



**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

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Statement of
ABBEY SETH MAYER
Director
Office of Planning
Department of Business, Economic Development, and Tourism
before the
HOUSE COMMITTEE ON JUDICIARY
Tuesday, March 31, 2009
4:00 PM

State Capitol, Conference Room 325
in consideration of
SB 1152, HD 1
RELATING TO AGRICULTURAL LANDS.

Chair Karamatsu, Vice Chair Ito, and members of the House Committee on Judiciary.

We oppose SB 1152, HD 1. SB1152, HD 1 imposes a one hundred year moratorium on the development of agricultural lands located in State Senate Districts twenty-two and twenty-three. The HD1 changes the effective date of this measure to July 1, 2109.

We understand the desire to provide an increased level of protection for the State's agricultural lands. While we recognize the urgency for preventing the unplanned conversion of agricultural lands to non-agricultural uses, we do not believe this is the appropriate mechanism for addressing this complex issue.

Rather, OP recommends comprehensive planning and market-driven solutions to the issue of non-agricultural uses in the State Agricultural District such as establishing agricultural tax incentives to promote agricultural investment and measures to offset the risks and costs of agricultural operations. Agricultural incentives are critical to the viability of the agricultural industry and farmers, and are key to initiating the process of designating important agricultural lands. Promoting agricultural businesses and protecting agricultural water systems are essential to maintaining the Wahiawa, Kaena Point, Kahuku and Kaneohe lands for agricultural production.

Also, revisions to the State Agricultural and Rural District allowable uses and densities would more effectively limit development pressure on agricultural lands, while

encouraging for more effective planning processes so that rural areas will retain their rural character.

The Office of Planning notes that this moratorium on building or development projects on A and B lands in the agricultural district does not apply to permissible uses. The moratorium, therefore, would only prevent non-permissible uses allowed by special permit, such as landfills, quarries, and educational institutions. Permissible developments such as qualifying agricultural subdivisions would still be allowed. The bill also does not appear to prohibit the reclassification of agricultural lands to the urban district, which could provide another avenue for development. As such, the Office of Planning feels that this bill would not effectuate its intended purpose.

Thank you for the opportunity to testify.

LINDA LINGLE
Governor



State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
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SANDRA LEE KUNIMOTO
Chairperson, Board of Agriculture

DUANE K. OKAMOTO
Deputy to the Chairperson

**TESTIMONY OF SANDRA LEE KUNIMOTO
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE HOUSE COMMITTEE ON JUDICIARY
TUESDAY, MARCH 31, 2009
4:00 p.m.
Room 309**

**SENATE BILL NO. 1152, HD1
RELATING TO AGRICULTURAL LANDS**

Chairperson Karamatsu and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill No. 1152, HD1 which seeks to establish a 100-year moratorium on the construction of buildings or development projects on Agricultural District lands in the 22nd and 23rd Senate Districts for which State or City permit applications have not been submitted for processing and visible construction has not commenced. This bill will prevent special permits for non-agricultural uses. We offer the following comments.

This measure prevents non-agricultural development on agricultural lands with Land Study Bureau "A" and "B" ratings. However, the moratorium does not appear to stop or prohibit petitions to reclassify agricultural lands from being submitted to State and county agencies to change the classification or zoning of the land.

Of serious concern to us are subdivisions of Agricultural District land into lots of a few acres with farm dwellings but with little if any agricultural use or activity. Agricultural subdivisions are permissible on all agricultural lands on Oahu but without enforcement of meaningful agricultural activity, they have the same negative effect as any other non-agricultural development or activity on agricultural lands. We are particularly concerned

about the enormously damaging effect non-agricultural development and activities can have on the identification and designation process for Important Agricultural Lands.

