

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 HOUSE COMMITTEE ON WATER & LAND

**MARCH 17, 2017
10:30 A.M.
CONFERENCE ROOM 325**

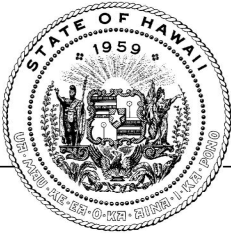
**SENATE BILL NO. 698 SD2
RELATING TO AGRICULTURAL LANDS**

Chairperson Yamane and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill No.698 SD2 that authorizes the State and counties the right, upon reasonable belief and after giving notice, to enter property subdivided with leasehold lots pursuant to Section 205-4.5(f). If entry is refused, State and county agencies may apply for a warrant from District Court for assistance from the police to gain entry on properties to investigate these structures. The owner or occupier of the subdivided land is required to notify the State and county agencies of the agricultural uses or activities on the land along with a subdivision or lease map. Failure to provide written notice to the county may void the subdivision, the lease, or both State and county agencies may issue citations, and assess fines and liens on the property for violations. The Department of Agriculture supports this measure that promotes active monitoring and enforcement on certain subdivisions of agricultural land that are exempt from county subdivision standards.

Thank you for the opportunity to comment on this measure.





**OFFICE OF PLANNING
STATE OF HAWAII**

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

DAVID Y. IGE
GOVERNOR

LEO R. ASUNCION
DIRECTOR
OFFICE OF PLANNING

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Statement of
LEO R. ASUNCION
Director, Office of Planning
before the
HOUSE COMMITTEE ON WATER AND LAND
Friday, March 17, 2017
10:30 am
State Capitol, Conference Room 325

in consideration of
SB 698, SD 2
RELATING TO AGRICULTURAL LANDS.

Chair Yamane, Vice Chair Kong, and Members of the House Committee on Water and Land.

The Office of Planning (OP) supports SB 698, SD 2 which amends Hawaii Revised Statutes, Section 205-4.5 (f) to allow appropriate county fire, police department, and building permit agencies the right to enter exempted agricultural buildings to investigate allegations of violations and compliance with building permit requirements.

This bill would allow county agencies to exercise their enforcement powers in building code requirements in the State Agricultural District. This would prevent the misuse of certain types of agricultural buildings which sometimes are illegally transformed into residential uses.

SB 698, SD 2 also requires the owner or occupier of the subdivided or leased agricultural land to notify the appropriate county and state agencies of the agricultural uses or activities on the land, along with a location map, within 30 days of the subdivision or lease. Failure to provide such information may void the subdivision and/or lease. This amendment would also extend enforcement powers over agricultural lands and ensure that such lands are used for their stated purpose, and encourage the retention of agricultural lands.

Thank you for the opportunity to provide comments.



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony in SUPPORT of SB698 SD2
RELATING TO AGRICULTURE LANDS**

SENATOR RYAN I. YAMANE, CHAIR
SENATE COMMITTEE ON WATER AND LAND

Hearing Date: March 17, 2017
Time: 10:30 AM

Room Number: 325

- 1 **Fiscal Implications:** None.
- 2 **Department Testimony:** The Department supports this bill which will require an owner or
- 3 occupier to provide notice and map of the subdivision or lease to the Department and various
- 4 county agencies when subdividing and leasing agricultural land. The measure also grants the
- 5 Department and other county agencies the right to enter property upon reasonable belief of a
- 6 violation to investigate for violations of and compliance with agricultural subdivision and lease
- 7 qualifications. This measure will help the Department to gain access to agricultural lands to
- 8 investigate complaints of illegal wastewater systems and other potential violations that may
- 9 impact public health and safety.
- 10 Thank you for the opportunity to testify on this measure.

DAVID Y.IGE
Governor

SHAN S. TSUTSUI
Lieutenant Governor

LUIS P. SALAVERIA
Director

MARY ALICE EVANS
Deputy Director



LAND USE COMMISSION
Department of Business, Economic Development & Tourism
State of Hawai'i

DANIEL ORODENKER
Executive Officer

Bert K. Saruwatari
Planner
SCOTT A.K. DERRICKSON AICP
Planner

RILEY K. HAKODA
Chief Clerk/Planner

FRED A. TALON
Drafting Technician

LATE

Statement of
Daniel E. Orodenker
Executive Officer
Land Use Commission
Before the
House Committee on Water and Land

Friday March 17, 2017
10:30 PM
State Capitol, Conference Room 325

In consideration of
SB 0698 SD2
RELATING TO AGRICULTURAL LANDS

Chair Yamane, Vice Chair Kong, and members of the Committee on Water and Land:

The Land Use Commission (LUC) supports measures which would provide government agencies the ability to enforce compliance with statutes and conditions meant to protect public trust resources, health, safety, and welfare on agricultural lands.

