

JAN 26 2009

A BILL FOR AN ACT

RELATING TO IMPORTANT AGRICULTURAL LANDS.

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

1 SECTION 1. Section 205-45, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) Any law to the contrary notwithstanding, within the
4 same petition for declaratory order as described in subsection
5 (a), the petitioner may seek a reclassification of land in the
6 agricultural district to the rural, urban, or conservation
7 district, or a combination thereof; provided that:

8 (1) The land sought to be reclassified to the rural,
9 urban, or conservation district is [~~within the same~~
10 county] on the same island as the land sought to be
11 designated as important agricultural lands;

12 (2) If the reclassification of the land is proposed to the
13 urban district, that reclassification to urban is
14 consistent with the relevant county general and
15 community, development, or community development
16 plans; and

1 (3) The total acreage of the land sought to be designated
2 or reclassified in the petition complies with the
3 following proportions:

4 (A) At least eighty-five per cent of the total acreage
5 is sought to be designated as important
6 agricultural land; and

7 (B) The remainder of the acreage is sought to be
8 reclassified to the rural, urban, or conservation
9 district."

10 SECTION 2. Section 205-45, Hawaii Revised Statutes, is
11 amended by amending subsection (e) to read as follows:

12 "(e) The commission shall review the petition and the
13 accompanying submissions to evaluate the qualifications of the
14 land for designation as important agricultural lands in
15 accordance with section 205-44.

16 If the [~~petitioner~~] petitioner also seeks the
17 reclassification of land to the rural, urban, or conservation
18 district, the commission shall review the petition and
19 accompanying submissions to evaluate:

20 (1) The suitability of the land for the reclassification
21 in accordance with [~~section 205-27~~] sections 205-2 and
22 205-17;

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1 (2) If the reclassification of the land is proposed to the
2 urban district, that reclassification to urban is
3 consistent with the relevant county general and
4 community, development, or community development
5 plans; and

6 (3) Compliance with the other provisions of subsection
7 (b).

8 If the commission, after its review, finds that the
9 designation and, if applicable, reclassification sought in the
10 petition should be approved, the commission shall vote, by a
11 two-thirds majority of the members of the commission, to issue a
12 declaratory order designating the petitioner's identified lands
13 as important agricultural [~~land~~] lands and, if applicable,
14 reclassifying the petitioner's identified lands from the
15 agricultural district to the rural, urban, or conservation
16 district. The commission may include reasonable conditions in
17 the declaratory order[-] that shall run with the land.

18 With respect to a petition that seeks to both designate
19 important agricultural lands and reclassify agricultural lands
20 to the rural, urban, or conservation district, if the commission
21 finds that either the designation or reclassification as

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1 proposed by the petitioner should not be approved, the
2 commission shall deny the petition in its entirety."

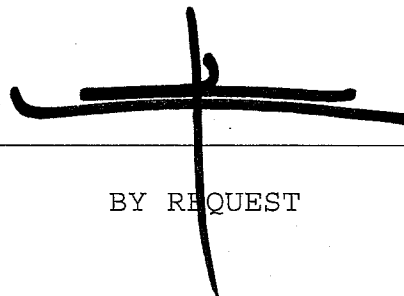
3 SECTION 3. Statutory material to be repealed is
4 bracketed and stricken. New statutory material is underscored.

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

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INTRODUCED BY: _____

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9

BY REQUEST

Report Title:

Important Agricultural Lands

Description:

Amends section 205-45, Hawaii Revised Statutes, to ensure that all lands to be designated or reclassified under subsection (b) shall be on the same island; and amends subsection (e) to add that the commission shall evaluate the suitability of the land for reclassification in accordance with sections 205-2 and 205-17, Hawaii Revised Statutes, and that conditions imposed by the commission in the declaratory order shall run with the land.

JUSTIFICATION SHEET

DEPARTMENT: Business, Economic Development, and
Tourism/Office of Planning

TITLE: A BILL FOR AN ACT RELATING TO IMPORTANT
AGRICULTURAL LANDS.

PURPOSE: To make housekeeping changes to the
Important Agricultural Lands (IAL)
designation and reclassification process in
section 205-45, Hawaii Revised Statutes.

MEANS: Amend section 205-45(b) and (e), Hawaii
Revised Statutes (HRS).

JUSTIFICATION: Section 205-45, HRS, provides for
designation of important agricultural lands
and reclassification of agricultural lands
to the urban, rural, and conservation
districts by declaratory order of the state
Land Use Commission.

All lands proposed for designation and
reclassification in one petition should be
on the same island to maintain the ratio of
85 percent IAL and 15 percent other
districts on each island.

Sections 205-2 and 205-17, HRS, provide the
Land Use Commission with standards and
criteria to consider in reclassifying land
from one district to another. Land
evaluated by the Commission as part of a
petition for a declaratory order designating
IAL should be evaluated using the same
criteria and standards as lands proposed for
reclassification without a designation of
IAL to ensure that lands reclassified will
be suitable for the activities and uses
being proposed.

Impact on the public: There will be a
positive impact on the public because the
Land Use Commission will apply the same
standards and criteria in evaluating the

suitability of land for urban, rural, and conservation uses in considering proposed reclassification of land.

Impact on the department and other agencies:
There will be no additional cost or staffing required by these amendments.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: BED 144.

OTHER AFFECTED
AGENCIES: Land Use Commission, county planning
departments.

EFFECTIVE DATE: Upon approval.