

STAND. COM. REP. NO.

831

Honolulu, Hawaii

March 1, 2007

RE: H.B. No. 1901

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 H.B. No. 1901 entitled:

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

beg leave to report as follows:

The purpose of this bill is to improve the use of agricultural lands and important agricultural lands (IALs) by:

- (1) Requiring the counties to establish permissible uses and infrastructure changes for rural and urban districts;
- (2) Establishing permissible uses on IALs;
- (3) Allowing experimental and demonstration housing projects on rural lands;
- (4) Expanding the permissible uses in the rural district to allow uses currently permitted in the agricultural district in the rural district;
- (5) Requiring the Land Use Commission (LUC) to reclassify lands under the new classifications for agricultural and rural lands by January 2009; and
- (6) Providing incentives for landowners who voluntarily undertake IAL designations.

HB1901 HD1 HSCR WLH-AGR HMS 2007-2723



The Maui County Farm Bureau, Kamehameha Schools, and a concerned individual testified in support of this bill. The Department of Agriculture, Office of Planning (OP), and Hawaii Farm Bureau Federation supported the intent of this measure. The Sierra Club-Hawaii Chapter opposed this bill. The Department of Planning and Permitting of the City & County of Honolulu and the Environmental Center of the University of Hawaii at Manoa provided comments.

Upon careful consideration, your Committees have amended this bill by:

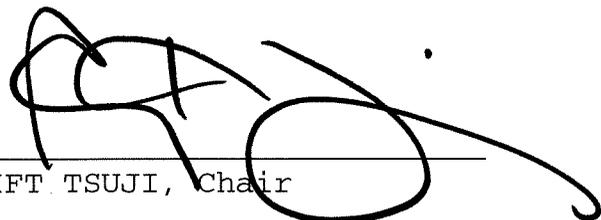
- (1) Broadening the requirement that the counties adopt ordinances for permissible uses in urban and rural lands to setting standards for levels of county services in urban, rural, and agricultural lands, subject to the district standards in Chapter 205, Hawaii Revised Statutes (HRS);
- (2) Establishing an administrative process to allow the LUC, counties, and OP to reclassify the regional district boundary amendments of certain lands to rural;
- (3) Providing that to qualify for the incentive for landowners who voluntarily undertake IAL designations:
 - (a) The area of land must be not more than 10 percent of the area of land designated as an IAL; and
 - (b) The land designated as an IAL must be for a period of not less than 50 years;
- (4) Adding certain agricultural worker housing as a permissible use on IALs;
- (5) Providing more detailed requirements of farm dwellings that are permitted on IALs;
- (6) Providing that IALs must be subdivided pursuant to certain use and subdivision requirements in addition to the requirements in section 205-4.5, HRS;
- (7) Removing the requirement that the LUC reclassify lands under new classifications by January 2009;
- (8) Including as criteria for classification as rural land:



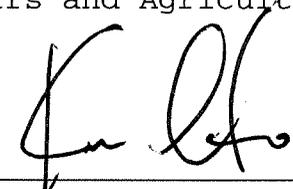
- (a) Areas suited to other uses requiring limited physical infrastructure development and services, including low density residential uses, outdoor recreational uses, and passive open space uses; and
 - (b) Compact, small mixed use rural towns and service centers;
- (9) Including as permissible uses in rural districts:
- (a) Small mixed use retail and commercial facilities; and
 - (b) Low density residential uses, including cluster housing developments;
- (10) Requiring the LUC to consider community and county development plans when establishing district boundaries; and
- (11) 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 H.B. No. 1901, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1901, 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 & Hawaiian
Affairs and Agriculture,



CLIFT TSUJI, Chair



KEN ITO, Chair



