

JAN 22 2008

A BILL FOR AN ACT

RELATING TO LAND USE.

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

1 SECTION 1. When the legislature enacted Act 183, Session
2 Laws of Hawaii 2005, establishing important agricultural lands,
3 it declared that the people of Hawaii have a substantial
4 interest in the health and sustainability of agriculture as an
5 industry in the State and that there is a compelling state
6 interest in conserving the State's agricultural land resource
7 base and ensuring the long-term availability of agricultural
8 lands for agricultural use. This is in accord with the State's
9 responsibility under article XI, section 3, of the Hawaii state
10 constitution to conserve and protect agricultural lands.

11 The legislature finds that certain agricultural lands are
12 also important because of their special historical, cultural,
13 and visual value to the State and are akin in many ways to
14 landmarks. The legislature further finds that these "historic
15 agricultural landmarks" should be preserved and perpetuated as
16 agricultural land for the benefit of the people of Hawaii.



1 Agricultural lands, such as the George Galbraith Trust
2 agricultural lands north of Wahiawa, Oahu, are intertwined with
3 the historic and cultural fabric of the surrounding towns and
4 their people. The Galbraith lands in question are pineapple
5 plantation lands and home to former and current pineapple
6 workers, many of whom have lived and worked on the pineapple
7 plantation lands for decades. Many of the workers who left the
8 pineapple plantation camps settled in surrounding towns, and
9 their families are still living there today.

10 The pineapple industry is a significant part of Hawaii
11 history. Wahiawa, in particular, was once known as "The City of
12 Pines" or "Land of a Million Pines" and considered the hub of
13 the world's pineapple industry. The Galbraith lands in question
14 are, in essence, a prime example of agricultural lands that have
15 a special historical, cultural, and visual value to the people
16 of Hawaii.

17 Part III of chapter 205, Hawaii Revised Statutes,
18 establishes standards and criteria for the identification, as
19 well as the designation, of important agricultural lands.
20 However, the legislature finds that historic agricultural
21 landmarks should be designated by law. The legislature further
22 finds that instead of acquiring the agricultural land, the State



1 should restrict the land use to preserve and perpetuate it as
2 agricultural land for the continuing benefit of the people of
3 Hawaii.

4 The purpose of this Act is to:

5 (1) Enable the legislature to designate certain
6 agricultural lands as historic agricultural landmarks
7 because of their special historical, cultural, and
8 visual value to the State;

9 (2) Provide incentives for historic agricultural landmarks
10 similar to the proposed incentives for important
11 agricultural lands under section 205-46, Hawaii
12 Revised Statutes;

13 (3) Provide that historic agricultural landmarks can only
14 be designated by law; and

15 (4) Establish standards and criteria for reclassification
16 or rezoning, to better preserve the historic
17 agricultural landmarks for the education, pleasure,
18 and welfare of the people of Hawaii.

19 SECTION 2. Chapter 205, Hawaii Revised Statutes, is
20 amended by adding two new sections to part III to be
21 appropriately designated and to read as follows:



1 "§205-A Historic agricultural landmark. (a) As used in
2 this part, "historic agricultural landmark" means land within
3 the agricultural district that has significant historic,
4 cultural, and visual value to the State.

5 (b) The objective for the designation of an historic
6 agricultural landmark is to restrict the land use to
7 agricultural to preserve and perpetuate it as agricultural land
8 for the continuing benefit of the people of the State.

9 (c) An historic agricultural landmark shall be designated
10 through enactment of legislation. Once designated as an
11 historic agricultural landmark, the uses allowed on the land
12 shall be restricted to the permitted uses listed in section
13 205-4.5.

14 (d) A landowner with land designated as an historic
15 agricultural landmark shall be entitled to any incentives for
16 important agricultural lands enacted pursuant to section 205-46.

17 (e) Notwithstanding any law to the contrary, any land use
18 district boundary amendment or change in zoning involving an
19 historic agricultural landmark shall be made pursuant to section
20 205-50; provided that any decision pursuant to section 205-50
21 shall also be based upon a determination that, on balance, the
22 public benefit from the proposed district boundary amendment or



1 zone change outweighs the historic and cultural value of the
2 agricultural land to the State.

3 §205-B Galbraith historic agricultural landmark.

4 Agricultural lands that are part of the George Galbraith Trust
5 and are identified by tax map key numbers (01) 7-1-01 and
6 (01) 6-5-02, as bounded, respectively, by Schofield Barracks and
7 Wahiawa Reservoir (Lake Wilson) to the south, Kaukonahua Gulch
8 to the east, and Poamoho Gulch to the north, are declared to
9 have significant historic, cultural, and visual value to the
10 State and are hereby designated as an historic agricultural
11 landmark pursuant to section 205-A."

12 SECTION 3. In codifying the new sections added by section
13 2 of this Act, the revisor of statutes shall substitute
14 appropriate section numbers for the letters used in designating
15 the new sections in this Act.

16 SECTION 4. New statutory material is underscored.

17 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

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Report Title:

Land Use; Historic Agricultural Landmark

Description:

Establishes historic agricultural landmarks, designated by law, to be preserved and perpetuated as agricultural land for the benefit of the people of Hawaii.

