SB 2351

DAVID Y. IGE Governor

SHAN S. TSUTSUI Lt. Governor



SCOTT E. ENRIGHTChairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER
Deputy to the Chairperson

State of Hawaii **DEPARTMENT OF AGRICULTURE**

1428 South King Street Honolulu, Hawaii 96814-2512 Phone: (808) 973-9600 FAX: (808) 973-9613

TESTIMONY OF SCOTT E. ENRIGHT CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE SENATE COMMITTEE ON WATER, LAND, AND AGRICULTURE

February 3, 2016 2:45 P.M. CONFERENCE ROOM 224

SENATE BILL NO. 2351 RELATING TO AGRICULTURAL LAND

Chairperson Gabbard and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill No. 2351 that seeks to amend Section 514B-31, HRS (creation of condominiums) by prohibiting the creation of a condominium property regime (CPR) on a parcel of agricultural land 25 or more acres in size. It also prohibits the subdivision of agricultural land 25 acres or greater in size for the purpose of creating a CPR. The Department of Agriculture offers comments.

CPRs are an alternative to the subdivision of a parcel of land. When applied to agricultural land, it can theoretically result in a larger contiguous area available for farming than under a subdivision. However, without sufficient controls, monitoring, and enforcement, CPRs have resulted in the establishment of "gentlemen farms" where farm dwellings are constructed but are not connected to a farm or where agricultural activity provides income to the family occupying the dwelling.

Thank you for the opportunity to submit our testimony.



DAVID Y.IGE Governor

SHAN S. TSUTSUI Lieutenant Governor

Luis P. Salaveria Director

MARY ALICE EVANS Acting Deputy 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

FRED A. TALON
Drafting Technician

Statement of

Daniel E. Orodenker Executive Officer

Land Use Commission Before the

Senate Committee on Water, Land, and Agriculture

Wednesday February 3, 2016 2:45 PM State Capitol, Conference Room 224

In consideration of SB 2351
RELATING TO AGRICULTURAL LANDS

Chair Gabbard, Vice Chair Nishihara, and members of the Committee on Water, Land, and Agriculture:

The Land Use Commission generally supports the intent of SB2351 in that it seeks to prevent the wholesale subdivision of larger agricultural lots through the use of the condominium property regime (CPR) process.

The limitation on the use of CPR process to agricultural lands of 25 acres or more may be effective in halting subdivision of large and medium size parcels into lots too small for agricultural purposes. Allowing CPR of lots of this size allows the development of "gentleman farm subdivisions" which are essentially low density, but sometimes large subdivisions.

As these subdivisions may occur with limited permitting and without any requirements for a chapter 343 analysis, government agencies and the general community are not provided the opportunity to review potential impacts or recommend appropriate mitigation measures for such development. Furthermore, unlike other developments, these agricultural CPR subdivisions are not required to contribute to State and county infrastructure to handle increased impacts and other issues.

In sum, the current use of the CPR process to create agricultural subdivisions allows for significant abuse, costs to the State and counties, and limits the public of its right to have impacts reviewed and mitigated.

Thank you for the opportunity to testify on this matter.

To: WLA Testimony
Cc: jbost@hawaii.edu

Subject: Submitted testimony for SB2351 on Feb 3, 2016 14:45PM

Date: Saturday, January 30, 2016 7:55:59 PM

SB2351

Submitted on: 1/30/2016

Testimony for WLA on Feb 3, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Jay Bost	GoFarm Hawaii	Comments Only	No

Comments: The availability of farmland is a major issue for beginning and existing farmers on the island of Oahu. To serve the public good and promote greater self sufficiency now and in the medium and long term future in regards to food production, it is imperative that farm land be protected from subdivision and use for housing. I strongly support a bill to protect farmland and keep it for farming.

Please note that testimony submitted <u>less than 24 hours prior to the hearing</u>, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

To: WLA Testimony

Cc: <u>richard.emery@associa.us</u>

Subject: Submitted testimony for SB2351 on Feb 3, 2016 14:45PM

Date: Saturday, January 30, 2016 4:59:56 PM

SB2351

Submitted on: 1/30/2016

Testimony for WLA on Feb 3, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Richard Emery	Associa	Oppose	No

Comments: I am the VP of Government Affairs for Associa, America's largest Association management company, that represents approximately 550 Hawaii associations. Many times a specific condominium regime is created for agricultural purposes that allows small farmers to produce and provide crops to Hawai'i.

