Office of Planning, on behalf of Jesse K. Souki
Committee:	AGR
Date/Time of Hrg.	Wednesday, 3/14/12 @ 10:00 AM, Rm. 312
Measure No.	SB 2350, SD1 – Relating to Agricultural Lands
No. of Copies to Committee:	5 copies to Room 424



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Statement of
JESSE K. SOUKI
Director, Office of Planning
Department of Business, Economic Development, and Tourism
before the
HOUSE COMMITTEE ON AGRICULTURE
Wednesday, March 14, 2012
10:00 AM
State Capitol, Conference Room 312

in consideration of
SB 2350, SD1
RELATING TO AGRICULTURAL LANDS.

Chair Tsuji, Vice Chair Hashem, and Members of the House Committees on Agriculture.

The Office of Planning (OP) opposes SB 2350, which would amend Hawai'i Revised Statutes (HRS) Chapter 205, to allow ohana dwellings as a permissible use in the State Agricultural District. Farm dwellings are already a permissible use in the Agricultural District, and the counties have ordinances in place for permitting farm dwellings and associated accessory dwellings.

Allowing additional dwellings that are not connected to farming activity is inconsistent with State policy to promote agricultural uses in the Agricultural District and to protect agricultural lands as set forth in Article XI, Section 3 of the Hawai'i Constitution, HRS Chapter 205, the State Land Use Law, and HRS Chapter 226, the Hawai'i State Plan. In addition, it is a priority of the Administration's New Day Plan to stimulate an agricultural renaissance in

Hawai'i that would increase production and consumption of locally produced foods and increase food and energy security for the islands.

The bill would have the effect of increasing residential density and land values in the Agricultural District and make land less affordable for farming. This would contribute to the loss of agricultural lands to higher-value non-farm uses, and could adversely impact the viability of diversified agriculture in Hawai'i as well as food and energy security for Hawaii's people.

Thank you for the opportunity to testify.

Council Chair
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Vice-Chair
Joseph Pontanilla

Council Members
Gladys C. Baisa
Robert Carroll
Elle Cochran
Donald G. Couch, Jr.
G. Riki Hokama
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Mike White




Director of Council Services
Ken Fukuoka

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.maui-county.gov/council

March 12, 2012

TO: Honorable Clift Tsuji, Chair
House Committee on Agriculture

FROM: Robert Carroll
Council Member, East Maui 

DATE: Wednesday, March 14, 2012

SUBJECT: **OPPOSITION TO SB 2350, S.D. 1, RELATING TO AGRICULTURE**

Thank you for the opportunity to testify in opposition to this important measure. The purpose of this measure is to allow the building of ohana dwellings on lands within the agricultural district in any county with a population of 500,000 or less, under certain conditions.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I oppose this measure for the following reasons:

1. Pursuant to Section 19.30A.050, Maui County Code, accessory dwellings are permitted on agricultural lands, if the "dwelling does not exceed one thousand square feet of developable area". Accordingly, additional dwellings are permitted for farm labor in as much as the applicant can prove an annual gross sales of agriculture, insure sufficient water supply is available and provide a farm plan that demonstrates feasibility of commercial agricultural production.
2. Additionally, counties should be encourage to maintain agricultural land for purposes for which they are zoned. To the best extent possible non-agricultural uses should not be deemed the best use of such lands.
3. The County of Maui has adequately addressed the use of accessory dwellings within agricultural zones. Counties throughout the State of Hawaii should have the discretion to enact far reaching and more restrictive legislation to protect their respective environs. Thus the proposed measure usurps county authority and repudiates home rule principles. Land use zoning policies are likely to have substantial impacts on local economic, social, and environmental conditions. Therefore, local government should retain authority on decisions about zoning policies to the greatest possible extent.

For the foregoing reasons, I oppose this measure.



**Hawai'i
Association of
REALTORS®**
www.hawaiirealtors.com

The REALTOR® Building
1136 12th Avenue, Suite 220
Honolulu, Hawaii 96816

Phone: (808) 733-7060
Fax: (808) 737-4977
Neighbor Islands: (888) 737-9070
Email: har@hawaiirealtors.com

March 14, 2012

The Honorable Clift Tsuji, Chair
House Committee on Agriculture
State Capitol, Room 312
Honolulu, Hawaii 96813

RE: S.B. 2350, S.D.1, Relating to Agricultural Lands

HEARING: Wednesday, March 14, 2012, at 10:00 a.m.

Aloha Chair Tsuji, Vice-Chair Hashem and Members of the Committee:

I am Myoung Oh, Government Affairs Director, here to testify on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawai'i, and its 8,500 members. HAR supports S.B. 2350, which permits the building of 'ohana dwellings on lands within agricultural lands.

'Ohana dwelling units or 'ohana housing were created in 1981 as a way to encourage the private sector to create more housing units without government subsidy, preserve green fields (open space), and ease housing affordability.

Each county in Hawai'i has its own rules and regulations concerning 'ohana dwelling units. As such, HAR supports this measure as it allows for the counties to maintain the authority to manage the rules and regulations for 'ohana dwelling units.

For the foregoing reasons, HAR respectfully requests the passage of this measure to continue discussion.

Mahalo for the opportunity to testify.



March 12, 2012

Representative Clift Tusji
House Agricultural Committee

reptsuji@capitol.hawaii.gov

RE: SB 2350
and SB 2646

Aloha,

We ask that you strongly support passage of SB2350, ohana dwellings, in the interest of strengthening community and agricultural growth in "the outer islands". 2350, if adopted by Hawaii County would be great for the health and well being of our society, such as it is today.

We ask that you un-hobble SB 2646, ag structure permit waivers, and amend it to take effect in the near future. We know the insurance and safety industries fear this concept, but it is our reality on the ground, and will help fuel economic prosperity in a multitude of ways.

Mahalo,

Bradley Westervelt
Treasurer/Legislative Aide

The Hawaii Sustainable Community Alliance was formed in late 2010 to promote, support and advocate for land-based sustainable community living in Hawai'i. Our membership has grown steadily and numbers more than 400 today.

RR 2 Box 4524 Pahoehoe, HI 96778-9756 hawaiisustainablecommunity.org

