

Honolulu, Hawaii

FEB 19 2016

RE: S.B. No. 2351  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Water, Land, and Agriculture, to which was referred S.B. No. 2351 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:

- (1) Prohibit the creation of a condominium property regime on agricultural land twenty-five acres or greater; and
- (2) Prohibit the subdivision of agricultural land twenty-five acres or greater for the purpose of creating a condominium property regime.

Your Committee received testimony in support of this measure from the Land Use Commission, Waimanalo Agricultural Association, Farm Link Hawai'i, and twenty-three individuals. Your Committee received testimony in opposition to this measure from McCandless Ranch; Larry Jefts Farms, LLC; Associa Hawaii; Hawai'i Association of REALTORS; Hawaii Cattlemen's Council, Inc.; Ponoholo Ranch Limited; Mahukona Ranch LLC; and three individuals. Your Committee received comments on this measure from the Department of Agriculture, Office of Planning, and GoFarm Hawaii.

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



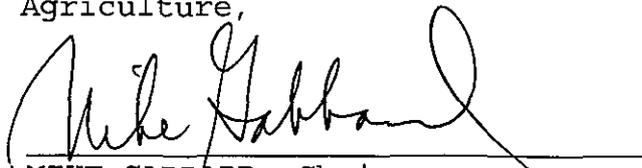
too small for agricultural purposes, thus leading to the development of "gentleman farms", which are low density, large subdivisions. Your Committee further finds that this use of the condominium property regime process allows for significant abuse and costs to the State and counties, and limits the public's right to have impacts reviewed and mitigated; therefore, your Committee supports limitations on the use of the condominium property regime process.

Your Committee has amended this measure by:

- (1) Inserting language to prohibit a condominium property regime on any parcel of agricultural land from being later amended to allow for residential dwellings;
- (2) Inserting language to amend section 205-4.5, Hawaii Revised Statutes, to prohibit the creation of any residential project as a condominium or planned community association on class A or B agricultural lands; and
- (3) 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 Water, Land, and Agriculture that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2351, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2351, 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 Water, Land, and  
Agriculture,



MIKE GABBARD, Chair



The Senate  
 Twenty-Eighth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Water, Land, and Agriculture**  
**WLA**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2351	WLA, CPH	02-17-16		
<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)	/			
NISHIHARA, Clarence K. (VC)	/			
DELA CRUZ, Donovan M.				/
RIVIERE, Gil	/			
RUDERMAN, Russell E.	/			
SHIMABUKURO, Maile S.L.	/			
THIELEN, Laura H.	/			
WAKAI, Glenn	/			
SLOM, Sam				/
<b>TOTAL</b>	<b>7</b>			<b>2</b>
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

\*Only one measure per Record of Votes