

# SB381 SD1

Measure Title:	RELATING TO AGRICULTURAL LANDS.
Report Title:	Condominium Property Regimes; Agricultural Land; County Supplemental Ordinances and Rules
Description:	Requires the counties to adopt supplemental ordinances and rules on condominium property regimes, including agricultural lands held in condominium property regimes. (SD1)
Companion:	
Package:	None
Current Referral:	PSM/AEN, CPH
Introducer(s):	DELA CRUZ, S. Chang, K. Kahele, Kidani, Wakai

**DAVID Y. IGE**  
Governor

**JOSH GREEN**  
Lt. Governor



**PHYLLIS SHIMABUKURO-GEISER**  
Acting Chairperson  
Board of Agriculture

State of Hawaii  
**DEPARTMENT OF AGRICULTURE**  
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Honolulu, Hawaii 96814-2512  
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**TESTIMONY OF THE DEPARTMENT OF AGRICULTURE**  
**BEFORE THE SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION,**  
**& HEALTH**

**FEBRUARY 26, 2019**  
**9:00 A.M.**  
**CONFERENCE ROOM 229**

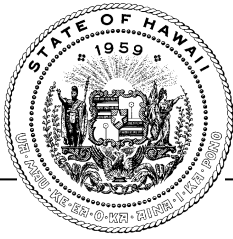
**SENATE BILL NO. 381 SD1**  
**RELATING TO AGRICULTURAL LANDS**

Chairperson Baker and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill 381, that amends the condominium property act (Chapter 514B) by requiring the counties to adopt supplemental rules regarding agricultural lands under condominium property regime (CPR). The Department of Agriculture supports efforts to make more explicit the relationship between county ordinances and CPRs.

Thank you for the opportunity to testify on this bill.





# OFFICE OF PLANNING STATE OF HAWAII

DAVID Y. IGE  
GOVERNOR

DIRECTOR  
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Statement of  
**RODNEY FUNAKOSHI**  
Planning Program Administrator, Office of Planning  
before the  
**SENATE COMMITTEE ON COMMERCE,  
CONSUMER PROTECTION, AND HEALTH**  
Tuesday, February 26, 2019  
9:30 AM  
State Capitol, Conference Room 229

in consideration of  
**SB 381, SD1**  
**RELATING TO AGRICULTURAL LANDS.**

Chair Baker, Vice Chair Chang, and Members of the Senate Committee on Commerce, Consumer Protection, and Health.

The Office of Planning (OP) **supports** SB 381, SD1, which would amend Hawaii Revised Statutes (HRS) § 514B-6 to require the counties to adopt any ordinances and rules necessary to ensure conformance of condominium property regimes (CPR)—including those on agricultural or preservation lands—with the underlying county zoning and State land use district, as well as applicable development permits.

OP strongly supports measures for more effective protection of Hawaii's agricultural lands from encroachment of non-agricultural uses, and more effective management of CPRs on lands in the State Agricultural District.

We appreciate the amended language in SD1, which provides greater clarity for the counties, and enables them to develop specific measures to address the particular enforcement issues each faces with respect to regulating uses and development on lands under CPRs.

Thank you for the opportunity to offer testimony on this measure.

**SB-381-SD-1**

Submitted on: 2/25/2019 3:20:19 PM

Testimony for CPH on 2/26/2019 9:00:00 AM

**LATE**

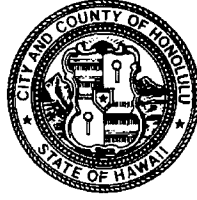
<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	Testifying for O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:

DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**

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KIRK CALDWELL  
MAYOR



KATHY K. SOKUGAWA  
ACTING DIRECTOR

TIMOTHY F. T. HIU  
DEPUTY DIRECTOR

EUGENE H. TAKAHASHI  
DEPUTY DIRECTOR

February 26, 2019

The Honorable Rosalyn H. Baker, Chair  
and Members of the Committee on Commerce,  
Consumer Protection, and Health  
Hawaii State Senate  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

**LATE**

Dear Chair Baker, and Committee Members:

**Subject: Senate Bill No. 381, SD 1  
Relating to Agricultural Lands**

The Department of Planning and Permitting (DPP) **strongly supports** Senate Bill No. 381, SD 1, which would require the counties to adopt supplemental ordinances and rules on condominium property regimes.

