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LATE

Testimony in Support of SB2926 to Save AG Lands
To
Senate WHL Committee
February 16, 2012 at 1:25 P.M.
In conference room 225.

Chair Donovan Dela Cruz and members of the WHL Committee.

My name is Tom Berg and I represent the residents of Honolulu City Council District One on West Oahu, testifying in support of SB 2926 that:

Defines prime farmlands and requires the land use commission to specifically consider prime farmlands as a factor in decisions related to agricultural district boundaries and permissible uses within the agricultural districts.

Prohibits the commission from taking prime farmlands out of agricultural districts if the land is used for agricultural purposes for at least two years prior to the boundary amendment petition or has a high capacity for intensive agricultural uses.

Prohibits petitions for boundary amendments that cover substantially the same request as previously submitted to and subsequently denied by the commission or voluntarily withdrawn during a certain period of time after the denial or withdrawal, with certain exceptions.

SB 2926 supports the intent of resolution 12-23 CD1 FD1 that the Honolulu City Council passed unanimously yesterday. The measure provides for the identifying and mapping of important agricultural lands and ensuring that the city works to preserve the availability of agricultural lands for farming. Resolution 12-23 is attached.

Thank you for the opportunity to submit testimony in support.

Tom Berg
768-5001



RESOLUTION

URGING THE CITY'S AGRICULTURAL LIAISON TO EXPEDITE THE IDENTIFYING AND MAPPING OF IMPORTANT AGRICULTURAL LANDS AND ENSURE THAT THE CITY WORKS TO PRESERVE THE AVAILABILITY OF AGRICULTURAL LANDS FOR FARMING.

WHEREAS, the conservation and protection of important agricultural lands ("IALs") is mandated by Article XI, Section 3, of the State Constitution; and

WHEREAS, Section 3 also states that "[t]he [State] legislature shall provide standards and criteria to accomplish the foregoing," and based on this language, the Hawaii Supreme Court ruled that Section 3 was not self-executing and required legislative action to become operative; and

WHEREAS, the Legislature, by Act 183, Session Laws of Hawaii 2005, established standards, criteria, and mechanisms to identify IALs, and by Act 233, Session Laws of 2008, established a variety of incentives to meet the requirements of Act 183; and

WHEREAS, under this legislation, the role of the counties is relatively limited, and primarily consists of identifying and mapping potential IALs within the county's jurisdiction, in concert with landowners, the State Department of Agriculture, the Hawaii Farm Bureau and other agricultural organizations, the U.S. Department of Agriculture-Natural Resources Conservation Service, the State Office of Planning, and other groups as necessary; and

WHEREAS, the IAL maps are submitted to the applicable County Council or City Council for decision-making, and then are submitted to the Land Use Commission for further action and final approval in designating IALs; and

WHEREAS, the City Administration has begun the process of identification and mapping of IALs; and

WHEREAS, agricultural sustainability is important to the economic future of this county, and it is necessary to strengthen and preserve strong agricultural activity where farming is a viable component of the local economy, as well as protect and promote the continuation of agriculture in areas with primary agricultural lands; and

WHEREAS, by Mayor's Message No. 147 (2011), dated October 5, 2011, the Mayor informed the Council of the appointment of Laura Thielen as the Agricultural Liaison in response to Resolution 11-70; and



RESOLUTION

WHEREAS, in appointing the City's new Agricultural Liaison, Mayor Peter Carlisle stated "Laura [Thielen] has the expertise and enthusiasm to make this newly-created position contribute effectively to our long-term goal of sustainability"; and

WHEREAS, it is timely for the City's Agricultural Liaison to serve as an advocate of the island's agricultural community and ensure that the City works to preserve the availability of agricultural lands for farming; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the City's Agricultural Liaison is urged to expedite the identification and mapping of important agricultural lands and ensure that the IAL maps support and protect farming by stabilizing the agricultural land base; and

BE IT FURTHER RESOLVED that the process of identification and mapping of important agricultural lands also consider agriculturally productive lands within urban growth boundaries that are classified as prime agricultural lands, provided adequate water supply is available; and

BE IT FURTHER RESOLVED that the City's Agricultural Liaison is requested to report back to the Council by March 1, 2012 on the progress of the City's identification and mapping of the IALs; and



RESOLUTION

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the Mayor, the City's Agricultural Liaison, and the Director of the Department of Planning and Permitting.

