

STAND. COM. REP. NO. 1498

Honolulu, Hawaii
March 23, 2007

RE: S.B. No. 1219
S.D. 1
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 S.B. No. 1219, S.D. 1, entitled:

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

beg leave to report as follows:

The purpose of this bill is to allow the counties to petition the Land Use Commission (LUC) to reclassify certain lands containing existing residences in the agricultural district to a district in which those dwellings are a permissible use for a one-year period, and requiring the LUC to execute the reclassification upon a finding that the requirements are met. The requirements are that the lands:

- (1) Are situated within an agricultural district with soil classified by the land study bureau's detailed land classification as having an overall (master) productivity rating class other than A or B;
- (2) Are not situated within lands designated as important agricultural lands (IALs);



- (3) Contain parcels of land that can be clustered within a reasonably bounded geographic area to ensure the remaining agricultural lands are not fragmented and remain, as reasonably possible, a contiguous tract of land in the agricultural district; and
- (4) Maintain the minimum lot size and density requirements for the agricultural use established under Chapter 205, Hawaii Revised Statutes.

The Land Use Research Foundation of Hawaii testified in support of this bill. The Department of Agriculture supported the intent of this measure. The Office of Planning supported this bill with amendments. A member of the Kauai County Council, Sierra Club-Hawaii Chapter, Hawaii's Thousand Friends, Hawaii Invasive Species Management & Education Corporation, and several concerned individuals opposed this measure.

Upon careful consideration, your Committees have amended this bill by deleting its substance, which would have retroactively permitted existing residential uses on agricultural lands, and inserting language that:

- (1) Requires the counties to adopt ordinances establishing:
 - (A) Permitted uses;
 - (B) Standards required for infrastructure systems; and
 - (C) Levels of county services,for lands within urban, rural, and agricultural districts;
- (2) Provides an incentive for landowners to reclassify qualified agricultural lands to IALs by allowing the expedited reclassification of up to five percent of the area of the land designated as IALs of agricultural land to rural, provided that:
 - (A) Lands designated as IALs must be so designated for at least 50 years, subject to monetary penalties for reclassification prior to the expiration of the 50-year commitment period; and



- (B) Lands designated as IALs and the lands sought to be reclassified from agricultural land to rural must be within the same county;
- (3) Sets forth the permissible uses on lands designated as IALs and provides exceptions;
- (4) Allows experimental and demonstration housing projects on rural lands;
- (5) Expands the permissible uses in the rural district to allow uses currently permitted in the agricultural district in the rural district; and
- (6) Includes lands with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class C and D in the agricultural lands.

Your Committees have also amended this bill by:

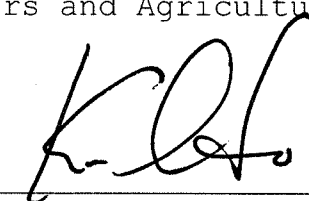
- (1) Changing the effective date to take effect upon its approval; and
- (2) Making technical, nonsubstantive amendments for style, clarity, and consistency.

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 S.B. No. 1219, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1219, S.D. 1, H.D. 1, and be referred to the Committee on Judiciary.

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



Record of Votes of the Committee on Water, Land, Ocean Resources & Hawaiian Affairs

Bill/Resolution No.: SB 1219 SD1 (SSCR735)		Date: March 21, 2007		
Committee Referral: WLH/AGR, JUD		<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.		
The recommendation is to:				
<input type="checkbox"/> Pass, unamended		<input checked="" type="checkbox"/> Pass, with amendments		
<input type="checkbox"/> Hold		<input type="checkbox"/> Pass, with amendments, for recommittal for further consideration		
WLH Members	Ayes	Ayes (WR)	Nays	Excused
1. ITO, Ken (C)	X			
2. CHONG, Pono (VC)	X			
3. CARROLL, Mele			X	
4. MAGAOAY, Michael Y.	X			
5. MORITA, Hermina M.				X
6. SAGUM, Roland D., III		X		
7. SAIKI, Scott K.			X	
8. THIELEN, Cynthia				X
TOTAL	3	1	2	2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Clerk's Office				

State of Hawaii
House of Representatives
The Twenty-fourth Legislature

HSCR 1498

Record of Votes of the Committee on Agriculture

Bill/Resolution No.: SB1219 SD1		Date: 3/21/07		
Committee Referral: WLH/AGR, JUD		<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.		
The recommendation is to: <input type="checkbox"/> Pass, unamended <input checked="" type="checkbox"/> Pass, with amendments <input type="checkbox"/> Hold <input type="checkbox"/> Pass, with amendments, for recommittal for further consideration				
AGR Members	Ayes	Ayes (WR)	Nays	Excused
1. TSUJI, Clift (C)				✓
2. BROWER, Tom (VC)	✓			
3. BERG, Lyla B., Ph.D.				✓
4. CHANG, Jerry L.	✓			
5. HANOHANO, Faye P.			✓	
6. HERKES, Robert N.				✓
7. MANAHAN, Joey		✓		
8. WAKAI, Glenn				✓
9. YAMANE, Ryan I.	✓			
10. YAMASHITA, Kyle T.	✓			
11. CHING, Corinne W.L.	✓			
12. MEYER, Colleen Rose				✓
TOTAL	5	1	1	5
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Clerk's Office				