Please note that testimony submitted <u>less than 24 hours prior to the hearing</u>, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.









February 2, 2016

The Honorable Mike Gabbard, Chair

Senate Committee on Water, Land, and Agriculture State Capitol, Room 224 Honolulu, Hawaii 96813

RE: S.B. 2351, Relating to Agricultural Land

HEARING: Wednesday, February 3, 2016 at 2:45 p.m.

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

I am Myoung Oh, Government Affairs Director, here to testify on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawai'i, and its 8,800 members. HAR **opposes** S.B. 2351 which prohibits the creation of a condominium property regime on agricultural land 25 acres or greater and prohibits the subdivision of agricultural land 25 acres or greater for the purpose of creating a condominium property regime.

HAR believes that this measure will have unintended consequences, especially on the neighbor islands. The agriculture designation has been used in many cases as a "filler" land use classification, and a great deal of neighbor island agricultural land is quite unsuitable for viable agriculture production because of soil, topography, or lack of water and water resources. As such, a blank prohibition of 25 acres or greater, could restrict property owners from using unfarmable lands.

Additionally, this measure could penalize retired bona fide farmers who own more than 25 acres and whose children do not wish to be farmers. These families would not be able to build and finance their own property and extended families would not be allowed to gain title to any unit on the property.

A condominium property regime requires the State LUC approval if the land needs to be reclassified from agricultural or other to urban and to determine compliance with state planning. It also requires county approval for zoning compliance, while counties are required to conform zoning decisions with county general plans.

We believe adequate protections already exist under the Land Use Commission on specific standards and criteria as well as county oversight and regulation. Therefore, HAR respectfully requests that this measure be held.

Mahalo for the opportunity to testify.



To: WLA Testimony
Cc: waa@hawaii.rr.com

Subject: Submitted testimony for SB2351 on Feb 3, 2016 14:45PM

Date: Friday, January 29, 2016 5:15:37 PM

SB2351

Submitted on: 1/29/2016

Testimony for WLA on Feb 3, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Annette Lee	Waimanalo Agricultural Association	Support	No

Comments: We support this effort to save ag zoned lands.

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To: WLA Testimony
Cc: waa@hawaii.rr.com

Subject: Submitted testimony for SB2351 on Feb 3, 2016 14:45PM

Date: Friday, January 29, 2016 5:16:34 PM

SB2351

Submitted on: 1/29/2016

Testimony for WLA on Feb 3, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing	
Clifford Migita	Waimanalo Agricultural Association	Support	No	

Comments: Waimanalo Agricultural Association supports this bill.

Please note that testimony submitted <u>less than 24 hours prior to the hearing</u>, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

To: WLA Testimony

Cc: <u>rob@counterculturehawaii.com</u>

Subject: Submitted testimony for SB2351 on Feb 3, 2016 14:45PM

Date: Saturday, January 30, 2016 10:09:54 PM

SB2351

Submitted on: 1/30/2016

Testimony for WLA on Feb 3, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Barreca	Farm Link Hawai'i	Support	No

Comments: With a large amount of Dole and HC&S land going up for sale, we need to fix this broken loophole of allowing gentlemen estates to go on to large parcels of AG land via a CPR. This CPR loophole has already begun to swallow up AG land in Waialua, preventing actual productive farming for our communities. Please keep AG in AG and prevent CPRs on our larger parcels of land.

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LARRY JEFTS FARMS, LLC PO BOX 27 KUNIA, HAWAII 96759 (808) 688-2892

SB2351, Relating to Agricultural Land Senate WLA Hearing, Weds. Feb. 3, 2016 – 2:45pm Testimony by: Larry Jefts Position: Oppose

Chair Gabbard, and Members of the Senate WLA Committee:

I am Larry Jefts, owner and operator of Larry Jefts Farms, LLC, which is part of our family-run business of farms on Oahu and Molokai, under the administrative umbrella of Sugarland Growers, Inc. We have more than 35 years of Hawaii farm experience on Molokai and Oahu.

