

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 HOUSE COMMITTEE ON AGRICULTURE

FEBRUARY 1, 2019
8:30 A.M.
CONFERENCE ROOM 312

HOUSE BILL NO. 104
RELATING TO AGRICULTURAL DISTRICTS

Chairperson Creagan and Members of the Committee:

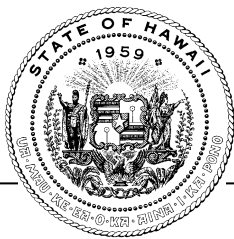
Thank you for the opportunity to testify on House Bill 104 that amends the State land use law (Section 205-4.5(d)) by allowing “recreational athletic venues” and “cultural activities that promote the arts” on golf courses on Agricultural District land that were approved for development by a county prior to July 1, 2005. The Department of Agriculture opposes this measure that would amend Chapter 205 to bypass county land use regulations. This may adversely impact the integrity of Hawaii’s extensive contiguous agricultural lands with existing or potential for intensive agricultural production.

An example of extensive contiguous agricultural lands with existing intensive agricultural activity is the Kunia Road corridor between the Village Park/Royal Kunia residential communities to the south and Schofield Barracks/Wheeler Army Airfield to the north. For many years, both the City and County of Honolulu and the Department of Agriculture have identified this area as possessing the most productive agricultural lands on Oahu. To date, there has been 1,613 acres of agricultural land designated as Important Agricultural Land in the Kunia corridor, with another 1,239 acres proposed for designation. These designations were voluntarily sought by the landowners who now have access to the IAL Incentives that the Legislature passed in 2008 to help sustain



and establish agricultural activity on these lands. The Department of Agriculture opposes any legislation that would introduce non-agricultural uses as permitted uses on agricultural lands in such a highly protected area.

Thank you for the opportunity to comment on this measure.



OFFICE OF PLANNING STATE OF HAWAII

DAVID Y. IGE
GOVERNOR

DIRECTOR
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Statement of
RODNEY FUNAKOSHI
Planning Program Administrator, Office of Planning
before the
HOUSE COMMITTEE ON AGRICULTURE
Friday, February 1, 2019
8:30 AM
State Capitol, Conference Room 312

in consideration of
HB 104
RELATING TO AGRICULTURAL DISTRICTS.

Chair Creagan, Vice Chair DeCoite, and Members of the House Committee on Agriculture.

The Office of Planning (OP) opposes HB 104, which would amend Hawaii Revised Statutes (HRS) §205-4.5 (d) to allow recreational athletic venues and cultural activities on existing golf courses within the State Land Use Agricultural District. Golf courses and golf driving ranges are allowed within the State Agricultural District under §205-4.5 (d) only if they were approved by a county before July 1, 2005. Otherwise, these are expressly prohibited uses within the State Agricultural District under HRS §205-2 (d) and HRS §205-4.5 (a) (6).

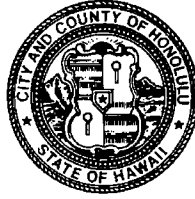
Recreational athletic venues and cultural activities that promote the arts are also not permitted uses within the State Agricultural District under HRS §205-2 (d) and HRS §205-4.5 (a). OP believes a grandfathered non-permitted use within the Agricultural District should not be authorized to allow additional non-permitted uses. Existing State and county laws already provide ways to accommodate such uses, for example, through a Special Permit, a State Land Use District Boundary Amendment, or a county zone change.

Thank you for this opportunity to testify.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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MAYOR



KATHY K. SOKUGAWA
ACTING DIRECTOR

TIMOTHY F. T. HIU
DEPUTY DIRECTOR

EUGENE H. TAKAHASHI
DEPUTY DIRECTOR

February 1, 2019

The Honorable Richard P. Creagan, Chair
and Members of the Committee on Agriculture
Hawaii House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Creagan and Committee Members:

**Subject: House Bill No. 104
Relating to Agriculture**

The Department of Planning and Permitting **opposes** House Bill No. 104, which authorizes recreational athletic venues and cultural activities that promote the arts on existing golf courses within the State Land Use Agricultural District.

The measure's broad language would allow a wide range of activities that ostensibly promote the arts, on a permanent, full-time basis. These could include amusement activities and events, such as concerts and art, music, and dance festivals, which typically are considered urban-type activities. We recognize the allure to use agricultural lands for these events as they represent large open spaces, able to accommodate a large crowd and parking. However, such uses in the Agricultural District should be reviewed via the Special Permit process, pursuant to Section 205-6, Hawaii Revised Statutes (HRS). This process allows each proposal to be evaluated on its own merits and effects on surrounding activities, including roads.