The Bill's intent is to allow county participation in the condominium property regime process, including agricultural lands held in condominium property regimes, in order that they conform to the underlying county zoning, state land use district, and the applicable development permits for the proposed use of the land. Each county can then ensure availability of necessary supportive infrastructure, and identification of potential negative impacts to environmentally important or culturally significant resources, prior to the piecemeal sale of the property.

This intent can be made clearer by adding the following to Sec. 514(B-22)(13), HRS:

"A declaration, subject to the penalties set forth in section 514B-69(b), that the condominium property regime is in compliance with all zoning and building ordinances and codes, and all other permitting requirements pursuant to section 514B-5 and Chapter 205, including section 205-4.6 where applicable. In the case of a project in the agricultural district classified pursuant to Chapter 205, the declaration, subject to the penalties set forth in section 514B-69(b), shall include [an] two additional statements: 1) that there are no private restrictions limiting or prohibiting agricultural uses or activities in compliance with section 205-4.6, and 2) the condominium property regime complies with applicable county subdivision ordinance and rules. . . ."

The Honorable Rosalyn H. Baker, Chair  
and Members of the Committee on Commerce,  
Consumer Protection, and Health  
Hawaii State Senate  
Senate Bill No. 381, SD 1  
February 26, 2019  
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Thank you for the opportunity to testify.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kathy K. Sokugawa". The signature is written in a cursive, flowing style.

Kathy K. Sokugawa  
Acting Director



**Hawaii Cattlemen's Council, Inc.**

**COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH**  
**Senator Rosalyn H. Baker, Chair**  
**Senator Stanley Chang, Vice Chair**

DATE: Tuesday, February 26, 2019  
TIME: 9:00am  
PLACE: Conference Room 229

**LATE**

**SB 381 SD1 – RELATING TO AGRICULTURAL LANDS.**

Requires the counties to adopt supplemental rules on condominium property regimes, including those that involve agricultural lands.

Chair Baker, Vice Chair Chang, and Members of the Committee:

My name is Dale Sandlin, and I am Managing Director of the Hawaii Cattlemen's Council. The Hawaii Cattlemen's Council, Inc. (HCC) is the Statewide umbrella organization comprised of the four county level Cattlemen's Associations. Our 150+ member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of approximately 25% of the State's total land mass.

The Hawaii Cattlemen's Council **opposes** SB 381, as this measure could create conflicting laws regarding CPR for ag lands.

CPRs are a valuable tool for landowners, specifically providing them the ability to raise capital by selling unproductive lands or provide for estate planning. This measure seeks to allow each of the counties to develop rules governing CPRs. This would be problematic as multiple version of ag land policy regarding CPRs is problematic for land owners. Also, by directing the regulations down to the county level, this could remove landowners and ag producers from the discussion.

If the purpose of this bill was to reduce the number of "gentlemen farms" in the state, we believe that this could be better accomplished through enforcement of current land use laws by both the state and the counties.

We can't force folks who own ag land to farm. Over time, some owners of large tracks of ag land have had to subdivide and sell off some of their land just to keep the rest of the land in production.

We all want to keep productive ag land in production, and not lose it to gentlemen farms. The Important Ag Lands (IAL) legislation this legislature passed years ago was supposed to help address that. Counties have yet to create the IAL incentives for land owners to keep their land in ag. If we do that, maybe we will start to address the issue of Gentleman Farms.

We have met and talked for several years now on ways we can curtail the loss of productive ag lands to Gentleman Farms. We would support finding a viable solution, but this bill is not the way.

We respectfully ask this committee to oppose SB 381 in it's current format. Thank you for giving us the opportunity to testify on this important matter.

