



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813

MINUTES

AGRICULTURAL DEVELOPMENT TASK FORCE MEETING

MONDAY, February 11, 2008

The Agricultural Development Task Force held a meeting on Monday, February 11, 2008 at 1:32 p.m. in the Council Committee Meeting Room, 2nd Floor, Room 205, Honolulu Hale, Honolulu, Hawaii 96813.

MEMBERS PRESENT: Yuki Kitagawa (Chair), Dean Okimoto, (Vice Chair), Jimmy Nakatani, Kapu Smith and Cal Lum

MEMBERS EXCUSED: Wayne Ogasawara, Charley Ice

ADMINISTRATION/OTHERS PRESENT:

Ikaika Anderson (Council Chair Marshall's office), Kimberly Ribellia (Councilmember Dela Cruz's staff), Sharleen Oshiro (Romy Cachola's staff), Andrew Sekine (Office of Council Services), Henry Eng, Director, Kathy Sokugawa, Elizabeth Chin, Robert Sumitomo (Department of Planning and Permitting), Ann Chung (Office of Economic Development)

David Arakawa (Land Use Research Foundation) LURF, Fred Mencher (East Oahu Farm Bureau)

AGENDA ITEMS

APPROVAL OF MINUTES

Task Force Chair Kitagawa (Chair) noted that the draft minutes of the January 28, 2007 meeting were circulated for review only and would be placed on the upcoming agenda for approval.

ITEM 1 LICENSING OF OFF-ROAD RECREATIONAL VEHICLES

The Agricultural (Ag) Task Force will: 1) Draft a recommendation to the City Council proposing a change in the Ordinance to implement the licensing or registration of off-road vehicles that do not meet the standards for licensing on public roadways, and 2) Place it on the Task Force agenda for public comment.

Related communication:

M-253 Article from SpokesmanReview.com, entitled "Blame ATV activists for problems, not the vehicles".

ITEM 2 RESOLUTION 08-08
AMENDING THE LAND USE ORDINANCE RELATING TO
AGRICULTURAL LAND

Chair Kitagawa called upon Mr. Fred Mencher of the East Oahu Farm Bureau for his testimony on the Resolution.

Mr. Mencher stated he had submitted testimony (Communication M-252) supporting the intent of the Resolution but pointed out the flaws that should be changed.

In response to Member Okimoto's request for suggestions of fixes, Mr. Mencher offered the following suggestions:

- Do not change the lot size significantly. Currently smaller lots are zoned Agriculture 1 (AG 1). Increasing the lot size could reclassify lands to Agriculture 2 (AG 2) and be subject to the risk of more uses and encourage gentlemen farms.
- Initially allow a small dwelling so a small family would be able to live on site and provide security. Then after a specified number of years of active agricultural use, allow a larger house if the use has been satisfied.

- Require that a certain percentage of the farmer's income be derived from the lot rather than a set dollar amount of income per year.

Mr. Arakawa stated that LURF agreed with the intent of the Resolution and the suggestions made by Mr. Mencher and provided the following comments:

- The three-year farm dwelling requirements has two issues: 1) it could discourage young farmers and new farming operations; and 2) it doesn't address security concerns.
- Limiting dwellings to 1500 square feet would not allow families to live on the farm and would prevent them from pursuing a family farm business.

Chair Kitagawa invited Mr. Mencher to present recommendations from both the East and West Oahu Farm Bureaus to the Ag Task Force. It was also suggested by Member Nakatani to have DPP make a presentation to the Farm Bureau so everyone involved would understand and be familiar with the terminology used.

Chair Kitagawa remarked that he would consult with the Corporation Counsel on the possibility of conducting informal discussions in private settings that would not be considered a public meetings, subject to the sunshine law.

In response to suggestions made by the testifiers, Mr. Eng explained that by changing the standards of the Land Use Ordinance (LUO), existing lots would become non-conforming and be subject to all new regulations that are established for that zoning district. The DPP has significant reservations as to the enforceability of the requirements for the farm dwellings.