As an amendment, the Committee may want to consider incorporating within this measure, the text of House Bill No. 1008 that will prevent future development of “fake farms” or “gentlemen estates” on Hawaii’s best agricultural lands, whether or not they are designated as IAL. House Bill No. 1008 will provide the counties with clearer statutory guidance to ensure that farm dwellings are built and used in direct connection with specified agricultural uses and require applications for subdivisions of Hawaii’s best agricultural lands to include demonstrable evidence that meaningful agriculture will be the primary activity undertaken on the land.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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MAYOR



DAVID K. TANOUE
DIRECTOR
ROBERT M. SUMITOMO
DEPUTY DIRECTOR

March 31, 2009

The Honorable Jon Riki Karamatsu, Chair
and Members of the Committee on Judiciary
State House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Karamatsu and Members:

**Subject: Senate Bill No. 1152, HD1
Relating to Agricultural Lands**

The Department of Planning and Permitting (DPP) has no objections to the effective date under HD1 of this bill, which would be one day after the proposed 100-year moratorium is lifted on June 30, 2109.

Otherwise, the department is **opposed** to Senate Bill 1152, HD1, which would set a one hundred (100) year moratorium on any building or development on agricultural lands for which general planning has not commenced for lands within two senatorial districts only. The bill is overly vague and could result in significant litigation.

The stated concern appears to be the reduction in cultivated land and concerns over housing in the state agricultural district. If the bill is supposed to stop development in general, we do not see how this addresses the concerns. On the other hand, under criteria (4), the bill stipulates that the moratorium only affects projects not permissible within the agricultural district. Since we do not approve projects that are in conflict with Section 205-4.5, HRS, we do not see how this bill has any effect on projects. Some of our other concerns are as follows:

- There is no justification for application to two (2) senatorial districts only. Based on the concern, should the moratorium apply to all agricultural lands? Establishing a moratorium for only "agricultural lands located in state senate districts twenty-two and twenty-three" seems to be legislation in a piece-meal fashion. Is this a reference to any lands zoned agricultural by the counties (AG-1 Restricted Agricultural and AG-2 General Agricultural on Oahu), and/or presently under agricultural use?
- Funding for compensation should be provided for likely claims against the state and county for stopping construction which was based on reliance of permits issued.

The Honorable Jon Riki Karamatsu, Chair
and Members of the Committee on Judiciary
State House of Representatives
Re: Senate Bill No. 1152, HD1
March 31, 2009
Page 2

- Section 2(a)(4) of the bill is overly broad as it could apply to any building or development not a "permissible use" under Section 205-4.5, HRS. For clarification, the bill should provide a definition of "development project."
- Section 205-4.5, HRS, makes reference to special use permits. We assume that applications for special use permits can still be processed and approved and building permits issued for them, provided the proposal is in compliance with the other cited criteria.
- The bill lacks justification for establishing a one hundred (100) year moratorium. We know of no state or county planning process that uses such a long time frame. Generally, a timeframe of 20-30 years is used for county long range land use plans and zoning districts, and addresses the entire island and not just two senatorial districts. Further, a moratorium is established to provide only sufficient time to resolve a public problem, and no more. Senate Bill 1152 makes no such provision, but essentially creates a permanent restriction. It becomes effectively, an amendment to Chapter 205. We question whether a moratorium is the appropriate means to change regulations, rather than a direct amendment to the problematic regulation.
- Section 2(a)(3) of the bill: Agricultural land "located in the State of Hawaii" should be changed to "in senate districts twenty-two and twenty-three" for consistency.
- Finally, Section 2(c) of the bill fails to define "visible construction." Does it include the completion of planning, engineering and design, or does it start with grubbing and clearing activities, or the pouring of the foundation?

Our county policies and zoning reflect a commitment to preserve valuable agricultural land and the agricultural industry. However, we cannot agree that the proposed moratorium contributes towards attaining these goals. Rather, it provides uncertainty to the counties in how to proceed with permit processing in the agricultural districts. Protecting agricultural lands from speculation and unwanted uses is a complex issue, and cannot be solved by a moratorium. A moratorium does not increase the availability of water, nor require land be put into cultivation of food crops.

Our records show that the amount of land in the state agricultural district has not changed significantly since 1995 – a total of 129,000 acres. It is ironic that this bill would not prohibit the withdrawal of any of these lands from the agricultural district.

In short, this bill raises too many questions and should be filed.

The Honorable Jon Riki Karamatsu, Chair
and Members of the Committee on Judiciary
State House of Representatives
Re: Senate Bill No. 1152, HD1
March 31, 2009
Page 3

Thank you for the opportunity to testify.

