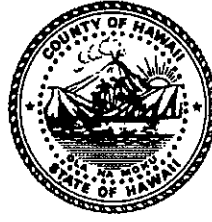


SB2350

Allows the building of ohana dwellings on lands within the agricultural district.

J YOSHIMOTO
COUNCIL MEMBER
Council District 3



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HAWAI'I COUNTY COUNCIL

*County of Hawai'i
Hawai'i County Building
25 Aupuni Street, Suite 1402
Hilo, Hawai'i 96720*

February 1, 2012

Testimony in Support of SB2350 Relating to Agricultural Lands

**Public Hearing on February 2, 2012 at 2:45 p.m.
Conference Room 229**

Aloha,

Chair Nishihara, Vice-Chair Kahele and Members of the Committee on Agriculture
Chair Dela Cruz, Vice-Chair Solomon and Members of the Committee on Water, Land & Housing

Thank you for this opportunity to submit testimony IN SUPPORT of SB2350 to allow Ohana Dwellings on agricultural land.

Currently, families in urban areas are allowed to build an Ohana Dwelling on their property; therefore, families on agricultural lands should be accorded the same privilege. Many families, multi-generational and otherwise extended, live in close proximity and provide the necessary support and stability that families should be allowed to enjoy.

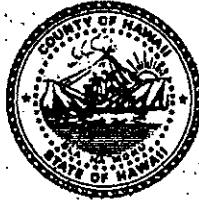
There is a clear distinction between farm dwellings and Ohana Dwellings. Below is a proposed amendment to SB2350 (page 2) to provide a connection between the two.

“(7) Bona fide...including farm dwellings as defined in section 205-4.5(a)(4), ohana dwellings, employee housing...and plantation community subdivisions as defined in section 205-4.5(a)(12)[;]. “Ohana dwellings,” as used in this paragraph, means a dwelling unit accessory to a farm dwelling on the same building site, either attached to or separate from the farm dwelling, located on and used in connection with a farm or where agricultural activity provides income to the family occupying the farm dwelling;”

Thank you for allowing me to submit my comments.

J Yoshimoto, Council Member
Hawai'i County Council
District 3

DONALD IKEDA
Council Member
District 2 South Hilo



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HAWAII COUNTY COUNCIL

County of Hawai'i
Hawai'i County Building
25 Aupuni Street
Hilo, Hawai'i 96720

January 31, 2012

To: Chair Nishihara and Vice-Chair Kahele and Committee Members
Chair Dela Cruz and Vice-Chair Solomon and Committee Members

I am pleased to submit this testimony IN SUPPORT of SB 2350, allowing Ohana Dwellings on agricultural land. I also submit a proposed amendment to SB 2350, to provide a connection between the Ohana Dwelling and the farm.

Our island families are returning to the tradition of extended families living and working together. Providing Ohana Dwellings will allow families, multi-generational and otherwise extended, to live in close proximity and provide the necessary support and stability that families should be allowed to enjoy.

There is a clear distinction between farm dwellings and Ohana Dwellings. By definition, farm dwellings must be used in connection with a farm. An Ohana Dwelling would allow grandparents, aunts, uncles, brothers, siblings, etc. to live close by and provide much needed support without being compelled to farm. The Ohana Dwelling will allow family members to have privacy, yet be close at hand.

I would like to further point out that families in urban areas are allowed to build an Ohana Dwelling on their property. Therefore, families on agricultural lands should be accorded the same privilege.

I would like to suggest that the definition for an Ohana Dwelling on agricultural land makes it clear that the dwelling is connected to the farm.

My suggested amendment to SB 2350 is attached.

Thank you for allowing me to submit my comments.

A handwritten signature in black ink, appearing to read "Donald Ikeda".