INTRODUCED BY:

Ann Kobayashi

Stanley Chang

Ikaika Anderson

Romy Cachola

Ernest Martin

Tulsi Gabbard

DATE OF INTRODUCTION:

Tom Berg

Nestor Garcia

January 19, 2012
Honolulu, Hawaii

Councilmembers



Testimony of Maurice Morita
Assistant Director
Hawaii LECET
1617 Palama Street
Honolulu, HI 96817

LATE

SENATE COMMITTEE ON WATER, LAND, & HOUSING
Thursday, February 16, 2012
1:25 p.m., Conference Room 225

SB 2926 - RELATING TO LAND USE

Aloha Chair Dela Cruz, Vice Chair Solomon, and Members of the Committee:

My name is Maurice Morita and I am the assistant director of Hawaii LECET (Laborers-Employers Cooperation and Education Trust). Hawaii LECET is a partnership between the Hawaii Laborers' Union, Local 368 and our union contractors.

The Hawaii LECET is in **"strong opposition"** of SB 2926 which defines prime farmlands and requires the land use commission to specifically consider prime farmlands as a factor in decisions related to agricultural district boundaries and permissible uses within the agricultural districts. It prohibits the commission from taking prime farmlands out of agricultural districts if the land is used for agricultural purposes for at least two years prior to the boundary amendment petition or has a high capacity for intensive agricultural uses. It prohibits petitions for boundary amendments that cover substantially the same request as previously submitted to and subsequently denied by the commission or voluntarily withdrawn during a certain period of time after the denial or withdrawal, with certain exceptions.

The 1978 Constitutional Convention proposed and approved by the voters which added Article XI, Section 3, of the Constitution of Hawaii, which adds the following:
"The State shall conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency and assure the availability of agriculturally suitable lands. The legislature shall provide standards and criteria to accomplish the foregoing. Lands identified by the State as important agricultural lands needed to fulfill the purposes above shall not be reclassified by the State or rezoned by its political subdivisions without meeting the standards and criteria established by the legislature and approved by 2/3's vote of the body responsible for the reclassification or rezoning action."

In 2005, the State Legislature passed Act 183, SLH 2005, a final report on the Incentives for Important Agricultural Lands by the Department of Agriculture.

Hawaii State Legislature then passed Act 233, SLH 2008, which provides incentives for designation of important agricultural lands which became effective July 1, 2008, and

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Haw. Rev. Stat. § 205-44 : Hawaii Statutes - Section 205-44: Standards and criteria for the identification of important agricultural lands.

Search Haw. Rev. Stat. § 205-44 : Hawaii Statutes - Section 205-44: Standards and criteria for the identification of important agricultural lands.

- [Search by Keyword or Citation](#)

(a) The standards and criteria in this section shall be used to identify important agricultural lands. Lands identified as important agricultural lands need not meet every standard and criteria listed in subsection (c). Rather, lands meeting any of the criteria in subsection (c) shall be given initial consideration; provided that the designation of important agricultural lands shall be made by weighing the standards and criteria with each other to meet the constitutionally mandated purposes in article XI, section 3, of the Hawaii Constitution and the objectives and policies for important agricultural lands in sections 205-42 and 205-43.

(b) In a petition for a declaratory order submitted under section 205-45 that seeks to both designate lands as important agricultural lands and reclassify lands in the agricultural district to the rural, conservation, or urban district, the lands shall be deemed qualified for designation as important agricultural land if the commission reasonably finds that the lands meet at least the criteria of subsection (c)(5) and (7) of this section.

If a petition seeks to only designate land as important agricultural lands, then the commission shall evaluate the lands in accordance with subsection (a).

(c) The standards and criteria shall be as follows:

- (1) Land currently used for agricultural production;
- (2) Land with soil qualities and growing conditions that support agricultural production of food, fiber, or fuel- and energy-producing crops;