

Honolulu, Hawaii

March, 2007

RE: H.B. No. 1922

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. 1922 entitled:

"A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS,"

beg leave to report as follows:

The purpose of this bill is to expedite the designation of important agricultural lands (IALs) by the Land Use Commission (LUC) by, among other things:

- (1) Repealing the existing petition for declaratory ruling process for landowners or farmers who wish to designate their lands as IALs and establishing a revised landowner petition process for IAL designation;
- (2) Exempting the landowner petition process from the stipulation that legislation establishing incentives and protections for IALs be enacted for the designation to take effect;
- (3) Repealing the county process for identifying and mapping IALs; and
- (4) Requiring the LUC to, in consultation with certain other private and public entities, identify and designate lands as IALs.



In addition, this bill removes the county planning commission from the special permit approval process and restricts IALs to a list of specified permissible uses.

Kamehameha Schools supported this bill. The Department of Planning and Permitting of the City and County of Honolulu, Hawaii County Planning Department, and a concerned individual opposed this bill. The Department of Agriculture (DOA), LUC, Land Use Research Foundation of Hawaii, and Hawaii Farm Bureau Federation submitted comments.

Your Committees have amended this bill by, among other things:

- (1) Restoring the county planning commission in the special permit approval process;
- (2) Establishing specific procedures for the LUC in reviewing, and making decisions on, landowner petitions for IAL designation;
- (3) Clarifying that the raising of poultry, bees, fish, or other animal or aquatic life propagated for commercial or subsistence farming purposes is a permitted use for IALs;
- (4) Conditioning the use of biofuels processing facilities as a permitted use for IALs by providing that the majority of the feedstock is grown within the state as determined by DOA and after an initial and non-renewable three-year period commencing upon final approval to operate such facilities to allow the importation of feedstock and fuels;
- (5) Including agricultural worker housing, under certain conditions, as a permitted use on IALs;
- (6) Establishing restrictions on farm dwellings related to farming and animal husbandry that are included in the list of permitted uses for IALs;
- (7) Clarifying that subdivision of land designated as IALs shall conform to the restrictions provided for under the permitted uses for IALs and under section 205-4.5, Hawaii Revised Statutes (HRS);



- (8) Prohibiting counties from adopting standards to allow the construction of two single-family dwelling units on any lot where a residential dwelling unit is permitted on lands designated as IALS; provided that any additional dwelling units allowed on rural or agricultural land use districts shall be counted toward the maximum number of dwellings allowed per gross area under the underlying county zoning or respective state land use district, whichever is less, unless otherwise permitted under county ordinance that preserves the remainder lands for agriculture or open space;
- (9) Revising the list of permissible uses within agricultural districts under section 205-4.5, HRS, by:
- (A) Making the permissible uses applicable to all lands within the agricultural district, instead of only lands with soil classified as overall (master) productivity rating class A or B (Class A or B Soil);
  - (B) Clarifying that the raising of livestock includes animal or aquatic life propagated for agribusiness or subsistence farming purposes;
  - (C) Specifying that farm dwellings means a single family dwelling located on and used in connection with agricultural activities, agribusiness, or subsistence farming;
  - (D) Excluding single-family dwellings in subdivided developments where there is little or no agricultural activity, agribusiness, or subsistence farming established, and guest cottages, from the definition of "farm dwelling";
  - (E) Including retention, restoration, rehabilitation, or improvement of buildings or sites of cultural interest;
  - (F) Repealing the exemption of special permit uses from the prohibition on uses not expressly permitted under subsection 205-4.5(a), HRS; and
  - (G) Clarifying that no subdivision of agricultural land, including lands with soil not classified as



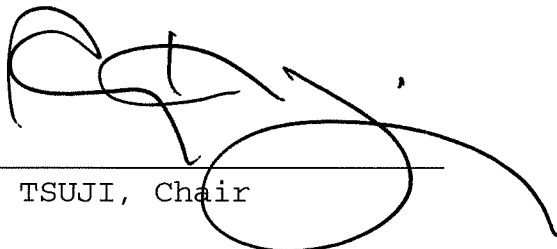
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Class A or B Soil, shall be approved by a county unless the lands within the subdivision are made subject to:

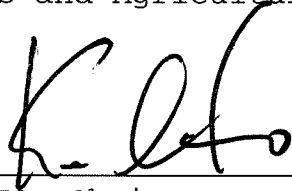
- (i) The condition that uses shall be solely in pursuit of an agribusiness or subsistence farming, in addition to agricultural activities; and
  - (ii) The condition that the land shall not be subdivided and used for development where the primary purpose of the development is the sale or development of residential homes;
- (10) Limiting special permit uses for the IALs designated through the landowner petitioning process to the list of specified permitted uses for IALs; and
- (11) 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. 1922, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1922, 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





