

DAVID Y. IGE  
Governor

JOSH GREEN  
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER  
Chairperson, Board of Agriculture

MORRIS M. ATTA  
Deputy to the Chairperson

State of Hawaii  
**DEPARTMENT OF AGRICULTURE**  
1428 South King Street  
Honolulu, Hawaii 96814-2512  
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TESTIMONY OF PHYLLIS SHIMABUKURO-GEISER  
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON WATER, LAND AND HAWAIIAN AFFAIRS

March 11, 2020  
9:00 A.M.  
CONFERENCE ROOM 325

SENATE BILL NO. 2706  
RELATING TO AGRICULTURAL LANDS

Chairperson Yamane and Members of the Committee:

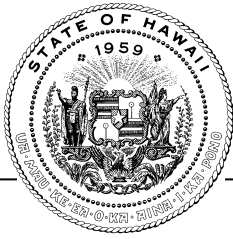
Thank you for the opportunity to testify on Senate Bill 2706. This measure amends certain land subdivision and condominium property regime laws related to agricultural land, as recommended pursuant to Act 278, Session Laws of Hawaii 2019, to ensure:

1. Farm dwellings on agricultural lands are accessory to a farm or where the agricultural activity provides income of no less than \$10,000 per year to the family occupying the dwelling and verified by general excise tax return filing or agricultural tax dedication;
2. Structures on subdivided leasehold subdivisions of agricultural land are subject to county enforcement authority; and
3. Applications for registration of condominium property regimes of agricultural land are to include county comments regarding the availability of supportive infrastructure, any potential impact on government plans and resources, and other requirements pursuant to county ordinances and rules.

The Department of Agriculture is in strong support of this measure that reflects the input of the Act 278 Stakeholders Group that was assembled and led by the Office of Planning. Although the Act is limited to the City and County of Honolulu, the Group has broad representation. We look forward to working with the Office of Planning as this bill moves forward.

Thank you for the opportunity to testify on this important measure.





# OFFICE OF PLANNING STATE OF HAWAII

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DAVID Y. IGE  
GOVERNOR

MARY ALICE EVANS  
DIRECTOR  
OFFICE OF PLANNING

Statement of  
**MARY ALICE EVANS**  
Director, Office of Planning  
before the  
**HOUSE COMMITTEE ON WATER, LAND, & HAWAIIAN AFFAIRS**  
Wednesday, March 11, 2020  
9:00 AM  
State Capitol, Conference Room 325

in consideration of  
**SB 2706**  
**RELATING TO AGRICULTURAL LANDS.**

Chair Yamane, Vice Chair Todd, and Members of the House Committee on Water, Land, and Hawaiian Affairs.

The Office of Planning (OP) **strongly supports** SB 2706 which addresses recommendations pursuant to Act 278, Session Laws of Hawaii 2019 directing OP to study subdivision and condominium property regime (CPR) issues on agricultural land.

Over the past five months, OP has been working with a broad Stakeholders Group in response to Act 278. The Group established five goals: 1) Keep suitable agricultural lands for agriculture; 2) Support farmers and farming; 3) Keep agricultural lands affordable for farming; 4) Enable long-term access to agricultural lands for farmers; and 5) Minimize subdivision and CPR of productive agricultural lands except for bona fide agricultural reasons. SB 2706 addresses three major issues and recommendations of the study:

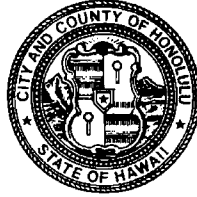
1. Defines “farm dwelling” (amends HRS 205-4.5(4)). Inadequate definitions of a bona fide farm results in proliferation of dwellings without a farm component, fake farms, and gentlemen estates.
2. Allows county enforcement of unpermitted structures in the agricultural district (amends HRS 205-4.5(f)(2)). Agricultural structures exempted from building permits create an enforcement problem.
3. Requires county comments prior to CPR registration (amends HRS 514B-52(b)). Allows counties to review and alert the buyer of infrastructure and environmental deficiencies, and conformance with county codes.

Thank you for this opportunity to testify.

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

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KIRK CALDWELL  
MAYOR



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ACTING DIRECTOR

TIMOTHY F. T. HIU  
DEPUTY DIRECTOR

EUGENE H. TAKAHASHI  
DEPUTY DIRECTOR

March 11, 2020

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

Dear Chair Yamane and Committee Members:

**Subject: Senate Bill No. 2706  
Relating to Agricultural Lands**

The Department of Planning and Permitting (DPP) **offers comments** on Senate Bill No. 2706, which amends certain land subdivision and condominium property regime laws related to agricultural land.

