

**JOSH GREEN, M.D.**  
Governor

**SYLVIA LUKE**  
Lt. Governor



**SHARON HURD**  
Chairperson, Board of Agriculture

**MORRIS M. ATTA**  
Deputy to the Chairperson

State of Hawai'i  
**DEPARTMENT OF AGRICULTURE**  
KA 'OIHANA MAHI'AI  
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**TESTIMONY OF SHARON HURD**  
**CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE SENATE COMMITTEE ON WATER AND LAND**

**WEDNESDAY, FEBRUARY 15, 2023**  
**ROOM 229**  
**12:30 P.M.**

**SENATE BILL NO. 287**  
**RELATING TO AGRICULTURAL DISTRICTS**

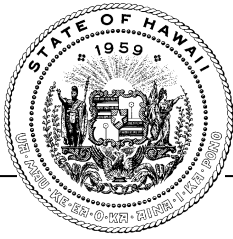
Chairperson Inouye and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill No. 287 that allows the counties the ability to require their approval of condominium property regimes (CPR) for subdivisions of land greater than 10 acres prior to the effective date of the CPRs, and to allow but not require leasehold agricultural lot subdivisions and certain CPR subdivisions to be exempt from county subdivision standards.

The Department of Agriculture (Department) appreciates the intent to allow the counties the ability to require approval of CPR of agricultural lands. We, otherwise, defer to the Office of Planning and Sustainable Development, the county planning departments, and the Department of Commerce and Consumer Affairs. The Department understands there is ongoing CPR activity on agricultural lands throughout the State and are also concerned about their effect on increasing agricultural land values and the amount of agricultural production occurring on CPR developments.

Thank you for the opportunity to present testimony on this measure.





**STATE OF HAWAII  
OFFICE OF PLANNING  
& SUSTAINABLE DEVELOPMENT**

**JOSH GREEN, M.D.**  
GOVERNOR

**SCOTT J. GLENN**  
DIRECTOR

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Statement of  
**SCOTT GLENN, Director**  
before the  
**SENATE COMMITTEE ON WATER AND LAND**  
Wednesday, February 15, 2023, 12:30 PM  
State Capitol, Conference Room 229

in consideration of  
**SB 287**  
**RELATING TO AGRICULTURAL DISTRICTS.**

Chair Inouye, Vice Chair Elefante, and Members of the Senate Committee on Water and Land:

The Office of Planning and Sustainable Development (OPSD) offers the following **comments** on SB 287 that amends § 205-4.5 (f), Hawaii Revised Statutes, to give the counties the discretion to impose county subdivision requirements on agricultural subdivisions and condominium property regimes (CPR).

Section 205-4.5 (f) allows agricultural lands to be subdivided and leased if the principal use of the land is agriculture, no permanent or temporary dwellings or farm dwellings are constructed on the leased area, and the lease term is at least as long as the minimum real property tax agricultural dedication period or five years whichever is greater, and exempts the subdivision from county subdivision standards. Unless the counties have separate subdivision standards for urban and rural settings, OPSD is concerned that allowing the counties to impose subdivision standards on agricultural subdivisions will burden farmers with unnecessary infrastructure costs such as sidewalks, street lighting, sewers, etc. that are more appropriate to an urban area.

In the case of CPRs greater than 10 acres in size, SB 287 would allow the counties to require subdivision approval prior to the effective date of the CPR. As noted above, § 205-4.5 (f) already requires the agricultural subdivision for lease be primarily used for agriculture and prohibits dwellings on the leased area. If the intent of SB 287 is to give the counties more authority to review CPRs, the more appropriate statute for amendment may be § 514B-52 (b) of the Condominiums law.

Thank you for the opportunity to testify on this measure.



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-SECOND LEGISLATURE, 2023**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 287, RELATING TO AGRICULTURAL DISTRICTS.

