



OFFICE OF PLANNING STATE OF HAWAII

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Statement of
RODNEY FUNAKOSHI
Planning Program Administrator, Office of Planning
before the
**SENATE COMMITTEE ON JUDICIARY AND
SENATE COMMITTEE ON WAYS AND MEANS**
Tuesday, February 26, 2019
10:00 AM
State Capitol, Conference Room 211

in consideration of
SB 941, SD 1
RELATING TO AGRICULTURAL LANDS.

Chairs Rhoads and Dela Cruz, Vice Chairs Wakai and Keith-Agaran, and Members of the Senate Committees on Judiciary and Ways and Means.

The Office of Planning (OP) **supports** SB 941, SD 1 which would amend Hawaii Revised Statutes (HRS) § 205-4.5 (b) to provide written notice to the Land Use Commission (LUC) of the agricultural uses or activities within 30-days of the subdivision, sale or lease from the owner or occupier of the agricultural lands. The measure would also appropriate additional funding for fiscal years 2019 through 2021 of \$150,000 for enforcement.

SB 941, SD1 would appropriate additional funding, which would allow the LUC additional enforcement authority to ensure appropriate agricultural use of lands.

Thank you for this opportunity to testify.



DAVID Y. IGE
Governor

JOSH GREEN
Lieutenant Governor

MIKE MCCARTNEY
Director

LAND USE COMMISSION
Department of Business, Economic Development & Tourism
State of Hawai'i

DANIEL ORODENKER
Executive Officer

Bert K. Saruwatari
Planner

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Statement of
Daniel E. Orodener
Executive Officer
Land Use Commission
Before the
Senate Committee on Judiciary
and
Senate Committee on Ways and Means

Tuesday February 26, 2019
10:00 AM
State Capitol, Conference Room 211

In consideration of
SB 941 SD1
RELATING TO AGRICULTURAL LANDS

Chairs Rhoads and Dela Cruz; Vice Chairs Wakai and Keith-Agaran; and members of the Senate Committees on Judiciary; and Ways and Means:

The Land Use Commission (LUC) supports this measure that would require information on the agricultural uses or activities whenever agricultural district lands are subdivided, sold, or leased be provided to the LUC; and provides the LUC with specific investigation and enforcement authority and powers to address any violations of Hawai'i Revised Statutes ("HRS") section 205-4.5 and decision and orders.

Abuses on agricultural district lands can be a significant problem and the LUC welcomes the authority to curtail such abuse.

Thank you for the opportunity to testify on this matter.

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER
Acting Chairperson
Board of Agriculture

State of Hawaii
DEPARTMENT OF AGRICULTURE
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TESTIMONY OF THE DEPARTMENT OF AGRICULTURE
BEFORE THE SENATE COMMITTEES ON JUDICIARY AND WAYS & MEANS

FEBRUARY 26, 2019
10:00 A.M.
CONFERENCE ROOM 211

SENATE BILL NO. 941 SD1
RELATING TO AGRICULTURAL LANDS

Chairpersons Rhoads and Dela Cruz and Members of the Committees:

Thank you for the opportunity to testify on Senate Bill 941 SD1 that includes:

- Requiring an owner or occupier of agricultural land to notify the Land Use Commission (LUC) of the agricultural uses for which land was subdivided; and
- Granting the LUC enforcement authority over conditions, restrictions, uses, and subdivision of agricultural lands, including the right to enter and inspect lands, issue orders, and impose fines or liens for violations.

The Department of Agriculture supports the intent of this measure and otherwise defers to the Land Use Commission.

Subdivisions of agricultural lands and exempted agricultural structures that do not conform to the State's statutory requirements and the counties' zoning ordinances and rules can result in the loss of potentially productive agricultural land for agricultural production to a degree equal to that of urbanization. Urbanization of agricultural lands requires the compilation and consideration of much more information and follows a very deliberative and discretionary permitting process and is in sharp contrast to the ministerial processes used to review subdivisions of agricultural land.

Thank you for the opportunity to comment on this measure.



SB-941-SD-1

Submitted on: 2/24/2019 8:33:45 PM

Testimony for JDC on 2/26/2019 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Scott Foster	Individual	Support	No

Comments:

Mahalo for supporting SB941.

Scott Foster

Communications Director

Hawaii Advocates For Consumer Rights

SB-941-SD-1

Submitted on: 2/26/2019 7:31:48 AM

Testimony for JDC on 2/26/2019 10:00:00 AM

LATE

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

Comments:

SB-941-SD-1

Submitted on: 2/21/2019 3:19:57 PM

Testimony for JDC on 2/26/2019 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Stephanie A Whalen	Individual	Support	No

Comments:

I don't know if this is a loophole or not but many of the problem areas are established as condominiums and so skirt the rules related to subdivisions. Should condominium properties be included in the same sentences as subdivisions are mentioned to be clear that these requirements also apply to that type of property division.

SB-941-SD-1

Submitted on: 2/24/2019 3:12:40 PM

Testimony for JDC on 2/26/2019 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Marten	Individual	Support	No

Comments:

Aloha Chair and Committee members,

Our limited agricultural land is being subdivided and used for non-agricultural purposes such as exclusive housing developments and vacation rentals. One glaring example of this was in Norfolk, between Kailua and Waimanalo where a mature forest was clear cut and the land was subdivided into small parcels and marketed for high end housing with no reference to the agricultural status of the land.

Please pass SB941 to prevent this phenomenon from becoming more widespread.

Mahalo, Lisa Marten

Kailua Resident