

Honolulu, Hawaii

March 1, 2007

RE: H.B. No. 257  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fourth State Legislature  
Regular Session of 2007  
State of Hawaii

Sir:

Your Committees on Water, Land, Ocean Resources & Hawaiian Affairs and Agriculture, to which was referred H.B. No. 257 entitled:

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

beg leave to report as follows:

The purpose of this bill is to protect agricultural land by among other things:

- (1) Restricting use of agricultural land to agribusiness or subsistence farming in the county zoning and subdivision proceedings;
- (2) Clarifying that single-family dwellings in agricultural subdivisions without agribusiness, agricultural activity, or subsistence farming, and guest cottages are prohibited in agricultural districts;
- (3) Discontinuing the use of land study bureau soil classifications to categorize uses in agricultural districts;
- (4) Allowing agricultural lands to be subdivided and leased for permitted uses; provided that the principal use is for agricultural activities or agribusiness;



- (5) Increasing minimum lot sizes in agricultural districts from one acre to three acres; and
- (6) Requiring county special permits for rural district lands greater than 15 acres and agricultural lands to be subject to the approval of the Land Use Commission.

The Sierra Club-Hawaii Chapter, Maui County Farm Bureau, and a concerned individual testified in support of this bill. The Office of Planning and Hawaii Farm Bureau Federation supported the intent of this measure. The Department of Agriculture supported this bill with amendments. The Hawaii County Planning Department and the Hawaii Association of REALTORS opposed this measure. The Department of Planning and Permitting of the City & County of Honolulu, Land Use Research Foundation of Hawaii, and the Environmental Center at the University of Hawaii at Manoa provided comments.

Upon careful consideration, your Committees have amended this bill by:

- (1) Requiring that deed restrictions or covenants restricting lots in approved county subdivisions that are to be used solely for agribusiness or subsistence farming to be recorded with the Bureau of Conveyances or Land Court and run with the land;
- (2) Requiring applicants for building permits for the construction of a farm dwelling to have substantially established agricultural activity on the lot;
- (3) Limiting the definition of "agribusiness" to "a business licensed for the production and sale of products from the cultivation of crops, propagation of fish or game, or raising of livestock";
- (4) Limiting the definition of "agricultural activity" to "activities involved in the cultivation of crops, propagation of fish or game, or raising of livestock";
- (5) Including condominium property regimes to the definition of "subdivisions";
- (6) Limiting the definition of "subsistence farming" to "agricultural activity or agricultural practices that produce food or products primarily for consumption by



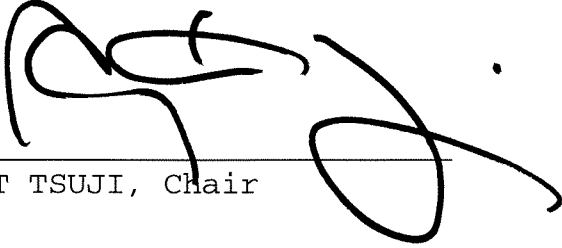
the family working the land, and where the family is dependent on this activity to meet a significant portion of the family's nutritional needs. De minimis agriculture shall not be evidence of subsistence farming";

- (7) Extending the prohibition on the use of agricultural district lands for golf courses and golf driving ranges to golf-related facilities, private membership facilities, or other resort facilities, including hotels and resort-related commercial uses, time shares, and commercial vacation homes;
- (8) Clarifying that single-family dwellings that are prohibited in agricultural district subdivisions include those where there is little agribusiness, agricultural activity, or subsistence farming;
- (9) Clarifying that land in agricultural districts shall be used solely in pursuit of an agricultural activity, agribusiness, or subsistence farming;
- (10) Clarifying that the prohibition on subdividing land in agricultural districts for the development and sale of residential homes is a condition that applies to all agricultural subdivisions;
- (11) Requiring that county ordinances for procedures and requirements for agricultural tourism in agricultural districts be adopted within 18 months of the effective date of this bill;
- (12) Further increasing the minimum lot sizes in agricultural districts to five acres; and
- (13) Making technical, nonsubstantive amendments for style, clarity, and consistency.

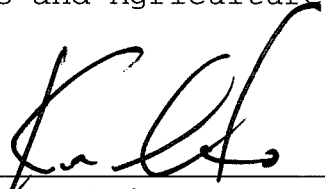
As affirmed by the records of votes of the members of your Committees on Water, Land, Ocean Resources & Hawaiian Affairs and Agriculture that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 257, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 257, H.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on  
behalf of the members of the  
Committees on Water, Land,  
Ocean Resources & Hawaiian  
Affairs and Agriculture,



CLIFT TSUJI, Chair



KEN ITO, Chair





