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Statement of the
LEO R. ASUNCION
Acting Director, Office of Planning
before the
HOUSE COMMITTEE ON FINANCE

Thursday, April 3, 2014
2:05 PM
State Capitol, Conference Room 308

in consideration of
SB 2274 SD1 HD1
RELATING TO SUSTAINABLE LIVING.

Chair Luke, Vice Chairs Nishimoto and Johanson, and Members of the House Committee on Finance.

SB 2274, SD1, HD1 adds a chapter to the Hawaii Revised Statutes (HRS) entitled, *Sustainable Living Research Act*, which authorizes counties to issue a permit that designates an area as a sustainable living research site and exempts sustainable living research sites from certain county codes, ordinances, and rules. HRS §§ 205-2 and 205-4.5 are also amended to add sustainable living research sites as permissible uses in the State Rural and Agricultural Districts. The bill's purpose section has been amended to specify that Sustainable Living Research Permits are applicable to sites greater than one and less than fifteen acres in size within agricultural and rural districts in certain counties. The Office of Planning provides the following comments for your consideration.

We support actions that implement the sustainability elements of the State Administration's New Day Comprehensive Plan and Act 181, SLH 2011, relating to sustainability. We believe, however, that there are existing and well-used processes in place to permit uses such as sustainable living research sites in appropriate areas in the rural and agricultural districts such that the bill is not necessary. In particular, the Special Permit process in HRS § 205-6 authorizes county planning commissions to "permit certain unusual and

reasonable uses within the agricultural and rural districts other than those for which the district is classified” in accordance with county special use permit rules and the guidelines set forth in Hawaii Administrative Rules (HAR) § 15-15-95.

Additionally, the State and the counties have not yet completed the process of identifying all important agricultural lands (IAL) in the State of Hawaii. The IAL law, passed in 2005, implements Article XI, Section 3, of the Hawaii State Constitution. It directs the State to conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency, and assure the availability of agriculturally suitable lands. The intent of the IAL law is to conserve the State’s agricultural land resource base and assure the long-term availability of agricultural lands for agricultural use.

Lastly, allowing non-agricultural uses in the State Agricultural District may contribute to the impermanence syndrome, whereby agricultural use declines due to farmers’ disinvestment in their farm operations in anticipation of development. This has been observed to occur where competing uses are allowed in areas designed for agricultural uses, and this may occur if sustainable living research sites are allowed in agricultural districts where they have the potential to resemble urban development.

Accordingly, we believe the current county regulatory processes and the provisions of HRS Chapter 205 and HAR Chapter 15-15 adequately address the intent of the proposed bill.

Thank you for the opportunity to testify on this measure.

finance1

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, April 03, 2014 2:19 PM
To: FINTestimony
Cc: hunbet@yahoo.com
Subject: Submitted testimony for SB2274 on Apr 3, 2014 14:05PM

SB2274

Submitted on: 4/3/2014

Testimony for FIN on Apr 3, 2014 14:05PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Larry Obermann	Individual	Oppose	No

Comments: Strongly Oppose! This bill would do the exact opposite of what needs to be done on these islands. Experts: Strict building codes saved lives in powerful Chile earthquake Chile has over the years implemented strict building codes and rigorous evacuation plans, experts said. "People are more familiar with them," Bellini said of the temblors. "They, in general, know what to do as part of their daily lives, plus the building codes are fairly well-enforced in Chile. It's in their culture." In February 2010, about 500 people died when an 8.8-magnitude earthquake hit. That quake was so violent, it moved one whole Chilean city about 10 feet west. One month earlier, the importance of strict building codes was underscored when Port-au-Prince, Haiti, was hit by a magnitude-7.0 earthquake that leveled 70% of the Haitian capital's structures and killed at least 230,000 people.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Testimony on SB 2274SD1 HD1
Before the House of Representatives Committee on Finance

Thursday, April 3, 2014, 2:05P.M.
Conference Room 308

Testimony of Duane Kanuha
Planning Director, County of Hawai'i

Honorable Members of the Committee:

The Hawai'i County Planning Department offers our testimony in **OPPOSITION** to Senate Bill 2274, SD 1, HD1.

While the purpose of this bill is laudable, it needs much more vetting before any kind of realistic implementation can be accomplished.

Furthermore, we question whether the real intent of this bill is to truly foster sustainable research and testing or to create a vehicle; the proposed sustainable living research permit, to allow the proliferation of already existing "eco villages" to be legitimized.

We also object to the proposed inclusion of "sustainable living research sites" as permissible uses within the State Land Use Agriculture and Rural districts inasmuch as such sites cannot be determined until a sustainable living research site permit has been issued by the Planning Department according to the proposed legislation.

This is but one example of the need for further consideration of the overall ramifications and implications to Hawai'i's land use system before such a bill can be seriously considered.

Thank you for your consideration.