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# A BILL FOR AN ACT

RELATING TO AGRICULTURAL LANDS.

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

1           SECTION 1. In 2005, the legislature enacted Act 183,  
2 Session Laws of Hawaii 2005, implementing Article XI, Section 3,  
3 of the Hawaii Constitution regarding important agricultural  
4 lands. Act 183 establishes policies and procedures for the  
5 identification of important agricultural lands and provides for  
6 a process to develop protection and incentive measures for  
7 important agricultural lands and agricultural viability.  
8 Between 1969 and 2006, the amount of land zoned for agriculture  
9 declined by over twenty-five thousand acres statewide, according  
10 to the Hawaii Data Book. On Oahu alone, land under cultivation  
11 went from one hundred twenty-five thousand acres in 1982 to  
12 seventy thousand acres in 2005, according to the Statistics of  
13 Hawaii Agriculture compiled by the state department of  
14 agriculture. On Oahu, there is particular concern regarding  
15 housing projects that threaten vital agricultural lands in  
16 Mokuleia and Kahuku.



1           The purpose of this Act is to establish a one hundred year  
2 moratorium on certain building and development projects on  
3 agricultural lands located in state senate districts twenty-two  
4 and twenty-three.

5           SECTION 2. (a) Notwithstanding any law to the contrary,  
6 there is established a one hundred year moratorium on any  
7 building or development project on agricultural lands located in  
8 state senate districts twenty-two and twenty-three; provided  
9 that:

10           (1) The moratorium on building or development projects on  
11 agricultural lands shall be limited to any building or  
12 development project for which general planning has not  
13 commenced;

14           (2) The building or development project is intended to  
15 affect parcels of agricultural land with an overall  
16 (master) productivity rating of class A or B, and  
17 designated as an agricultural district;

18           (3) The building or development project is intended to  
19 affect parcels of agricultural land located in the  
20 State of Hawaii, and designated as an agricultural  
21 district; and



1           (4) The building or development project is not a  
2           permissible use within an agricultural district under  
3           section 205-4.5, Hawaii Revised Statutes.

4           (b) The moratorium shall be lifted on June 30, 2109.

5           (c) For purposes of this section, "general planning" means  
6 projects for which a permit application has been submitted to  
7 the appropriate state or county agency for processing and  
8 visible construction has already commenced.

9           SECTION 3. This Act shall take effect on July 1, 2109.



**Report Title:**

Development Projects; Agricultural Lands; Moratorium

**Description:**

Establishes a one hundred year moratorium on certain building and development projects on agricultural lands located in state senate districts twenty-two and twenty-three. (SB1152 HD1)

