

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
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Honolulu, Hawaii 96814-2512
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**TESTIMONY OF PHYLLIS SHIMABUKURO-GEISER
CHAIRPERSON, BOARD OF AGRICULTURE**

BEFORE THE SENATE COMMITTEE ON JUDICIARY

**FRIDAY, MARCH 4, 2022
10:30 A.M.**

VIA VIDEO CONFERENCE

**SENATE BILL NO. 2964, SD1
RELATING TO AGRICULTURAL DISTRICTS**

Chairperson Rhoads and Members of the Committee:

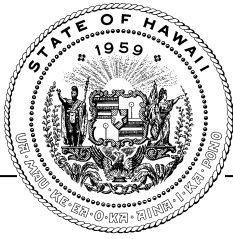
Thank you for the opportunity to testify on Senate Bill No. 2964, SD1 that amends the State land use law (Section 205-4.5(d)) by specifying “recreational athletic venues” and “cultural activities that promote the arts” as permissible uses on golf courses on Agricultural District land that were approved for development by a county prior to July 1, 2005. The Department of Agriculture has very strong concerns that this measure that would amend Chapter 205 to circumvent State and county land use regulations. This may adversely impact the integrity of Hawaii’s extensive contiguous agricultural lands with existing or potential for intensive agricultural production.

An example of extensive contiguous agricultural lands with existing intensive agricultural activity is the Kunia Road corridor between the Village Park/Royal Kunia residential communities to the south and Schofield Barracks/Wheeler Army Airfield to the north. For many years, both the City and County of Honolulu and the Department of Agriculture have identified this area as possessing the most productive agricultural



lands on Oahu. To date, there has been 3,252 acres of agricultural land designated as Important Agricultural Land in the Kunia corridor. These designations were voluntarily sought by the landowners who now have access to the IAL Incentives that the Legislature passed in 2008 to help sustain and establish agricultural activity on these lands. The Department of Agriculture urges the Legislature to not allow non-agricultural uses as permitted uses on agricultural lands in such a highly protected area.

Thank you for the opportunity to comment on this measure.



**STATE OF HAWAII
OFFICE OF PLANNING
& SUSTAINABLE DEVELOPMENT**

DAVID Y. IGE
GOVERNOR

MARY ALICE EVANS
DIRECTOR

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Statement of
MARY ALICE EVANS
Director, Office of Planning and Sustainable Development
before the
SENATE COMMITTEE ON JUDICIARY
Friday, March 4, 2022
10:30 AM
State Capitol, Via Videoconference
in consideration of
SB 2964 SD 1
RELATING TO AGRICULTURAL DISTRICTS.

Chair Rhoads, Vice Chair Keohokalole, and Members of the Senate Committee on the Judiciary.

The Office of Planning and Sustainable Development (OPSD) offers **comments** on SB 2964 SD 1, which would amend Hawaii Revised Statutes (HRS) §205-4.5 (d) to allow recreational athletic venues and cultural activities on existing golf courses within the State Land Use Agricultural District. Golf courses and golf driving ranges are allowed within the State Agricultural District under §205-4.5 (d) only if they were approved by a county before July 1, 2005. Otherwise, these are expressly prohibited uses within the State Agricultural District under HRS §205-2 (d) and HRS §205-4.5 (a) (6).

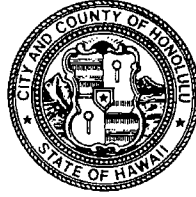
Recreational athletic venues and cultural activities that promote the arts are also non-permitted uses within the State Agricultural District under HRS §205-2 (d) and HRS §205-4.5 (a). OPSD notes that this bill would allow a grandfathered non-permitted use within the Agricultural District which would not be allowed if proposed after 2005, to have additional non-permitted uses. Existing State and county laws already provide ways to accommodate such uses, for example, through a Special Permit, a State Land Use District Boundary Amendment, or a county zone change.

Thank you for this opportunity to testify.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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DEPUTY DIRECTOR

March 4, 2022

The Honorable Karl A. Rhoads, Chair
and Members of the Committee on Judiciary
Hawaii State Senate
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Rhoads and Committee Members:

**SUBJECT: Senate Bill No. 2964, SD 1
Relating to Agricultural Districts**

The Department of Planning and Permitting **opposes** Senate Bill No. 2964, SD 1, which authorizes recreational athletic venues and cultural activities that promote the arts on existing golf courses within the State Land Use Agricultural District.

The measure's broad language would allow a wide range of activities that ostensibly promote the arts, on a permanent, full-time basis. These could include amusement activities and events, such as art, music, and dance festivals, as well as concerts, which typically are considered urban-type activities. We recognize the allure to use agricultural lands for these events as they represent large open spaces that are able to accommodate a large crowd and parking. However, such uses in the Agricultural District are not supported by City agriculture and open space land use policies contained in our long-range development plans. These policies support golf course, agriculture, and open space uses, not the more urban-type land uses that could be allowed if this Bill became law, such as stadiums and racing vehicle tracks/circuits. Such uses should be reviewed via the Special Permit process, pursuant to Section 205-6, Hawaii Revised Statutes (HRS). This process requires details of a proposed project to be disclosed and evaluated on its own merits, and allows for conditions to be placed on the applicant to mitigate the activity's impact on the project site and surrounding areas.