Sincerely yours,



for David K. Tanoue, Director
Department of Planning and Permitting

DKT: jmf
sb1152hd1-kst.doc



KAMEHAMEHA SCHOOLS

March 31, 2009

TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY

Hearing Date: Tuesday, March 31, 2009
4:00 p.m., Conference Room 325

Dear Chair Karamatsu, Vice Chair Ito and Committee Members:

Testimony in Opposition to Senate Bill No. 1152 HD1 - Relating to Agricultural Lands

I am Kapu C. Smith, Senior Land Asset Manager for Kamehameha Schools' Kawailoa Plantation in Waialua, Oahu. While I am here to speak in opposition to SB 1152 HD1, we do agree that despite the passage of IAL, something more needs to be done to preserve existing agricultural uses and encourage expansion. This includes but is not limited to the following issues:

- Eliminating the Real Property Tax (RPT) on vacant lands - Despite dedicating our vacant land for the longest period provided by the City and County of Honolulu (CCH) our current annual cost for Kawailoa Plantation is \$600,000 per annum. As a result, the \$8,000,000 paid to CCH over the last 10 years could have been better spent to support our farming efforts.
- Repairing and Maintaining Wahiawa Irrigation System (WSI) - Passage of HB 975 HD1 is the first step in the process to convey WSI to ADC but the process needs to be completed. Without a reliable irrigation source, expansion of farming is impossible.
- Addressing the Water Quality Issues of WSI - As it currently stands, no vegetables crops can be grown with WSI water. This eliminates most farming operations and prevents the utilization of over 6,000 plus acres from providing locally grown food.
- Establishing a Method of Appealing High Hazard Designation and Recognition of Storage Reservoirs - DLNR has not responded to our efforts to down grade our hazard ratings or consider an exemption. As a result, we are looking at a repair cost of over \$10 million for three reservoirs.
- Addressing the Need for Accessory Agricultural Uses by Expanding the Rural District - CCH currently does not recognize rural as a zoning classification. As such, there is no opportunity to preserve prime agricultural lands by placing accessory agricultural uses in the rural district rather than in the agricultural district.

If agriculture is to thrive on Oahu and Statewide, these issues and others need to be addressed as soon as possible. Thank you for the opportunity to express our views.

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Founded and Endowed by the Legacy of Princess Bernice Pauahi Bishop



March 13, 2009



To: Representative Cliff Tsuji, Chairman Agriculture Committee
Representative Jessica Wooley, Vice Chair Agriculture Committee

From: Ernest Tottori, Chairman of HPC Foods, Ltd.
288 Libby Street
Honolulu, Hawaii 96819
Telephone No. 848-2431, Fax # 845-5155

Reference: Testimony in Support for SB 1152

I am Ernest Tottori, Owner and Chairman of HPC Foods, Ltd. HPC Foods, Ltd., is a closely held family corporation started by my family over 60 years ago. We currently are manufacturers and distributors of poi, fresh-cut fruit and vegetable products, and other local products.

Our firm supports SB 1152 and we urge your passage of this bill.

Even during this economic recession, there is one line of business that continues almost without any interruption and it is the food industry. While demand for certain specialty food products does fluctuate with the changing economy, the demand for reasonably priced, nutritious food products such as fresh fruits and vegetables remains. Because of the continued demand for food products, this industry provides stable employment and opportunities for the entire State of Hawaii in good and bad times.

While this industry provides stability to the Hawaii economy, because 85% or more of the food products we consume is currently imported from out-of-state producers and manufacturers, there is significant amount of jobs and business opportunities lost every day in producing the raw fruit and vegetable products, as well as producing the valued-added products for the final consumption by our residents. At every level of the food chain, there is a significant loss of revenue to the State when products are imported. Dependence on imports of fruits and vegetables that can be produced in our State also exposes our State to shipping disruptions as well as security risks in shipping overseas products from mainland and foreign countries.

We strongly support SB 1152 and I feel that this bill would stop the speculation of our valuable agriculture land for development. This bill will directly support our local farmers by giving them some assurance that their investment in new farm ventures is protected from speculative sales of land from under their feet. Long-term leases would allow the farmers to obtain the proper financing to improve their farms and to reach larger scale efficiencies that cannot be obtained from the current year-to-year leases available.

