
A BILL FOR AN ACT

RELATING TO LAND USE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. In 1978, voters approved article XI, section 3,
2 of the Constitution of the State of Hawaii, which sets out the
3 framework for state policies to promote agriculture and the
4 conservation of productive agricultural lands in the State.

5 The State is mandated to conserve and protect agricultural
6 lands, promote diversified agriculture, increase agricultural
7 self-sufficiency, and ensure the availability of agriculturally
8 suitable lands. Lands that are necessary for these purposes are
9 identified by the State as important agricultural lands.
10 Important agricultural lands cannot be reclassified by the State
11 or rezoned by its political subdivisions without meeting
12 established standards and criteria.

13 The standards and criteria are codified under part III of
14 chapter 205, Hawaii Revised Statutes. Currently, under section
15 205-49(d)(2), Hawaii Revised Statutes, the land use commission
16 must wait three years after the enactment of legislation
17 establishing incentives and protections before it can designate
18 lands as important agricultural lands and adopt maps for



1 designation, pursuant to the county process for identifying and
2 recommending lands. In addition, a county land use
3 decision-making authority may reclassify lands less than fifteen
4 acres presently in the rural and urban districts and lands less
5 than fifteen acres in the agricultural district that are not
6 designated as important agricultural lands.

7 The purpose of this Act is to accelerate the process of
8 designating important agricultural lands by:

- 9 (1) Removing the three year limitation imposed on the land
10 use commission; and
11 (2) Authorizing a county land use decision-making
12 authority to reclassify lands less than fifty acres
13 presently in the rural district and lands less than
14 thirty acres in the agricultural district one year
15 after the county transmits its important agricultural
16 lands designation maps to the land use commission
17 pursuant to section 205-47, Hawaii Revised Statutes.

18 SECTION 2. Section 205-3.1, Hawaii Revised Statutes, is
19 amended by amending subsection (b) to read as follows:

20 "(b) Any department or agency of the State, and department
21 or agency of the county in which the land is situated, or any
22 person with a property interest in the land sought to be



1 reclassified may petition the appropriate county land use
2 decision-making authority of the county in which the land is
3 situated for a change in the boundary of a district involving
4 lands less than fifteen acres presently in the rural and urban
5 districts and lands less than fifteen acres in the agricultural
6 district that are not designated as important agricultural
7 lands[-]; provided that one year after a county transmits the
8 important agricultural lands maps to the land use commission
9 pursuant to section 205-47, the appropriate county land use
10 decision-making authority of the county in which the land is
11 situated may reclassify lands less than fifty acres in the rural
12 district and less than thirty acres in the agricultural district
13 that are not designated as important agricultural lands. At
14 that time, with regard to a county that has transmitted the
15 important agricultural land maps to the land use commission,
16 subsection (c) shall be interpreted by substituting fifty or
17 thirty acres, as the case may be, for fifteen acres."

18 SECTION 3. Section 205-4, Hawaii Revised Statutes, is
19 amended by amending subsection (a) to read as follows:

20 "(a) Any department or agency of the State, any department
21 or agency of the county in which the land is situated, or any
22 person with a property interest in the land sought to be



1 reclassified, may petition the land use commission for a change
2 in the boundary of a district. This section applies to all
3 petitions for changes in district boundaries of lands within
4 conservation districts, lands designated or sought to be
5 designated as important agricultural lands, and lands greater
6 than fifteen acres in the agricultural, rural, and urban
7 districts, except as provided in section 201H-38[-] and section
8 205-3.1(b). The land use commission shall adopt rules pursuant
9 to chapter 91 to implement section 201H-38."

10 SECTION 4. Section 205-49, Hawaii Revised Statutes, is
11 amended by amending subsection (d) to read as follows:

12 "(d) The land use commission may designate lands as
13 important agricultural lands and adopt maps for a designation
14 pursuant to:

15 (1) A farmer or landowner petition for declaratory ruling
16 under section 205-45 at any time; or

17 (2) The county process for identifying and recommending
18 lands for important agricultural lands under section
19 205-47 [~~no sooner than three years~~],






20 after the enactment of legislation establishing incentives and
21 protections contemplated under section 205-46, as provided in
22 section 9 of Act 183, Session Laws of Hawaii 2005."



1 SECTION 5. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 6. This Act shall take effect upon its approval.
4

INTRODUCED BY:

JAN 22 2008



Report Title:

Land Use; Important Agricultural Lands

Description:

Accelerates the process of designating important agricultural lands by removing the 3-year limitation imposed on the land use commission and authorizing a county land use decision-making authority to reclassify certain lands that are greater than 15 acres 1 year after the county transmits its important agricultural lands designation maps to the land use commission.