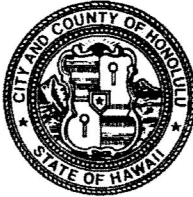
However, the counties do not or cannot enforce conditions for various reasons and there may be due process issues if they do choose to act administratively. This results in a situation that has detrimental economic impacts in some cases and gives unfair advantages to developers who do not conform to statutes or conditions of regulatory approvals.

Thank you for the opportunity to testify on this matter.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
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KIRK CALDWELL
MAYOR



KATHY K. SOKUGAWA
ACTING DIRECTOR

TIMOTHY F. T. HIU
ACTING DEPUTY DIRECTOR

March 17, 2017

The Honorable Ryan I. Yamane, Chair
and Members of the Committee on Water and Land
Hawaii House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Yamane and Committee Members:

Subject: Senate Bill No. 698, SD 2
Relating to Agricultural Lands

The Department of Planning and Permitting (DPP) **supports** Senate Bill No. 698, SD 2, 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 we appreciate that our recommendations in previous testimony were incorporated in the later drafts of this Bill.

Thank you for the opportunity to testify.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kathy K. Sokugawa".

Kathy K. Sokugawa
Acting Director

Harry Kim
Mayor



Michael Yee
Director

Daryn Arai
Deputy Director

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
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County of Hawai'i
PLANNING DEPARTMENT

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
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Fax (808) 961-8742

March 16, 2017

The Honorable Representative Ryan I. Yamane, Chair
and Members of the Committee on Water and Land
Hawai'i State Capitol
415 South Beretania Street
Honolulu, HI 96813

Dear Chair Yamane and Committee Members:

**SUBJECT: SB 698 SD2, Relating to Agriculture Lands
Testimony in Opposition
Submitted by: Planning Director, Michael Yee
Hearing: Friday, March 17, 2017, 10:30AM**

While we support the intent of this bill, we respectfully believe that the approach offered by this bill towards preserving our agricultural lands for its intended use is misguided since it will flood various governmental agencies with paperwork with no clear benefit beyond creating a significant regulatory and enforcement burden. As currently written, a simple two lot subdivision will require the filing of the written notice of intended agricultural use. On the flip side, how would a master subdivider of agricultural lands selling individual vacant agricultural parcels in fee be able to provide such timely written notice about any specific agricultural use of any given parcel? And what becomes of a landowner who, one day, decides they cannot continue farming due to age or other circumstances. How does one invalidate a subdivision where lots have already been conveyed to other landowners?

We **oppose** the adoption of this bill and recommend that greater capacities of our current land use and building enforcement powers, through additional authorities and funding, be explored instead.

Sincerely,

MICHAEL YEE
Planning Director

waltestimony

From: Dale Sandlin <dale@hicattle.org>
Sent: Wednesday, March 15, 2017 4:48 PM
To: waltestimony
Subject: SB698 Testimony - Hawaii Cattlemen's Council

Aloha,

Please note testimony in support for SB698 SD2.

Dale Sandlin | Managing Director
Hawaii Cattlemen's Council, Inc. | Hawaii Beef Industry Council
P.O. Box 437199 | Kamuela, HI 96743
T: (808) 885-5599 | C: (979) 571-7563
dale@hicattle.org | www.HICattle.org

LATE

waltestimony

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 16, 2017 4:52 PM
To: waltestimony
Cc: brian@hfbf.org
Subject: *Submitted testimony for SB698 on Mar 17, 2017 10:30AM*

SB698

Submitted on: 3/16/2017

Testimony for WAL on Mar 17, 2017 10:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Randy Cabral	Hawaii Farm Bureau	Support	Yes

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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waltestimony

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 16, 2017 10:01 PM
To: waltestimony
Cc: begoniabarry@gmail.com
Subject: *Submitted testimony for SB698 on Mar 17, 2017 10:30AM*

SB698

Submitted on: 3/16/2017

Testimony for WAL on Mar 17, 2017 10:30AM in Conference Room 325

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

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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