

JAN 25 2012

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# A BILL FOR AN ACT

RELATING TO LAND USE.

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

1           SECTION 1. The legislature finds that the State's land use  
2 districts face reclassification as the demand for housing and  
3 jobs increase. For example, the land developer for a  
4 \$4,600,000,000 project is petitioning the land use commission to  
5 reclassify land that includes one thousand five hundred fifty-  
6 four acres of prime farmland in order to build a large community  
7 consisting of eleven thousand seven hundred fifty homes, five  
8 public schools and three to four million square feet of  
9 commercial space in Ewa. The biggest of the four farms that  
10 currently operate on this site is the second largest diversified  
11 fruit and vegetable farm in the State and uses approximately one  
12 thousand acres to grow its produce.

13           Although the project designates land for commercial  
14 farming, community gardens, and home gardens, it proposes to  
15 eventually phase out farming in the area from one thousand five  
16 hundred acres to one thousand three hundred acres in 2015, to  
17 six hundred ninety-eight acres in 2020, and finally to two  
18 hundred fifty-one acres for urban agriculture. Proponents



1 reason that the project will avoid a housing shortage and  
2 provide jobs without endangering local food security.  
3 Furthermore, the proposed project site is located within the  
4 city's urban growth boundary devised to accommodate population  
5 growth. Opponents contend that Oahu needs to preserve prime  
6 farmland for growing food and that housing and jobs should not  
7 be the main motivation for paving over land once used to grow  
8 sugar cane.

9 As evidenced by this example, housing and agriculture often  
10 compete for the same land resources. The legislature finds that  
11 one way of compromising these conflicting interests is reserving  
12 the use of certain agricultural lands, prime farmlands, for the  
13 purposes for which they are best suited. However, prior  
14 decisions from the land use commission have favored the need to  
15 address urban growth demands over keeping the land for  
16 agricultural purposes.

17 The legislature further finds that clearer criteria for the  
18 land use commission to use in review of any petition for  
19 district boundary reclassification is necessary to ensure the  
20 best possible uses of and to preserve prime farmlands. Clear  
21 criteria will further assure the availability of agriculturally



1 suitable lands pursuant to article XI, section 3, of the Hawaii  
2 State Constitution.

3 The purpose of this Act is to ensure that the State's prime  
4 farmlands are protected by:

5 (1) Defining prime farmlands and allowing prime farmlands  
6 within agricultural districts;

7 (2) Prohibiting petitions for boundary amendments that  
8 cover substantially the same request as previously  
9 submitted to and subsequently denied by the land use  
10 commission or voluntarily withdrawn during a certain  
11 period of time after the denial or withdrawal, with  
12 certain exceptions;

13 (3) Requiring the land use commission to specifically  
14 consider prime farmlands as a factor in decisions  
15 related to agricultural district boundaries and  
16 permissible uses within the agricultural districts;  
17 and

18 (4) Prohibiting the land use commission from taking prime  
19 farmlands out of agricultural districts if the land is  
20 used for agricultural purposes for at least two years  
21 prior to the petition for a boundary amendment or has  
22 a high capacity for intensive agricultural uses.



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

3 "(d) Agricultural districts shall include:

4 (1) Activities or uses as characterized by the cultivation  
5 of crops, crops for bioenergy, orchards, forage, and  
6 forestry;

7 (2) Farming activities or uses related to animal husbandry  
8 and game and fish propagation;

9 (3) Aquaculture, which means the production of aquatic  
10 plant and animal life within ponds and other bodies of  
11 water;

12 (4) Wind generated energy production for public, private,  
13 and commercial use;

14 (5) Biofuel production, as described in section  
15 205-4.5(a)(15), for public, private, and commercial  
16 use;

17 (6) Solar energy facilities; provided that:

18 (A) This paragraph shall apply only to land with soil  
19 classified by the land study bureau's detailed  
20 land classification as overall (master)  
21 productivity rating class B, C, D or E; and



1           (B) Solar energy facilities placed within land with  
2                   soil classified as overall productivity rating  
3                   class B or C shall not occupy more than ten per  
4                   cent of the acreage of the parcel, or twenty  
5                   acres of land, whichever is lesser;

6           (7) Bona fide agricultural services and uses that support  
7                   the agricultural activities of the fee or leasehold  
8                   owner of the property and accessory to any of the  
9                   above activities, regardless of whether conducted on  
10                  the same premises as the agricultural activities to  
11                  which they are accessory, including farm dwellings as  
12                  defined in section 205-4.5(a)(4), employee housing,  
13                  farm buildings, mills, storage facilities, processing  
14                  facilities, agricultural-energy facilities as defined  
15                  in section 205-4.5(a)(16), vehicle and equipment  
16                  storage areas, roadside stands for the sale of  
17                  products grown on the premises, and plantation  
18                  community subdivisions as defined in section  
19                  205-4.5(a)(12);

20           (8) Wind machines and wind farms;

21           (9) Small-scale meteorological, air quality, noise, and  
22                  other scientific and environmental data collection and



