



# OFFICE OF PLANNING STATE OF HAWAII

DAVID Y. IGE  
GOVERNOR

DIRECTOR  
OFFICE OF PLANNING

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

Telephone: (808) 587-2846  
Fax: (808) 587-2824  
Web: <http://planning.hawaii.gov/>

Statement of  
**RODNEY FUNAKOSHI**  
Planning Program Administrator, Office of Planning  
before the  
**SENATE COMMITTEES ON AGRICULTURE AND ENVIRONMENT AND  
PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS**  
Monday, February 11, 2019  
2:00 PM  
State Capitol, Conference Room 224

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

Chairs Nishihara and Gabbard, Vice Chairs Wakai and Ruderman, and Members of the Senate Committees on Public Safety, Intergovernmental, and Military Affairs, and Agriculture and Environment.

The Office of Planning (OP) **supports** SB 381 provided it is amended to provide greater clarity for the counties. SB 381 would amend Hawaii Revised Statutes (HRS) § 514B-6 to require the counties to adopt rules governing condominium property regimes, including agricultural lands which are held in condominium property regimes (CPR).

OP strongly supports measures for more effective protection of Hawaii's agricultural lands from encroachment of non-agricultural uses, in particular, residential development with little connection to bona fide farming activity. With the proposed amendment below, SB 381 would enable counties to address enforcement of agricultural uses on agricultural land under a CPR, as well as appropriate improvement standards for purely agricultural use of lands under a CPR.

OP respectfully offers the following language for your consideration:

“ ~~[§514B-6]~~ **Supplemental county ordinances and rules governing a condominium property regime.** ~~[Whenever any county deems it proper, the]~~ Each county [may] shall adopt supplemental ordinances and rules governing condominium property regimes established under this chapter [in order to implement this program;] that the county determines is necessary to ensure conformance of the use and development of land held in a condominium property regime with the underlying county zoning and state land use district and the applicable development permitting approvals required for the proposed use of the land; provided that any of the supplemental ordinances and rules adopted shall not conflict with this chapter or with any of the rules adopted by the commission to implement this chapter.”

Thank you for this opportunity to testify.



**DAVID Y. IGE**  
Governor

**JOSH GREEN**  
Lieutenant Governor

**MIKE MCCARTNEY**  
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

**RASMI AGRAHARI**  
Planner

**FRED A. TALON**  
Drafting Technician

---

Statement of  
**Daniel E. Orodener**  
**Executive Officer**  
Land Use Commission  
before the  
**SENATE COMMITTEE ON PUBLIC SAFETY,  
INTERGOVERNMENTAL, AND MILITARY AFFAIRS**  
**AND**  
**SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT**  
Monday, February 11, 2019  
2:00 PM  
State Capitol, Conference Room 224

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

Chairs Nishihara and Gabbard, Vice Chairs Wakai and Ruderman, and Members of the Senate Committees on Public Safety, Intergovernmental, and Military Affairs; and Agriculture and Environment.

SB 381 would amend Hawai'i Revised Statutes (HRS) §514B-6 to require the counties to adopt rules governing condominium property regimes ("CPR"), including agricultural lands which are held in CPR.

The LUC supports measures that clarify and effectively protect Hawai'i's agricultural lands from encroachment of non-agricultural uses, in particular, residential development with little connection to bona-fide farming activity. The State Office of Planning ("OP") has provided testimony with proposed amendments that we believe would provide greater clarity to the counties to better enforce CPR on State Agricultural District lands.

Thank you for the opportunity to testify on this matter.

DAVID Y. IGE  
Governor

JOSH GREEN  
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER  
Acting Chairperson  
Board of Agriculture

State of Hawaii  
**DEPARTMENT OF AGRICULTURE**  
1428 South King Street  
Honolulu, Hawaii 96814-2512  
Phone: (808) 973-9600 FAX: (808) 973-9613

## TESTIMONY OF THE DEPARTMENT OF AGRICULTURE

BEFORE THE SENATE COMMITTEES ON PUBLIC SAFETY,  
INTERGOVERNMENTAL, & MILITARY AFFAIRS AND AGRICULTURE &  
ENVIRONMENT

FEBRUARY 11, 2019  
2:00 P.M.  
CONFERENCE ROOM 224

SENATE BILL NO. 381  
RELATING TO AGRICULTURAL LANDS

Chairpersons Nishihara and Gabbard and Members of the Committees:

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. We understand the Office of Planning's testimony offers specific amendments in this regard and we support those changes.

Thank you for the opportunity to testify on this bill.





February 10, 2019

Senator Clarence K. Nishihara, Chair  
Senator Glenn Wakai, Vice Chair  
Senate Committee on Public Safety, Intergovernmental, and Military Affairs

Senator Mike Gabbard, Chair  
Senator Russell E. Ruderman, Vice Chair  
Senate Committee on Agriculture and Environment

**Comments in Support of the Intent of SB 1064, Relating to Agricultural Lands. (Requires the counties to adopt supplemental rules on condominium property regimes, including those that involve agricultural lands.)**

**Monday, February 11, 2019, 2:00 p.m., in Conference Room 224**

The Land Use Research Foundation of Hawaii (LURF) is a private, non-profit research and trade association whose members include major Hawaii landowners, developers, resort operators and major utility companies. LURF's mission 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 **supports the intent of SB 381**, which requires the counties to adopt supplemental rules governing condominium property regimes (CPRs), including agricultural lands.

**LURF's Position.** LURF's supports the intent of SB 381, based on, among other things, the following:

- This bill was proposed after consultation and meaningful input from some of the parties involved in agricultural CPRs – the City and County of Honolulu and representatives of large agricultural land owners (Stakeholders); and
- This measure takes into consideration the fact that in 2018, the number of CPR applications for agricultural lands on Oahu has dramatically reduced, and that the Stakeholders have already begun discussions regarding amending the administrative rules and procedures relating to CPRs on agricultural lands on Oahu;

LURF commends Senator Delacruz and the other Senators who have worked with the City and agricultural land owners regarding concerns relating to improper uses on agricultural lands and CPRs on agricultural lands.

Thank you for the opportunity to provide comments in support of the intent of this measure.



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

**COMMITTEE ON AGRICULTURE AND ENVIRONMENT**

**Senator Mike Gabbard, Chair**

**Senator Russell E. Ruderman, Vice Chair**

**COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS**

**Senator Clarence K. Nishihara, Chair**

**Senator Glenn Wakai, Vice Chair**

DATE: Monday, February 11, 2019  
TIME: 2:00 p.m.  
PLACE: Conference Room 224

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

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

Chairs Gabbard & Nishihara, Vice Chairs Ruderman and Wakai, and Members of the Committees:

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 Gentlemen 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.

**SB-381**

Submitted on: 2/10/2019 1:35:46 PM

Testimony for PSM on 2/11/2019 2:00:00 PM

<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:



**SB-381**

Submitted on: 2/9/2019 8:49:01 PM

Testimony for PSM on 2/11/2019 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dylan P. Armstrong	Individual	Support	No

Comments: