

STAND. COM. REP. NO.

2667

Honolulu, Hawaii

FEB 29 2008

RE: S.B. No. 2997
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Water and Land, to which was referred S.B. No. 2997 entitled:

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

begs leave to report as follows:

The purpose of this measure is to establish a process for determining when land use classifications should be rescinded because they have not been used for a period of time, particularly for lands classified as urban or rural.

Prior to public hearing on this measure, your Committee distributed a proposed draft of the measure that proposed the establishment of a process for the transfer of development rights and to create a new land classification called the rural legacy area.

Testimony in opposition to this proposed measure was submitted by the City and County of Honolulu Department of Planning and Permitting, Land Use Research Foundation of Hawaii, and The Chamber of Commerce of Hawaii.

Your Committee finds that a system of transfer development rights provides an alternative means for preserving valuable rural lands by allowing for the transferability of development rights between properties. As part of a statewide development plan, the state Land Use Commission would designate properties whose landowners would be allowed to sell their property's development rights to a transfer development rights (TDR) bank. The State



would store and sell these development rights to landowners in a receiving area designated for high density. This would allow the State to offer compensation to landowners who are willing to retain their land classification or down zone it to conservation or preservation.

Your Committee notes that the concept of a transfer development rights system was proposed by the Chairperson of the Board of Land and Natural Resources as a possible alternative vehicle for preserving such rural lands as those on the north shore of Oahu owned by Kuilima Resort. This measure was introduced in response to the Chairperson's request.

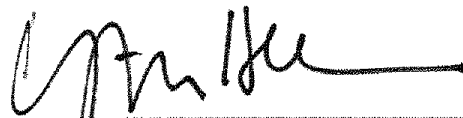
Your Committee has amended this measure by:

- (1) Replacing its contents with an amended version of the proposed draft that establishes the transfer of development rights program but deletes all provisions relating to the creation of a new land classification known as the rural legacy area; and
- (2) Providing an effective date of July 1, 2050.

Your Committee notes, in addition, that technical, nonsubstantive amendments have been made to the proposed draft for purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2997, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2997, S.D. 1, and be placed on the calendar for Third Reading.

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

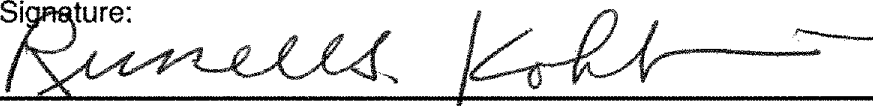


CLAYTON HEE, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2997, SD1	WTL	2/25/08		
<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
HEE, Clayton (C)	/			
KOKUBUN, Russell S. (VC)	/			
FUKUNAGA, Carol				/
TOKUDA, Jill N.		/		/
WHALEN, Paul				/
TOTAL	2	1		2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes