



**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

LINDA LINGLE
GOVERNOR
THEODORE E. LIU
DIRECTOR
MARK K. ANDERSON
DEPUTY DIRECTOR
MARY LOU KOBAYASHI
PLANNING PROGRAM ADMINISTRATOR
OFFICE OF PLANNING

OFFICE OF PLANNING

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824

Statement of
MARY LOU KOBAYASHI
Planning Program Administrator, Office of Planning
Department of Business, Economic Development, and Tourism
before the
**HOUSE COMMITTEE ON WATER, LAND, OCEAN RESOURCES AND
HAWAIIAN AFFAIRS
AND
HOUSE COMMITTEE ON AGRICULTURE**

Friday, February 1, 2008
8:30 AM

State Capitol, Conference Room 325

in consideration of
**HB 2356
RELATING TO AGRICULTURE.**

Chairs Ito and Tsuji, Vice Chairs Karamatsu and Brower, and Members of the House Committees on Water, Land, Ocean Resources, and Hawaiian Affairs and Agriculture.

The Office of Planning (OP) supports the intent of HB 2356, but has concerns about the use of floor area as the primary means to deter residential uses posing as farms. HB 2356 would amend Chapter 205, Hawaii Revised Statutes, to: (1) prohibit farm dwellings that exceed a total floor area of 2,000 square feet after June 30, 2008; and (2) increase the minimum lot size for the State Agricultural District from one to five acres.

OP fully supports increasing the minimum lot size for the Agricultural District. While this will not in and of itself stop development of large lot agricultural subdivisions,

it will help to reduce density in the Agricultural District and increase the viability and attractiveness of clustering farm dwellings.

OP supports measures to discourage high-value residential uses on agricultural land, but we have reservations about the use of floor area to discourage non-farm residences. It is a fairly crude tool and penalizes successful farmers. Multiple criteria should be considered in lieu of floor area, including the value of the dwelling and improvements, evidence of agricultural income vis-a-vis the Internal Revenue Service's Schedule F, agricultural business plans, agricultural water rates, real property agricultural tax dedication, etc.

Recommendations

OP recommends the Committees consider further amendment of the bill, as offered below.

1. Use of multiple criteria rather than floor area for regulating farm dwellings.
2. If floor area is retained, then floor area should be defined to include lanai and patio area under roof rather than as measured from the exterior faces of exterior walls.
3. Clarification of when the criteria would apply, e.g., building permits filed on or after July 1, 2008, will be subject to the new provisions.
4. Add a provision for a density cap on farm dwellings in the Agricultural District, since the chapter lacks such a provision. By using density—in this case, one farm dwelling per five acres—the allowable farm dwelling

units can be clustered without being limited by a minimum lot size, except as necessary to meet individual wastewater system rules. This reduces the development footprint of farm dwellings, reduces infrastructure costs and impervious surface area, and allows for a larger contiguous area to be put to agricultural use.

5. Clarify the definition of “plantation community subdivisions” on page 4, line 16-page 5, line 2, to refer to existing, historic plantation communities and camps that were established by sugar and pineapple plantations to house plantation workers. We recommend that paragraph (12) be amended to read as follows:

“(12) Plantation community subdivisions, which as used in this [paragraph] chapter means [a] an established, historic subdivision or cluster of employee housing[,] and community buildings[,] ~~and acreage established~~] on land currently or formerly owned, leased, or operated by a sugar or pineapple plantation and in residential use by employees or former employees of the plantation; provided that the employees or former employees shall have a property interest in the land;”

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 HOUSE COMMITTEES ON
WATER, LAND, OCEAN RESOURCES, AND HAWAIIAN AFFAIRS
AND
AGRICULTURE
FRIDAY, FEBRUARY 1, 2008
8:30 a.m.
Room 325**

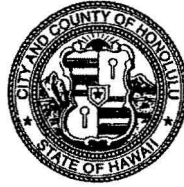
**HOUSE BILL 2356
RELATING TO AGRICULTURE**

Chairs Ito and Tsuji and Members of the Committees:

Thank you for the opportunity to testify on House Bill No. 2356 that seeks to promote actual agricultural activity on agricultural lands and make agricultural land more available and affordable for farmers by establishing a maximum floor area for farm dwellings and increasing the minimum agricultural lot size from one to five acres. The Department of Agriculture supports the intent of this measure, however we strongly believe that House Bill No.3032, the Administration's measure addressing "fake farms," provides a more comprehensive, defensible, and enforceable means to ensure substantial agricultural use occurs on subdivisions of the best agricultural lands and for agricultural lots where building permits for farm dwellings are sought.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
TELEPHONE: (808) 768-8000 • FAX: (808) 527-6743
INTERNET: www.honolulu.gov • DEPT. WEB SITE: www.honoluludpp.org



MUFI HANNEMANN
MAYOR

HENRY ENG, FAICP
DIRECTOR

DAVID K. TANOUE
DEPUTY DIRECTOR

February 1, 2008

The Honorable Ken Ito, Chair
and Members of the Committee on Water, Land,
Ocean Resources and Hawaiian Affairs

The Honorable Clift Tsuji, Chair
And Members of the Committee on Agriculture
House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chairs Ito, Tsuji and Members:

**Subject: House Bill No. 2356
Relating to Agriculture**

The Department of Planning and Permitting **opposes** House Bill 2356, which would establish a maximum floor area for a farm dwelling in the agricultural district and increase the minimum lot size in the agricultural district to five (5) acres.

This measure will limit new construction of farm dwellings in the State Agricultural District to a floor area of 2,000 sq. ft. This restriction is overly restrictive and will adversely impact our efforts to streamline the permitting process in that it will increase permit review time, because plans-checkers will now have to calculate the floor area of every building permit involving a farm dwelling; and will probably increase requests for variances. It also means plans-checkers will need to determine if a farm dwelling is in State Agricultural District, and if so, coordinate with State Department of Agriculture as part of the permit processing should an SUP be required. In short, it will not achieve the stated intent of the bill which is to promote agriculture. It will only create more regulatory work.

However, we have no objection to the increase in the minimum lot requirement.

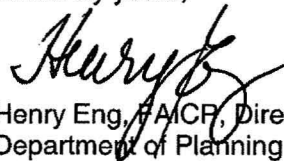
The Honorable Ken Ito, Chair
and Members of the Committee on Water, Land,
Ocean Resources and Hawaiian Affairs

The Honorable Clift Tsuji, Chair
And Members of the Committee on Agriculture
House of Representatives
Re: House Bill 2356
February 1, 2008
Page 2

HB2356 should be amended to delete requirements on maximum floor area.

Thank you for the opportunity to present our views.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Henry Eng", written in a cursive style.

Henry Eng, FAICP, Director
Department of Planning and Permitting

HE:jmf
hb2356-kh.doc



Hawaii Agriculture Research Center

99-193 Aiea Heights Drive, Suite 300

Aiea, Hawaii 96701

Ph: 808-487-5561/Fax: 808-486-5020

**TESTIMONY BEFORE THE HOUSE COMMITTEES
ON WATER LAND OCEAN RESOURCES & HAWAIIAN AFFAIRS
AND
AGRICULTURE**

HOUSE BILL 2356

RELATING TO AGRICULTURE

February 1, 2008

Chairmen Ito and Tsuji and Members of your respective Committees:

My name is Stephanie Whalen. I am President and Research Director of the Hawaii Agriculture Research Center (HARC). I am testifying today on behalf of the center, our research and support staff, and our members and clients.

HARC supports the intent of House Bill 2356 Relating to Agriculture. It would like the committee to consider an amendment to section 205-4.5 (12) pertaining to plantation subdivisions.

A significant opportunity has been provided to HARC regarding the Del Monte village which includes agricultural worker rental housing and industrial facilities. (see attached map) on over 100 acres of land. However, it appears that the existing permissible uses in the state's agricultural district regarding plantation subdivisions is limited to employees or former employees with a property interest in the land.

