

LATE

nishihara1 - Amanda

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 10, 2014 4:40 PM  
**To:** AGL Testimony  
**Cc:** MSMatson@hawaii.rr.com  
**Subject:** \*Submitted testimony for SB2388 on Feb 11, 2014 15:00PM\*

**SB2388**

Submitted on: 2/10/2014

Testimony for AGL/WTL on Feb 11, 2014 15:00PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michelle Matson	Individual	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 10, 2014 5:55 PM  
**To:** AGL Testimony  
**Cc:** henry.lifeoftheland@gmail.com  
**Subject:** \*Submitted testimony for SB2388 on Feb 11, 2014 15:00PM\*

**SB2388**

Submitted on: 2/10/2014

Testimony for AGLWTL on Feb 11, 2014 15:00PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Henry Curtis	Life of the Land	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 10, 2014 11:50 PM  
**To:** AGL Testimony  
**Cc:** shannonkona@gmail.com  
**Subject:** Submitted testimony for SB2388 on Feb 11, 2014 15:00PM

**SB2388**

Submitted on: 2/10/2014

Testimony for AGL/WTL on Feb 11, 2014 15:00PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shannon Rudolph	Individual	Support	No

Comments: Strongly Support. Wow, finally, an ag bill worth supporting - what a concept! Mahalo!

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 11, 2014 4:16 AM  
**To:** AGL Testimony  
**Cc:** mamaupin@hotmail.com  
**Subject:** \*Submitted testimony for SB2388 on Feb 11, 2014 15:00PM\*

**SB2388**

Submitted on: 2/11/2014

Testimony for AGL/WTL on Feb 11, 2014 15:00PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Margaret Maupin	Individual	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 11, 2014 4:40 AM  
**To:** AGL Testimony  
**Cc:** begoniabarry@gmail.com  
**Subject:** Submitted testimony for SB2388 on Feb 11, 2014 15:00PM

**SB2388**

Submitted on: 2/11/2014

Testimony for AGL/WTL on Feb 11, 2014 15:00PM in Conference Room 229

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

Comments: Please protect Hawaii's Farmland from illegal zoning laws. No subdividing Farm Land. It's the life blood of these Sacred Islands. Thank you, Barbara Barry

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 11, 2014 6:33 AM  
**To:** AGL Testimony  
**Cc:** rfreitasjr@hotmail.com  
**Subject:** Submitted testimony for SB2388 on Feb 11, 2014 15:00PM

**SB2388**

Submitted on: 2/11/2014

Testimony for AGL/WTL on Feb 11, 2014 15:00PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Freitas Jr.	Individual	Support	No

Comments: I support this bill!!!

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 11, 2014 7:43 AM  
**To:** AGL Testimony  
**Cc:** mika-kona@hotmail.com  
**Subject:** \*Submitted testimony for SB2388 on Feb 11, 2014 15:00PM\*

**SB2388**

Submitted on: 2/11/2014

Testimony for AGL/WTL on Feb 11, 2014 15:00PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Arkin	Individual	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 11, 2014 9:23 AM  
**To:** AGL Testimony  
**Cc:** suiteiness@gmail.com  
**Subject:** \*Submitted testimony for SB2388 on Feb 11, 2014 15:00PM\*

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Submitted on: 2/11/2014

Testimony for AGL/WTL on Feb 11, 2014 15:00PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Annie Suite	Individual	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 11, 2014 10:56 AM  
**To:** AGL Testimony  
**Cc:** lucialyou@gmail.com  
**Subject:** \*Submitted testimony for SB2388 on Feb 11, 2014 15:00PM\*

**SB2388**

Submitted on: 2/11/2014

Testimony for AGL/WTL on Feb 11, 2014 15:00PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Lucia You	Individual	Support	No

Comments:

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February 10, 2014

Senator Clarence K. Nishihara, Chair  
Senator Ronald D. Kouchi, Vice Chair  
Senate Committee on Agriculture

Senator Malama Solomon, Chair  
Senator Brickwood Galuteria, Vice Chair  
Senate Committee on Water and Land

**Testimony in Strong Opposition to SB 2388, Relating to Agricultural land; Condominium Property Regime (Prohibits the creation of a condominium property regime on agricultural land 25 acres or greater. Prohibits the subdivision of agricultural land 25 acres or greater for the purpose of creating a condominium property regime).**

**Tuesday, February 11, 2014, 3:00 p.m., in Conference Room 229**

The Land Use Research Foundation of Hawaii (LURF) is a private, non-profit research and trade association whose members include major Hawaii landowners, developers and a utility company. One of LURF's missions is to advocate for reasonable, rational and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources and public health and safety.