Oahu has over 900,000 people. If each individual spends \$10.00 on a local food sourced and manufactured product, this initially generates almost \$9,000,000.00 in sales and tax revenue. However, when a local produced food product is sold, because of the multiplier effect, this generates a significantly larger tax base and boost to our fragile economy. The land addressed by SB 1152 is some of the best agriculture land on Oahu. At different elevations, we have the different micro-climates that would enable farmers to grow a whole host of crops to replace imported produce. This bill would generate jobs and will support and diversify our economy when it is needed most. It will also help to provide the stable economy base to insure the long-term self-sufficiency for our State.

I urge your passage of this bill that would reduce our exposure to forces we cannot control and put a stop to money flowing out of our State. Let's work together to make agriculture happen and build a sustainable Hawaii.

February 20, 2009

To: Representative Cliff Tsuji, Chairman Agriculture Committee
Representative Jessica Wooley, Vice Chair Agriculture Committee

From: Independent Diversified Farmers on Oahu

Reference: Testimony in Support of SB 1152

We are independent diversified farmers on Oahu and, we strongly support SB 1152.

In recent years, numerous bills have been proposed to protect Important Agriculture Lands in Hawaii. To date, despite strong support from many of our farmers and local residents, none of the bills were successfully passed by our legislature. We are hopeful that some of these bills, including SB1152, will be introduced and passed in the current session.

Because no strong measures are currently available to protect our prime agriculture lands, we have seen some of our most productive lands sold and passed on to "occasional part-time farmers". Many of these occupants have not seriously utilized the land to support the preservation and expansion of our local agriculture industry. Further, with the possibility of obtaining higher returns on original land investments, many of these tenant/owners have been trying to subdivide the large tracts of land while providing short-term leases to farmers. The short-term leases allow the owners to move the land quickly when the opportunity arises.

Because there have also been no strong measures requiring the large land owners to commit their prime agriculture land to long-term leases, the small local diversified farmers interested in farming have been forced to work with short-term leases and increasingly higher rents.

Currently, even during this economic recession, there are many independent farmers who are very interested in starting new farms and/or expanding existing farms to make them more productive and efficient.

Opening of the new farms will provide immediate employment for our labor force, reduce our dependence on imported fruit and vegetable supplies, and provide a boost to our local economy at its most critical period.

Passage of this bill will give our farmers the opportunity to negotiate long-term leases with the landowners and more importantly, make the necessary capital investments to progressively grow and improve their farms. This type of local farming business will also provide a stable economic base to allow our State to progressively become more self sufficient in the coming years.

provide a stable economic base to allow our State to progressively become more self sufficient in the coming years.

We strongly support SB 1152 and we feel that this bill will directly support our local farmers by giving them assurance that their investment in new farms is protected from the land being sold from under their feet. Long-term leases would allow the farmers to obtain the proper financing to improve their farms and to reach larger scale efficiencies that cannot be obtained from the current year-to-year leases available. By working together, we know we can expand our agriculture industry and help to build a solid and sustainable local economy.

Respectively submitted,

Independent Diversified Farmers on Oahu

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Siko Vongsakda	780-1187
KONGCHAN KHENMY	392-8952
BOONMEE SAENTHONG	693-5772
Keo Yanny	699-4282
Chavix Chavix	744/5123
Stina Torres	184-1930
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Joshua Lee	"
SMURLY DOMINGO	"
CHRIST "	323-194412

Independent Diversified Farmers on Oahu

YUMI COCKETT	744-5723
Michelle Cruz	744-5723
Jeff Cockett	✓
Nick Cockett	✓
Crista Cockett	✓
Mel Cockett	744-5723
TEAM COCKETT	✓
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Lee Dempsey	381-8738
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ZACHARY BACCAM	778-6169

provide a stable economic base to allow our State to progressively become more self sufficient in the coming years.

We strongly support SB 1152 and we feel that this bill will directly support our local farmers by giving them assurance that their investment in new farms is protected from the land being sold from under their feet. Long-term leases would allow the farmers to obtain the proper financing to improve their farms and to reach larger scale efficiencies that cannot be obtained from the current year-to-year leases available. By working together, we know we can expand our agriculture industry and help to build a solid and sustainable local economy.

Respectively submitted,

Independent Diversified Farmers on Oahu

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Louan Louan

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Independent Diversified Farmers on Oahu

David Adriano

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Kaylyn Adriano

Lucky Vongthamchanh

Larry Vongthamchanh

} 450.5289

We strongly support SB 1152 and we feel that this bill will directly support our local farmers by giving them assurance that their investment in new farms is protected from the land being sold from under their feet. Long-term leases would allow the farmers to obtain the proper financing to improve their farms and to reach larger scale efficiencies that cannot be obtained from the current year-to-year leases available. By working together, we know we can expand our agriculture industry and help to build a solid and sustainable local economy.

Respectively submitted,

Independent Diversified Farmers on Oahu

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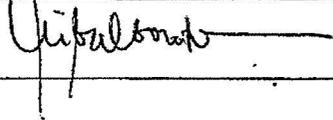
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Signature: 

Last Name: _____

First Name: _____

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Independent Diversified Farmers on Oahu

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Samuelson Rowan, Farmer

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Algeron J. Wietecha

~~Ohu~~ ~~W~~

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Harry A. Saunders
President

March 30, 2009

via JUDtestimony@Capitol.Hawaii.gov

The Honorable Jon Riki Karamatsu, Chair,
The Honorable Ken Ito, Vice Chair,
and Members of the Committee
Hawai'i House of Representatives
Hawai'i State Capitol Room 325
Honolulu, Hawai'i 96813

Dear Representatives Karamatsu, Ito and Committee Members:

Subject: ***SB 1152 HD 1: Relating to Agricultural Lands***
Hearing Date: Tuesday, March 31, 2009
4:00 p.m. Room 325

Dole Foods Hawai'i and Castle & Cooke Hawai'i own over 25,000 acres of land in Central O'ahu and generally within the areas defined by 22nd and 23rd Senate districts as to which this proposed measure applies.

We have been a major agricultural business on O'ahu and continue to maintain and promote diversified agriculture. But agriculture continues to be a struggling business in Hawai'i as challenges such as adequate water, labor, fuel and petroleum based increases, security, liability, transportation, competing land use, lack of local buying preference, and world and market competition result in a challenging environment that restricts and impacts economic viability, sustainability and survivability.

While we understand the purpose of protecting important agricultural lands, we offer these comments to SB 1152 HD 1:

1. A 100-year moratorium is an unfair mandate on private property; it does not insure that agriculture will be successful
2. Existing land use entitlement processing through the State (LUC) and respective counties as well as Chapter 343 (EIS) are in place to address land use issues and impacts

The Honorable Jon Riki Karamatsu,
The Honorable Ken Ito and Members of the Committee
March 30, 2009
Page Two

3. The limitation of all buildings and development projects may hamper agricultural operations and other related uses
4. An unrealistic encumbrance on lands in the region and stymies any future opportunity for economic diversity in the region

Based on the above, **we respectfully request that SB 1152 HD 1 be HELD in this Committee.**

On behalf of Dole Foods Hawai'i and Castle & Cooke Hawai'i, thank you for the opportunity to express our concerns with SB 1152 HD 1. If there are any questions, please contact Mark Takemoto at 548-6656.

Sincerely,

CASTLE & COOKE HAWAI'I

A handwritten signature in black ink, appearing to read 'Harry A. Saunders', with a long horizontal flourish extending to the right.

Harry A. Saunders
President

c: Dan Nellis, Dole Foods Hawai'i



Hawaii Farm Bureau
F E D E R A T I O N

2343 Rose Street, Honolulu, HI 96819

Phone: (808) 848-2074; Neighbor Islands: 1-800-482-1272

Fax: (808) 848-1921; e-mail: info@hfbf.org

TESTIMONY

RE: SB 1152 HD1: RELATING TO IMPORTANT AGRICULTURAL LANDS

Chair Karamatsu and Members of the Committee:

Hawaii Farm Bureau Federation on behalf of our member farm and ranch families and organizations provides the following comments to SB1152 HD1, imposing a one hundred year moratorium on development of certain agricultural lands located in state senate districts twenty-two and twenty-three.

