

OFFICE OF PLANNING STATE OF HAWAII

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DAVID Y. IGE
GOVERNOR

MARY ALICE EVANS
DIRECTOR
OFFICE OF PLANNING

Statement of
MARY ALICE EVANS
Director, Office of Planning
before the
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT
SENATE COMMITTEE ON WATER AND LAND
Friday, February 7, 2020
1:30 PM
State Capitol, Conference Room 224
in consideration of
SB 2706
RELATING TO AGRICULTURAL LANDS.

Chairs Gabbard and Kahele, Vice Chairs Ruderman and Keith-Agaran, and Members of the Senate Committees on Agriculture and Environment and Water and Land.

The Office of Planning (OP) **strongly supports** SB 2706 which addresses recommendations pursuant to Act 278, Session Laws of Hawaii 2019 directing OP to study subdivision and condominium property regime (CPR) issues on agricultural land.

Over the past five months, OP has been working with a broad Stakeholders Group in response to Act 278. The Group established five goals: 1) Keep suitable agricultural lands for agriculture; 2) Support farmers and farming; 3) Keep agricultural lands affordable for farming; 4) Enable long-term access to agricultural lands for farmers; and 5) Minimize subdivision and CPR of productive agricultural lands except for bona fide agricultural reasons. SB 2706 addresses three major issues and recommendations of the study:

1. Defines “farm dwelling” (amends HRS 205-4.5(4)). Inadequate definitions of a bona fide farm results in: proliferation of dwellings without a farm component, fake farms, and gentlemen estates.
2. Allows county enforcement of unpermitted structures in the agricultural district (amends HRS 205-4.5(f)(2)). Agricultural structures exempted from building permits create an enforcement problem.
3. Requires county comments prior to CPR registration (amends HRS 514B-52(b)). Allows counties to review and alert the buyer of infrastructure and environmental deficiencies, and conformance with county codes.

Thank you for this opportunity to testify.

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

MORRIS M. ATTA
Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
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**TESTIMONY OF PHYLLIS SHIMABUKURO-GEISER
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE SENATE COMMITTEES ON AGRICULTURE AND ENVIRONMENT AND
WATER AND LAND**

**FEBRUARY 7, 2020
1:30 P.M.
CONFERENCE ROOM 224**

**SENATE BILL NO. 2706
RELATING TO AGRICULTURAL LANDS**

Chairpersons Gabbard and Kahele and Members of the Committees:

Thank you for the opportunity to testify on Senate Bill 2706. This measure amends certain land subdivision and condominium property regime laws related to agricultural land, as recommended pursuant to Act 278, Session Laws of Hawaii 2019, to ensure:

1. Farm dwellings on agricultural lands are accessory to a farm or where the agricultural activity provides income of no less than \$10,000 per year to the family occupying the dwelling and verified by general excise tax return filing or agricultural tax dedication;
2. Structures on subdivided leasehold subdivisions of agricultural land are subject to county enforcement authority; and
3. Applications for registration of condominium property regimes of agricultural land are to include county comments regarding the availability of supportive infrastructure, any potential impact on government plans and resources, and other requirements pursuant to county ordinances and rules.

The Department of Agriculture is in strong support of this measure that reflects the input of the Act 278 Stakeholders Group that was assembled and led by the Office of Planning. Although the Act is limited to the City and County of Honolulu, the Group has broad representation. We look forward to working with the Office of Planning as this bill moves forward.

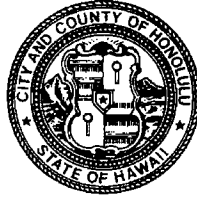
Thank you for the opportunity to testify on this important measure.



DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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KATHY K. SOKUGAWA
ACTING DIRECTOR

TIMOTHY F. T. HIU
DEPUTY DIRECTOR

EUGENE H. TAKAHASHI
DEPUTY DIRECTOR

February 7, 2020

The Honorable Mike Gabbard, Chair
and Members of the Committee on Agriculture
and Environment
The Honorable Kaiulani Kahele, Chair
and Members of the Committee on Water and Land
Hawaii State Senate
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairs Gabbard and Kahele, and Committee Members:

**Subject: Senate Bill No. 2706
Relating to Agricultural Lands**

The Department of Planning and Permitting (DPP) **strongly supports** Senate Bill No. 2706 in its present form.

This Bill will allow meaningful county input in the condominium property regime process involving agricultural lands, in order that these projects be laid out in conformity with 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 identify and mitigate any potential negative impacts to environmentally important or culturally significant resources, prior to the piecemeal sale of the property.

Accordingly, we urge that this Bill be passed by your committees.

