

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

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

BEFORE THE HOUSE COMMITTEE ON WATER & LAND

**MARCH 1, 2017
11:00 A.M.
CONFERENCE ROOM 325**

**HOUSE BILL NO. 715
RELATING TO URBAN AGRICULTURE**

Chairperson Yamane and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 715 that requires the counties to incorporate urban agriculture principles and policies in land use planning and to allow urban agriculture as a residential use in a residentially designated zone, on privately or publicly held land, and water bodies. The Department of Agriculture supports the intent but cautions that many horticultural practices, whether conventional or organic, are not without the risk of nuisance as suggested in this measure.

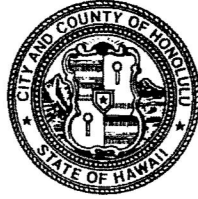
Thank you for the opportunity to testify on this measure.



DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
DEPT. WEB SITE: www.honolulu.dpp.org • CITY WEB SITE: www.honolulu.gov

KIRK CALDWELL
MAYOR



KATHY K. SOKUGAWA
ACTING DIRECTOR

TIMOTHY F. T. HIU
ACTING DEPUTY DIRECTOR

March 1, 2017

The Honorable Ryan I. Yamane, Chair
and Members of the Committee on Water & Land
Hawaii House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Yamane and Committee Members:

Subject: House Bill No. 715
Relating to Urban Agriculture

The Department of Planning and Permitting (DPP) **opposes** House Bill No. 715, which would require the counties to incorporate urban agriculture principles and policies in land use planning and to allow urban agriculture as a residential use in a residentially designated zone. This Bill is unnecessary, overly broad, and detrimental to home rule and community well-being.

It would have been helpful for the Bill to explicitly include a purpose section. Perhaps the intent is to promote the production of food near consumers in residential neighborhoods. However, this measure may actually harm the neighborhoods. It would create havoc to the stability and health of neighborhoods, as it would not allow counties to consider agricultural uses on a case-by-case basis, or set minimum standards. Perhaps it is envisioned that residents would be able to walk to a roadside stand and buy fresh organic strawberries grown in a backyard. But what the Bill would also allow is a pineapple canning operation. Moreover, uses that may be acceptable in Waimea, such as cattle-raising, would be unacceptable in Makiki. By allowing agriculture as a permitted use in residential neighborhoods, the Right to Farm Act would be invoked making it even more difficult to co-exist.

There is a reason many urban zoning codes do not allow agricultural uses in residential neighborhoods. Until 1986, the City did allow crop production as a permitted use in residential districts, but we received frequent complaints from residents. Even the seemingly benign operation of pikake farms drew regular complaints. Consequently, crop production is no longer allowed in residential districts.

The Honorable Ryan I. Yamane, Chair
and Members of the Committee on Water & Land
Hawaii House of Representatives
House Bill No. 715
March 1, 2017
Page 2

In short, we have the following concerns:

- The definition of “urban agriculture” is overly broad, and would include pig farms, aviaries and processing plants
- The counties are prohibited from applying conditions to the uses to ensure compatibility with adjacent uses
- This Bill overrides counties’ ability to regulate land uses under zoning codes, and ignores county home rule
- This Bill does not allow for community input
- This measure fails to recognize that residential neighborhoods are different in character, function and needs

We ask that this Bill be deferred.

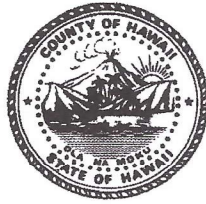
Thank you for the opportunity to testify.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kathy K. Sokugawa". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Kathy K. Sokugawa
Acting Director

Harry Kim
Mayor



Michael Yee
Director

Daryn Arai
Deputy Director

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563

County of Hawai'i
PLANNING DEPARTMENT

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

February 27, 2017

The Honorable Representative Ryan I. Yamane, Chair
and Members of the Committee on Water and Land
Hawai'i State Capitol
415 South Beretania Street
Honolulu, HI 96813

Dear Chair Yamane and Committee Members:

**SUBJECT: HB 715, Relating to Urban Agriculture
Testimony in Opposition
Submitted by: Planning Director, Michael Yee
Hearing: Wednesday, March 1, 2017, 11:00AM**

We would like to express our strong objection to HB 715 that will require the counties to incorporate urban agriculture principles and policies in land use planning and to allow urban agriculture as a residential use in a residential designated zone.

