

From: [DBEDT LUC](#)
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Subject: FW: [EXTERNAL] Testimony for June 8, 2022 LUC Meeting Item II
Date: Monday, June 6, 2022 7:20:12 AM

From: Cynthia Milani <cynthiadmilani@gmail.com>
Sent: Sunday, June 5, 2022 3:51 PM
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Subject: [EXTERNAL] Testimony for June 8, 2022 LUC Meeting Item II

Please accept the following testimony for your LUC Meeting Item II on the June 8, 2022 Agenda. Mahalo.

I submit this testimony in support of your consideration to appeal the recent Circuit Court action based on the legislative intent and actual documentable history outlined in the legislature's deliberations related to the adoption of H.B. No. 3262-76 (act 199) in 1976.

For example, SCrep. 502-76 before the Water, Land Use, Development, and Hawaiian Homes and Agriculture Committee on H.B. No. 3262-76 states, *"Your Committees find that agricultural subdivisions approved by the counties are being put to uses other than agricultural uses. The purpose of the agricultural district classification is to control the uses of land for agricultural purposes.(emphasis added) This purpose is being frustrated by the development of urban type residential communities in the guise of agricultural subdivisions. To discourage abuse of this purpose, the bill, as amended, defines more clearly the uses permissible within the agricultural district. Except for such uses permitted under special use permits in section 205-6 and for non-conforming uses permitted in section 205-8, uses not permitted by this bill shall be prohibited."*

Further, the Conference Committee Report No. 6 on H.B. No. 3262-76 states that the Committee amended the bill to define 'farm dwelling'. The Court ruling appears far reaching in its literal parsing of the "farm dwelling" definition in HRS. There would be no reason for that 1976 amendment to have been made if the legislature intended that any ol' house on a farm was simply, ipso facto, a "farm dwelling" and nothing more, other than saying, "Oh, that's a FARM dwelling." What would have been the point of that legislatively? Nothing.

The judge is perhaps unaware that more than a few large scale farms house - and/or did house for many decades - employed workers off-site from the farm – think of "plantation housing" that was

predominant along the Hamakua Coast, and all sited on agricultural district lands owned by the plantations. These were still “going strong” in 1976. Clearly to me, that is the reason for the “or” phrasing; plantation housing, or just off-site worker housing, such as dormitories as provided by Greenwell Farms and other large scale (and contract) operators to house seasonal workers arriving with worker visas for harvesting seasons. The housing (dorms or otherwise) are located on ag land.

I encourage you to research the records of the Legislature’s deliberations for additional substantive evidence beyond what I have provided here, that is contrary to this Circuit Court ruling in order to support an appeal. If not, the exact issues that H.B. No. 3262-76 was designed to prevent will occur.

Mahalo,
Cynthia Milani
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