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Statement of
RODNEY FUNAKOSHI
Planning Program Administrator, Office of Planning
before the
**HOUSE COMMITTEES ON WATER, LAND, AND HAWAIIAN AFFAIRS
AND AGRICULTURE**

Wednesday, March 13, 2019

11:00 AM

State Capitol, Conference Room 325

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

Chairs Yamane and Creagan, Vice Chairs Todd and DeCoite, and Members of the House Committees on Water, Land, and Hawaiian Affairs, and Agriculture.

The Office of Planning (OP) **supports** SB 381, SD2, provided it is further amended to address a concern with one of its provisions. SB 381, SD2 would amend Hawaii Revised Statutes (HRS) § 514B-6 to require the counties to adopt rules governing condominium property regimes, including agricultural lands which are held in condominium property regimes (CPR). It would also require that the declaration for CPRs contain a statement that the CPR complies with applicable county subdivision ordinances and rules.

OP strongly supports measures for more effective protection of Hawaii's agricultural lands from encroachment of non-agricultural uses, in particular, residential development with little connection to bona fide farming activity. We believe the bill would enable the counties to adopt the regulatory measures needed to improve compliance of CPRs with land use laws and ordinances on agricultural land under a CPR.

However, the proposed amendment in Section 2 on page 5, lines 1-3 may have little effect since CPRs are not subdivisions. OP recommends the proposed amendment be further amended to read as follows:

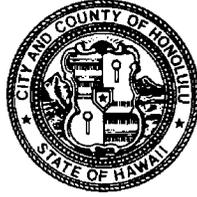
“(ii) The condominium property regime complies with applicable county land use and development ordinances and rules; and”

Thank you for this opportunity to testify.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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March 13, 2019

The Honorable Ryan I. Yamane, Chair
and Members of the Committee on Water,
Land, and Hawaiian Affairs
The Honorable Richard P. Creagan, Chair
and Members of the Committee on Agriculture
Hawaii House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairs Yamane and Creagan, and Committee Members:

**Subject: Senate Bill No. 381, SD 2
Relating to Agricultural Lands**

The Department of Planning and Permitting (DPP) **strongly supports** Senate Bill No. 381, SD 2, which would require the counties to adopt supplemental ordinances and rules on condominium property regimes.

The Bill's intent is to allow county participation in the condominium property regime process, including agricultural lands held in condominium property regimes, in order that they conform to the underlying county zoning, state land use district, and the applicable development permits for the proposed use of the land. Each county can then ensure availability of necessary supportive infrastructure, and identification of potential negative impacts to environmentally important or culturally significant resources, prior to the piecemeal sale of the property.

We appreciate the SD 2 version of this Bill, which incorporates our recommended amendment that a CPR complies with applicable county subdivision ordinances and rules.

Thank you for the opportunity to testify.

Very truly yours,

A handwritten signature in black ink that reads "Kathy K. Sokugawa".

Kathy K. Sokugawa
Acting Director

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

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**TESTIMONY OF PHYLLIS SHIMABUKURO-GEISER
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE HOUSE COMMITTEES ON WATER, LAND, & HAWAIIAN AFFAIRS
AND AGRICULTURE**

**MARCH 13, 2019
11:00 A.M.
CONFERENCE ROOM 325**

**SENATE BILL NO. 381 SD2
RELATING TO AGRICULTURAL LANDS**

Chairpersons Yamane and Creagan and Members of the Committees:

Thank you for the opportunity to testify on Senate Bill 381 SD2 that amends the condominium property act (Chapter 514B) by requiring the counties to adopt supplemental rules regarding agricultural lands under condominium property regime (CPR) and requiring the declaration that must be executed and recorded when creating a condominium property regime on agricultural lands to include a declaration that the CPR complies with applicable county subdivision ordinances and rules. The Department supports this measure that makes more explicit the relationship between CPRs and county ordinances and rules.

Thank you for the opportunity to testify on this bill.





Hawaii Cattlemen's Council, Inc.

COMMITTEE ON WATER, LAND, & HAWAIIAN AFFAIRS
Rep. Ryan I. Yamane, Chair | Rep. Chris Todd, Vice Chair

COMMITTEE ON AGRICULTURE
Rep. Richard P. Creagan, Chair | Rep. Lynn DeCoite, Vice Chair

DATE: Wednesday, March 13, 2019
TIME: 11:00AM
PLACE: Conference Room 325

SB 381, SD2 – RELATING TO AGRICULTURAL LANDS.

Requires the counties to adopt supplemental ordinances and rules on condominium property regimes, including agricultural lands held in condominium property regimes. Requires the declaration that must be executed and recorded when creating a condominium property regime in the agricultural district to include an additional statement declaring that the condominium property regime complies with applicable county subdivision ordinances and rules. (SD2)

Chairs Yamane & Creagan, Vice Chairs Todd & DeCoite, and Members of the Respective Committees:

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, 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 Gentlemen 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.

SB-381-SD-2

Submitted on: 3/12/2019 10:38:28 AM

Testimony for WLH on 3/13/2019 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments: