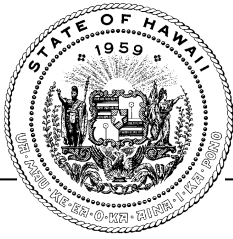


SB 1064 SD1

Measure Title:	RELATING TO AGRICULTURE.
Report Title:	Condominium Property Regime; Agricultural Land
Description:	In any county where one-third or less of the county's land is classified in the state agricultural district, prohibits: the creation of a condominium property regime on agricultural land twenty-five acres or greater; an existing condominium property regime on agricultural land greater than twenty-five acres from being amended to allow a single-family dwelling; and the subdivision of agricultural land twenty-five acres or greater for the purpose of creating a condominium property regime. Exempts agricultural park and non-agricultural park lands projects under chapter 166 or 166E, Hawaii Revised Statutes, from the condominium property regime prohibitions. Takes effect 12/31/2050. (SD1)
Companion:	
Package:	None
Current Referral:	WTL/PSM, CPH
Introducer(s):	L. THIELEN, Baker, Dela Cruz, J.Keohokalole, Shimabukuro



OFFICE OF PLANNING STATE OF HAWAII

DAVID Y. IGE
GOVERNOR

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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 1064, SD1
RELATING TO AGRICULTURE.

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

The Office of Planning (OP) respectfully offers **comments** on SB 1064, SD 1 which would amend Hawaii Revised Statutes (HRS) § 514B-31(a) to prohibit the creation of condominium property regimes (CPR) on parcels of land twenty-five acres or larger on agricultural lands in any county where one-third or less of the county's lands is classified in the State Agricultural District.

OP supports measures that would curtail the fragmentation of intact agricultural lands and stem the encroachment of low-density, higher-valued residential uses on Hawaii's productive agricultural lands. However, we have several concerns about this measure.

1. No provision for agricultural operations under a CPR. This measure would eliminate the CPR as a very important tool for legitimate farmers, especially smaller farmers, to gain access to large tracts of intact agricultural land. Agricultural CPRs could also lower costs to farmers, farm cooperatives, or other farm entities by reducing the cost of agricultural infrastructure and operations through shared infrastructure investments and maintenance. Under a CPR, a parcel would remain intact as one lot of record: avoiding the fragmentation that would result with subdivision of the land, and allowing ultimate flexibility as to how the land is allocated to farmers or different crop regimes. This might be remedied by exempting CPRs created for land leases to commercial agricultural operators and prohibiting farm dwellings or other residential uses on CPRs formed for this purpose.

2. Limited application of general law. SB 1064, SD1 would limit application of the amendments to a county with less than one-third of its land in the State Agricultural District. HRS Chapter 514B and Chapter 205 governing the Agricultural District are general laws of Statewide applicability. Access by farmers to large tracts of agricultural land and the problem of residential use under CPRs in the Agricultural District are of concern Statewide. Thus, any proposed amendment of either of these chapters should not be restricted to a particular geographic area to ensure consistency and predictability in the application and enforcement of State policy.
3. Clarification of “agricultural land”. For ease of enforcement purposes, the proposed paragraphs on page 5 of the bill should clarify “parcel of agricultural land” as any parcel of land in the State Agricultural Land Use District.

Thank you for this opportunity to provide testimony.

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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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. 1064 SD1
RELATING TO AGRICULTURE

Chairperson Baker and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill 1064 that amends Section 514B-31(a) (creation of condominium property regime) by prohibiting in the County of Honolulu:

1. CPRs created on any parcel of agricultural land 25 acres or more in size;
2. CPRs created as of the effective date of this Act on a parcel of agricultural land 25 acres or greater from being amended later to allow for a single-family dwelling; and
3. Parcels of agricultural land 25 acres or more from being subdivided to create a CPR.

The Department of Agriculture supports the intent of this measure and offers comments.

CPR is an alternative to the subdivision of a parcel of land. When applied to agricultural land, it can theoretically result in a larger contiguous area available for farming than under a subdivision. However, without sufficient controls, monitoring, and enforcement, CPRs have resulted in the establishment of “gentlemen farms” where



Page 2

“farm dwellings” are constructed but are not connected to a farm or where agricultural activity provides income to the family occupying the dwelling.

Thank you for the opportunity to submit our testimony.

SB-1064-SD-1

Submitted on: 2/25/2019 3:28:53 PM

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

LATE

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

Comments:

SB-1064-SD-1

Submitted on: 2/24/2019 3:13:51 PM

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

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Marten	Individual	Support	No

Comments:

Aloha Chair and Committee members,

Our limited agricultural land is being subdivided and used for non-agricultural purposes such as exclusive housing developments and vacation rentals. One glaring example of this was in Norfolk, between Kailua and Waimanalo where a mature forest was clear cut and the land was subdivided into small parcels and marketed for high end housing with no reference to the agricultural status of the land.

Please pass SB1064 and move the date up to 2019 to prevent this phenomenon from becoming more widespread.

Mahalo, Lisa Marten

Kailua Resident

SB-1064-SD-1

Submitted on: 2/24/2019 8:26:02 PM

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

Submitted By	Organization	Testifier Position	Present at Hearing
Scott Foster	Individual	Support	No

Comments:

Please support this bill but ammend the effective date of the bill from 2050 to 2019 to truly protect agricultural land.

Mahalo.

Scott Foster, Communications Director

Hawaii Advocates For Consumer Rights