First of all the Farm Bureau would like to extend our appreciation to the Legislature for the leadership and foresight it provided for the passage of the Important Agricultural Lands legislation and its related incentives. The measure represents the various aspects of support that must be provided to ensure that we have agriculture in Hawaii for future generations.

Successful commercial agriculture that provides for those that do not toil in the fields daily to grow food and fiber to meet their daily needs depends on large tracts of lands. We understand the intent of this legislation to plan what happens in these districts before parcels are fragmented reducing agricultural productivity. Yet, at the same time, Farm Bureau strongly believes that agricultural use of lands cannot be forced. It must be nurtured and fostered just as we see happening with the high tech industries or tourism. We do not just see lands set aside for industrial use but rather, the State invests significant resources to build these industries. Why isn't the same done for agriculture that provides the very sustenance on which everyone depends upon to live. Everyone takes it for granted. This is why the Important Agricultural Lands legislation was crafted in its' current form. It provided the support mechanisms for lands that were dedicated to agricultural use long into the future.

HFBF strongly requests that this measure be amended to encourage landowners in the area to dedicate their lands as Important Agricultural Lands during this voluntary phase and together with their tenant farmers and ranchers build an industry that will be the pride of the North Shore. Thank you.



Hawaii Reserves, Inc.
A LAND MANAGEMENT COMPANY

March 30, 2009.

Via E-Mail: JUDtestimony@Capitol.hawaii.gov

House Committee on Judiciary
Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair

**Re: S.B. 1152, H.D. 1 (Re: Agricultural Lands - 100 Year Moratorium)
Testimony In Opposition
Hearing: Tuesday, March 30, 2009, 4:00 p.m., Conf. Rm. 309**

Honorable Chair Karamatsu, Vice Chair Ito and Committee Members:

Aloha! My name is Jace McQuivey, and I am the Vice-President & General Legal Counsel for Hawaii Reserves, Inc., a land management company located in Laie, Oahu. Thank you for allowing me the opportunity to testify in strong opposition to Senate Bill 1152, H.D. 1 on behalf of Hawaii Reserves, Inc. We manage and own approximately 7,000 acres currently in agricultural, residential and commercial uses.

While this bill may be well-intentioned, it is vague, ignores current planning processes, is legally flawed, could threaten worthy projects that would provide much needed affordable housing and economic development, and it ignores the IAL process to protect agricultural lands.

First, as mentioned in the House Standing Committee Report of the Committees on Agriculture and Water, Land & Ocean Resources, the bill is vague and unclear as to whether it precludes reclassifying lands out of the agricultural district (S.C.R.N. 1268). If not, then the bill should be amended for clarification. If it does preclude reclassification, then it is legally flawed (as discussed below).

Second, the bill ignores the current, comprehensive planning processes already in place. The process to rezone land is lengthy, involves a number of public hearings, and requires approval by both the State Land Use Commission and the Honolulu City Council. This bill is therefore unnecessary. Not surprisingly, the State Dept. of Agriculture, Office of Planning, and the City Office of Planning & Permitting have all opposed this bill.

Third, the bill is legally flawed – there is no legal nexus for the “moratorium”, the 100 year restriction amounts to an unreasonable and unconstitutional taking of private land, and the bill lacks a variance process similar to the process allowed for zoning and other variances. If passed this measure would undoubtedly be challenged as working a taking without just compensation, and thereby create a breeding ground for litigation.

Testimony in Opposition to SB 1152, HD1

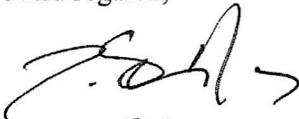
Page 2 of 2

Fourth, the bill could threaten worthy projects that would provide much needed affordable housing and economic development in the senate districts that have been singled out in the moratorium. For example, our company has been exploring ways to facilitate an affordable housing project in a "sustainable affordable development" on land that is currently classified as agricultural (the land would first need to be reclassified for residential use). Sustainable affordable development projects require that 30% of the units must be affordable to persons in the county's median income range, and the sales price of at least 51% of the residential lots must be no higher than 80% of the fair market value of the lots in fee (HRS 516-1). If passed this bill could stop the creation of much needed affordable housing and economic development in our community and others.

Finally, this bill ignores the process initiated by the relatively recent passage of the Important Agricultural Lands (IAL) bills. At a time when farmers and landowners need incentives to compete in a global agricultural market, this bill does not address the real problem. Our county and state enjoy an overabundance of unused agricultural lands subsequent to the decline in the pineapple and sugar cane industries, but our farmers are struggling financially. What we've observed is not farmers in search of more ag land to farm, but rather an excess of vacant ag land waiting to be farmed. Based on our experience with our own farm business that ultimately folded – and as a landowner currently leasing to farmers – the real issue is how to help farmers and landowners make productive use of already existing, abundant agricultural lands.

For these reasons and others we respectfully request that you hold S.B. 1152, H.D. 1.

Kind regards,



FOR

Jace L. McQuivey, Esq.
Vice-President & General Legal Counsel

JSKH



OFFICE OF THE PRESIDENT

March 31, 2009

House Committee on Judiciary
Re. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair

Honorable Chair Karamatsu, Vice Chair Ito, and Committee Members:

**Subject: S.B. 1152, H.D. 1 (Agricultural Lands – 100 Year Moratorium)
Testimony in Opposition
Hearing: Tuesday, March 31, 2009, 4 p.m., Conference Room 309**

I am writing to express my strong opposition to Senate Bill 1152, H.D. 1, on behalf of Brigham Young University-Hawai'i. We feel this bill does not take into consideration current planning processes already in place and could thus threaten worthy projects that would address (1) the economic sustainability of entities in our area, including BYU-Hawai'i, and (2) the affordable housing needs and economic development.

We are currently involved in comprehensive, multi-year planning effort for BYU-Hawai'i and the Laie area. The primary focus of this planning effort is to address the needs for our campus to become economically sustainable while striving to keep the costs for our students at a reasonable level. If our enrollment is limited to our current level of 2,400 students, we do not feel we can remain economically sustainable.

Therefore, we have also been working in a partnership with Hawaii Reserves Incorporated to address the needed affordable housing and economic development for this area. However, this bill specifically restricts this type of development in our senate district.

Since the process to rezone is lengthy, involves a number of public hearings, and requires approval by both State land Use Commission and the Honolulu City Council, this bill is also unnecessary. The State Department of Agriculture, Office of Planning, and the City of Office of Planning and Permitting have all opposed this bill.

For these reasons and others, we request that you hold S.B. 1152, H.D. 1.

Sincerely

A handwritten signature in black ink that reads "Steven C. Wheelwright". The signature is written in a cursive, flowing style.

Steven C. Wheelwright

ab

March 30, 2009

Via E-Mail: JUDtestimony@Capitol.hawaii.gov

House Committee on Judiciary

Rep. Jon Riki Karamatsu, Chair

Rep. Ken Ito, Vice Chair

Re: S.B. 1152, H.D. 1 (Re: Agricultural Lands – 100 year moratorium)

Testimony In Opposition

Hearing: Tuesday, March 30, 2009, 4 p.m., Conf. Rm. 309

Honorable Chair Karamatsu, Vice Chair Ito and Committee Members:

I am a life-time resident of Laie and serve on a number of local boards and Neighborhood Board 28 and I have spent many years working on our Koolauloa Communities sustainable plan in the great desire of helping our local residents to one day have an opportunity to see their dream of affordable housing come to a reality and to also provide economic viability to the many businesses that keep our local people in our communities.

The 100 year restriction is unreasonable and lacks a variance process similar to the process allowed for zoning and other variances.

This bill threatens projects that would provide much needed affordable housing and economic development in the Koolauloa districts. Sustainable affordable development projects require 30% of units built must be affordable to residents in the county's median income range, and the sales price of at least 51% of the residential lots must be no higher than 80% of the fair market value of the lots in fee (HRS 516-1). If passed this bill could stop the creation of much needed affordable housing and economic development in our community and others. Please don't give that opportunity away for our people who have waited so long.

I humbly and respectfully request that you hold S.B. 1152, H.D. 1.

Respectfully yours,

Les Steward
Resident of Laie
55-641 Naniloa Loop
Laie, Hawaii 96762

C: Senator Clayton Hee