Our concerns are formed by the lack of a concise definition of "urban agriculture" as provided in the bill, which would allow for the "production, processing and marketing of food, fuel, and other agricultural outputs", a definition that is overly broad and will lead towards incompatible agricultural-related sale, production and processing activities within our residential-designated subdivisions.

As proposed by HB 715, parcels within our residential neighborhoods will be required to accommodate:

1. farmers' markets;
2. composting and mulching operations;
3. biofuel manufacturing facilities;
4. fertilizer production facilities;
5. piggeries;
6. animal slaughter facilities, and
7. other potentially noxious agricultural-related activities.

The Honorable Representative Ryan I. Yamane and Committee Members

Page 2

February 27, 2017

HB 715 does not afford any sense of scale to the type of agricultural-related activities that could be permitted, raising concerns about such noxious and/or incompatible activities overwhelming a residential neighborhood.

Please note that the County of Hawai'i Zoning Code currently allows, within its Residential zoned areas, "crop production" which means agricultural and horticultural uses, including, but not limited to, production of grains, field crops, vegetables, fruits, tree nuts, flower fields and seed production, ornamental crops, tree and sod farms. The Zoning Code does prohibit the raising of "livestock" within residential areas due to incompatible effects such as noise, odor and vector issues.

We ask your committees to seriously consider the serious impacts upon our residential neighborhoods by a bill that will broadly declare "urban agriculture" as an outright permitted use within the counties residential designated zoning districts.

Sincerely,



MICHAEL YEE
Planning Director

kong2 - Crystal

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 28, 2017 8:20 AM
To: waltestimony
Cc: william.spence@mauicounty.gov
Subject: Submitted testimony for HB715 on Mar 1, 2017 11:00AM

HB715

Submitted on: 2/28/2017

Testimony for WAL on Mar 1, 2017 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
William Spence	Maui Planning Department	Oppose	Yes

Comments: The Maui Planning Department supports the concept, and our zoning codes already provide for agricultural production in urban areas, but cannot support this bill in its current form. The definition is too broad and would allow potentially obnoxious, possibly hazardous, uses in residential areas.

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P.O. Box 253, Kunia, Hawai'i 96759
Phone: (808) 848-2074; Fax: (808) 848-1921
e-mail info@hfbf.org; www.hfbf.org

March 1, 2017

HEARING BEFORE THE
HOUSE COMMITTEE ON WATER AND LAND

TESTIMONY ON HB 715
RELATING TO URBAN AGRICULTURE

Room 325
11:00 AM

Aloha Chair Yamane, Vice Chair Kong, 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.

Hawaii Farm Bureau supports HB 715 with comments, creating opportunities in Urban Agriculture.

S.3420 introduced by Senator Stenebow, titled "Urban Agriculture Act of 2016" clearly recognizes the changes in agriculture. Farm Bureau supports the concept of Urban agriculture. AFBF President Zippy Duvall states:

"As an organization that supports farmers of all sizes, commodities and production systems, Farm Bureau believes this legislation will build a stronger bond among all farmers--rural, suburban and urban."

We strongly believe that it will take all kinds of agriculture, complementing each other to achieve Hawaii's goal of moving the needle on Hawaii's level of self-sufficiency and sustainability.

We also need to be aware of changes in people's expectations of agriculture and the regulatory environment within which ag exists. This measure addresses this concern through the requirement of ordinances in County zoning laws.