We **strongly support** that this Bill will allow meaningful county input in the condominium property regime process involving agricultural lands, in order that these projects be laid out in conformity with 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 identify and mitigate any potential negative impacts to environmentally important or culturally significant resources, prior to the piecemeal sale of the property.

While we support the Bill's intent to ensure that agricultural lands are used for agricultural purposes, we **seek clarification** on which agency will oversee the verification of agricultural activity income, as defined in the proposed amended language. Furthermore, the Bill does not address how the income threshold will impact the review and issuance of county building permits, how compliance will be monitored on an ongoing basis, and whether the county has enforcement authority in this matter.

Accordingly, we urge that this Bill be passed by your committees with amended language to clarify our above concern.

The Honorable Ryan I. Yamane, Chair  
and Members of the Committee on Water,  
Land and Hawaiian Affairs  
Hawaii House of Representatives  
Senate Bill No. 2706  
March 11, 2020  
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Thank you for the opportunity to testify.

Very truly yours,

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

Kathy K. Sokugawa  
Acting Director

**SB-2706**

Submitted on: 3/9/2020 12:10:41 PM

Testimony for WLH on 3/11/2020 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nicole K Galase	Hawaii Cattlemen's Council	Support	No

Comments:



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March 11, 2020

HEARING BEFORE THE  
HOUSE COMMITTEE ON WATER, LAND, & HAWAIIAN AFFAIRS

**TESTIMONY ON SB 2706**  
RELATING TO AGRICULTURAL LANDS

Room 325  
9:00 AM

Aloha Chair Yamane, Vice Chair Todd, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawaii Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interests of our diverse agricultural community.

**The Hawaii Farm Bureau supports SB 2706**, which amends certain land subdivision and condominium property regime laws related to agricultural land, as recommended pursuant to Act 278, Session Laws of Hawaii 2019, to ensure agricultural lands that are organized under a condominium property regime are used for agricultural purposes.

HFB advocates for public policies and incentives that provide for viable farming and ranching activities on agricultural lands thereby retaining agricultural lands for future generations. Lands capable of supporting viable agricultural activities should be protected and kept in agriculture for agricultural production.

We support the retention of agricultural lands in blocks of contiguous, intact, and functional land units large enough to allow **flexibility** in agricultural production and management and discourage the fragmentation of agricultural lands to non-agricultural uses. Lands zoned for agriculture should be used primarily for productive agricultural purposes, including family farming.

The Hawaii Farm Bureau has been part of the Stakeholders Group convened by the Office of Planning in response to Act 278, Session Laws of Hawaii 2019. The stakeholder group established the following goals 1) Keep suitable agricultural lands for agriculture; 2) Support farmers and farming; 3) Keep agricultural lands affordable for farming; 4) Enable long-term access to agricultural lands for farmers, and 5) Minimize subdivision and CPR of productive agricultural lands except for bona fide agricultural reasons.

The Hawaii Farm Bureau supports HB 2706 which recommends amendments to certain land subdivision and condominium property regime laws to ensure that agricultural lands be used primarily for productive agricultural purposes.

Thank you for this opportunity to testify on this important subject.

**SB-2706**

Submitted on: 3/10/2020 8:10:29 PM

Testimony for WLH on 3/11/2020 9:00:00 AM



<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
devon dailey	Individual	Support	No

Comments:

Farmers cannot compete with housing for land. Please pass this law and add more measures to protect farming on Oahu



**LATE**

**SB-2706**

Submitted on: 3/10/2020 8:10:45 PM  
Testimony for WLH on 3/11/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kepa Lyman	Individual	Support	No

Comments:

Dear Legislators,

I live on the North Shore of Oahu in the ahupua'a of Ka'ena. We are most likely the only Hawaiian family in the entire ahupua'a if not the only residents besides the star wars complex atop Puu Pueo at Ka'ena Point. Behind the house are ancient dryland taro lo'i, house platforms, and enclosures, showing that Hawaiians have been on this homestead for generations, farming with what little water was available from hidden springs, fishing offshore, and living off the land in one of the most remote corners of Oahu.

Due to the CPR AG loophole that SB2706 is addressed to help close, places like our kuleana all over Hawaii have been turned into fake farms aka "farm dwelling" mc-mansions aka "gentleman's estates". This has been going on for a while on Maui and Kauai Islands and now the same is proposed for the North Shore of Oahu on former sugar and pineapple lands.

Property owners have been holding back converting former fallow land to actual farms while awaiting a gentlemen estate loophole bonanza. We don't need fake farms on Oahu! Not on some of the best agricultural land in the State. We need real farms and real farmers to address food security and to create sustainable communities. This loophole needs to be closed!

Mahalo for the opportunity to submit testimony!