It is ironic that this Bill would allow urban-type uses on existing golf courses, which became nonconforming in the State Agricultural District in 2005 due to the

The Honorable Karl A. Rhoads, Chair
and Members of the Committee on Judiciary
Hawaii State Senate
Senate Bill No. 2964, SD 1
March 4, 2022
Page 2

concern over non-agricultural use proliferation on agricultural lands. Allowable uses proposed in this Bill are more appropriately located in the Urban District.

There are five golf courses on Oahu that are in the Agricultural District. They are: the Hawaii Country Club, Hawaii Prince, Mililani, Royal Hawaiian, and Ted Makalena golf courses. Except for Hawaii Country Club, these golf courses abut or are surrounded by residential uses. As mentioned above, athletic venues and performing arts activities at these golf courses would be contrary to the City's agriculture and open space land use policies, and may negatively impact the surrounding residents and community.

We ask that this bill be deferred.

Thank you for the opportunity to testify.

Very truly yours,

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

Dean Uchida
Director

SB-2964-SD-1

Submitted on: 3/1/2022 10:09:46 AM

Testimony for JDC on 3/4/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Guy Fong	Testifying for HAWAII COUNTRY CLUB	Support	No

Comments:

Hawaii State Senate

Committee on Judiciary

Chair, Senator Karl Rhoads

and Committee Members,

RE : SB2964 SD1

HEARING DATE : FRIDAY, 3/4/2022, 10:30AM

My name is Mr. Guy Fong and I represent the Hawaii Country Club Golf Course, one of the four privately operated golf courses on Oahu this bill impacts.

We fully support this bill passing- however, there was a concern that the bill could be interpreted as permitting motorized vehicular racing events when SB2964 was heard previously at the AEN/WTL joint hearing.

To address that concern, please consider defining recreational events and culture and the arts to exclude, and carve out, motorized racing- making that activity a prohibited venue. We are **not** advocating for motorized racing activities.

From carnivals, farmers markets, weddings, music festivals to outdoor movies, the four golfcourse properties located within the State Agricultural District should be able to serve and play host to temporary special events just like any other golf course can that is not located within the Ag District.

In 2019, the City and County of Honolulu published its Important Agricultural Land (IAL) map and **declined** to include the four privately operated golf course properties located within the State Ag District as qualifying for that status. Thus, the justification for the State to continue to treat the four privately operated golf courses as having congruity to the agricultural district is moot.

It's time to lift the prohibition on outdoor recreational sports and culture and the arts activities from taking place on the four privately held golf courses.

Please pass SB2964 SD1.

Mahalo

Mr. Guy Fong

CEO

Hawaii Country Club

415-467-1818

guyfong@yahoo.com



Aloha members of the Senate,

My name is Josh Hargrove and I'm the General Manager of the Prince Waikiki Hotel and the Hawaii Prince Golf Club. I will be testifying today in support of Senate Bill 2964 - Relating to Agricultural Districts.

The Hawaii Prince Golf Club is requesting your support in working towards a solution that would allow for temporary events to be offered at the golf course. Specifically, we are requesting the ability to utilize the golf course to host events such as weddings, farmers markets, etc.

Utilizing the vast outdoor spaces that exist at our golf course, we could provide safe, outdoor venues for appropriate events. This would provide additional options for events for the local community, increase work opportunity for our staff, and provide an additional revenue source for our business.

We are grateful for the opportunity to discuss these challenges and work towards a solution that will be a win-win for all involved.

Mahalo,

A handwritten signature in black ink, appearing to read "Josh Hargrove", with a stylized flourish at the end.

Josh Hargrove
General Manager
Prince Waikiki Hotel & Hawaii Prince Golf Club



P.O. Box 253, Kunia, Hawai'i 96759
Phone: (808) 848-2074; Fax: (808) 848-1921
e-mail info@hfbf.org; www.hfbf.org

March 4, 2022

HEARING BEFORE THE
SENATE COMMITTEE ON JUDICIARY

TESTIMONY ON SB 2964, SD1
RELATING TO AGRICULTURAL DISTRICTS

Conference Room 229 & via Videoconference
1:00 PM

Aloha Chair Rhoads, Vice-Chair Keohokalole, and Members of the Committees:

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

The Hawai'i Farm Bureau respectfully offers our concerns about broadening the scope of the current exemption that allows golf courses that were previously approved within the agricultural district to continue to operate.

Allowing for open-ended, undefined "Recreational athletic venues" and "Cultural activities that promote the arts" may lead to unintended consequences that may conflict with or be incompatible with the surrounding agricultural operations, for example, due to the activities of normal farm operations that may be considered to be nuisances by these new ventures on golf courses, or former golf courses.

