

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson, Board of Agriculture

DEXTER KISHIDA
Deputy to the Chairperson

State of Hawai'i
DEPARTMENT OF AGRICULTURE
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**TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE**

BEFORE THE HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

**THURSDAY, FEBRUARY 29, 2024
2:00 PM
CONFERENCE ROOM 325**

**HOUSE BILL NO. 1542, HOUSE DRAFT 1
RELATING TO LAND USE**

Chair Tarnas, Vice Chair Takayama and Members of the Committee:

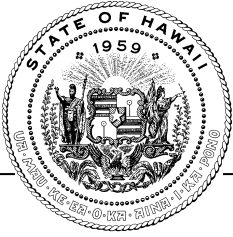
Thank you for the opportunity to testify on House Bill 1542, HD1 that authorizes each county planning commission, between July 1, 2024, and December 31, 2026, to petition for the redistricting of land from the Agricultural to the Rural district through the Land Use Commission's declaratory ruling process. The Department of Agriculture (Department) offers comments.

There are seven requirements to merit a petition to redistrict lands in the Agricultural District to the Rural District (page 2, line 4 to page 3, line 8). Generally, the lands must be existing agricultural subdivisions of more than twenty lots and individual lot sizes not exceeding two acres, be with or without dwellings, having met the requirements of Chapter 343 (Hawaii Environmental Policy Act), the reclassification will not adversely affect the use of adjacent lands for agricultural purposes, the reclassification is supported by the applicable county plan, and the county planning commissions will have notified affected landowners and have public hearings.



The Department respectfully requests that the counties who take advantage of the provisions of this measure, should it be enacted, to consider concurrent revision of their respective ordinances, plans, and rules affecting the subdivision (or other means of partitioning) of agricultural land to encourage or limit the establishment of large lot estates to the Rural District. This may stop, if not reverse, the continuing adverse impact that agricultural land subdivisions with little, if any, agricultural production have had on agricultural land values and access to these lands for agricultural production.

Thank you for the opportunity to present our testimony.



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

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LT. GOVERNOR

MARY ALICE EVANS
INTERIM DIRECTOR

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Statement of
MARY ALICE EVANS, Interim Director

before the
HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Thursday, February 29, 2024

2:00 PM

State Capitol, Conference Room 325

in consideration of
**HOUSE BILL NO 1542 HD1
RELATING TO LAND USE.**

Chair Tarnas, Vice Chair Takayama, and Members of the House Committee on Judiciary and Hawaiian Affairs:

The Office of Planning and Sustainable Development (OPSD) **supports** HB 1542 HD1, which allows the counties a limited opportunity from July 1, 2024 through December 31, 2026 to petition for the redistricting of land from the Agricultural District to the Rural District through the Land Use Commission's (LUC) declaratory ruling process, provided certain conditions are met.

HB 1542 HD1 would allow counties to efficiently address non-conforming Agricultural District lands, such as those in the Puna District of Hawaii County, which has existing large residential subdivisions that should be reclassified to the Rural District. The measure also provides for a Chapter 343, HRS, review if applicable, notice of all affected landowners, and an opportunity for public comment.

OPSD's "State Land Use Review of Districts" (January 2022) found that reclassification of established rural subdivisions and rural centers from the Agricultural to the Rural District accommodate lower density rural settlement patterns and subsistence farming lifestyles. Such rural reclassifications could also include lands with lower quality soils not conducive to commercial agriculture.

Reclassification, consistent with the county general plan and community development plan, is the most effective means to align State and county land use policy that seeks to separate non-farm residential uses from bona fide farming.

Thank you for the opportunity to testify on this measure.



LAND USE COMMISSION

Komikina Ho'ohana 'Āina

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
Ka 'Oihana Ho'omōhala Pā'oihana, 'Imi Wai wai a Ho'omāka'ika'i

JOSH GREEN, MD
GOVERNOR

DANIEL E. ORODENKER
EXECUTIVE OFFICER

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Statement of
Daniel E. Orodenker
Executive Officer
State Land Use Commission

Before the
House Committee on Judiciary and Hawaiian Affairs

Thursday February 29, 2024
2:00 PM
State Capitol, Room 325 and Video Conference

In consideration of
HB1542 HD1

RELATING TO LAND USE

Chair Tarnas; Vice Chair Takayama; and members of the House Committee on Judiciary and Hawaiian Affairs:

The Land Use Commission (“LUC”) has the following comments on this measure that would provide the counties a two-year window to petition to reclassify lands from the State Agricultural District into the State Rural District through the LUC’s declaratory ruling process. The LUC would be required to promulgate rules to implement this measure.

The measure calls for the LUC to adopt administrative rules to implement the process proposed to take effect between July 1, 2024 and December 31, 2026. The Committee should be aware that the process to adopt new administrative rules will take at least 8 months. That would effectively push a start date for petitions under this process into early 2025.

We are willing to work with the counties and the State Office of Planning and Sustainable Development (“OPSD”) on this issue.

Thank you for the opportunity to testify on this matter.

HB-1542-HD-1

Submitted on: 2/27/2024 10:37:45 AM

Testimony for JHA on 2/29/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jackie Keefe	Individual	Oppose	Remotely Via Zoom

Comments:

Aloha Chair Tarnas, Vice Chair Takayama, and Members of the Committee on Judiciary and Hawaiian Affairs,

My name is Jackie Keefe and I am a resident of Lahaina. **I am writing in strong opposition to HB1542 HD1.**

I believe that this bill deeply misunderstands the intent of agricultural lands. It specifically mentions that these two acre parcels are too small for commercial farming operations, which may be true. What's untrue, however, is that commercial farming is sufficient. Not everything is about money...

