

STAND. COM. REP. NO.

1612

Honolulu, Hawaii

APR 05 2007

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

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committee on Water, Land, Agriculture, and Hawaiian Affairs, to which was referred H.B. No. 257, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure 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 and guest cottages in agricultural subdivisions without agribusiness, agricultural activity, or subsistence farming, 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 five acres; and



- (6) Requiring county special permits for rural district lands greater than fifteen acres and agricultural lands to be subject to the approval of the Land Use Commission.

Testimony in support of this measure was submitted by the Department of Agriculture; the Office of Planning, Department of Business, Economic Development, and Tourism; a Council Member, County of Maui; the Sierra Club, Hawai'i Chapter; and the Land Use Research Foundation of Hawaii. Testimony in opposition to this measure was submitted by the Dole Food Company Hawaii and the Hawaii Association of Realtors. The Department of Planning and Permitting, City and County of Honolulu and three individuals submitted comments.

Your Committee finds that similar provisions of this measure have been heard, decided on, and crossed over from the House of Representatives in S.B. No. 1236, S.D. 1, H.D. 1. Accordingly, your Committee has amended this measure by deleting its contents and replacing it with language from S.B. No. 1925, S.D. 2, which requires the State, in a combined effort with all state departments and agencies, to develop and maintain sustainable communities that will:

- (1) Generate at least fifty per cent of all of its energy requirements for the entire community under development, including but not limited to, residential homes and areas and services for and used by the entire community under development;
- (2) Implement a comprehensive recycling program that will enable the community to divert at least seventy-five per cent of its solid waste from the landfills;
- (3) Implement an extensive community wastewater recycling and treatment management system that would enable the community under development to treat and recycle all of its wastewater for landscaping water requirements onsite of the community and any agricultural water irrigation requirements offsite of the community;
- (4) Protect and preserve open space by designating at least fifty per cent of the entire tract of land for the residential community for open space; provided that:

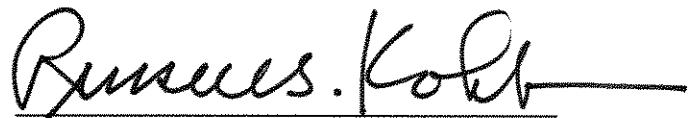


- (A) Open space shall not include areas designated for golf courses; and
 - (B) Open space shall include the shoreline, if the planned community abuts and includes shoreline space;
- (5) Promote and encourage visitation to any nearby cultural or historical sites, public beaches, shores, trails, and other outdoor recreational areas by not restricting public access to these areas; and
- (6) Provide affordable housing units by designating and reserving at least forty per cent of all of its residential units within the planned community for affordable housing units for residents to enable them to stay in Hawaii and provide shelter for their families.

Your Committee has further amended this measure to provide that state-issued permits to develop such communities would be expedited and receive priority over the processing of permit applications for the development of nonsustainable community development projects.

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

Respectfully submitted on
behalf of the members of the
Committee on Water, Land,
Agriculture, and Hawaiian
Affairs,




RUSSELL S. KOKUBUN, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Water, Land, Agriculture and Hawaiian Affairs
WAH

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 257 HD1	WAH	4-4-07		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KOKUBUN, Russell S. (C)	X			
TOKUDA, Jill N. (VC)	X			
FUKUNAGA, Carol				X
HEE, Clayton	X			
SLOM, Sam				X
TOTAL	3	0	0	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency		

*Only one measure per Record of Votes