And because the terms are not defined, would vacation or camping facilities, for example, including temporary residences be considered to be "recreational athletic venues"? We believe that misuse or abuse of the expansion of the grandfathered golf course exemption is likely.

Thank you for the opportunity to provide our comments and thank you for your continued support of Hawai'i's agricultural community.

SB-2964-SD-1

Submitted on: 2/28/2022 5:48:19 PM

Testimony for JDC on 3/4/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
LIBRADO COBIAN	Individual	Support	No

Comments:

IN SUPPORT OF SB 2964. I highly support this Measure . This will open up many recreational and business opportunities for the public to enjoy these beautiful golf course parks . I also commend the Senators that introduced this for finally supporting it . Li Cobian

SB-2964-SD-1

Submitted on: 3/1/2022 1:30:20 PM

Testimony for JDC on 3/4/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Leslie A Among	Individual	Support	No

Comments:

To Senate Committee Agriculture and Environment ,

In opening as a MNB#25 member in my district where we have Mililani Golf course and Hawaii Country Club I can see the many small businesses , venders and produce farmer job creators struggle to regain economic stability after such a long shutdown pandemic where the pandemic affect on their business and job creation is so damaging it would be a miracle for many if they can come back to become a vital part of Hawaii's economic base again. Its takes new ideas to come back from such economic damage but I believe your committee is the first step towards doing the right thing in restoring a step by step plan with these resources already in place as one of many options that will be explored by your committee.. Below is an earlier statement I made in support of SB2964 and if you wish my help on amendments or any other questions you might have please feel free to contact me.. The Time to help small businesses and to create jobs is upon us.. I look forward to your wisdom to do what's right for our 50th State.I am now hearing that Auto and Motor cycle race clubs want to be included in this bill but I really feel they should wait for other possible locations like the reef runway on the West side..etc.. to submit a new bill at a later time.Our main focus must be job creation and small business support during a time when taxes are going up.The State and the City & County can gain much needed revenues from these golf courses on the long road to a full economic recovery in Hawaii and this committee has the option now to start this much needed economic recovery.

MAHALO FOR YOUR TIME ,

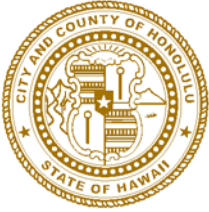
LESLIE A AMONG , MNB#25 Member

HEALTH , HOMELESS , HUMAN SERVICE Chair.

PH # 808-779-3017

To all Senate members of the Senate Committee Agriculture and Environment. This measure applies to a total of four golf courses and one municipal course located on Oahu. The five golf courses are Mililani , Makaha , Hawaii Prince , Hawaii Country Club and Ted Makalena. These five courses are located within the State of Hawaii's Agriculture District and as of now prohibits these five golf courses from having non golf related events and activities on their properties. During this extreme time when small businesses and residents are affected by Covid / Omicron pandemics its important to realize that creating jobs and revenues for Hawaii residents and small businesses must become the main focus in our 50th State now on the road to a full economic recovery. Too many small businesses and residents have suffered great economic losses that could take years to recover from as the future of Hawaii's current pandemic seems unresolved and in limbo. As a MNB#25 member I believe SB2964 soul purpose now should be to create jobs and revenues for the State and City & County along with providing small businesses this opportunity to have this venue to conduct business at any one of these five golf courses looking for economic recovery. Mililani golf course located in my district use to hold elementary school fund raisers , movies on the lawn with other such events that has enhanced the business foot print at our district golf course with families supporting these small businesses as they show community support thru the money they spend. During these hard economic times our government must explore many creative ways to economic recovery in our State and I believe this is one of many that can be done thru SUP thru the City & County. We have Hawaiian farmers who want to sell fresh produce on these golf courses and should be allowed to do so. Please schedule a hearing on this long over due SB2964 in the interest of creating jobs and small business recovery as you help us save Hawaii in this GREATEST PARADISE STATE on GODS GREEN EARTH... MAHALO , Leslie A Among , MNB#25 Ph # 808 - 779 - 3017

LATE



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
530 SOUTH KING STREET, ROOM 202
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AUGIE TULBA

Councilmember District 9

*Waikale, Village Park, Royal Kunia, Mililani Town,
West Loch, Iroquois Point, Ewa Villages, Ewa Beach*

Telephone: (808) 768-5009

Email: atulba@honolulu.gov

TO: Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair
Senate Committee on Judiciary

FROM: Augie Tulba 
Honolulu City Councilmember, District 9

DATE: March 4, 2022

SUBJECT: SUPPORT SB 2964, SD1, RELATING TO AGRICULTURAL DISTRICTS

Aloha! I am writing to express my support for SB 2964, SD1, Relating to Agricultural Districts. This bill would allow certain golf courses, located on agricultural land, to have the ability to apply for special use permits to host temporary events on their property.

Golf courses have large outdoor spaces that can be used to host weddings, farmers markets, and other temporary events in a safe manner. These events service the local community and provide additional revenue to the golf course. It also provides increased work opportunities in our local communities.

Thank you for the opportunity to testify!