As a resident of Lahaina, I can say that I know countless people who would thrive on two acres of land, as it should be used to grow and/or raise food. We have countless multi-generational families who belong on these lands but cannot afford them. This bill reads as though it was written by private entities who stand to benefit from changing the designation of zoning from agricultural to rural.

"I ke wa Mamua, ka wa Mahope." The future is in the past. Hawai'i was never meant to be home to commercial farming, and we should not change our zoning rules to accommodate it.

Regenerative farms and biodiversity should be what we see when we look up at Mauna Kahalawai, not acres of agricultural land covered in pools, lush green lawns, and decorative trees. Lahaina is a community that desires to grow food forest neighborhoods, but we don't have the water. Lahaina fire survivors' properties have been on water restrictions for years because they're on the Maui County-controlled system, which controls less than 25% of Maui's water. Communities like Launiupoko and Pineapple Hill have access to the private water systems that control more than 75% of Maui's water. These neighborhoods that are zoned for agriculture need to stay that way. *Changing the zoning from agricultural to rural would legalize doing to this land what the Lahaina community has vocally stood against for a long time - people with lots of money buying up large parcels of land and choosing not to farm.*

There are already multiple parcels for sale through West Maui Land Company, and the last thing that we need is more people using land designated as agricultural for other uses. Our land, once fertile, struggles to hold water and washes sediment out to sea, contributing to the killing of our reefs.

These lands need to go through reforestation and restoration, not further pillaging. We cannot enable lands like these to be rezoned away from agriculture.

Thank you for your consideration.

Jackie Keefe

HB-1542-HD-1

Submitted on: 2/27/2024 8:32:25 PM

Testimony for JHA on 2/29/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lauren Palakiko	Individual	Oppose	Written Testimony Only

Comments:

Aloha e Chair Tarnas, Vice Chair Takayama, and members of the Committee on Judiciary and Hawaiian Affairs,

My name is Lauren Palakiko and I am born and raised and reside in Lahaina. **I am writing in strong opposition of HB1542 HD1.**

Our agricultural lands in Lahaina must remain ag land that is of reasonable acquisition to our Lahaina residents. Ag land should not only be considered for commercial use. Our ag land should be used for island sustainability. Our goal should be that our people thrive in all aspects - local farming and economically, whether we're selling our crops / livestock or using them for barter and trade.

I am also a realtor, and the last thing I want to see are more Launiupoko gentlemen estates or Ka'anapali Coffee Estates on "ag lands". This is not what Lahaina is here for. We must stop finding opportunities for the few to benefit financially from, by misuing the land and harvesting all of the water for swimming pools. This is why Lahaina has been left barren and fire prone.

We must reverse this resource abuse immediately and absolutely refuse to allow any more land and water to be taken for ultra wealthy to exploit any further.

Thank you for your time.

Me ka ha'aha'a,

Lauren Palakiko

HB-1542-HD-1

Submitted on: 2/27/2024 11:43:06 PM

Testimony for JHA on 2/29/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kalena Shim	Individual	Oppose	Written Testimony Only

Comments:

Aloha e Chair Tarnas, Vice Chair Takayama, and Members of the Committee on Judiciary and Hawaiian Affairs,

My name is Kalena Shim. I am a native to, and a resident of Lahaina with generational ties to this ‘āina going back centuries. **I am writing in strong opposition to HB1542 HD1.**

Our agricultural land should stay ag land and ought not be thought to be used as commercial farming only, but sustainable living as well. It's time we end the greed of the gentlemen estates in Launiupoko and start actually perpetuating real agricultural practices in those zones by full-time Lahaina residents.

The goal should be for our people to thrive in all aspects. Acquiring a lot big enough to live a farm to table lifestyle for each own household family. An island and its people, sustainable to its own self. Not for the wealthy to buy and consume an abundance of our water resources for swimming pools, lush green grass and palm trees. This is not Beverly Hills.

If you allow for the rezoning of agricultural land to rural, even as "temporary", it contributes to the exploitation of our resources for more useless swimming pools, vacation rentals, and "part-time" residencies. Opening even more opportunities for outside investors to obtain and misuse our land.

Unless we can implement a ban on out of state investors from purchasing these lands can this bill be deemed permissible with the communities input, acceptance, and careful consideration under the most righteous circumstances. Otherwise we will continue to protect our resources from the abuse of mismanagement.

Aloha and Mahalo for your time.
Kalena Shim.

HB-1542-HD-1

Submitted on: 2/28/2024 7:35:19 AM

Testimony for JHA on 2/29/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Samantha Kramer	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Takayama, and members of the Committee on Judiciary and Hawaiian Affairs,

My name is Samantha Kramer and my Ohana comes from Pu'ukoli'i Camp, where generations of families once lived and thrived. I do not currently reside in Lahaina but I do work in Lahaina. **I am writing in strong opposition of HB1542 HD1.**

Our agricultural lands in Lahaina must remain ag land. Ag land does not only need to be for commercial use. It should be used to sustain our island. Our goal should be one of balance and reasonableness between local farming and commercial ag.

I want to see are more Launiupoko and Ka'anapali Coffee Estates on "ag lands". We must stop finding opportunities for the few to benefit financially from, by misusing the land and diverting all of the water for swimming pools. Too much is too much! This is why Lahaina has been left dry and made to become fuel for fire. Water and resources should be for everyone and not just for the ultra wealthy people. Please stop this exploitation of our resources.

Mahalo for your time.

Samantha Kramer