The Bill also seeks to allow on existing golf courses recreational athletic venues, which may include stadiums and racing vehicle tracks/circuits. These facilities also belong in the Urban District. They would intensify the use of golf course land. It is ironic that this proposal would intensify urban use on existing golf courses, which became nonconforming in the State Agricultural District in 2005, due to the concern over non-agricultural use proliferation on agricultural lands.

There are five golf courses on Oahu that are in the Agricultural District. These include the Hawaii Country Club, Hawaii Prince, Mililani, Royal Hawaiian, and Ted Makalena golf courses. Except for Hawaii Country Club, these golf courses abut or are surrounded by residential uses. Athletic venues and performing arts activities at these golf courses would be contrary to the City's planning and zoning policies, and would negatively impact the surrounding residents and community.

The Honorable Richard P. Creagan, Chair
and Members of the Committee on Agriculture
The Honorable Ryan I. Yamane, Chair
and Members of the Committee on Water and Land & Hawaiian Affairs
The Honorable Sylvia Luke, Chair
and Members of the Committee on Finance
Hawaii House of Representatives
House Bill No. 104
February 1, 2019
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We ask that this bill be deferred. Thank you for the opportunity to testify.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kathy K. Sokugawa", written in a cursive style.

Kathy K. Sokugawa
Acting Director

House Committee on Agriculture
Agenda Notice of Hearing for Friday, February 1, 2019; 8:30 am
Conference Room 312; State Capitol

January 30, 2019

Aloha Honorable State Representative Chair Richard Creagan, House Committee on Agriculture, and Vice Chair, Honorable State Representative Lynn DeCoite, and Honorable Members of the Committee: Representatives Rida Cabanilla, Romey Cachola, Daniel Holt, Richard Onishi, Amy Perruso, and Val Okimoto:

My name is Marily Garcia, I am in full support of HB104.

It is hoped that the other pre-existing golf courses from neighbor islands that are extended the waiver to operate as a golf course in a State Agricultural District from neighbor islands would chime in.

Albeit I have not reached out to other golf courses in the same predicament as the one I manage on Oahu, the Hawaii Country Club Golf Course (HCC) in Wahiawa, I am certain, that if they exist, they too would be asking for HB104 to pass for the following reasons I would like to illustrate for you here.

As the General Manager of HCC, I was given documentation from a third party that contained testimonials from community members and sporting entities, that had fully supported HCC to have its driving range, also serve as an athletic field, and furthermore, play host to culture and the arts events. For example, I would like to extrapolate just two of the many testimonials that came to my attention to make the point-please view it pasted below:

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of his property that may include providing additional park area for football, softball and other youth activities which would be a big "Plus" as our city and county parks are always booked and there is a waiting list just to have kids practice and I know due to past experience working at the city that there is a big issue scheduling the use of certain parks.

As the president for over 24 years and a lifelong resident of Waipahu, please except this follow-up report and should you have any questions, please feel free to call me at 386-

2

We recently did an event on July 27th and 28th at the 3 Acres Park with the help of Raymond Ho Jr. which was extremely successfully. Some of the proceeds from this event went to Waipahu High School's Baseball, Volleyball, Track and Girls Basketball teams to fund transportation needs for games and the State tournaments which DOE cannot provide. The remaining proceeds will be donated to Graduating Waipahu High School Seniors in financial need as scholarships to those who have been accepted into Leeward Community College or West Oahu with the intent to give back to their community when they graduate from college.

A venue of this size on the west side of Oahu is greatly needed it will contribute to the growth of these community not only socially but economically. Providing business opportunities for entrepreneurs and small businesses. It also gives the opportunity to bring in tourism which will contribute to improving the economic growth in these areas.

Due to the large capacity of this venue culturally events like ethnic festivals could be held at the 3 Acres Park: Hawaiian, Japanese, Filipino, Korean, Chinese, etc.

The venue will provided additional needed space in the community to allow for youth sport events such as football, baseball, golf, etc. These activities will allow and encourage the youth to participate in healthy life-style living.

Since the waiver granted by the State to pre-existing golf courses, as is defined in the Important Agricultural Land statute, is that of a temporary condition, any and all appurtenances placed on the driving range/golf course, are to be just that- temporary. And as such, no permanent feature, or any non-conforming structure that needs to be permitted or required by the zoning laws for the City and County of Honolulu, are in play with HB104.

