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Statement of
RODNEY FUNAKOSHI
Planning Program Administrator, Office of Planning
before the
HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE
Tuesday, March 19, 2019
2:00 PM
State Capitol, Conference Room 329

in consideration of
SB 381, SD2, HD1
RELATING TO AGRICULTURAL LANDS.

Chair Takumi, Vice Chair Ichiyama, and members of the House Committee on Consumer Protection and Commerce.

The Office of Planning (OP) appreciates the intent and offers **comments** on SB 381, SD2, HD1. SB 381, SD2, HD1, would task OP with convening the Land Use Commission, Real Estate Commission, and the City and County of Honolulu's Department of Planning and Permitting to study condominium property regime (CPR), subdivision, and zoning laws and ordinances related to agricultural land on Oahu to determine whether there are ambiguities or other deficiencies that might be remedied to improve conformance of CPRs with State and county land use laws and ordinances.

While OP believes there is merit to the proposal, the CPR and State land use laws are general laws of Statewide applicability. Any study would need to examine regulatory issues in the context of each county's framework of land use and development ordinances to ensure that variability in how CPR issues manifest in each county are accounted for in any final recommendations to the Legislature. This is essential to ensure consistency and predictability in the application and enforcement of State policy—whether for how CPRs are created, registered, and managed, or ensuring compliance with State and county land use and development laws and ordinances.

Importantly, however, we are concerned that OP lacks the resources at this time to lead and complete such a study of Statewide reach and to submit a quality report in the timeframe allotted.

Thank you for this opportunity to testify.



Hawaii Cattlemen's Council, Inc.

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Rep. Roy M. Takumi, Chair

Rep. Linda Ichiyama, Vice Chair

DATE: Tuesday, March 19, 2019

TIME: 2 p.m.

PLACE: Conference Room 329

SB 381, SD2, HD1 – RELATING TO AGRICULTURAL LANDS.

Directs the Office of Planning, Land Use Commission, Real Estate Commission, and Honolulu Department of Planning and Permitting to study land subdivision and condominium property regime laws related to agricultural land and report findings and recommendations to the Legislature. (SB381 HD1)

Chair Takumi, Vice Chair Ichiyama, and Members of the Committee:

My name is Dale Sandlin, and I am Managing Director of the Hawaii Cattlemen's Council. The Hawaii Cattlemen's Council, Inc. (HCC) is the Statewide umbrella organization comprised of the four county level Cattlemen's Associations. Our 150+ member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of approximately 25% of the State's total land mass.

The Hawaii Cattlemen's Council **opposes** SB 381, SD2, HD1, as this measure could create conflicting laws regarding CPR for ag lands.

CPRs are a valuable tool for landowners, specifically providing them the ability to raise capital by selling unproductive lands or provide for estate planning. This measure seeks to allow each of the counties to develop rules governing CPRs. This would be problematic as multiple version of ag land policy regarding CPRs is problematic for land owners. Also, by directing the regulations down to the county level, this could remove landowners and ag producers from the discussion.

If the purpose of this bill was to reduce the number of "gentlemen farms" in the state, we believe that this could be better accomplished through enforcement of current land use laws by both the state and the counties.

We can't force folks who own ag land to farm. Over time, some owners of large tracks of ag land have had to subdivide and sell off some of their land just to keep the rest of the land in production.

We all want to keep productive ag land in production, and not lose it to gentlemen farms. The Important Ag Lands (IAL) legislation this legislature passed years ago was supposed to help address that. Counties have yet to create the IAL incentives for land owners to keep their land in ag. If we do that, maybe we will start to address the issue of Gentleman Farms.

We have met and talked for several years now on ways we can curtail the loss of productive ag lands to Gentleman Farms. We would support finding a viable solution, but this bill is not the way.



We respectfully ask this committee to oppose SB 381, SD2 in its current format. Thank you for giving us the opportunity to testify on this important matter.