In response to Member Nakatani's inquiry as to what happens if a house is not an accessory to the operation, Mr. Eng noted that the difficulty for the DPP is to determine that the dwelling is accessory. Ms. Chinn clarified that the Master Use Table denotes a farm dwelling as a permitted use subject to two restrictions in Article 5 of the LUO. It 1) requires that the family occupying that farm dwelling must derive income from agricultural

activities on the same site; and 2) That the dwelling and any accessory use is limited to a polygon of 5000 square feet. It was pointed out that these two conditions were enacted on October 22, 1986; therefore, any farm dwelling built before this date might not have the 5000 square feet limitation unless an expansion to the dwelling was made after October 22, 1986, whereby the 5000 square feet limitation would be enforced.

Ms. Chinn further explained that the LUO could be amended to refer to a farm dwelling as an accessory to Agricultural use instead of a permitted use. At the same time, further restrictions under the farm dwelling classification could also be included.

Member Lum felt that the DPP's enforcement problem is because there is no clear definition of a bonafide agricultural operation. He suggested requiring agricultural operations provide income statements derived from farming and developing definitions with the help of DPP and the Department of Agriculture. Another issue is the regulating of subsistence farming.

Chair Kitagawa stated that he will inquire as to whether there is the possibility of holding a workshop or informal meeting through the Farm Bureau with DPP's enforcement staff in attendance to answer these issues and questions.

Related Communication:

M-405 Frederick M. Mencher, East Oahu County
Farm Bureau, providing comments.

ITEM 3

RESOLUTION 08-09
CHARTER AMENDMENT CREATING AN AGRICULTURAL
DEVELOPMENT COMMISSION

Chair Kitagawa called upon Ms. Chung of the Office of Economic Development to report on this Resolution.

Ms. Chung noted the Resolution was reported out of the Executive Matters Committee for passage on second reading and is scheduled for a public hearing. The following issues were brought up at the committee meeting:

- Whether there is an overlap of commissions and their duties.
- Whether this resolution was the best vehicle to create this.
- Whether the Agricultural (Ag) Task Force itself might be the best mechanism.
- Whether the Council is allowed to do this.

Although the Resolution provides for a permanent commission, which would meet on a more regular basis and provide for an assigned staff, the Ag Task Force members were concerned the commission would lack the genuine interest in agriculture that the current Ag Task Force provides. The commission would be more political and formal, and would not provide the open forum promoting discussion and ideas currently provided by the Task Force.

ITEM 4 RESOLUTION 08-10
AMENDING THE AGRICULTURAL DEVELOPMENT TASK FORCE

Chair Kitagawa called on LURF to provide input on the Resolution.

Mr. Arakawa commented that LURF believes that the original goals established in 2004 are ones that help support agriculture. He raised a concern that the Resolution might diminish the importance of other priorities if the composition of the present Task Force were to change.

ITEM 5 RESOLUTION 08-11
DPP TO HIRE ADDITIONAL AGRICULTURAL INSPECTORS

Director Eng reported that although there are vacancies in their investigative positions, the labor market is very tight and DPP is aggressively looking at ways to recruit people.

Chair Kitagawa called upon Mr. Arakawa to express LURF's view on the Resolution. Mr. Arakawa stated that since people tend to find ways around laws instead of hiring inspectors, additional staff should be hired to develop other alternatives to preserve viable agricultural lands. He also

suggested creating rural or buffer zones on non-productive agricultural lands between agricultural zones and subdivisions where people who don't intend to farm the land are permitted to build a house.

ITEM 6 RESOLUTION 08-12
URGES COUNCIL TO HIRE PART-TIME AGRICULTURAL SUPPORT
STAFF

Chair Kitagawa called on Mr. Arakawa for LURF's position the Resolution.

Mr. Arakawa responded that LURF is in support of the Resolution.

ITEM 7 ANNOUNCEMENTS

Chair Kitagawa will work on scheduling a workshop on the Land Use Ordinance specifically targeting the gentlemen farm issue and also issues in Resolutions 08-08, 08-09 and 08-10.

ADJOURNMENT

The meeting was adjourned at 3:30 p.m.