LURF appreciates the opportunity to provide testimony **in opposition to SB 2388**, because the current proposal is an unnecessary measure with harsh unintended impacts – especially in certain Neighbor Island counties; and without an alleged purpose, its benefits are speculative at best.

**SB 2390.** This bill prohibits the creation of a condominium property regime (CPR) on agricultural land 25 acres or greater; and also prohibits the subdivision of agricultural land 25 acres or greater for the purpose of creating a CPR.

There is no stated purpose of this bill, however, it's effect is to unnecessarily restrict the use of agricultural farm lands by farmers, ranchers and other agricultural operators (Agricultural Stakeholders), without consultation or collaboration with the Agricultural Stakeholders who would be most affected

**LURF's Position.** LURF members include Agricultural Stakeholders who are committed to viable and diversified agriculture in Hawaii, have supported and co-sponsored the Important Agricultural Lands law; and several of LURF's members have already designated over fifty percent (50%) of their private lands as IAL.

LURF and its members **oppose** this measure based on the following:

- **SB 2388 Lacks the Consensus and Support of Agricultural Stakeholders Who Will Be Most Affected.** Unlike the IAL law, this measure was proposed without a consultation and collaborative process with those most affected – the Agricultural Stakeholders who will be most affected. The IAL laws were based on a consensus of agricultural stakeholders (including landowners, the Hawaii Farm Bureau Federation (HFBF), and various agricultural and government stakeholders); all of them coming together to form a mutual agreement on a system to protect agricultural lands based on the common understanding that the only effective long-term way to protect agricultural lands is to protect and support viable agricultural businesses on such lands.

Enactment of the IAL laws involved extensive collaboration between private property owners, agricultural stakeholders and government entities, including more than five years of public input through the legislative process, which was culminated by the legislative finding that the laws are consistent with the goals and objectives of creating a viable agricultural industry and protecting Hawaii's agricultural lands as mandated by the Hawaii Constitution. LURF does not believe that this measure would serve the same purposes.

- **This Bill is Unnecessary as the Counties Enforce the Agricultural Uses of CPRs.** Adequate protections already exist as the IAL law requires that the Land Use Commission use specific standards and criteria to approve IAL, as well as review and comment by interested parties including the State Department of Agriculture.
- **Unintended Negative Consequences on Kamaaina Farmers.** LURF understands that in some Neighbor Island Counties, this measure would penalizes retired life-long farmers who own more than 25 acres and whose children no longer want to farm, yet want to be able to build and finance their own home. Firstly, the farmer would not be able to subdivide their property, and secondly, the farmer's children would not be allowed to gain title to a unit on the property.
- **Unintended Negative Consequences on Providing Lands for Agricultural Operations.** LURF has been informed that the CPR process has been used to provide smaller parcels used for farming and other agricultural uses. This measure would prohibit agricultural land owners of lands larger than 25 acres from utilizing CPRs to allow parcels for smaller farmers. Instead, this measure would force subdivisions, which begs the question of whether the intent

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of encouraging farming is being met by discouraging CPRs, a form of land ownership that might be more conducive to sustaining or preserving agricultural lands, in favor of a legislator's preference for promoting the subdivision of such larger agricultural parcels.

- **Forcing Agricultural Lands to be Subdivided Could Have Other Unintended Negative Consequences.** Forcing the subdivision of agricultural lands will necessarily increase the cost basis for anyone who wants to purchase land for farming, and may result in eventual changes in land use district boundary amendments to other uses of the land, instead of agriculture.

For the reasons stated above, LURF **must strongly oppose SB 2388**, and respectfully requests that this bill be held in Committee.

Thank you for the opportunity to present testimony regarding this matter.