

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson, Board of Agriculture

MORRIS M. ATTA
Deputy to the Chairperson

State of Hawai'i
DEPARTMENT OF AGRICULTURE
KA 'OIHANA MAHI'AI
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**TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE SENATE COMMITTEES ON COMMERCE AND CONSUMER
PROTECTION, AND WAYS AND MEANS**

**WEDNESDAY, MARCH 1, 2023
ROOM 211
9:30 A.M.**

**SENATE BILL NO. 287, SENATE DRAFT 1
RELATING TO AGRICULTURAL DISTRICTS**

Chairpersons Keohokalole and Dela Cruz and Members of the Committees:

Thank you for the opportunity to testify on Senate Bill No. 287, SD1 that authorizes the counties to require its approval of the subdivision of land greater than ten acres prior to the effective date of the condominium property regime (CPR).

The Department of Agriculture (Department) supports this measure. The proposed amendments to Chapter 514B appear to be an effective way to require county approval and/or require conformance to county zoning laws for larger CPRs on agricultural land that may or may not require prior subdivision. We, otherwise, defer to the county planning departments, the Department of the Attorney General, the Office of Planning and Sustainable Development, and the Department of Commerce and Consumer Affairs. The Department understands there is ongoing CPR activity on agricultural lands throughout the State and are also concerned about their effect on increasing agricultural land values and the amount of agricultural production occurring on CPR developments.

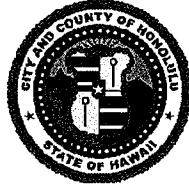
Thank you for the opportunity to present testimony on this measure.



DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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RICK BLANGIARDI
MAYOR



DAWN TAKEUCHI APUNA
DIRECTOR

JIRO SUMADA
DEPUTY DIRECTOR

March 1, 2023

The Honorable Jarrett Keohokalole, Chair
and Members of the Committee on Commerce and Consumer Protection
The Honorable Donovan M. Dela Cruz, Chair
and Members of the Committee on Ways and Means
Hawaii State Senate
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairs Keohokalole, Dela Cruz, and Committee Members:

**Subject: Senate Bill No. 287, SD 1
Relating to Agricultural Districts**

The Department of Planning and Permitting (DPP) **strongly supports** Senate Bill No. 287, SD 1.

This Bill allows the counties to require a subdivision approval if the agricultural condominium has a land area greater than ten acres prior to the effective date of the condominium property regime.

Additionally, the Bill allows the county an opportunity to review and approve the agricultural condominium map for conformity with county zoning laws before the developer records the condominium map.

Accordingly, we urge that Bill No. 287, SD 1, be passed by your committees.

Thank you for the opportunity to testify.

Very truly yours,

A handwritten signature in black ink, appearing to read "Dawn Takeuchi Apuna".

Dawn Takeuchi Apuna
Director

SB-287-SD-1

Submitted on: 2/26/2023 4:25:30 PM

Testimony for CPN on 3/1/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Gerard Silva	Individual	Oppose	Written Testimony Only

Comments:

We do not want Any more on our Island!!!!



**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2023**

LATE

ON THE FOLLOWING MEASURE:

S.B. NO. 287, S.D. 1, RELATING TO AGRICULTURAL DISTRICTS.

BEFORE THE:

SENATE COMMITTEES ON COMMERCE AND CONSUMER PROTECTION AND ON
WAYS AND MEANS

DATE: Wednesday, March 1, 2023

TIME: 9:30 a.m.

LOCATION: State Capitol, Room 211

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**

(For more information, contact Alison S. Kato, Deputy Attorney
General, at 808-586-1180)

Chairs Keohokalole and Dela Cruz and Members of the Committees:

The Department of the Attorney General provides the following comments on this bill.

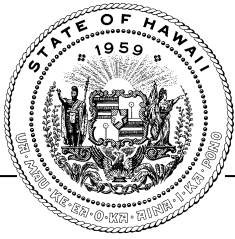
The bill amends section 514B-33(a), Hawaii Revised Statutes (HRS), to require that the condominium map for a condominium property regime (CPR) be accompanied by a certification from an appropriate county official or agency that the CPR will conform to county zoning laws. The bill also amends section 514B-52(b), HRS, to authorize a county to require its approval of the subdivision of land prior to the effective date of the CPR for projects greater than ten acres.

The use of the term "subdivision" on page 3, line 15, may cause confusion. The term "subdivision" is commonly used to refer to a specific county process that involves the division of a single parcel of land into two or more parcels. County subdivision is a lengthy process that involves design requirements, such as building street lights and sidewalks to a certain standard, and a county-approval process.

The establishment of a CPR is a different process that involves the division of ownership over land into multiple units. The creation of a CPR is not currently subject to county approval. Because subdivision is not a step of the CPR process, the intent of this provision of the bill is unclear.

The Department of the Attorney General is happy to work with your committees on bills that will effectuate your intent.

Thank you for the opportunity to offer comments.



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

JOSH GREEN, M.D.
GOVERNOR

SCOTT J. GLENN
DIRECTOR

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Statement of
SCOTT GLENN, Director
before the
**SENATE COMMITTEES ON COMMERCE AND CONSUMER PROTECTION AND
WAYS AND MEANS**

Wednesday, March 1, 2023, 9:30 AM
State Capitol, Conference Room 211

in consideration of
SB 287 SD1
RELATING TO AGRICULTURAL DISTRICTS.

LATE

Chairs Keohokalole and Dela Cruz, Vice Chairs Fukunaga and Keith-Agaran, and Members of the Senate Committees on Commerce and Consumer Protection and Ways and Means:

The Office of Planning and Sustainable Development (OPSD) **supports** SB 287 SD1 that amends Chapter 514B, Hawaii Revised Statutes, to require condominium property regimes (CPR) for lands in the State Agricultural District be certified by the appropriate county that the CPR will conform to county zoning laws and to give the counties the discretion to require CPRs larger than 10 acres in size receive subdivision approval prior to the effective date of the CPR.

SB 287 SD1 strengthens the counties' ability to enforce its zoning laws and State standards and permitted uses in the Agricultural District.

Thank you for the opportunity to testify on this measure.