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Statement of
MARY LOU KOBAYASHI
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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.