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DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

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Statement of
ABBEY SETH MEYER
Director, Office of Planning
Department of Business, Economic Development, and Tourism
before the
**SENATE COMMITTEE ON ECONOMIC DEVELOPMENT
AND TECHNOLOGY**

Monday, February 16, 2009
1:15 PM
State Capitol, Conference Room 016

in consideration of
SB 1153
RELATING TO AGRICULTURE.

Chair Fukunaga, Vice Chair Baker, and Members of the Senate Committee on Economic Development and Technology.

Senate Bill 1153 amends Section 205-4.5, Hawaii Revised Statutes to allow within the State Agricultural District, educational facilities, as well as buildings that are appurtenances of operations for the cultivation of crops, game and fish propagation, and raising livestock. Our Office opposes educational facilities within the Agricultural District without a Special Permit, but we support the revisions to allow buildings necessary for the operations of farming, game and fish propagation and raising livestock.

Under the current statute, schools require a Special Permit in the State Agricultural District. The Special Permit process allows consideration of “unusual and reasonable” uses proposed in either the State Agricultural or Rural District. The Special Permit is the most appropriate mechanism where a proposed use that might directly conflict with existing or potential agricultural activity can be allowed through a public process. The allowance of educational facilities, such as schools, within the Agricultural District is better undertaken via a Special Permit, because the impacts to the neighborhood can be very significant. For example, the Kamehameha School in Keeau, on the Big Island was the result of a Special Permit. This project has been complete for many years, but its effects on traffic and drainage are still being resolved.

The Special Permit process allows decision-makers and the public the opportunity to scrutinize proposed activities and would minimize the adverse impacts to the State Agricultural District.

Thank you for the opportunity to testify.

LINDA LINGLE
Governor



State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512

SANDRA LEE KUNIMOTO
Chairperson, Board of Agriculture

DUANE K. OKAMOTO
Deputy to the Chairperson

**TESTIMONY OF SANDRA LEE KUNIMOTO
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE SENATE COMMITTEE ON
ECONOMIC DEVELOPMENT AND TECHNOLOGY
MONDAY, FEBRUARY 16, 2009
1:15 p.m.
Room 016**

**SENATE BILL NO. 1153
RELATING TO AGRICULTURE**

Chairperson Fukunaga and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill No. 1153 that proposes to amend Section 205-4.5 to include educational facilities and redefines buildings related to agricultural practices as permissible uses on Agricultural District land with Land Study Bureau "A" and "B" overall productivity ratings. The Department of Agriculture opposes the inclusion of educational facilities as a permitted use on "A" and "B" agricultural lands. The appropriate mechanism to review a request to establish educational facilities is the Special Permit (Section 205-6). We are concerned that permitting uses that are not directly related to agricultural production activities and uses on the best agricultural lands may affect the ongoing process of identifying and designating Important Agricultural Lands.

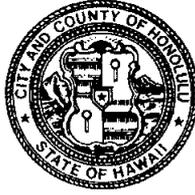
Regarding the redefinition of buildings related to agricultural practices, we agree that this adds better clarity and support this change.

SB1153_AGR_02-16-09_EDT

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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MUFI HANNEMANN
MAYOR



DAVID K. TANOUE
ACTING DIRECTOR
ROBERT M. SUMITOMO
DEPUTY DIRECTOR

February 16, 2009

The Honorable Carol Fukunaga, Chair
and Members of the Committee on Economic
Development and Technology
State Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chair Fukunaga and Members:

**Subject: Senate Bill 1153
Relating to Agriculture (Agricultural District;
Permitted Uses)**

The Department of Planning and Permitting (DPP) has **comments** relating to Senate Bill No. 1153. This measure would permit educational facilities on lands within the state agricultural district, with soils classified by the land study bureau as overall (master) productivity rating A or B. The bill also makes a slight change by allowing public institutions, education facilities and buildings on these lands only as appurtenances of crop, game, fish and livestock production, rather than as "necessary for agricultural practices".

We believe that the proposed reference to "appurtenances" provides more flexibility. However, it would be helpful to define "appurtenances" as it is defined under subsections 205-4.5(a)(15) and (16) for biofuel processing facilities and agricultural-energy facilities.

