

Honolulu, Hawaii

APR 27 2018

RE: S.B. No. 2524
S.D. 1
H.D. 1
C.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Honorable Scott K. Saiki
Speaker, House of Representatives
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2524, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO COUNTY LAND USE REQUIREMENTS,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Prohibit residential or congregate use of sheds or other structures on agricultural lands;
- (2) Prohibit residential development on lands previously or currently in a preservation zoning district;
- (3) Require condominium property regimes to comply with county subdivision or equivalent requirements, subject to certain exceptions; and



- (4) Specify requirements for applications for registration of a project in a county agricultural zoning district or preservation zoning district.

Your Committee on Conference finds that expanded development of agricultural lands through the existing condominium property regime process may impact the long-term viability of these newly developed condominiums, as master planning is absent, particularly with respect to supporting county infrastructure. This measure therefore allows a county to participate in the condominium property regime review process, which will improve oversight of the development of residential condominium property regimes on agricultural lands.

Your Committee on Conference has amended this measure by:

- (1) For purposes of planned community associations, requiring the owner of any parcel of land subdivided as a condominium property regime in agricultural or preservation lands to provide public notice of the sale no later than ninety days after the sale of the parcel;
- (2) Clarifying that sheds or other structures constructed on agricultural lands that are subdivided and leased for agricultural uses or activities cannot be used for residential purposes, unless such use is permitted under county ordinances and rules;
- (3) Clarifying that no residential development is to be constructed on agricultural lands that are currently in a preservation zoning district;
- (4) Establishing reporting, investigation, and penalties for violations of agriculture land use requirements;
- (5) Deleting language that would have required condominium property regimes to conform to existing county subdivision or equivalent requirements, with exceptions;
- (6) Clarifying the application requirements for registration of a project in the agricultural district, including:
 - (A) Permitting the inclusion of comments on the availability of supportive infrastructure, the potential impact on environmental resources, and other requirements of county ordinances and rules; and




- (B) Deleting language that would have required a signed verified statement by an appropriate county official that the project is in compliance with any applicable supplemental county ordinances, county subdivision standards, and other rules, and an agricultural business plan, farm plan, or conservation plan;
- (7) Clarifying that the requirements for condominium property regimes added by this measure apply only to a county with a population of 750,000 or more;
- (8) Updating the purpose section;
- (9) Changing its effective date to July 1, 2018; and
- (10) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2524, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2524, S.D. 1, H.D. 1, C.D. 1.


Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

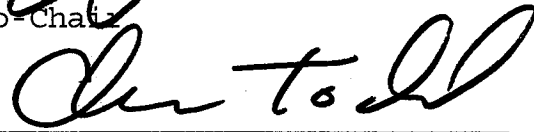
ON THE PART OF THE SENATE



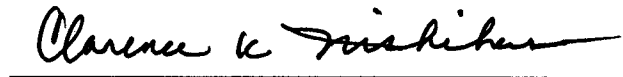
RYAN T. YAMANE
Co-Chair



ROSALYN H. BAKER
Chair



CHRIS TODD
Co-Chair



CLARENCE K. NISHIHARA
Co-Chair



MIKE GABBARD
Co-Chair



Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: SB 2524, SD 1, HD 1	Date/Time: 4-27-2018 5:08 pm
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The recommendation of the House and Senate managers is to pass with amendments (CD).


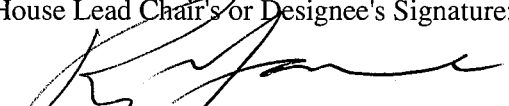
The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
BAKER, Rosalyn H., Chr.	✓				YAMANE, Ryan I., Co-Chr.	✓			
NISHIHARA, Clarence K., Co-Chr.	✓				TODD, Chris, Co-Chr.	✓			
GABBARD, Mike, Co-Chr.	✓				NAKAMURA, Nadine K.	✓			
RHOADS, Karl	✓				YAMASHITA, Kyle T.				✓
TOKUDA, Jill N.				✓					
TOTAL	4	-	-	1	TOTAL	3	-	-	1

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature: 
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