Many years ago, as agritourism expanded, HFB worked with the legislature to include agritourism in the Ag District. It required that the enterprise had to be accessory and secondary to a commercial farming operation and that the types of activities allowed were to be defined in ordinance. Some counties found that developing the ordinances was cumbersome and wanted it deleted and this year, HB 505, seeks to replace agritourism with agricultural commerce. HFB tried to respect home rule as it worked with the legislature to craft the language relating to agritourism, similar to the language in this measure to allow counties to identify the provisions around urban agriculture. Based on our experience, we strongly recommend consultation with the various Counties while moving forth with this measure.

The criteria put forth is important. People in residential zoning have expectations of the environment in their communities. Would the sounds of livestock be acceptable? How much traffic would be tolerated with home based marketing? In rural areas, crime has increased and neighborhood watches are implemented to watch for unknown vehicles in the area. How will this be handled?

These are real concerns. The prospect of more people growing food provides an excellent opportunity to connect with people to develop an understanding of agriculture. At the same time, we need to balance this with the expectations of the neighborhood. Utilizing empty lots in the business district or roof top farming truly provide opportunities. HFB looks forward to being part of the dialogue to reach a workable program.

HFB respectfully requests your support of this measure to continue dialogue on the topic and input from the various Counties that would be implementing this measure.

Thank you for this opportunity to provide comment on this important subject.

waltestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 27, 2017 10:40 AM
To: waltestimony
Cc: wao-hsl@WeAreOne.cc
Subject: Submitted testimony for HB715 on Mar 1, 2017 11:00AM

HB715

Submitted on: 2/27/2017

Testimony for WAL on Mar 1, 2017 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Joseph Kohn MD	We Are One, Inc. - www.WeAreOne.cc - WAO	Support	No

Comments: www.WeAreOne.cc

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Testimony for
Committee on Water & Land
Wednesday, March 01, 2017, 11:00 a.m. Room 325

Representative Ryan I. Yamane, Chair
Representative Sam Satoru Kong, Vice Chair

HB 715 Relating to Urban Agriculture

Dear Chair Yamane and Members of the Committee:

This testimony is in **STRONG SUPPORT** of HB715 that requires the counties to incorporate urban agriculture principles and policies in land use planning and to allow urban agriculture as a residential use in a residentially designated zone.

I am Lynn McCrory, Senior Vice President of Government Affairs for Pulama Lanai. Pulama Lānaʻi is the entity that was set up by Larry Ellison to work with the community and government as we move the island of Lanai forward toward sustainability.

Lānaʻi City is a small and rural town. It has many residential lots that raise fruits and vegetables that are shared with the community. This bill would allow them to also sell what they raise to the neighboring grocery stores and at Saturday's farmers market. Fresh vegetables and fruits are a very important part of a healthy community. Having local families raise them in their yard would provide the products at a price the community should be able to afford. To have them vine ripened or at the point they should be picked, certainly enhances the taste.

This bill allows for one more economic generator to move the island toward a sustainable Lānaʻi. We humbly ask for your support of HB715. Mahalo!

Me ke aloha pumehana
With warm aloha,

Lynn P. McCrory
Senior Vice President of Government Affairs

waltestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 27, 2017 1:31 PM
To: waltestimony
Cc: tampaltin@gmail.com
Subject: *Submitted testimony for HB715 on Mar 1, 2017 11:00AM*

HB715

Submitted on: 2/27/2017

Testimony for WAL on Mar 1, 2017 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Tamara Paltin	Individual	Support	No

Comments:

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kong2 - Crystal

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 27, 2017 6:11 PM
To: waltestimony
Cc: don.couch@mauicounty.gov
Subject: Submitted testimony for HB715 on Mar 1, 2017 11:00AM



Follow Up Flag: Follow up
Flag Status: Flagged

HB715

Submitted on: 2/27/2017

Testimony for WAL on Mar 1, 2017 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Don Couch	Individual	Oppose	Yes

Comments: We agree with the testimony submitted by the County of Hawai'i Department of Planning Previous submission was inadvertently entered as support - we definitely oppose his measure.