Appreciation is expressed for efforts to stop gentlemen farms on agricultural subdivisions. However, opposition is expressed because the proposed bill seems to hurt farmers and ranchers with large TMKs by prohibiting the creation of CPR on agricultural lands of 25 acres or greater.

Overall, the proposed bill appears inconsistent with the State's goal of diversified agriculture and to place entrepreneurial farmers and ranchers on its own State Ag Parks and ADC's lots. Many of the producers venturing into commercial agriculture today must look at small lots as a starting point. This bill would make it more difficult to create smaller parcels, thus constraining the inventory of available small ag-lots.

Thank you for the opportunity to submit testimony.

To: WLA Testimony
Cc: kaimiunger@gmail.com

Subject: Submitted testimony for SB2351 on Feb 3, 2016 14:45PM

Date: Tuesday, February 02, 2016 4:19:26 PM

SB2351

Submitted on: 2/2/2016

Testimony for WLA on Feb 3, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Keith Unger McCandless Ranch	McCandless Ranch	Oppose	No

Comments: This measure will hurt the ability for the State of Hawaii to become for self sufficient by disallowing larger parcels to be divided into smaller parcels. Smaller parcels will escalate in value, thus discouraging an entire sector of Hawaii's farmers from participating in the State's self sufficiency goals.

Please note that testimony submitted <u>less than 24 hours prior to the hearing</u>, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

To: WLA Testimony
Cc: aavery@hawaii.rr.com

Subject: Submitted testimony for SB2351 on Feb 3, 2016 14:45PM

Date: Sunday, January 31, 2016 8:41:27 PM

SB2351

Submitted on: 1/31/2016

Testimony for WLA on Feb 3, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Alexandra Avery	Individual	Support	No

Comments: I support SB2351. Zoning has been put into place to protect and control our lands. The CPR process should never have been allowed in residential or ag zoned property. I urge you to pass this bill to insure that our zoning laws will be enforced as intended. Rezoning has a process that must be followed to ensure responsible use of our lands.

Please note that testimony submitted <u>less than 24 hours prior to the hearing</u>, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

To: WLA Testimony

Cc: <u>annetoweyjoyer@gmail.com</u>

Subject: Submitted testimony for SB2351 on Feb 3, 2016 14:45PM

Date: Sunday, January 31, 2016 8:49:20 PM

SB2351

Submitted on: 1/31/2016

Testimony for WLA on Feb 3, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
anne towey joyer	Individual	Support	No

Comments: We must think long term and protect our agriculture lands.

Please note that testimony submitted <u>less than 24 hours prior to the hearing</u>, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

To: WLA Testimony

Cc: <u>barbarapolk@hawaiiantel.net</u>

Subject: Submitted testimony for SB2351 on Feb 3, 2016 14:45PM

Date: Sunday, January 31, 2016 12:37:20 PM

SB2351

Submitted on: 1/31/2016

Testimony for WLA on Feb 3, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Polk	Individual	Support	No

Comments: Preserving agricultural land for food production should be a very high priority for Hawaii. SB2351 ensures that agricultural land will not be used to provide estates for individuals rather than food production. Please pass SB2351.

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To: WLA Testimony

Cc: <u>prentissc001@hawaii.rr.com</u>

Subject: Submitted testimony for SB2351 on Feb 3, 2016 14:45PM

Date: Friday, January 29, 2016 7:31:17 PM

SB2351

Submitted on: 1/29/2016

Testimony for WLA on Feb 3, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Charles Prentiss	Individual	Support	No

Comments: Something needs to be done to close loopholes that cause loss of our agriculture land. This bill will be a good step in keeping our agricultural land from disappearing. Please support it.

