

Honolulu, Hawaii

FEB - 9 2017

RE: S.B. No. 708  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2017  
State of Hawaii

Sir:

Your Committee on Agriculture and Environment, to which was referred S.B. No. 708 entitled:

"A BILL FOR AN ACT RELATING TO AGRICULTURAL LAND,"

begs leave to report as follows:

The purpose and intent of this measure is to prohibit:

- (1) The creation of a condominium property regime on agricultural land twenty-five acres or greater;
- (2) A condominium property regime on agricultural land from being amended to allow a residential dwelling;
- (3) The subdivision of agricultural land twenty-five acres or greater for the purpose of creating a condominium property regime; and
- (4) Any residential project created as a condominium under chapter 514B, Hawaii Revised Statutes, or a planned community association under chapter 421J, Hawaii Revised Statutes, in class A or B agricultural lands.

Your Committee received testimony in support of this measure from the Department of Agriculture; Land Use Commission; Planning Department of the County of Kaua'i; Kailua Neighborhood Board; Hawaii's Thousand Friends; and seven individuals. Your Committee received testimony in opposition to this measure from the Hawai'i Association of REALTORS; Hawaii Cattlemen's Council, Inc.; and



Ponoholo Ranch, Limited. Your Committee received comments on this measure from the Office of Planning.

Your Committee finds that agricultural lands are a limited resource within the State that should be used for agricultural purposes. Currently, the condominium property regime process may be used to subdivide large agricultural lots into parcels that are too small for agricultural purposes, thus leading to the development of "gentleman farms", which are low density, large subdivisions. Your Committee further finds that this use of the condominium property regime process allows for significant abuse and costs to the State and counties, and limits the public's right to have impacts reviewed and mitigated; therefore, your Committee supports limitations on the use of the condominium property regime process on agricultural lands.

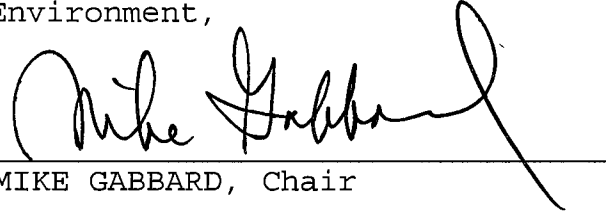
Your Committee has amended this measure by:

- (1) Inserting a purpose section to, among other things, state that the intent of this measure is to prevent "gentlemen farms" and ensure that future use of agricultural lands is for bona fide agricultural operations;
- (2) Replacing a reference to "residential project" with "a project consisting of single-family dwellings";
- (3) Stipulating that 205-4.5(a)(4), Hawaii Revised Statutes, does not apply to plantation community subdivisions permitted under section 205-4.5(a)(12), Hawaii Revised Statutes;
- (4) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 708, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 708, S.D. 1, and be referred to your Committee on Commerce, Consumer Protection, and Health.



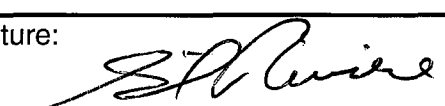
Respectfully submitted on  
behalf of the members of the  
Committee on Agriculture and  
Environment,

  
MIKE GABBARD, Chair



The Senate  
 Twenty-Ninth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Agriculture and Environment**  
**AEN**

Bill / Resolution No.:*	Committee Referral:	Date:
SB 708	AEN, CPH	Feb 3, 2017
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____		
The Recommendation is:		
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310
<input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)
Nay	Excused	
GABBARD, Mike (C)	X	
RIVIERE, Gil (VC)	X	
NISHIHARA, Clarence K.		X
RHOADS, Karl	X	
RUDERMAN, Russell E.		X
<b>TOTAL</b>	3	0
0	0	2
Recommendation:		
<input checked="" type="checkbox"/> Adopted <span style="margin-left: 200px;"><input type="checkbox"/> Not Adopted</span>		
Chair's or Designee's Signature:		
		
Distribution:		
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency
Goldenrod Committee File Copy		

\*Only one measure per Record of Votes