Donald Ikeda, Council Member
Hawai'i County Council, District 2

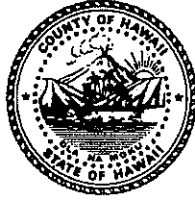
I suggest that SB 2350 be amended as follows:

“Section 205-2

“(7) Bona fide...including farm dwellings as defined in section 205-4.5, ohana dwellings, ... plantation community subdivisions as defined in section 205-4.5(a)(12). “Ohana dwellings”, as used in this paragraph, means a dwelling unit accessory to a farm dwelling on the same building site, either attached to or separate from the farm dwelling, located on and used in connection with a farm or where agricultural activity provides income to the family occupying the farm dwelling. “

I further suggest that new section (13) be eliminated in its entirety.

DENNIS "FRESH" ONISHI
Council Member
District 4



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HAWAI'I COUNTY COUNCIL
Mailing Address: 25 Aupuni Street, Hilo, Hawai'i 96720

February 1, 2012

TESTIMONY OF DENNIS "FRESH" ONISHI
HAWAI'I COUNTY COUNCIL MEMBER
ON

SB 2350, RELATING TO AGRICULTURAL LANDS
Senate Committee on Agriculture
Senate Committee on Water, Land, and Housing
February 2, 2012 2:45 p.m.
Conference Room 229

Dear Chair Nishihara, Vice Chair Kahele and Members of the Committee on Agriculture and Chair Dela Cruz Vice Chair Solomon and Members of the Committee on Water, Land, and Housing:

Thank you for the opportunity to provide testimony in support of Senate Bill No. 2350, with suggested amendments.

This Bill allows the building of ohana dwellings on lands within the agricultural district.

Ohana dwellings allows families, multi-generational and otherwise extended, to live in close proximity and provide the necessary support and stability that families should be allowed to enjoy. They allow family members to have privacy, yet be close at hand, a necessity as our population ages.

As families in urban areas are allowed to build an ohana dwelling on their property, so should families on agricultural lands be allowed the same. However, there is a clear distinction between farm dwellings and ohana dwellings. By definition, farm dwellings must be used in connection with a farm. An ohana dwelling would allow family to live close by without being compelled to farm.

I would like to suggest that the definition of an ohana dwelling on agricultural land make it clear that it is connected to the farm, with the following amendment to SB 2350. The amendment to sections (7) and (13) are illustrated in ramseyer format and bold for illustrative purposes only.

- (7) **Bona fide agricultural services and uses that support the agricultural activities of the fee or leasehold owner of the property and accessory to any of the above activities, regardless of whether conducted on the same premises as the agricultural activities to**

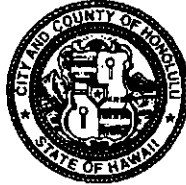
which they are accessory, including farm dwellings as defined in section 205-4.5(a)(4), **ohana dwellings**, employee housing, farm buildings, mills, storage facilities, processing facilities, agricultural-energy facilities as defined in section 205-4.5(a)(16), vehicle and equipment storage areas, roadside stands for the sale of products grown on the premises, and plantation community subdivisions as defined in section 205-4.5(a) (12); **“Ohana dwellings,” as used in this paragraph, means a dwelling unit accessory to a farm dwelling on the same building site, either attached to or separate from the farm dwelling, located on and used in connection with a farm or where agricultural activity provides income to the family occupying the farm dwelling;**

~~[(13) Ohana dwellings as permitted under section 205-6; provided that, for the purposes of this paragraph, "ohana dwelling" means living quarters attached or detached to a main dwelling; or within an accessory building located on the same lot as the main dwelling, and meant for use as a separate dwelling.]~~

Once again, thank you for the opportunity to submit testimony on this matter.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU
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PETER B. CARLISLE
MAYOR



DAVID K. TANOUE
DIRECTOR

JIRO A. SUMADA
DEPUTY DIRECTOR

February 2, 2012

The Honorable Donovan M. Dela Cruz, Chair
and Members of the Committee on Water, Land, and Housing
The Honorable Clarence K. Nishihara, Chair
and Members of the Committee on Agriculture
State Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chairs Dela Cruz, Nishihara, and Committee Members:

Subject: Senate Bill No. 2350
Relating to Agricultural Lands

The Department of Planning and Permitting **opposes** Senate Bill 2350, which would allow "ohana" dwellings within the State Agricultural District via the Special Use Permit process. The proposal is too vague, misleading, and open to unintended consequences.