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To: WLA Testimony
Cc: 333cory@gmail.com

Subject: Submitted testimony for SB2351 on Feb 3, 2016 14:45PM

Date: Sunday, January 31, 2016 7:47:08 PM

SB2351

Submitted on: 1/31/2016

Testimony for WLA on Feb 3, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Cory Harden	Individual	Support	No

Comments: Aloha Senators, Please support this bill. We need fewer lawyers misusing CPRs, and more food self-sufficiency. Mahalo.

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To: WLA Testimony
Cc: jheidel808@icloud.com

Subject: Submitted testimony for SB2351 on Feb 3, 2016 14:45PM

Date: Saturday, January 30, 2016 10:04:46 AM

SB2351

Submitted on: 1/30/2016

Testimony for WLA on Feb 3, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing	
John Heidel	Individual	Support	No	

Comments: I strongly support SB 2351: to preserve agricultural land to facilitate more locally grown produce to provide proper stewardship of the land to guard against over-development

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Testimony of Jon Okudara on S.B. 2351

Relating to Agricultural Land Senate Committee on Water, Land, and Agriculture Wednesday, February 3, 2016 Conference Room 224

I oppose S.B. 2351, prohibits condominium property regimes of 25 acres or more on agricultural land and prohibits the subdivision of agricultural lands of 25 acres or more to create a condominium property regime, the objective off which appears to be the prohibition of "gentlemen estates" on agricultural lands.

The State Land Use Law (Chapter 205, HRS) was enacted to "preserve and protect land best suited for ...agricultural purposes and to facilitate sound and economical urban development" (Senate Stand. Com. Rep. No. 580; 1961 Senate Journal) - to preserve agricultural land and to prevent urban sprawl. Among the problems with the land use law is that the requirement that residences in the agricultural district be "farm dwellings" is not specific enough to preclude agricultural subdivisions. Section 205-4.5, HRS, lists as permissible uses in the agricultural district... "farm dwellings, employee housing, farm buildings, or activities or uses related to farming and animal husbandry. "Farm dwelling", ...means a single-family dwelling located on and used in connection with a farm..."

SB 2351 will prohibit the use of an important tool in the successful agricultural development of lands, the establishment of an agricultural condominium.

The subdivision of any property is a long and expensive process, which many growers cannot individually take on. Using the concept of the "coordinating entrepreneur" as the developer of the agricultural condominium, a large parcel of agricultural land can be divided into individual lots for sale. Under the by-laws of the development, residential homes can be prohibited on the lots. Under an agreement with the "coordinating entrepreneur" a buyer may:

- Farm their own lot subject; or
- Contract with the "coordinating entrepreneur" to farm the lots.

The investor need not know how to farm, but must contract with the "coordinating entrepreneur" to farm the property. The crops produced will be marketed and distributed by the "coordinating entrepreneur". "Coordinating entrepreneur" is defined in section 163D-3, HRS. as "a qualified person capable of organizing, operating, and assuming the risk for enterprises that may include securing land and seed capital, locating farmers, arranging right-to-till agreements, supplying materials, maintaining equipment and infrastructure, and providing for the processing and marketing of products."

SB 2351 will eliminate this option for the preservation of agriculture on agricultural lands.

Thank you for the opportunity to testify on this measure.

To: WLA Testimony
Cc: kaimiunger@gmail.com

Subject: Submitted testimony for SB2351 on Feb 3, 2016 14:45PM

Date: Tuesday, February 02, 2016 4:13:55 PM

SB2351

Submitted on: 2/2/2016

Testimony for WLA on Feb 3, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Keith Unger	Individual	Oppose	No

Comments: I strongly oppose SB 2351. If the State's objective is to support agriculture and become more self reliant on home grown products, we need to increase opportunities for the small farmer, not limit them by restricting larger parcels in what could become smaller farm properties.

Please note that testimony submitted <u>less than 24 hours prior to the hearing</u>, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

To: WLA Testimony
Cc: Kiloanui@gmail.com

Subject: Submitted testimony for SB2351 on Feb 3, 2016 14:45PM

Date: Saturday, January 30, 2016 8:22:36 PM

SB2351

Submitted on: 1/30/2016

Testimony for WLA on Feb 3, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing	
Leonard Hall	Individual	Support	No	

Comments: Keep agriculture lands agriculture.

