

Honolulu, Hawaii

March 3, 2006

RE: H.B. No. 1368
H.D. 2

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Finance, to which was referred H.B. No. 1368, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this bill is to remove any doubt concerning the legality of single-family dwellings and projects containing them, in the state Land Use Agricultural District by providing that these developments comply with agricultural use restrictions if they are:

- (1) On lots created prior to this legislation taking effect;
or
- (2) Within projects approved by county zoning ordinances and at least partially built as long as they are not on soils primarily classified as A or B by the Land Study Bureau's Detailed Land Classification.

The County of Hawaii's Planning Department, Hawaii Building and Construction Trades Council, AFL-CIO, Hawaii Island Economic Development Board, Inc., Kona Coalition of Concerned Citizens, Hawaii Land Company, Hawaii Commission to Promote Uniform Legislation, Paul Bleck A.I.A., Ltd., Olu Kai, Ltd., Dwyer, Schraff, Meyer, Grant, and Green, and numerous concerned individuals supported this bill. The Kona-Kohala Chamber of Commerce, Hawaii Leeward Planning Conference, and Hawaii



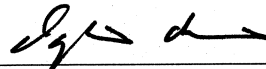
Association of Realtors supported the intent of this measure. The City and County of Honolulu's Department of Planning and Permitting supported this bill with amendments. The Windward Ahupua'a Alliance, C & H Farms, Hawaii's Thousand Friends, Life of the Land, Earthjustice, Sierra Club, Hawaii Chapter, Office of Hawaiian Affairs, and numerous individuals opposed this measure. The Department of Business, Economic Development, and Tourism's Office of Planning, Department of Agriculture, Land Use Commission, and a member of the Maui County Council provided comments.

Your Committee has amended this bill by changing the effective date to July 1, 2020, to encourage further discussion.

Your Committee encourages further discussion and consideration with respect to prospective resolution of the circumstances surrounding allowable dwellings on agricultural district lands with soil classified by the Land Study Bureau's Detailed Land Classification as overall (master) productivity rating class C, D, E, U, or lands not designated as important agricultural lands under Part III of Chapter 205, Hawaii Revised Statutes.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1368, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1368, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Finance,



DWIGHT TAKAMINE, Chair



