

JAN 21 2009

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 state 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 Hawai'i Data Book. On O'ahu 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 Hawai'i Agriculture compiled by the state department of
14 agriculture. On O'ahu, there is particular concern regarding
15 housing projects that threaten vital agricultural lands in
16 Mokule'ia and Kahuku.



S.B. NO. 3

1 The purpose of this Act is to establish a five-year
2 moratorium on the development of agricultural lands located in
3 the area bounded by Wahiawa, Ka'ena Point, and Kahuku, on the
4 North Shore of O'ahu for which general planning has not
5 commenced.

6 SECTION 2. (a) Notwithstanding any law to the contrary,
7 there is established a five-year moratorium on any building or
8 development project on agricultural lands located in state
9 representative district forty-six; provided 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



S.B. NO. 3

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.

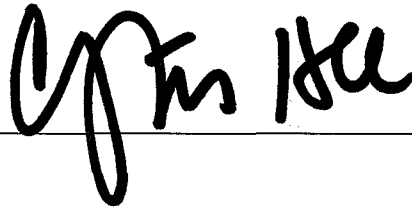
4 (b) The moratorium shall be lifted on June 30, 2014.

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, 2009.

10

INTRODUCED BY: _____



11



Report Title:

Important Agricultural Lands; Development Projects; Moratorium

Description:

Establishes a five-year moratorium on the development of agricultural lands located in state representative district forty-six for which general planning has not commenced; sunsets on 6/30/2014.