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Aloha members of the Water, Land and Agricultural Committee.

I am writing to express my heartfelt support for SB 2351.

We need to protect our agricultural land; once it is converted to residential use, it lost to farming forever. SB 2351 helps close loopholes being used by developers to convert agricultural land to residential use. While illegal conversion of agricultural land to residential use is most prominent in Kunia and on the North Shore, it happens all over the State.

In Kailua, a parcel agricultural land adjacent to Waimanalo was bought cheaply and was subdivided by the developer and is not being sold lot by lot as part of a luxury gated community of estates called "Olomana Heights." This massive area was a beautiful forest and was clear-cut, causing extensive erosion and run off of dirt that eventually ended up in the ocean. Their advertising does not even bother to mention this is agricultural land, they aim to plant fruit trees along the roads and hire someone to harvest them, thereby meeting all lots requirements for agricultural production.

Thank you, Lisa Marten

"Kailua's newest private gated community in the Heart of the Olomana Foothills. Hawaiiana Luxury at its Finest featuring a 23 lot subdivision with lots averaging 2 acres and up with custom tropical modern home designs."

To: WLA Testimony
Cc: makaala@hawaiian.net

Subject: Submitted testimony for SB2351 on Feb 3, 2016 14:45PM

Date: Sunday, January 31, 2016 1:57:24 PM

SB2351

Submitted on: 1/31/2016

Testimony for WLA on Feb 3, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing	
Makaala Kaaumoana	Individual	Support	No	

Comments: I strongly support this measure.

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January 30, 2016

Senator Mike Gabbard, Chair Senator Clarence K. Nishihara, Vice Chair Committee on Water, Land and Agriculture

RE: **SB2351** (testimony **IN SUPPORT**)

Hearing: Wednesday, February 3, 2016, 2:45pm

Conference Rm 224, Hawai'i State Capitol

Aloha Chair Gabbard, Vice Chair Nishihara, and WLA Committee Members,

I am in STRONG SUPPORT of SB2351 and urge you to pass this measure to protect our remaining farmlands, for our economic and residential vitality.

For decades, we have detrimentally whittled away at Oahu's prime agricultural lands through various housing and commercial developments. It is critical to maintain what little acreage is left to ensure our ability to grow food for local consumption, increasing our self-sufficiency and decreasing our susceptibility to shipping and market fluctuations. It also preserves jobs in the long term (for agricultural workers, versus short term jobs during the construction phase).

Maintaining agricultural lands also lends value aesthetically, which bolsters both our tourism industry and residential quality of life by preserving open view planes and lowering ambient temperatures.

Condominium housing efforts should be focused in urban core centers and transit areas, where development and infrastructure are already present, rather than breaking up prime agricultural lands -- land that can not be found elsewhere.

While we do need more housing geared towards low and middle income residents, this sector would be better served by prioritizing the creation of more such units in areas like Kakaako -rather than the continued trend of rampant development of high-end units.

Retaining agricultural lands solely for their real and intended purpose is a smart investment and long-term strategy to ensure our economic vitality, stable food source, and residential and environmental well-being.

Please pass SB2351.

Mahalo, Melody Heidel

1341 Manu Mele St Kailua, HI 96734

To: WLA Testimony

Cc: <u>MSMatson@hawaii.rr.com</u>

Subject: *Submitted testimony for SB2351 on Feb 3, 2016 14:45PM*

Date: Sunday, January 31, 2016 1:38:36 PM

SB2351

Submitted on: 1/31/2016

Testimony for WLA on Feb 3, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Michelle Matson	Individual	Support	No

Comments:

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To: WLA Testimony
Cc: paular@hawaiiantel.net

Subject: Submitted testimony for SB2351 on Feb 3, 2016 14:45PM

Date: Sunday, January 31, 2016 10:29:15 PM

SB2351

Submitted on: 1/31/2016

Testimony for WLA on Feb 3, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing	
Paula Ress	Individual	Support	No	

Comments: What's more important that producing food? Do not fritter away our ability to sustain life in Hawaii.