Thank you for the opportunity to testify.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kathy Sokugawa".

Kathy K. Sokugawa
Acting Director



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

SCOTT A.K. DERRICKSON AICP
Planner

RILEY K. HAKODA
Chief Clerk/Planner

RASMI AGRAHARI
Planner

FRED A. TALON
Drafting Technician

Statement of
Daniel E. Orodenker
Executive Officer
State Land Use Commission

Before the
Senate Committees
on
Agriculture and Environment
and
Water and Land

Friday February 7, 2020
1:30 PM
State Capitol, Conference Room 224

In consideration of
SB 2706
RELATING TO AGRICULTURAL LANDS

Chairs Gabbard and Kahele; Vice Chairs Ruderman and Keith-Agaran; and members of the Senate Committees on Agriculture and Environment; and, Water and Land:

The Land Use Commission (LUC) supports SB2706 which is intended to make recommended changes to subdivision and condominium property regime (CPR) issues affecting development of agricultural lands. The recommendations are the result of a study done by the State Office of Planning (OP) in which a broad group of stakeholders participated, including Land Use Commission staff.

Thank you for the opportunity to testify on this matter.



Hawaii Cattlemen's Council, Inc.

COMMITTEE ON AGRICULTURE AND ENVIRONMENT

Senator Mike Gabbard, Chair

Senator Russell E. Ruderman, Vice Chair

COMMITTEE ON WATER AND LAND

Senator Kaiali'i Kahele, Chair

Senator Gilbert S.C. Keith-Agaran, Vice Chair

SB2706

Amends certain land subdivision and condominium property regime laws related to agricultural land, as recommended pursuant to Act 278, Session Laws of Hawaii 2019, to ensure agricultural lands that are organized under a condominium property regime are used for agricultural purposes.

Wednesday, February 7, 2020, 1:30 p.m.

Conference Room 224, State Capitol

415 South Beretania Street

Chair Gabbard, Vice Chair Ruderman, and Members of the Committee on Agriculture and Environment, Chair Kahele, Vice Chair Keith-Agaran, and Members of the Committee on Water and Land,

My name is Nicole Galase and I am the Managing Director for the Hawaii Cattlemen's Council. We are writing to **support SB2706**. HCC is committed to supporting our civic leaders to promote a coherent state-wide policy for sustainable development. Using the 17 United Nations Sustainable Development Goals as a framework, we advocate policy that; increases local food production to promote food security, protects agricultural lands, promotes carbon neutrality, models sustainable land use, protects our watersheds, supports long-term stable employment that embraces technology and innovation, contributes to the health and well-being of the community, and encourages public, private and civic partnerships.

The state has a goal to increase local food production for the benefit of our community's health, economy, and environment. In order to successfully achieve this goal, agriculture must be prioritized. We **support SB2706** because it ensures that available agricultural lands are indeed used for productive agriculture. Thank you for the opportunity to comment on this matter.





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February 7, 2020

HEARING BEFORE THE
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

TESTIMONY ON SB 2706
RELATING TO AGRICULTURAL LANDS

Room 224
1:30 PM

Aloha Chair Gabbard, Vice Chair Ruderman, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawaii Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interests of our diverse agricultural community.

The Hawaii Farm Bureau supports SB 2706, which amends certain land subdivision and condominium property regime laws related to agricultural land, as recommended pursuant to Act 278, Session Laws of Hawaii 2019, to ensure agricultural lands that are organized under a condominium property regime are used for agricultural purposes.

HFB advocates for public policies and incentives that provide for viable farming and ranching activities on agricultural lands thereby retaining agricultural lands for future generations. Lands capable of supporting viable agricultural activities should be protected and kept in agriculture for agricultural production.

We support the retention of agricultural lands in blocks of contiguous, intact, and functional land units large enough to allow **flexibility** in agricultural production and management and discourage the fragmentation of agricultural lands to non-agricultural uses. Lands zoned for agriculture should be used primarily for productive agricultural purposes, including family farming.

The Hawaii Farm Bureau has been part of the Stakeholders Group convened by the Office of Planning in response to Act 278, Session Laws of Hawaii 2019. The stakeholder group established the following goals 1) Keep suitable agricultural lands for agriculture; 2) Support farmers and farming; 3) Keep agricultural lands affordable for farming; 4) Enable long-term access to agricultural lands for farmers, and 5) Minimize subdivision and CPR of productive agricultural lands except for bona fide agricultural reasons.

The Hawaii Farm Bureau supports HB 2706 which recommends amendments to certain land subdivision and condominium property regime laws to ensure that agricultural lands be used primarily for productive agricultural purposes.

Thank you for this opportunity to testify on this important subject.