

DAVID Y. IGE
Governor

SHAN S. TSUTSUI
Lt. Governor



SCOTT E. ENRIGHT
Chairperson, 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 COMMITTEES ON WATER & LAND, AGRICULTURE &
ENVIRONMENT, & PUBLIC SAFETY, INTERGOVERNMENTAL, & MILITARY
AFFAIRS**

FEBRUARY 16, 2017
1:15 P.M.
CONFERENCE ROOM 229

SENATE BILL NO. 698
RELATING TO AGRICULTURAL LANDS

Chairpersons Rhoads, Gabbard, and Nishihara and Members of the Committees:

Thank you for the opportunity to testify on Senate Bill No.698 that authorizes the State and counties the "implicit right", after giving notice, to enter property subdivided with leasehold lots pursuant to Section 205-4.5(f), and requires the owner or occupier of the subdivided land to give written notice to the county of the agricultural uses or activities on the land. Failure to provide written notice to the county may void the subdivision, the lease, or both. The Department of Agriculture supports the intent of this measure that promotes active monitoring and enforcement on certain subdivisions of agricultural land that are exempt from county building standards.

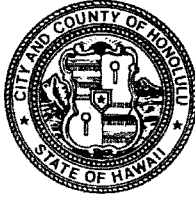
Thank you for the opportunity to comment on this measure.



DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
DEPT. WEB SITE: www.honolulu.dpp.org • CITY WEB SITE: www.honolulu.gov

KIRK CALDWELL
MAYOR



KATHY K. SOKUGAWA
ACTING DIRECTOR

TIMOTHY F. T. HIU
ACTING DEPUTY DIRECTOR

February 16, 2017

The Honorable Karl Rhoads, Chair
and Members of the Committee on Water and Land
The Honorable Mike Gabbard, Chair
and Members of the Committee on Agriculture
and Environment
The Honorable Clarence K. Nishihara, Chair
and Members of the Committee on Public Safety,
Intergovernmental, and Military Affairs
Hawaii State Senate
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairs Rhoads, Gabbard and Nishihara, and Committee Members:

Subject: Senate Bill No. 698
Relating to Agricultural Lands

The Department of Planning and Permitting (DPP) **supports, with recommended amendments**, Senate Bill No. 698, which provides additional safeguards for agricultural lands that may be subdivided and leased under subsection (f) of Section 205-4.5, Hawaii Revised Statutes.

The subdivision exemption under this law, in conjunction with the agricultural building permit exemption under Section 46-88, Hawaii Revised Statutes, has resulted, as evidenced by the example of Kunia Loa Ridge Farmlands, in unregulated parceling, sale or lease of agricultural land, and unpermitted use of the land for non-agricultural purposes.

We welcome any efforts to improve the law and recommend the following amendments to the Bill:

- a) Subsubsection (4) to include a subdivision or lease map with the written notice to the appropriate county and State agencies;

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- b) Subsubsection (4) to include the county planning department and the State Department of Health as part of the agencies required to be notified by the owner or occupier;
- c) Subsubsection (4) to clarify that the county planning department, in addition to the building permitting agency, has the authority to void the subdivision or lease; and
- d) Subsubsection (5) to clarify that the county agencies have the authority to issue citations, fines, and file liens on the property.

Thank you for the opportunity to testify.

Very truly yours,



Kathy K. Sokugawa
Acting Director