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To: WLA Testimony

Cc: <u>dearpauline@hotmail.com</u>

Subject: Submitted testimony for SB2351 on Feb 3, 2016 14:45PM

Date: Monday, February 01, 2016 10:13:04 AM

SB2351

Submitted on: 2/1/2016

Testimony for WLA on Feb 3, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Pauline Mac Neil	Individual	Support	No

Comments: Testimony: In Support of S.B. No. 2351, Relating to Agricultural Land With the decline of sugar and pineapple mono-crops, Hawaii now has an opportunity to invest in diversified agriculture to feed our growing population. Productive agricultural use is lost when large acreages are sub-divided into gentleman farms or rezoned for housing development and local farmers are priced out of the market. We need a healthy local farm economy. Please vote "YES" on S.B. 2351 and protect agricultural lands of 25 acres or more from being subdivided or used for condominium regimes. Mahalo, Pauline Mac Neil Kailua, HI 96734

Please note that testimony submitted <u>less than 24 hours prior to the hearing</u>, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

To: WLA Testimony
Cc: skaye@runbox.com

Subject: *Submitted testimony for SB2351 on Feb 3, 2016 14:45PM*

Date: Sunday, January 31, 2016 5:03:45 PM

SB2351

Submitted on: 1/31/2016

Testimony for WLA on Feb 3, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
sally kaye	Individual	Support	No

Comments:

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To: WLA Testimony
Cc: legechair@gmail.com

Subject: Submitted testimony for SB2351 on Feb 3, 2016 14:45PM

Date: Tuesday, February 02, 2016 4:45:46 AM

SB2351

Submitted on: 2/2/2016

Testimony for WLA on Feb 3, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Simon Russell	Individual	Support	Yes

Comments: Aloha Chair Gabbard, Vice-Chair Nishihara and members of the committee, As a farmer who was raised on a CPR agricultural lot, I have a point of view on this subject that is relevant I think. At our farm, which was named Ahonui Nursery, we were in compliance with the spirit of the agricultural district zoning ordinances. None of our neighbors were. We were the only people making a living at farming in the 5 lot "Hui" (CPR) that was created out of a 25 acre subdivision of Lex Brody's 700 acre lot, that was formerly a cattle ranch. The 700 acres was subdivided into minimum lot sizes, and then the lots were CPR'ed. I oppose CPR on agricultural land, it is a loophole in the land use code, and should be closed. Me ke aloha pumehana, Simon Russell Farmer

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Testimony of Steven Chiang

IN SUPPORT OF SB2351

Condominium Property Regime; Agricultural Land
Before the Senate Committee on Water, Land, and Agriculture
February 3, 2016

Chairperson Gabbard and members of the committee:

In my professional roles as Director of the University of Hawaii's Agribusiness Incubator and GoFarm Hawaii programs, I am very aware of the challenges that Hawaii's farmers face in accessing land to farm. I urge you to support SB2351 as it will help keep land that the people of Hawaii intended for agriculture for agricultural use instead of for low-density and often luxury residences. Furthermore, I believe that both the conversion to CPR, and the potential to convert, raises prices of agricultural land, thereby discouraging agricultural use.

Sincerely,

Steven Chiano

To: WLA Testimony

Cc: <u>stu_simmons@hotmail.com</u>

Subject: Submitted testimony for SB2351 on Feb 3, 2016 14:45PM

Date: Monday, February 01, 2016 12:46:41 PM

SB2351

Submitted on: 2/1/2016

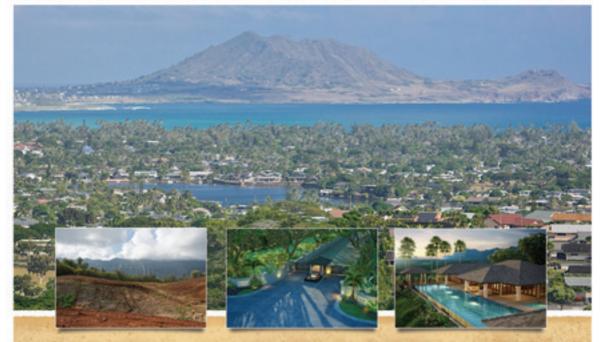
Testimony for WLA on Feb 3, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Stuart Simmons	Individual	Support	No

Comments: The attached flyer is a agriculture-zoned condo project on Oahu promoting fake-farms featuring a private gated community and luxury homes with infinity pools. Please stop this travesty and save our local farmers from being priced-out of the market!