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kong2 - Crystal

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 28, 2017 5:13 PM
To: waltestimony
Cc: redahi@hawaii.rr.com
Subject: Submitted testimony for HB715 on Mar 1, 2017 11:00AM



HB715

Submitted on: 2/28/2017

Testimony for WAL on Mar 1, 2017 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
B.A. McClintock	Individual	Support	No

Comments: Please support this important important bill. Mahalo

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kong2 - Crystal

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 28, 2017 5:36 PM
To: waltestimony
Cc: kshimata@hawaiiintel.net
Subject: Submitted testimony for HB715 on Mar 1, 2017 11:00AM



HB715

Submitted on: 2/28/2017

Testimony for WAL on Mar 1, 2017 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kathy Shimata	Individual	Support	No

Comments: I support every effort to increase the amount of food we raise. Importing food to Hawaii, with its year-round growing season, is wasteful.

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kong2 - Crystal

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 28, 2017 5:36 PM
To: waltestimony
Cc: launahele@yahoo.com
Subject: *Submitted testimony for HB715 on Mar 1, 2017 11:00AM*



HB715

Submitted on: 2/28/2017

Testimony for WAL on Mar 1, 2017 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Benton	Individual	Support	No

Comments:

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kong2 - Crystal

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 28, 2017 6:12 PM
To: waltestimony
Cc: palmtree7@earthlink.net
Subject: *Submitted testimony for HB715 on Mar 1, 2017 11:00AM*

LATE

HB715

Submitted on: 2/28/2017

Testimony for WAL on Mar 1, 2017 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
janice palma-glenie	Individual	Support	No

Comments:

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kong2 - Crystal

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 28, 2017 7:01 PM
To: waltestimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for HB715 on Mar 1, 2017 11:00AM*



HB715

Submitted on: 2/28/2017

Testimony for WAL on Mar 1, 2017 11:00AM in Conference Room 325

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

Comments:

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kong2 - Crystal

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 28, 2017 8:33 PM
To: waltestimony
Cc: klahaela@gmail.com
Subject: Submitted testimony for HB715 on Mar 1, 2017 11:00AM



HB715

Submitted on: 2/28/2017

Testimony for WAL on Mar 1, 2017 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Kimiko LaHaela Walter	Individual	Support	No

Comments: Aloha Chair, Vice Chair, and members of the committee, I am writing in support of measure HB715. All over the country, and even the world, we are seeing incredibly innovative ways to green up our cities...and what a great idea to incorporate agriculture in the planning process! With so many more mouths to feed, coupled with the tragedy of how disconnected we are from the food system (especially our youth!), this would be a great way to make a visible shift in supporting local, sustainable agriculture...right out our back doors, on our way to school, on our way to work! Let's bring this movement to Hawaii and support urban agriculture! Mahalo for the opportunity to testify, Sincerely, Kimiko LaHaela Walter

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kong2 - Crystal

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 28, 2017 9:22 PM
To: waltestimony
Cc: rachelrounds@hotmail.com
Subject: *Submitted testimony for HB715 on Mar 1, 2017 11:00AM*



HB715

Submitted on: 2/28/2017

Testimony for WAL on Mar 1, 2017 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel Rounds	Individual	Support	No

Comments:

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kong2 - Crystal

From: Patty-k ATT <Patty-k@att.net>
Sent: Wednesday, March 1, 2017 10:16 AM
To: waltestimony
Subject: HB715

LATE

Please support the inclusion of urban farming in the planning process. Roof top farms can feed many with fresh vegetables. Whole Foods has farms on the roof tops of many of their stores on the mainland. We need to encourage this.

Patty Kaliher
Kapaa, HI 96746



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