

May 31, 2011
Chair, Puna Community Development Plan Action Committee

Aloha,

This is to request support from the Puna Community Development Plan Action Committee for the Sustainable Rural Habitat Resolution (attached), a first step toward policy reform of building regulations for rural areas of Hawaii Island.

We anticipate the Resolution being on the County Council Agenda in July. The next step will be passing of an ordinance. An ordinance is being drafted, drawing on existing ordinances establishing building code alternatives for 'limited density owner built rural dwellings' in several other counties.

The policy reform proposed in the attached resolution and the forthcoming ordinance are in accord with the Puna Community Development Plan (PCDP).

The PCDP calls for "... *bold planning initiatives to re-shape the pattern of future growth and development in a manner that is more in harmony with the natural setting and more supportive of a better, sustainable quality of life.*" (p.1-6).

The proposed change in policy is first and foremost about sustainable quality of life, permitting rural habitat with a lower ecological footprint, through use of local, recycled, and unconventional materials and building methods.

Furthermore, according to PCDP, "...*opportunities for retaining and expanding the stock of affordable housing are narrowing as land values rise in Puna and government housing subsidies shrink. New approaches are needed to respond to this challenge, such as stimulating the development of multi-family, self-help, and congregate housing.*" (p. 3-12)

The proposed policy is a new approach to affordable housing opportunities appropriate to rural areas of Puna.

Finally, the PCDP recommends amending "*building codes to allow occupancy of residential dwelling before final inspection and to facilitate bringing non-conforming structures up to the code effective at the time of their initial construction.*" (p. 3-13)

Temporary occupancy, once adequate sanitation is available, is specifically included in provisions of the proposed ordinance.

The Hawaii Sustainable Community Alliance asks the Puna Community Development Plan Action Committee to please transmit to the Hawaii County Director of Planning a favorable recommendation of the Sustainable Rural Habitat Resolution.

Mahalo,

James Weatherford
Member, HSCA Board

COMMUNICATION NO. 2011-10

**Hawaii County Sustainable Rural Habitat Ordinance
Limited-density owner-built rural dwelling and associated structures**

Key provisions of the forthcoming Ordinance

1. The Sustainable Rural Habitat Ordinance will be added to the existing Hawaii County Code, Chapter 5, as a separate article, in the same manner as, and patterned after, Article 3, Chapter 5 relating to Indigenous Architecture; thus serving as an alternative to, and not a replacement for nor modification of, existing regulations based on the Universal Building Code.
2. This ordinance, and the policy established by it, will apply only to 'owner-builders' and will include a provision that prohibits selling, renting, or leasing the structure for a period of at least 3 years.
3. Structures permitted under this ordinance will be allowed only on land zoned agricultural and 2 acres or larger in size.
4. The issuance of a permit for structures under this ordinance will be recorded on the deed of the property where the structure is located, for the purposes of providing full disclosure to future owners of the property.
5. Temporary occupancy will be allowed (provided adequate sanitation exists).
6. Materials allowed will include those which are: owner-produced, previously used/salvaged, local, and minimally processed; as well as non-conventional materials and methods that have been proven to be structurally sound.
7. Separate structures for habitation (e.g., sleeping, cooking, eating, social gathering, etc.) will be allowed within setback, without consideration for distances between structures.
8. The Sustainable Rural Habitat building regulations will provide for the application of reasonable judgment by inspectors in determining that health and safety is being protected.

Sustainable Rural Habitat Resolution (a step toward the Ordinance.)

Whereas, there is a shortage of affordable housing in rural and urban areas on Hawaii Island; and

Whereas, there are thousands of un-permitted, yet occupied, residences on Hawaii Island, especially in rural areas; and

Whereas, the costs of constructing houses and outbuildings to the Uniform Building Code are prohibitive for many of Hawaii Island's rural residents; and

Whereas, in rural areas of Hawaii Island there are many locally available, underutilized, renewable building materials, such as bamboo, tropical hardwoods, and other tropical wood species; and

Whereas, many local tropical wood species such as 'waiwi' and 'albizia' are non-native invasive species and that utilizing them as building materials would combat the spread of these plants to the benefit of native plant species; and

Whereas, the use of locally-available and minimally processed building materials can reduce overall construction costs and result in a smaller ecological footprint; and

Whereas, Hawaii Island's rural areas are sometimes remote and often serviced by substandard roads, creating extra cost in transporting building materials from commercial centers; and

Whereas, substantial rural areas of Hawaii Island have been zoned with agricultural parcels not serviced by public utilities; and

Whereas, Hawaii Island is blessed with a mild climate that can obviate the need for the expense of insulation, artificial heating and cooling, and associated construction materials; and

Whereas, self-reliance, resource sharing, neighborly cooperation, and community living are a vital part of economic livelihood, including building construction, in Hawaii Island's rural areas; and

Whereas, the State of Hawaii 2050 plan's first priority for 2020 is to increase affordable housing opportunities; and

Whereas, according to the Hawaii County Integrated Resource and Solid Waste Management Plan, lumber accounts for 10% or more of materials disposed of in Hawaii County's landfills; and

Whereas, the Hawaii County Integrated Resource and Solid Waste Management Plan commits Hawaii County to diverting resources from it's two landfills; and

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Whereas, the first goal of the County of Hawaii Agriculture Development Plan is to expand Hawai'i Island food production so that 30% of its residents' demand for food can be supplied by local producers by 2020; and

Whereas, establishment and occupation of owner-built sustainable rural habitat on agricultural land increases food production on that land, contributing to island-wide food sufficiency goals; and

Whereas, the Hawaii County Building Division identifies zero cases of existing un-permitted and occupied rural sustainable habitat having created known threats to public health and safety; and

Whereas, experiential evidence verifies that in providing sustainable habitat, protection of public health and safety can be realized by maintaining structural integrity, and necessary electrical, mechanical, and sanitation standards.

Therefore, be it resolved, that the Hawaii County Council hereby supports a Sustainable Rural Habitat policy that maintains protection of public health and safety while permitting owner-built rural habitat with a relatively lower ecological footprint, built using methods and materials appropriate to unique site conditions and circumstances of rural Hawaii Island, at a cost affordable for rural residents.