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Subject: City Council Public Hearing Testimony Re Bills 12 and 30 - 4/25/2012

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City Council Meeting,
April 25, 2012

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Testimony in Support of Bills 30 and 12 to Reverse the Effects of 2011's Bill 44 on the Oahu Horse Industry.

Aloha Council Members,

Thank you for the opportunity to submit testimony in support of Bills 30 and 12, and your support getting Bills 30 and 12 this far. Thanks also to Councilman Ikaika Anderson and his team for the amended wording in the CD1s for both bills so far.

The bills are looking so much better. Just a few additional things need to be considered.

- 1. The new definition of "horse boarding and stabling" (12 & 30) needs two minor revision to ensure that land dedicated for horses boarded in pasture are included, and that pasture size to be dedicated per horse is sufficient to feed that horse.*
- 2. That the paragraph regarding dedication for pasture use or grazing of animals include AG-2 lands, for continuation of existing dedications and for new dedication situations.*
- 3. That the definition of Livestock Production be inserted in Bill 30, in addition to Bill 12, and that it be amended in both bills to include "horses", "breeding, pasturing and housing" for "byproducts or use".*

Details of the above suggested revisions are below. My suggested revisions are shown in bold and underlined or with a strike through line. My comments are italicized.

1. Section 2 (a) New definition of "Horse-boarding and stabling"
"Horse-boarding and stabling" means the raising, breeding, sheltering, care, feeding, and riding of horses as a revenue-generating business. Acreage, not to exceed one acre of land per permanent horse (**2 – 3 acres per horse if the horse is reliant on the pasture for the bulk of its nutritional needs**), on which horses are boarded, cared for, fed **or pastured**, and ridden for intended revenue shall be deemed utilized for horse boarding and stabling and eligible for dedication under this section. A permanent horse is a horse that is kept and maintained on the land used for horse-boarding and stabling for more than 270 calendar days of a calendar year. The director may demand documentation of the keeping and maintenance of the permanent horse or other indicia from a property owner applying for the dedication or from a property owner as evidence of continued qualification for a dedication."

Rationale for above revision: A pastured animal may be totally fed off the land, which is different to a horse that is kept on a piece of land but fed or supplemented with hay. For horses turned out to pasture for all or most of their diet, two to three acres would be a more appropriate allowance per horse.

2. Section 3- Sub-section(b) (C) *(This section is in 30 (CD1) but not in 12 (CD1)*
For land dedicated for a pasture use or grazing of animals for a period of five or 10 years, the land shall be assessed at one percent of its fair market value. Only [Ag-1]AG-1, **AG-2** and P-2 zoned properties may be dedicated for a pasture use or grazing of animals. **Existing dedications on properties not zoned AG-1 or P-2 shall continue and are eligible for renewal.**

Rationale for above revisions: AG-2 lands must be included for pastured horses. This section allows existing AG-2 dedications but exclude new dedications on AG-2 lands. AG-2 must be included for current and future dedications for horses. If the Council wants to exclude animals at pasture, other than horses from dedication of AG-2 land, they could exclude other pastured animals and include horses. I know of horse facilities on AG-2 lands ranging from 1 acre to 75 acres. The main difference in the permitted uses of AG-1 and AG-2 lands in the Master Use Table, is that you can have a piggery on AG-1 but not on AG-2.

3. Section 2 Definition of Livestock Production *(In Section 8-7.3 of current ordinance, not in 30 (CD1), it is in 12 (CD1) & it was included in Bill 44.*

*The definition of Livestock Production was not included in Bill 30 (CD1) so the issue of horses as livestock appears to have been sidestepped. However, the following definition already resides in the Section 8-7.3, and would remain there untouched if bill 30 passes. It is in 12 (CD1) and reads the same as the current ordinance. **So I recommend that "Livestock Production must be addressed and revised in both Bills 30 and 12.***

Livestock Production is currently defined in the City Ordinance Section 8-7.3 (and also in Bill 12 (CD1)) : "Livestock production" means raising of cattle, sheep, swine, goats and poultry for food or in the production of food

*My recommendation for amended wording: "Livestock production" means raising, **breeding, pasturing and housing of animals including** cattle, **horses**, sheep, swine, goats and poultry for food or in the production of food, **byproducts or use.***

Rationale for above revisions:

The definition of Livestock Production is included in Bill 12 (CD1). Horses are not included in the definition in the current ordinance in force (8-7.3) The implications of not including horses in livestock are huge; far beyond the scope of this bill. The bottom line is that horses must be included. I include "byproducts", e.g., manure, and "use" which covers all the uses to which horse are put, including recreational, working horses, farm horses, etc.

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Home is where the horse is.