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Governor

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SCOTT E. ENRIGHT
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER
Deputy to the Chairperson

**TESTIMONY OF SCOTT E. ENRIGHT
CHAIRPERSON, BOARD OF AGRICULTURE**

BEFORE THE HOUSE COMMITTEE ON AGRICULTURE

**FEBRUARY 10, 2017
8:30 A.M.
CONFERENCE ROOM 312**

**HOUSE BILL NO.778 HD1
RELATING TO AGRICULTURE**

Chairperson Creagan and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 778, HD1 that amends Chapter 205 to allow for residential housing on agricultural lands with Land Study Bureau Overall Productivity Ratings of "C", "D", and "E", with dwelling unit densities ranging from 2 units on a one-acre lot to 5 units on a lot 10 acres or greater, and the residential dwellings are not subject to county regulations. Residential dwellings are not allowed on designated Important Agricultural Lands, or agricultural lands with "A" or "B". The Department of Agriculture understands the issue at hand, however respectfully opposes this measure.

This measure states that single-family dwellings can be built on land classified within the Agricultural District without showing the connection with a farm, or where agricultural activity provides income to the family occupying the dwelling. Long-standing State and County planning and zoning laws are contradicted with this measure and we respectfully ask that this measure be deferred.

Thank you for the opportunity to comment on this measure.

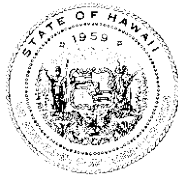


DAVID Y. IGE
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SHAN S. TSUTSUI
Lieutenant Governor

LUIS P. SALAVERIA
Director

MARY ALICE EVANS
Deputy Director



LAND USE COMMISSION
Department of Business, Economic Development & Tourism
State of Hawai`i

DANIEL ORODENKER
Executive Officer

Bert K. Saruwatari
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SCOTT A.K. DERRICKSON AICP
Planner

RILEY K. HAKODA
Chief Clerk/Planner

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Drafting Technician

Statement of
Daniel E. Orodener
Executive Officer
Land Use Commission
Before the
House Committee on Agriculture
Friday February 10, 2017
8:30 AM
State Capitol, Conference Room 312

In consideration of
HB 0778 HD1
RELATING TO AGRICULTURE

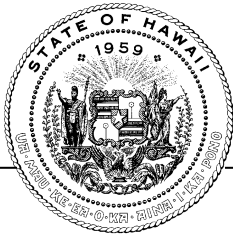
Chair Creagan, Vice Chair DeCoite, and members of the Committee on Agriculture:

The Land Use Commission provides the following comments on HB0778 HD1, which would amend section 205-2(d), Hawai`i Revised Statutes (HRS) by adding a new subsection allowing multiple dwelling units within the State Agricultural District for lots with Land Study Bureau (LSB) soil classification ratings of C, D, or E. Such dwelling units would not be required to be accessory to agricultural activities, with certain limitations. In addition, authorization of such dwelling units would not be subject to regulation by the counties.

We have serious concerns regarding the scope and impacts from this measure. The proposed amendments would impact approximately 1,656,300 acres of State Agricultural District lands; approximately 91% of all lands within the Agricultural District. With no requirement that such residential dwellings be accessory to agricultural activity; the State Agricultural District will become meaningless. Although the measure provides for certain limitations on the number of such dwellings based on agricultural lot size; we believe that this will actually result in an increase in subdivision requests to the counties in order to maximize such dwelling units.

There is also a clause that provides "...the authorization of dwelling units under this paragraph shall not be subject to regulation by a county..." Our interpretation is that this clause may result in the counties being unable to require or process building permits for such dwellings. Such a situation could create health, safety, and liability issues.

Thank you for the opportunity to testify on this matter.



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DAVID Y. IGE
GOVERNOR

LEO R. ASUNCION
DIRECTOR
OFFICE OF PLANNING

Statement of
LEO R. ASUNCION
Director, Office of Planning
before the
HOUSE COMMITTEE ON AGRICULTURE
Friday, February 10, 2017
8:30 AM
State Capitol, Conference Room 312

in consideration of
HB 778 H.D. 1
RELATING TO AGRICULTURE.

Chair Creagan, Vice Chair DeCoite, and Members of the House Committee on Agriculture.

The Office of Planning (OP) appreciates the intent of the measure, and provides comments on HB 778 H.D. 1. The measure proposes amendments to Hawaii Revised Statutes (HRS) § 205-2(d) to allow multiple dwellings on agricultural lots with an overall productivity rating of C, D, or E, and would not be required to be accessory to agricultural activities. HB 778 H.D. 1 would provide that two dwellings would be permitted on a minimum lot of one (1) acre; three dwellings would be permitted on a lot which was ranged from three (3) to five (5) acres; four dwellings would be permitted on a lot ranging from five to up to 10 acres; and lastly five dwellings would be permitted on a lot of 10 or more acres in size.

