

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

**BEFORE THE SENATE COMMITTEE ON PUBLIC SAFETY,  
INTERGOVERNMENTAL, & MILITARY AFFAIRS & AGRICULTURE &  
ENVIRONMENT**

**FEBRUARY 27, 2017  
1:15 P.M.  
CONFERENCE ROOM 224**

**SENATE BILL NO. 340  
RELATING TO URBAN AGRICULTURE**

Chairpersons Nishihara and Gabbard and Members of the Committees:

Thank you for the opportunity to testify on Senate Bill No. 340 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.

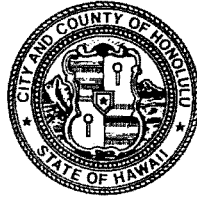
Thank you for the opportunity to comment on this measure.



DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**

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

KIRK CALDWELL  
MAYOR



KATHY K. SOKUGAWA  
ACTING DIRECTOR  
  
TIMOTHY F. T. HIU  
ACTING DEPUTY DIRECTOR

February 27, 2017

The Honorable Clarence K. Nishihara, Chair  
and Members of the Committee on Public Safety,  
Intergovernmental, and Military Affairs  
The Honorable Mike Gabbard, Chair  
and Members of the Committee on  
Agriculture and Environment  
Hawaii State Senate  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chairs Nishihara, Gabbard, and Committee Members:

Subject: Senate Bill No. 340  
Relating to Urban Agriculture

The Department of Planning and Permitting (DPP) **opposes** Senate Bill No. 340, 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 homerule 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 Honorable Clarence K. Nishihara, Chair  
and Members of the Committee on Public Safety,  
Intergovernmental, and Military Affairs  
The Honorable Mike Gabbard, Chair  
and Members of the Committee on  
Agriculture and Environment  
Hawaii State Senate  
Senate Bill No. 340  
February 27, 2017  
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the seemingly benign operation of pikake farms drew regular complaints.  
Consequently, crop production is no longer allowed in residential districts.

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.

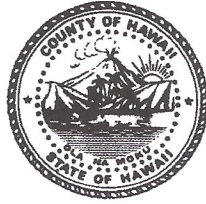
Thank you for the opportunity to testify.

Very truly yours,



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  
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**County of Hawai'i**  
**PLANNING DEPARTMENT**

East Hawai'i Office  
101 Pauahi Street, Suite 3  
Hilo, Hawai'i 96720  
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February 22, 2017

The Honorable Senator Clarence K. Nishihara, Chair  
and Members of the Committee on Public Safety, Intergovernmental and Military Affairs

The Honorable Senator Mike Gabbard, Chair  
and Members of the Committee on Agriculture and Environment  
Hawai'i State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

Dear Chair Nishihara, Chair Gabbard and Committee Members:

**SUBJECT: SB 340, Relating to Urban Agriculture - Testimony in Opposition**

We would like to express our strong objection to SB 340 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 SB 340, 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 Senator Clarence K. Nishihara, Honorable Senator Mike Gabbard and Committee Members

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February 22, 2017

SB 340 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,

A handwritten signature in blue ink, appearing to read 'Michael Yee', with a long horizontal stroke extending to the right.

MICHAEL YEE  
Planning Director



P.O. Box 253, Kunia, Hawai'i 96759  
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February 27, 2017

HEARING BEFORE THE  
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND  
MILITARY AFFAIRS  
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

**TESTIMONY ON SB 340**  
RELATING TO URBAN AGRICULTURE

Room 224  
1:15 PM

Aloha Chairs Nishihara and Gabbard, Vice Chairs Wakai and Riviere, and Members of the Committees:

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 interests of our diverse agricultural community.

Hawaii Farm Bureau **supports the intent of SB340 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. Based on our experience, we strongly recommend consultation with the various Counties while moving forth with this measure.

Implementation criteria are 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. Roof top farming truly provide opportunities. On the other hand careful consideration of an empty lot in a business district must be evaluated carefully. There are concerns about urban sprawl. It should not be an unintended consequence of utilizing empty lots. Should the lot be used for low income housing? HFBF looks forward to being part of the dialogue to reach a workable program.

HFB respectfully requests your consideration of County zoning concerns as this measure is considered. Thank you for this opportunity to provide comment on this important subject.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 26, 2017 11:24 PM  
**To:** PSMTestimony  
**Cc:** legechair@gmail.com  
**Subject:** \*Submitted testimony for SB340 on Feb 27, 2017 13:15PM\*

**SB340**

Submitted on: 2/26/2017

Testimony for PSM/AEN on Feb 27, 2017 13:15PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Simon Russell	Hawaii Farmers Union United	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 22, 2017 9:38 AM  
**To:** PSMTestimony  
**Cc:** hoonanea@aol.com  
**Subject:** \*Submitted testimony for SB340 on Feb 27, 2017 13:15PM\*

**SB340**

Submitted on: 2/22/2017

Testimony for PSM/AEN on Feb 27, 2017 13:15PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Regina Gregory	EcoTipping Points Project	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 26, 2017 12:22 AM  
**To:** PSMTestimony  
**Cc:** healani.sampaga@mililanihs.k12.hi.us  
**Subject:** Submitted testimony for SB340 on Feb 27, 2017 13:15PM

**SB340**

Submitted on: 2/26/2017

Testimony for PSM/AEN on Feb 27, 2017 13:15PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
healani	Individual	Comments Only	No

Comments: Bill No. SB340 Tuesday February 27, 2017 @1:15PM in room 224 My name is Healani Sampaga, I go to Mililani High School. I would like to testify this bill. I agree that countries should incorporate urban agriculture principles and policies planning for the use of land and to allow urban agriculture to be considered for residential use in a residentially designated zone. I feel that this is necessary because urban agriculture refers to the practice of cultivating food in or around a residential town, city or neighborhood. This means the community is buying local and it decreases the amount of imported goods. In conclusion I am all for urban agriculture. It benefits the land, the people and the economy. Healani Sampaga (808)620-

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 21, 2017 8:13 PM  
**To:** PSMTestimony  
**Cc:** j.bobich@tcu.edu  
**Subject:** \*Submitted testimony for SB340 on Feb 27, 2017 13:15PM\*

**SB340**

Submitted on: 2/21/2017

Testimony for PSM/AEN on Feb 27, 2017 13:15PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joseph A. Bobich	Individual	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 21, 2017 4:27 PM  
**To:** PSMTestimony  
**Cc:** citizens4ahealthiermaui@gmail.com  
**Subject:** Submitted testimony for SB340 on Feb 27, 2017 13:15PM

**SB340**

Submitted on: 2/21/2017

Testimony for PSM/AEN on Feb 27, 2017 13:15PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Stephen Paselk	Individual	Comments Only	No

Comments: The wording and intent of this bill is vague and confusing. Apparently it adds urban agriculture or home business as a use that can be allowed and regulated though I didn't know it wasn't already allowed. I support encouraging more farming and home food production but my concern would be a possible increase in pesticide drift and exposure using conventional pesticide use within a residential neighborhood. Pesticide safety and health concerns relating to industrial and GMO pesticide tolerance field tests are the big issues that need to be addressed first and foremost. Those of us adjacent to sugar cane, old pineapple fields, and Gmo test fields are very concerned about the current and future impacts to our health. Our health and safety has been ignored for too long

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 21, 2017 3:01 PM  
**To:** PSMTestimony  
**Cc:** mendezj@hawaii.edu  
**Subject:** \*Submitted testimony for SB340 on Feb 27, 2017 13:15PM\*

**SB340**

Submitted on: 2/21/2017

Testimony for PSM/AEN on Feb 27, 2017 13:15PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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