HARC would like you to consider adding an amendment on page 27 line 7 to the ending of Sec 205-4.5 (12)

Plantation community subdivisions, which as used in this paragraph means a subdivision or cluster of employee housing, community buildings, and acreage established on land currently or formerly owned, leased, or operated by a sugar or pineapple plantation and in residential use by employees or former employees of the plantation; provided that the employees or former employees shall have a property interest in the land; or provided that existing, renovated, restored, replaced or added former plantation structures remain affordable rentals exclusively for agricultural workers and/or for agricultural businesses and/or for agricultural industry support services

When these activities were conducted by DelMonte they were permissible under

205-4.5

(4) Farm dwellings . . .used in connection with a farm,

(10)Buildings and uses, including but not limited to mills, storage and processing facilities, maintenance facilities, and vehicle and equipment storage areas that are normally considered directly accessory to the above mentioned uses and are permitted under section 205-2(d);

With the departure of DelMonte the same land uses, agricultural worker rentals and agricultural support services, may no longer be permissible because they are not connected to a single farming operation nor will they provide a property interest in the land for employees or former employees. They will be used for multiple farming operations not a single one and not within 1 mile as provided for in the proposed language.

I appreciate the effort in this proposed measure to attempt to limit the size of farm dwellings on farms. HARC owns an experiment station which it is putting an agricultural easement on. In developing that easement HARC restricted the size of any dwellings for agricultural workers on our land just as this proposal is doing. Our concern was that if the organization sometime down the road sold this property that it might be purchased by someone and turned into a gentleman's estate. This restriction in the easement was the only way we could think of to prevent that. Who would want a 100 acres estate with only a small dwelling allowed?

Just as I testified for HB2357 I believe the opportunity presented to HARC to save the DelMonte village and supporting agricultural facilities will be lost if additional change as suggested in this testimony is not incorporated.

Thank you for the opportunity to testify on this important measure.



Gymnasium/
Assembly Building

860

880

880

WWTP

Del Monte/
EPA
Remediation
Area

Del Monte Of
Ag Process

Post Office &
Community Store

820



MAUI LAND & PINEAPPLE COMPANY, INC.

January 31, 2008

The Honorable Representative Ken Ito, Chair
The Honorable Representative Jon Riki Karamatsu, Vice Chair
Committee on Water, Land, Ocean Resources & Hawaiian Affairs
Hawaii State House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 325
Honolulu, Hawaii 96813

The Honorable Representative Clift Tsuji, Chair
The Honorable Representative Tom Brower, Vice Chair
Committee on Agriculture
Hawaii State House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 325
Honolulu, Hawaii 96813

Subject: HB 2356 – Relating to Agriculture

Dear Honorable Chair Ito, Honorable Vice Chair Karamatsu, Honorable Chair Tsuji,
Honorable Vice Chair Brower and Committee Members:

Maui Land & Pineapple Company, Inc. strongly opposes HB 2356 – Relating to Agriculture.

The subject legislation will establish a maximum floor area not greater than two thousand square feet for a farm dwelling and will increase the minimum lot size in the agricultural district to five (5) acres. Limiting the size of a farm dwelling to a maximum of two thousand square feet will have a negative impact on those farmers that require larger farm dwellings due to size of family and other reasons. Farmers should be able to enjoy the benefits of their hard work and limiting the size of the farm dwelling may deny them that opportunity. In regards to the minimum lot size of five (5) acres, the larger minimum lot size will make it difficult for farmers to afford the cost of land to conduct their farm activities. There are also many farming activities than do not require five (5) acres in lot size, especially if the farming activity is primarily for subsistence purposes.

The Honorable Representative Ken Ito, Chair
The Honorable Representative Jon Riki Karamatsu, Vice Chair
The Honorable Representative Clift Tsuji, Chair
The Honorable Representative Tom Brower, Vice Chair
January 31, 2008
Page - 2 -

Maui Land & Pineapple Company, Inc. respectfully requests your support in opposing the subject legislation. We sincerely appreciate the opportunity to provide our testimony. If you have any questions or wish to discuss our testimony, please do not hesitate to contact me at (808) 877-3882.

Mahalo,

A handwritten signature in black ink, appearing to read "Warren A. Suzuki". The signature is written in a cursive, flowing style.

Warren A. Suzuki
Senior Vice President