**BEFORE THE:**

SENATE COMMITTEE ON WATER AND LAND

**DATE:** Wednesday, February 15, 2023      **TIME:** 12:30 p.m.

**LOCATION:** State Capitol, Room 229

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Alison S. Kato or Bryan C. Yee, Deputy Attorneys General

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Chair Inouye and Members of the Committee:

The Department of the Attorney General provides the following comments on this bill.

Section 205-4.5(f), Hawaii Revised Statutes (HRS) exempts the subdivision and leasing of lands in the agricultural district from county subdivision standards, subject to certain requirements. This bill amends section 205-4.5(f), HRS, to authorize a county to require its approval of the subdivision of land greater than ten acres prior to the effective date of the condominium property regime.

The intent of this bill is unclear. Lands in the agricultural districts can be subdivided, which is done through a county process or as provided by section 205-4.5(f), HRS. Lands in the agricultural districts can also be subject to chapter 514B, HRS, dealing with condominium property regimes. Lands in the agricultural district do not normally go through both processes. So, it is unclear how the condominium property regime is related to the subdivision exemption in section 205-4.5(f), HRS, as amended by this bill.

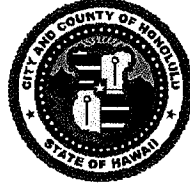
To the extent that this bill was intended to create a county review and approval requirement for condominium property regimes, section 514B-52(b), HRS, may be a more appropriate section to amend. That section currently requires an application for registration in an agricultural district to include certain statements or comments from a

county official. We would be happy to work with the Committee to clarify the intent of the bill.

Thank you for the opportunity to offer comments.

DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**

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RICK BLANGIARDI  
MAYOR

DAWN TAKEUCHI APUNA  
DIRECTOR

JIRO A. SUMADA  
DEPUTY DIRECTOR

February 15, 2023

The Honorable Lorraine R. Inouye, Chair  
and Members of the Committee on Water and Land  
Hawaii State Senate  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Inouye and Committee Members:

**Subject: Senate Bill No. 287  
Relating to Agricultural Districts**

The Department of Planning and Permitting (DPP) **strongly supports** Senate Bill No. 287 and provides additional suggested language for inclusion.

This Bill allows the counties to require a subdivision approval if the agricultural condominium has a land area greater than ten acres prior to the effective date of the condominium property regime.

To ensure that the developer of an agricultural condominium does not record the condominium map before the county has an opportunity to review and approve the map, the attached amendment to Section 514B-33, Hawaii Revised Statutes, is proposed for inclusion in this Bill.

Accordingly, we urge that Senate Bill No. 287 with the proposed amendment be passed by your committee.

Thank you for the opportunity to testify.

Very truly yours,

A handwritten signature in black ink, appearing to read "Dawn Takeuchi Apuna".

Dawn Takeuchi Apuna  
Director

Attachment

SECTION . Section 514B-33, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) A condominium map shall be recorded with the declaration. The condominium map shall contain the following:

- (1) A site plan for the condominium property regime, depicting the location, layout, and access to a public road of all buildings and projects included or anticipated to be included in the condominium property regime, and depicting access for the units to a public road or to a common element leading to a public road;
- (2) Elevations and floor plans of all buildings in the condominium property regime;
- (3) The layout, location, boundaries, unit numbers, and dimensions of the units;
- (4) To the extent that there is parking in the condominium property regime, a parking plan for the regime, showing the location, layout, and stall numbers of all parking stalls included in the condominium property regime;
- (5) Unless specifically described in the declaration, the layout, location, and numbers or other identifying information of the limited common elements, if any;  
[and]
- (6) A description in sufficient detail, as may be determined by the commission, to identify any land area that constitutes a limited common element~~[-]~~; and
- (7) A condominium map for lands within an agricultural district situated in any county shall be accompanied by a letter signed by an appropriate county official or agency certifying that the condominium property regime will conform to county zoning laws pursuant to section 514B-5.”