

Honolulu, Hawaii

March 3, 2006

RE: H.B. No. 1938
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. 1938, 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 strengthen the use restrictions of the state land use agricultural district. Specifically, this bill:

- (1) Clarifies that counties shall not permit any use in the agricultural district that is not a statutorily permitted use;
- (2) Specifically prohibits golf-related facilities, private membership facilities, including hotels and resort-related commercial uses, tiem share facilities, and commercial vacation facilities within the agricultural district, except for golf courses approved by the county before July 1, 2005 and existing nonconforming uses;
- (3) Regardless of soil classification, prohibits county or state approval of a division or subdivision of land unless it is restricted to agricultural uses primarily in pursuit of the agricultural activities described in the state land use law;



- (4) Repeals the county's authorization to further define "accessory agricultural uses" within the agricultural district; and
- (5) Repeals the provision specifically giving the Land Use Commission the authority to approve by special permit, agricultural uses other than described or compatible with those in the land use law.

The Sierra Club, Hawaii Chapter, and C&H Farms testified in support of this bill. The Department of Business, Economic Development and Tourism supported the intent of this measure. The Department of Planning and Permitting of the City and County of Honolulu and Land Use Research Foundation of Hawaii opposed this bill. The Department of Agriculture and a concerned individual offered comments.

Your Committee has amended this bill by:

- (1) Changing the effective date to July 1, 2020, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for clarity and style.

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. 1938, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1938, H.D. 2.

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



DWIGHT TAKAMINE, Chair