We understand that the purpose is to provide additional housing at a low cost, however, the existing law already allows for farm dwellings and farm worker housing. Reclassification of land from the State Agricultural to the Urban or Rural District is the proper course of action to enable residential development. OP is concerned that the allowance of residential dwellings not tied to agricultural activities will significantly expand non-agricultural uses within the State Agricultural District.

Allowing a proliferation of non-agricultural uses in the State Agricultural District could lead to the decline of agriculture due to farmers' disinvestment in their farm operations in anticipation of development. Land values would increase due to the residential allowance, making it more costly for farmers to acquire land for agricultural production. Rural sprawl would make it more difficult and costly for the county to provide public services and infrastructure including roads, water, and sewer.

Thank you for the opportunity to testify on this measure.



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February 10, 2017

HEARING BEFORE THE
HOUSE COMMITTEE ON AGRICULTURE

**TESTIMONY ON HB 778, HD1
RELATING TO AGRICULTURE**

Room 312
8:30 AM

Aloha Chair Creagan, Vice-Chair DeCoite, and Members of the Committee:

I am Randy Cabral, President of the Hawaii Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,900 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interest of our diverse agricultural community.

HFB opposes HB778, HD1 as written, adding single family dwelling without agriculture as an allowable use in the ag district.

HFB recognizes the need for housing. We also recognize that agriculture was the catchall land category and lands that may not be the best for agriculture are within the ag district.

However, agriculture has evolved. Soil classification no longer is a primary determinant of good agricultural lands. Green houses, hydroponics, aquaculture, aquaponics are just a few of the types of agriculture that occur on Class C, D or E lands. Some of the best floriculture and hydroponic operations are on these lands. In these cases, the environment, rainy and cool or dry and cool climates make it best for the particular crops. The soil type or existing terrain does not impact the operation. While these opportunities exist, residential type developments comingled with these operations can cause problems.

HFB strongly recommends a streamlined process to reclassify these lands to Rural upon recommendation by the Counties. The rural designation was created to be the interface between agriculture and urban districts. Rural has been described as:

"Rural districts include activities or uses characterized by a density of one house per one-half acre in areas absent of "city-like" concentration of people, structures, streets and urban level of services and where there exists an intermixture of small farms with low density residential lots."

<http://lrbhawaii.info/lrbrpts/70/landuse.pdf>

Counties have the freedom to define the size of lots in the rural district. R5, R10, or R25 can define the smallest lot size permissible to maintain the open space feature that may be the vision for the area. These lots would be prohibited from being further subdivided. It is not a gateway to urban development.

We agree there is an urgency to address Hawaii's need for housing. We strongly recommend a statewide working group including agriculture and all of the counties to explore the feasibility of a one-time rural reclassification of lands.

HFB appreciates the opportunity to comment on this measure. We respectfully request amending the language in this bill to create a working group to explore the role of rural as a way to protect our core agricultural lands.

Thank you for this opportunity to testify on this measure.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 8, 2017 1:32 AM
To: AGRtestimony
Cc: legechair@gmail.com
Subject: *Submitted testimony for HB778 on Feb 10, 2017 08:30AM*

HB778

Submitted on: 2/8/2017

Testimony for AGR on Feb 10, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Simon Russell	Individual	Support	No

Comments:

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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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 7, 2017 1:18 PM
To: AGRtestimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for HB778 on Feb 10, 2017 08:30AM*

HB778

Submitted on: 2/7/2017

Testimony for AGR on Feb 10, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 10, 2017 6:36 AM
To: AGRtestimony
Cc: stephanie.k.mock@gmail.com
Subject: Submitted testimony for HB778 on Feb 10, 2017 08:30AM



HB778

Submitted on: 2/10/2017

Testimony for AGR on Feb 10, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Stephanie Mock	Individual	Oppose	No

Comments: This bill allows up to 5 houses per 10 acres meaning this splits up large tracts of farmland into 2 acre plots. For real commercial production that can actually assist in creating more local food production, farms generally need more than 2 acres to actually be a profitable business venture that employs others in the business. This bill sounds more along the lines of allowing people to buy up Ag land and build their own "gentleman farm" which is almost never an actual farming venture but a chance to garden with a larger yard than the typical Hawaiian yard size. Also, Hawaii has almost all of the types of soils in the world (there's twelve distinct types) making it a unique opportunity for agricultural testing in various soils that can not only assist in local ag production but can create data to assist the Pacific Islands area and tropical countries in food sustainability. I oppose this bill. I would like to see some amendments that don't allow 5houses/10 acres, all farm lots required to be an agribusiness, and a limit on the maximum size of any house to be built with the farmer required to live in the building on the property. Thank you.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 9, 2017 8:16 PM
To: AGRtestimony
Cc: tiare@hapahi.org
Subject: Submitted testimony for HB778 on Feb 10, 2017 08:30AM



HB778

Submitted on: 2/9/2017

Testimony for AGR on Feb 10, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Tiare Lawrence	Individual	Oppose	No

Comments: This bill would simply allow gentlemen estates to take over rural areas. Hawaii does not need more gentlemen estates. Furthermore, lands with C & D soil grade can be remediated with soil regeneration. Please OPPOSE this bill.

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