

STAND. COM. REP. NO. 686

Honolulu, Hawaii

March 5, 2009

RE: H.B. No. 1008

H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committees on Water, Land, & Ocean Resources and
Agriculture, to which was referred H.B. No. 1008 entitled:

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

beg leave to report as follows:

The purpose of this bill is to protect and promote Hawaii's
prime agricultural lands by imposing conditions on the approval
for petitions for subdivisions of and building permits to
construct farm dwellings on agricultural land.

The Office of Planning, Department of Agriculture, Kona
County Farm Bureau, and Hawaii Farm Bureau Federation testified in
support of this bill. The Sierra Club-Hawaii Chapter supported
this measure with amendments. The Department of Planning and
Permitting of the City and County of Honolulu, the Kau Farm
Bureau, Hawaii's Thousand Friends, and the Land Use Research
Foundation of Hawaii opposed this bill. The Hawaii Agriculture
Research Center provided comments.

Your Committees recognize that the counties are considering
zoning measures to discourage the development of "gentlemen
estates" in agricultural areas, including imposing limitations on
the size of dwellings, and establishing a minimum lag time between
lot creation and the issuance of a building permit. However, your
Committees find that this bill should also be advanced as one more
method to prevent gentlemen estates.

HB1008 HD1 HSCR WLO-AGR HMS 2009-2548



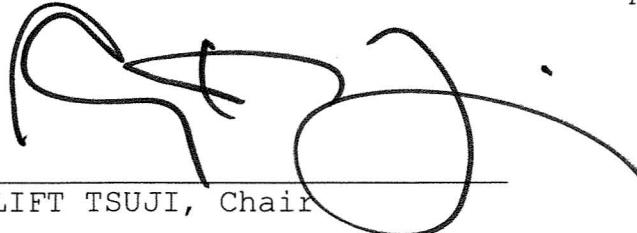
Your Committees also find that the requirements in this bill may create confusion as to the treatment of uses that may be non-conforming uses under the provisions of this bill.

Accordingly, your Committees have amended this bill by clarifying that uses and activities that were lawful as of the effective date of this Act shall be grandfathered and treated as legal nonconforming uses. Technical, nonsubstantive amendments were also made for clarity and style.

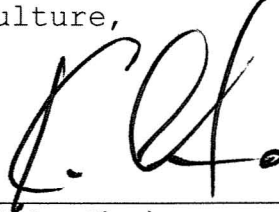
Your Committees note that a concern was raised that for some slow-growing crops, the requirement to establish evidence of "agribusiness activity" to obtain a building permit may create an inconvenience for the operator to commute to and from agricultural operations located at a distance from the operator's current residence. Legitimate farm operators may be prevented from obtaining a building permit because the nature of the crop may prevent the operator from realizing sales immediately. Your Committees find that this is an understandable concern.

As affirmed by the records of votes of the members of your Committees on Water, Land, & Ocean Resources and Agriculture that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1008, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1008, 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 and
Agriculture,



CLIFT TSUJI, Chair



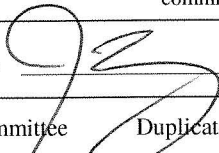
KEN ITO, Chair



State of Hawaii
House of Representatives
The Twenty-fifth Legislature

HSCR 686

Record of Votes of the Committee on Agriculture

Bill/Resolution No.: HB 1008	Committee Referral: WLO/AGR	Date: 2/27/09		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
AGR Members	Ayes	Ayes (WR)	Nays	Excused
1. TSUJI, Clift (C)	✓			
2. WOOLEY, Jessica (VC)	✓			
3. BERG, Lyla B.		✓		
4. CHOY, Isaac W.	✓			
5. EVANS, Cindy				✓
6. MANAHAN, Joey	✓			
7. McKELVEY, Angus L.K.				✓
8. TAKAI, K. Mark				
9. TOKIOKA, James Kunane				✓
10. WAKAI, Glenn				✓
11. MARUMOTO, Barbara C.	✓			
TOTAL (11)	5	1	0	4
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) – Chief Clerk's Office Duplicate (Pink) – HMSO				