

STAND. COM. REP. NO.

834

Honolulu, Hawaii

MAR 02 2007

RE: S.B. No. 1236  
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 S.B. No. 1236 entitled:

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

begs leave to report as follows:

The purpose of this measure is to protect and preserve the continued productivity and viability of the State's agricultural industry by requiring any reclassification of land to an urban or rural district designation that is contiguous to an agricultural district to contain a condition prohibiting nonagricultural development within one thousand feet of any parcel used for a farming operation.

Testimony in support of this measure was submitted by the Hawaii Farm Bureau Federation, the Maui County Farm Bureau, the Hawaii Agriculture Research Center, and the Lalamilo Farm Lots Association. Testimony in opposition to this measure was submitted by the Department of Planning and Permitting, City and County of Honolulu; the Hawaii Reserves, Inc.; and the Kuilima Resort Company. The Department of Agriculture and the Office of Planning of the Department of Business, Economic Development, and Tourism submitted comments.

Agricultural operations continue to be driven out as urbanization encroaches upon farm lands. Farmers are continually faced with complaints and harassment from surrounding neighbors, which ultimately causes these farmers to move their agricultural operations to another agricultural district, or stop their

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operations completely. Your Committee finds that any loss in agricultural productivity has a detrimental affect on the State's sustainable food productivity and economic activity. Providing measures to protect and preserve agricultural productivity will enable farmers to continue their agricultural operations despite the encroachment of urbanization.

Your Committee notes that establishing a buffer zone of one thousand feet between agricultural districts and urban or rural districts may be too cumbersome and problematic to implement and enforce. Furthermore, the Right to Farm Act under chapter 165, Hawaii Revised Statutes, already provides measures to prevent the declaration that a farming operation is a nuisance.

Accordingly, your Committee has amended this measure by replacing its contents with language that requires the Land Use Commission to include the Right to Farm Act under chapter 165, Hawaii Revised Statutes, as a condition to any reclassification of land to an urban or rural district designation that is contiguous to an agricultural district.

Your Committee believes that this measure, as amended, fulfills the intent of this measure, which is to protect and preserve the continued productivity and viability of the State's agricultural industry.

As affirmed by the record of votes of the members of your Committee on Water, Land, Agriculture, and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1236, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1236, 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.:* <i>SB 1236</i>	Committee Referral: <i>WAH</i>	Date: <i>2/26/07</i>		
<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)	<i>X</i>			
TOKUDA, Jill N. (VC)	<i>X</i>			
FUKUNAGA, Carol				<i>X</i>
HEE, Clayton				<i>X</i>
SLOM, Sam	<i>X</i>			
<b>TOTAL</b>	<i>3</i>	<i>0</i>	<i>0</i>	<i>2</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center;"></div>				
Distribution:             Original             Yellow             Pink File with Committee Report             Clerk's Office             Drafting Agency				

\*Only one measure per Record of Votes