Thank you for the opportunity to testify.

Sincerely yours,

A handwritten signature in black ink, appearing to read "David K. Tanoue".

David K. Tanoue, Acting Director
Department of Planning and Permitting

DKT: jmf
sb1153-kst.doc



LATE

KAMEHAMEHA SCHOOLS

TESTIMONY TO THE SENATE COMMITTEE ON ECONOMIC DEVELOPMENT AND TECHNOLOGY

By

Kapu C. Smith, Senior Land Asset Manager
Endowment/ Land Assets Division
Kamehameha Schools

Hearing Date: Monday, February 16, 2009
11:15 a.m., Conference Room 016

Dear Chair Fukunaga, Vice Chair Baker and Committee Members:

RE: Testimony in Support of Senate Bill No. 1153 Relating to Agriculture

I am Kapu C. Smith, Senior Land Asset Manager for Kamehameha Schools' Kawaihoa Plantation in Waialua, Oahu. I am here to testify in support of S.B. 1153 because it will clearly give farmer's the ability to provide educational programs on farming as a permitted use within the State agricultural district. As it currently stands, there is no clear authorization for a farmer to do so. This means that the farmer's only option is to pursue a special use permit at either the county level and or state level.

We became aware of this problem when both current and new farmers asked to include planned educational facilities as part of their agricultural lease terms. Our review of the statutory language indicates that while there are potential arguments in favor of educational classes on farming as an activity or use related to farming, it can also be argued that the current language of the statute means only activities or uses associated with active farming. As such, until this clarification is made we are unable to allow our lessees to undertake planned educational facilities for farming without the completion of a special use permit.

In reality, a special use permit for most farmers is not an option because of the cost and time involved. As such, educational programs for farming on farms will not happen. We believe that S.B. 1153 will remedy this restraint and provide a valuable tool to increase Hawaii's food self sufficiency by supporting on farm educational programs which encourage career paths in agriculture, raise public awareness and increase demand. Providing an on farm experience is the best method of connecting people to farming and farmers and teaching them where there food comes from and what it takes to grow it.

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Thank you for the opportunity to testify in support of S.B. 1153

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February 16, 2007

COMMITTEE ON ECONOMIC DEVELOPMENT AND TECHNOLOGY

Senator Carol Fukunaga, Chair
Senator Rosalyn Baker, Vice Chair

SB 1153
RELATING TO AGRICULTURE

Committee Chair and members:

Hawaii's Thousand Friends, a statewide non-profit land and water use organization, opposes SB 1153 that amends the permitted uses of land within the agricultural district with soil classifications of A or B to include educational facilities and agricultural appurtenances.

The reasons given for this bill are to allow "small" educational facilities related to farming, vocational and/or charter schools. While these are all good causes they do not and should not be placed on the highest quality agricultural land in the state.

Legislative efforts over the past years have been to have Important Agricultural Lands identified. To our knowledge only the Big Island has identified IAL and they are currently in the process of passing their community plans. SB 1153 usurps and undermines legislative directives and county efforts.

In 1987 there were 1.7 acres in the agriculture district by 2007 there were 1.1 acres. How much of that acreage lost to urban uses was A and B and Important Agricultural Land is not known. We do know that nearly half of Oahu's A and B quality land has been lost to the urban development of Mililani, Waipi`o, Waikele, Village park, Royal Kunia, Ewa and Kapolei developments with another 12,000 acres of A & B agricultural land being proposed for Ho`opili urban development.

With no A and B quality agricultural lands on the Big Island or Lana`i and with no B agricultural designated lands on Molokai it is apparent that this is bill is aimed at Oahu and Kauai. Why?

It does not make sense to automatically permit educational facilities, structures and accessories, no matter how worthy, on Hawaii's best quality agricultural land. Once a structure and facilities are built they are never torn down but instead 9 times out of 10

are expanded and it is a hop skip and a jump before the educational aspect overrides farming activities.

Once educational facilities are an automatic permitted activity on A and B land no amount of wordsmithing will keep the controversies and abuses from occurring. Just look at all the controversies and abuses of the permitted use of a "farm dwelling," which have a direct relationship to farming, on agricultural land.