To protect the agricultural land where HCC is located, any stage so erected, is to be above ground and can be easily dismantled. Multi-use ball fields, whether by artificial turf, featuring lighting, scoreboards, and sound system, would all be temporary improvements in the event the waiver for the golf course is amended in future legislative action(s), and the property to revert back to the conditions prior to HB104 being enacted.

As one who hires and employs dozens of employees to manicure the golf course grounds, we expect for special events, upon the passage of HB104, that it could be estimated that hundreds more would find gainful employment in this endeavor to enhance and contribute to the assets already established in our community.

The property at HCC would serve as a natural fit for what the intent of HB104 would offer. Residential areas simply cannot accommodate the traffic and absorb the noise that a festival, sporting tournaments, and culture and the arts events bring to the landscape.

Since the golf course property is already allowed to serve golfers, it is not logical in general terms that the same parcel of land cannot have youth compete on the same land and throw a football, or hit a baseball, or kick a soccer ball around. The City and County of Honolulu must follow State rules, and the State currently, makes it an illegal activity for the property owner to cater to youth sports. HB104 would stand to correct this oversight.

Mahalo for your time and favorable consideration to pass out of your House Committee on Agriculture, HB104, as it is a win-win and nothing more really, than a house cleaning measure to expand the end use of the golf course, to include activities per HRS, that are sorely lacking in the area.

Respectfully,
Marily Garcia
General Manager
Hawaii Country Club Golf Course and Restaurant
808-621-5654

House Committee on Agriculture
HEARING NOTICE : Friday, February 1, 2019; 8:30 am
State Capitol, Conference Room 312

DATE : January 30, 2019

TO : Honorable State Representative, Chair Richard Creagan, House Committee on Agriculture,
and Vice Chair, Honorable State Representative Lynn DeCoite, and

Members of the Committee, Honorable Representatives Rida Cabanilla, Romy Cachola,
Daniel Holt, Richard Onishi, Amy Perruso, and Val Okimoto,

RE: HB104; IN FULL SUPPORT

The measure HB104 proposes to amend the definition of permitted end-use activities applicable to a golf course that has been granted a waiver within a State Agricultural District.

As an overview, please consider these three points in your deliberations:

1. The City and County of Honolulu passed Resolution 12-313 (2012) that sought to tax the residents of Honolulu to duplicate a concert hall venue (Blaisdell) in Central/Leeward Oahu. The directive failed, because in part, the Resolution was to expand government and excluded the private sector from achieving the same ends.

HB104 would provide the statutory language to permit the private sector to bring culture and the arts to a venue the City simply cannot afford to undertake.

2. The City and County of Honolulu has dedicated Kapolei to be the 'Second City', to absorb population growth—but did not provide the funds, nor land, to keep pace with that growth and offer the residents the recreational ball fields needed to keep pace.

HB104 would permit the private sector to add to the inventory of park space sorely needed—and feature lighting, scoreboards, improved/superior fields as features currently lacking within the public park system.

3. Since the law already permits golf as a permitted activity within the State's Agricultural District, by amending the end -use activities as HB104 proposes, there is no diminishing of any farmland already established, nor would HB104 conflict with the City and County of Honolulu zoning laws already applicable to the golf course property.

A golf course such as mine, is a natural fit to serve as a gathering place for culture and the arts and achieve relief to the taxpayer by offering our youth a sports complex they deserve without relying on government revenues to get it done.

I offer my services to the State of Hawaii and to the City and County of Honolulu, to absorb all the expenses necessary to bring the added features to the community at large and satisfy all requisites and regulations that government does not have the resources to accomplish.

The proposal in turn, if brought to fruition, would employ, by our estimates, hundreds and contribute to our economy in the arena of agricultural production—by offering tourists and residents alike an attraction to compliment the ag tourism industry above and beyond the golfing enterprise already in play.

In closing, I'm readily available to provide any additional information and answer any questions you may have.

Please vote yes to HB104.

Mahalo for your time and consideration.

Respectfully,

A handwritten signature in black ink, appearing to read 'Guy Fong', with a long, sweeping horizontal line extending to the right.

Guy Fong
Owner Hawaii Country Club

Hawaii Country Club was established in 1957

94-1211 Kunia Road, Wahiawa, Hawaii 96786 / Clubhouse 808-621-5654