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NOW SELLING.

Kailua's only private, agricultural subdivision of 2+ acre lots Breathtaking panoramic ocean and mountain views

Introducing Ofomana Heights, Oahu's only private, agricultural subdivision of 2+acre lots. Project consists of 64 acres surrounded entirely by conservation zoned land. Offering useable land, sweeping ocean & Olomana views. Prices start at \$1,045,000. Don't delay to schedule your private tour now, only 8 out of 19 lots remaining. Sale includes finished lot: clearing, grading, driveway, utilities, building pad. Lots closing & ready for construction by January 2014.



Schedule a private tour today. Sarah Averyt, RA Direct (808) 393-9903

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To: WLA Testimony

Cc: <u>sundownertoni@yahoo.com</u>

Subject: Submitted testimony for SB2351 on Feb 3, 2016 14:45PM

Date: Sunday, January 31, 2016 7:35:27 PM

SB2351

Submitted on: 1/31/2016

Testimony for WLA on Feb 3, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Toni Withington	Individual	Comments Only	No

Comments: It is so refreshing to see a bill that may actually stop the flow of Hawaii's best agriculture land turning into residential commodity. I live in a rural area that has been chopped up by CPR loopholes into rich homes for non-Hawaii residents -- a travesty of our use of good ag land. Please support this bill. Toni Withington, Hawaii born, a 45-year resident of Kohala, Hawaii.

Please note that testimony submitted <u>less than 24 hours prior to the hearing</u>, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

To: WLA Testimony

Cc: ROBERT.RETHERFORD@HAWAIIANTEL.NET

Subject: *Submitted testimony for SB2351 on Feb 3, 2016 14:45PM*

Date: Sunday, January 31, 2016 6:58:10 PM

SB2351

Submitted on: 1/31/2016

Testimony for WLA on Feb 3, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Ursua Retherford	Individual	Support	No

Comments:

Please note that testimony submitted <u>less than 24 hours prior to the hearing</u>, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

To: WLA Testimony
Cc: verno@hawaii.rr.com

Subject: Submitted testimony for SB2351 on Feb 3, 2016 14:45PM

Date: Saturday, January 30, 2016 5:43:54 PM

SB2351

Submitted on: 1/30/2016

Testimony for WLA on Feb 3, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Vernon Hinsvark	Individual	Support	No

Comments: I support SB2351. The condominium property regime has been used to bypass the intent of our zoning laws and should never have been allowed on ag lands. Land zoned for agricultural should be protected.

Please note that testimony submitted <u>less than 24 hours prior to the hearing</u>, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

To: WLA Testimony
Cc: wshizuru@msn.com

Subject: *Submitted testimony for SB2351 on Feb 3, 2016 14:45PM*

Date: Saturday, January 30, 2016 8:23:16 AM

SB2351

Submitted on: 1/30/2016

Testimony for WLA on Feb 3, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
wayne shizuru	Individual	Support	No

Comments:

Please note that testimony submitted <u>less than 24 hours prior to the hearing</u>, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

To: WLA Testimony

Cc: anthuriumz@hotmail.com

Subject: Submitted testimony for SB2351 on Feb 3, 2016 14:45PM

Date: Sunday, January 31, 2016 10:28:05 PM

SB2351

Submitted on: 1/31/2016

Testimony for WLA on Feb 3, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
wynnie hee	Individual	Support	No

Comments: This is a good bill to protect ag lands from being turned into fake farm lots. I saw that happen on the Big Island over 30 years ago in North Kohala above Hawi. The former sugar land was all 10 acre lots with just one house and NO farming going on. I rented the guest cottage of the house of a Seattle couple who used the property as a vacation home and planned to later retire there -- but NOT FARM. All the lots around there were like that.

Please note that testimony submitted <u>less than 24 hours prior to the hearing</u>, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.