

OFFICE OF PLANNING STATE OF HAWAII

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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 HOUSING
Thursday, February 1, 2018
9:00 AM
State Capitol, Conference Room 423

in consideration of
HB 2451
RELATING TO HOUSING THAT SUPPORTS AGRICULTURAL PRODUCTION.

Chair Brower, Vice Chair Nakamura, and Members of the House Committee on Housing.

The Office of Planning (OP) opposes HB 2451 in its current form. HB 2451 would amend Hawaii Revised Statutes (HRS) § 205-4.5 (a)(4) to allow tiny homes or dwellings of less than 500 square feet, on lands in the State Agricultural Land Use District, provided the tiny home is mobile, used as a residential dwelling for a farm employee working a minimum of 16 hours on a farm or a family member of the farm employee, or by the owner of the farm, and provided other requirements are met, including an affidavit to the Land Use Commission (LUC).

HB 2451 is intended to encourage the use of “tiny” homes for farm worker housing in support of local agricultural production. OP fully supports efforts to help local farmers and grow the State’s agricultural economy, including the need for housing for farm labor, but this is not an issue that can be solved simply by relaxing land use regulatory standards.

In addition, OP has the following objections to the bill as written:

- The counties have ample authority under HRS Chapter 205 and HRS § 46-4 to enact ordinances for acceptable forms of affordable farm labor housing, such as proposed in HB 2451, and this kind of initiative should be pursued at the county-level. Currently “farm dwellings” are allowed within the State Agricultural district. Thus, OP believes this measure is unnecessary;
- As written, the amendment to HRS § 205-4.5 (a)(4) will be problematic for county implementation and enforcement, and frustrate county efforts to regulate and control non-agricultural residential uses in the State Agricultural District.

- The measure includes a provision by way of an affidavit to the LUC that the tiny home will conform to the requirements. Since the LUC does not normally regulate uses and construction within the State agricultural districts this may be create difficulties in enforcement with the counties.
- The nature of mobile homes may subject the occupants to a higher than normal risk during hazardous conditions, such tsunamis, flooding, hurricanes and other relevant conditions.
- We note that there is a miswording in 205-4.5(24)(A)(ii), “The owner of a farm that has been engaged in agricultural production for a continuous period of less than five years;” should be changed to “...**no** less than five years”.
- HB 2451 has the potential to place farm labor families at risk of exposure to dust and pesticides and other public health and safety concerns.
- As currently written, HB 2451 would also provide another pathway for non-agricultural residential use in the State Agricultural District, which could contribute to further use of these dwellings for transient and vacation accommodations, increases in agricultural land values, and exurban sprawl without attendant public facilities and services.

Thank you for the opportunity to testify on this measure.

DAVID Y. IGE
Governor

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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Planner

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Statement of
Daniel E. Orodenker
Executive Officer
Land Use Commission
Before the
House Committee on Housing
Thursday February 1, 2018
9:00 AM
State Capitol, Conference Room 423

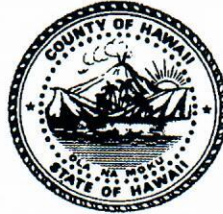
In consideration of
HB 2451
RELATING TO HOUSING THAT SUPPORTS AGRICULTURAL PRODUCTION

Chair Brower, Vice Chair Nakamura, and members of the Committee on Housing:

The Land Use Commission supports the intent of HB 2451 in that it seeks to provide housing for agricultural workers. However, we are concerned that this measure would allow an unlimited number of small homes to be located on any one parcel. We support the need but suggest that the number of small homes be limited to two or three to minimize potential impacts and prevent the unintended development of non-conforming "plantation" communities or mobile home parks.

Thank you for the opportunity to testify on this matter.

Eileen O'Hara
Council Member
Council District 4



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Chair: Environmental
Management Committee

Vice Chair: Planning Committee and
Agriculture, Water & Energy
Sustainability Committee

County of Hawaii
Hawaii County Council

25 Aupuni Street, Suite 1402 • Hilo, Hawai'i 96720

LATE

Representative Tom Brower
Chair, Committee on Housing
Hawai'i State House of Representatives

January 31, 2018

**Re: In Support of House Bill 2451, from Hawai'i County Council District 4.
To be heard by HSG on 02-01-18 9:00AM in House conference room 423**

Aloha Chair Brower and Committee Members:

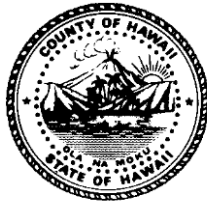
I'm writing to express my support for House Bill 2451, which authorizes the construction of tiny homes for residential use within agricultural districts, on farms that are engaged in agricultural production. It also provides that a tiny home shall be subject to county ordinances or permitting requirements that are directly applicable to residential uses of tiny homes in agricultural districts.

While efficiency units are currently allowed on agricultural land, in Hawai'i County, the number of structures that may be built is limited and not sufficient for housing of farm workers. Please consider the impacts that passing this bill will have on our economy and agriculture, and contact me if you have any questions about my support or knowledge of the subject.

