

Honolulu, Hawaii

FEB 15 2019

RE: S.B. No. 975  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committee on Agriculture and Environment, to which was referred S.B. No. 975 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to clarify certain requirements for condominium property regimes on agricultural lands in a county with a population of seven hundred fifty thousand or more, including:

- (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; and
- (2) Providing an option for county participation in the approval of certain major agricultural condominium property regimes.

Your Committee received testimony in support of this measure from one individual. Your Committee received testimony in opposition to this measure from the City and County of Honolulu Department of Planning and Permitting and two individuals. Your



Committee received comments on this measure from the Department of Agriculture and Office of Planning.

Your Committee finds that there are challenges statewide with the regulation of residential uses on lands under condominium property regimes in the state agricultural and preservation districts. Your Committee further finds that this measure is a step in the right direction to better protect Hawaii's agricultural and preservation lands from encroachment by non-agricultural or non-preservation uses, including residential development with little connection to bona fide farming activities.

Your Committee has amended this measure by:

- (1) Applying the prohibition on residential use of sheds and structures on agricultural lands statewide, rather than to certain counties;
- (2) Removing language that would have allowed residential use of sheds and structures on agricultural lands if permitted under county ordinances and rules;
- (3) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (4) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

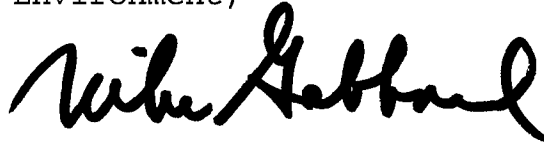
Your Committee notes that the City and County of Honolulu Department of Planning and Permitting raised concerns related to this measure. Your Committee respectfully requests that your Committees on Ways and Means and Commerce and Consumer Protection review the Department of Planning and Permitting's recommendations in its testimony, which include improving the measure's language for greater clarity, deleting a provision that prohibits a reasonable use that should be allowed, and allowing counties to have a decision-making role in requests for agricultural condominium property regimes.

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. 975, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 975, S.D. 1, and be referred to your Committees on Ways and Means and Commerce, Consumer Protection, and Health.

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



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MIKE GABBARD, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

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

Bill / Resolution No.:* <b>SB 975</b>	Committee Referral: <b>AEN, WAM/CPH</b>	Date: <b>02.13.2019</b>		
<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			
RUDERMAN, Russell E. (VC)	X			
RHOADS, Karl	X			
THIELEN, Laura H.	X			
FEVELLA, Kurt				X
<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; margin-top: 10px;"> </div>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report   Clerk's Office   Drafting Agency   Committee File Copy				

\*Only one measure per Record of Votes