

NEIL ABERCROMBIE
Governor



State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
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RUSSELL S. KOKUBUN
Chairperson, Board of Agriculture

JAMES J. NAKATANI
Deputy to the Chairperson

**TESTIMONY OF RUSSELL S. KOKUBUN
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE HOUSE COMMITTEES ON AGRICULTURE AND WATER, LAND, AND
OCEAN RESOURCES**

**WEDNESDAY, FEBRUARY 2, 2011
8:00 A.M.
CONFERENCE ROOM 312**

**HOUSE BILL NO. 289
RELATING TO AGRICULTURE**

Chairs Tsuji and Chang and Members of the Committees:

Thank you for the opportunity to testify on House Bill 289, Relating to Agriculture. This bill proposes a requirement that agricultural subdivisions or agricultural condominiums in the Agricultural District are to be approved by the relevant county council by ordinance. The counties will be empowered to include conditions of approval to ensure that the operation of agricultural activity on each lot is economically viable and in compliance with Chapter 205, HRS. Agricultural condominium units are to be in compliance with the restrictions and requirements applicable to agricultural subdivisions. The Department of Agriculture supports the intent of this measure.

The effect of this bill would be to give pause, if not put an end, to the decades of silent erosion of the Agricultural District by subdivisions and condominiums with little, if any agricultural use or activity. These de facto low density residential subdivisions have consumed thousands of acres of agricultural lands on nearly every island.



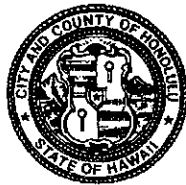
The loss to agricultural production is as severe as that of urbanization. The loss of available agricultural lands for agricultural production can severely blunt the State's initiatives to achieve food and energy security.

Thank you, again, for this opportunity to testify on this measure.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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February 2, 2011

The Honorable Clift Tsuji, Chair
and Members of the Committee on Agriculture
The Honorable Jerry L. Chang, Chair
and Members of the Committee on Water, Land &
Ocean Resources
State House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chairs Tsuji, Chang and Members:

**Subject: House Bill No. 289
Relating to Agriculture**

The Department of Planning and Permitting (DPP) **opposes** House Bill No. 289, which requires the county council to approve applications for subdivision of land, any part of which is within an agricultural district pursuant to Chapter 205, Hawaii Revised Statutes.

Our concern is based on several reasons. First, it would be an unnecessary duplication of existing City and County permit functions and an inefficient use of limited government resources to create another subdivision process solely for subdivision of agricultural lands in the county. The DPP administers the county subdivision ordinance and has been processing subdivision applications for the past 70 years. DPP maintains the subdivision county records for permit and development purposes. It is unclear how the records for agricultural subdivisions approved by the county council would be managed and maintained. This will add confusion for other government agencies, private landowners, lenders, and the real estate and insurance industries, as there would be a higher possibility of subdivision actions not being acknowledged or recognized by all players, and thereby complicating future real estate transactions.

Second, the purpose of the county subdivision process is to ensure that any lots that are subdivided will conform to an orderly development plan and that county infrastructure and roadways to serve the development are adequate, or otherwise are improved by the developer to county standards. Roadways that are subdivided under county ordinances become county roads, while the county also provides sewer and water utility services. Any subdivision that creates a new proposed county road or creates a demand on existing roads for road widening or improvements, new driveway access, connection to sewer and water utilities, installation or relocation of traffic signals and street lighting, etc., must be reviewed and approved by the respective line agencies. County councils have long ago recognized that the subdivision process is a highly technical

and Members of the Committee on Agriculture
The Honorable Jerry L. Chang, Chair
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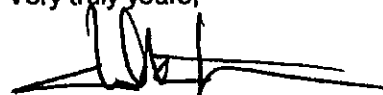
review that requires the expertise of multiple engineering and planning disciplines, and accordingly determined that it must reside with the county line agencies. It is unnecessary for the county council to assume the well defined role of the existing county planning, permitting, and engineering agencies in processing subdivision applications for agricultural lands.

Third, the bill, as written, encompasses all agricultural subdivisions and even subdivisions that partially include agricultural lands. This is too broad, as the existing county subdivision ordinance includes consolidations, adjustments or property lines between existing lots, subdivisions to separate urban from agricultural land, subdivisions for public utility facilities (county and state roads, water reservoirs, sewage pump stations, etc.), designation of easements, and other routine actions, that would be subject to county council approval under the proposed bill. This would become too burdensome and create unnecessary demands on the county council to process all these other minor types of subdivisions.

Accordingly, we respectfully request that House Bill No. 289 be filed.

Thank you for this opportunity to testify.

Very truly yours,



David K. Tanoue, Director
Department of Planning and Permitting

DKT:bic

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