The proposed definition of "ohana dwellings" makes no reference to any family relationship with the occupants of the "main dwelling." Moreover, it does not define ohana dwellings as an accessory use, although it could be located "within an accessory building". Nor does the definition require the unit be farm-related. Finally, there is no limit on how many ohana dwelling are allowed per lot. The end result could be the back door of significant numbers of dwellings with no relationship to farming or other agricultural activities, and thus threaten the viability of the agricultural district.

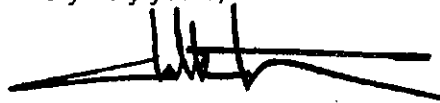
An argument could be made that the Special Use Permit would address these issues. However, we do not believe this process was intended to substitute for residential zoning. If residential development is desired, the land use district should be changed from agriculture to urban. If the intent is to address very modest requests involving only a single dwelling at a time, then there is no need to create special provisions under Chapter 205, HRS.

Please note that the Department will not support any proposals to weaken the current county zoning provisions that protect agricultural lands for agricultural purposes. This includes relaxing the existing requirement that all dwellings in agricultural districts be farm dwellings. Moreover, if a second farm dwelling is desired on a lot, the lot must meet the minimum lot size of the applicable agricultural zoning district, if the lot is in an "ohana-eligible area", as defined by the City and County of Honolulu. Otherwise, the lot must have twice the minimum lot size.

The Honorable Donovan M. Dela Cruz, Chair
and Members of the Committee on Water, Land, and Housing
The Honorable Clarence K. Nishihara, Chair
and Members of the Committee on Agriculture
State Senate
Re: Senate Bill No. 2350
February 2, 2012
Page 2

To maintain the viability of the agricultural district, we should not be encouraging non-agricultural uses. Please file Senate Bill No 2350. Thank you for this opportunity to testify.

Very truly yours,

A handwritten signature in black ink, appearing to read 'David K. Tanoue', with a long horizontal line extending to the left.

David K. Tanoue, Director
Department of Planning and Permitting

DKT:jmf
sb2350-AgLands-ry.doc

From: James Arakaki [REDACTED]
Sent: Tuesday, January 31, 2012 12:54 PM
To: Sen. Donovan Dela Cruz
Subject: FW: SB2350

Dear Senator Donovan Delacruz,

As a former council member of County Hawaii I support SB2350, Ohana Dwellings, Housing: Agricultural lands. In the past the County of Hawaii allowed Ohana Dwellings on agricultural lands as a means of supplying needed housing for the residents of the Big Island. This was the policy until the former Planning Director discovered that Ohana Dwelling was not in HRS as a permitted use on agriculture land. The Big Island has the most Ag one zoned lands in the State and most are used for house lots with very little commercial agriculture use. Allowing Ohana dwelling will increase the supply of housing, increase construction jobs, allow families to live together, allow mortgages to made on the second unit, and increase the tax base for the county. This will not affect commercial agriculture but in fact help agriculture by allowing more diverse housing units. The county laws will govern the details of what can be built as an Ohana as each county has their own laws regarding Ohana. This is a win, win legislation and very progressive.

Mahalo,
James Y. Arakaki

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



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February 2, 2012

The Honorable Donovan M. Dela Cruz, Chair
Senate Committee on Water, Land, and Housing

The Honorable Clarence K. Nishihara, Chair
Senate Committee on Agriculture
State Capitol, Room 229
Honolulu, Hawaii 96813

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

HEARING: Thursday, February 2, 2012, at 2:45 p.m.

Aloha Chair Dela Cruz, Chair Nishihara, and Members of the Joint Committees:

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.