Sincerely,

Eileen O'Hara
Council Member
Council District 4

Harry Kim
Mayor



Michael Yee
Director

Daryn Arai
Deputy Director

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
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County of Hawai'i
PLANNING DEPARTMENT

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LATE

January 31, 2018

Testimony by
MICHAEL YEE
Director, County of Hawai'i Planning Department
before the
COMMITTEE ON HOUSING
Thursday, February 1, 2018, 9:00 A.M.
State Capitol, Conference Room 423
in consideration of
HB 2451
Relating to Housing that Supports Agricultural Production

The County of Hawai'i Planning Department would like to express its **STRONG OPPOSITION** to this bill.

HB 2451 is redundant since both State and County land use laws already provide opportunities for employee housing and farm dwellings on legitimate farms within our Agricultural Districts. "Tiny homes" or all dwellings situated on Agricultural lands must be a "farm dwelling". There is no compelling need to create a "tiny homes" category of farm dwellings on Agricultural lands.

The Hawai'i County Zoning Code (HCC Chapter 25) currently allows for a "farm dwelling" as a permitted use on Agricultural-zoned lands, in alignment with State land use law. By Zoning Code definition, a "Farm dwelling" means a single-family dwelling located on or used in connection with a farm, or if the agricultural activity provides income to the family occupying the dwelling.

There is a misconception that obtaining a farm dwelling unit is complicated. An owner only needs to sign a Farm Dwelling Notice for the first farm dwelling unit on a parcel. The department has adopted rules of practice and procedures for owners to obtain additional farm dwelling units (beyond the initial farm dwelling). An Additional Farm Dwelling Agreement is signed if an owner can provide documentation of adequate farming activity. Bill 2451 proposes a process of determining adequate farming activity that is similar to our current process. Tiny homes can be currently built on agricultural lands in the County of Hawai'i. Therefore, HB 2451 is redundant and likely to cause confusion.

Thank you for the opportunity to express our opposition.

DAVID Y. IGE
Governor

SHAN S. TSUTSUI
Lt. Governor



SCOTT E. ENRIGHT
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER
Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

LATE

TESTIMONY OF SCOTT E. ENRIGHT
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON HOUSING

FEBRUARY 1, 2018
9:00 A.M.
CONFERENCE ROOM 423

HOUSE BILL NO. 2451
RELATING TO HOUSING THAT SUPPORTS AGRICULTURAL PRODUCTION

Chairperson Brower and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 2451 that seeks to amend Chapter 205 by authorizing “tiny homes” of less than 500 square feet for residential use within the Agricultural District under certain conditions. The Department of Agriculture is opposed to this measure that allows a specific type of housing under a different set of conditions than what exists in Chapter 205 which already permits “farm dwellings” and “employee housing” that are accessory to agricultural activities.

House Bill 2 from the 2017 Legislative Session was vetoed because Chapter 205 and the Hawaii County zoning ordinance (Chapter 25, Hawaii County Code) already allow for “farm dwellings” and “employee housing” of any size as permitted uses of agricultural zoned land.

Chapter 205 is replete with piecemeal amendments that attempt to address a problem by imposing a solution upon the counties. The Department is concerned that these “tiny homes” may become de facto residential dwellings if the County is unable to adequately monitor and enforce the conditions of this measure.

Thank you for the opportunity to testify on this measure.



HB-2451

Submitted on: 1/29/2018 6:09:03 PM

Testimony for HSG on 2/1/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Toni Symons- HAPI	Na Kahua Hale O Ulu Wini	Support	No

Comments:

Strong support of tiny homes on ag land. Very important on the Big Island!

HB-2451

Submitted on: 1/30/2018 4:11:32 AM

Testimony for HSG on 2/1/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Ho'omanapono Political Action Committee (HPAC)	Support	Yes

Comments:



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COMMITTEE ON HOUSING
COMMITTEE ON WATER AND LAND

THURSDAY, FEBRUARY 1, 2018, 9:00 AM, ROOM 423
HB 2451, RELATING TO HOUSING THAT SUPPORTS AGRICULTURAL PRODUCTION

TESTIMONY

Nina Eejima, Legislative Committee, League of Women Voters of Hawaii

Chair Brower, Committee on Housing; Chair Yamane, Committee on Water and Land; and Committee Members:

The League of Women Voters of Hawaii supports HB 2451 that authorizes the construction of tiny homes for residential use within agricultural districts, on farms that are engaged in agricultural production.

We note that “tiny homes” are small dwelling units with less than 500 square feet of interior living space that are built on the ground or on a mobile trailer base and that such construction for residential use by farm workers or beginning farmers will support and encourage agricultural production by addressing the current lack of housing for farmers and far workers.

Thank you for the opportunity to submit testimony.

HB-2451

Submitted on: 1/30/2018 6:52:06 PM

Testimony for HSG on 2/1/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lorn	Douglas	Support	No

Comments:

Aloha,

as a small farmer I support this measure as it will enable me to provide housing for a worker to help me maintain my property. Its a challenge growing on a small plot (just over an acre) and to be able to provide housing I will be able to get support for my production. Your 'yes' on this measure will mean a lot to me and many others in my situation.... Mahalo

HB-2451

Submitted on: 1/31/2018 9:34:37 PM

Testimony for HSG on 2/1/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Amy Brinker		Support	No

Comments:

LATE

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