1 monitoring facilities occupying less than one-half  
2 acre of land; provided that these facilities shall not  
3 be used as or equipped for use as living quarters or  
4 dwellings;

5 (10) Agricultural parks;

6 (11) Agricultural tourism conducted on a working farm, or a  
7 farming operation as defined in section 165-2, for the  
8 enjoyment, education, or involvement of visitors;  
9 provided that the agricultural tourism activity is  
10 accessory and secondary to the principal agricultural  
11 use and does not interfere with surrounding farm  
12 operations; and provided further that this paragraph  
13 shall apply only to a county that has adopted  
14 ordinances regulating agricultural tourism under  
15 section 205-5; [and]

16 (12) Open area recreational facilities[-]; and

17 (13) Prime farmlands. For purposes of this chapter, "prime  
18 farmland" means:

19 (A) Land best suited for food, feed, forage, fiber,  
20 and oilseed crops;

21 (B) Land that produces the highest yields with  
22 minimal inputs of energy and economic resources



1                   and resulting in the least damage to the  
2                   environment; and  
3           (C) Land with good soil productivity depending on its  
4                   location characteristics.

5 Agricultural districts shall not include golf courses and golf  
6 driving ranges, except as provided in section 205-4.5(d).

7 Agricultural districts include areas that are not used for, or  
8 that are not suited to, agricultural and ancillary activities by  
9 reason of topography, soils, and other related characteristics."

10           SECTION 3. Section 205-3.1, Hawaii Revised Statutes, is  
11 amended by amending subsections (a) and (b) to read as follows:

12           "(a) District boundary amendments involving lands in the  
13 conservation district, land areas greater than fifteen acres,  
14 prime farmlands located in an agricultural district, or lands  
15 delineated as important agricultural lands shall be processed by  
16 the land use commission pursuant to section 205-4.

17           (b) Any department or agency of the State, and department  
18 or agency of the county in which the land is situated, or any  
19 person with a property interest in the land sought to be  
20 reclassified may petition the appropriate county land use  
21 decision-making authority of the county in which the land is  
22 situated for a change in the boundary of a district involving



1 lands less than fifteen acres presently in the rural and urban  
2 districts and lands less than fifteen acres in the agricultural  
3 district that are not designated as important agricultural  
4 lands [?] or prime farmlands."

5 SECTION 4. Section 205-4, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 "**§205-4 Amendments to district boundaries involving land**  
8 **areas greater than fifteen acres.** (a) Any department or agency  
9 of the State, any department or agency of the county in which  
10 the land is situated, or any person with a property interest in  
11 the land sought to be reclassified, may petition the land use  
12 commission for a change in the boundary of a district. This  
13 section applies to all petitions for changes in district  
14 boundaries of lands within conservation districts, lands  
15 designated or sought to be designated as important agricultural  
16 lands, prime farmlands located in an agricultural district, and  
17 lands greater than fifteen acres in the agricultural, rural, and  
18 urban districts, except as provided in section 201H-38. The  
19 land use commission shall adopt rules pursuant to chapter 91 to  
20 implement section 201H-38.

21 (b) Upon proper filing of a petition pursuant to  
22 subsection (a) the commission shall, within not less than sixty





1 and not more than one hundred and eighty days, conduct a hearing  
2 on the appropriate island in accordance with the provisions of  
3 sections 91-9, 91-10, 91-11, 91-12, and 91-13, as applicable.

4 (c) Any other provision of law to the contrary  
5 notwithstanding, notice of the hearing together with a copy of  
6 the petition shall be served on the county planning commission  
7 and the county planning department of the county in which the  
8 land is located and all persons with a property interest in the  
9 land as recorded in the county's real property tax records. In  
10 addition, notice of the hearing shall be mailed to all persons  
11 who have made a timely written request for advance notice of  
12 boundary amendment proceedings, and public notice shall be given  
13 at least once in the county in which the land sought to be  
14 redistricted is situated as well as once statewide at least  
15 thirty days in advance of the hearing. The notice shall comply  
16 with section 91-9, shall indicate the time and place that maps  
17 showing the proposed district boundary may be inspected, and  
18 further shall inform all interested persons of their rights  
19 under subsection (e).

20 (d) Any other provisions of law to the contrary  
21 notwithstanding, prior to hearing of a petition the commission



1 and its staff may view and inspect any land which is the subject  
2 of the petition.

3 (e) Any other provisions of law to the contrary  
4 notwithstanding, agencies and persons may intervene in the  
5 proceedings in accordance with this subsection.

6 (1) The petitioner, the office of planning, and the county  
7 planning department shall in every case appear as  
8 parties and make recommendations relative to the  
9 proposed boundary change.

10 (2) All departments and agencies of the State and of the  
11 county in which the land is situated shall be admitted  
12 as parties upon timely application for intervention.

13 (3) All persons who have some property interest in the  
14 land, who lawfully reside on the land, or who  
15 otherwise can demonstrate that they will be so  
16 directly and immediately affected by the proposed  
17 change that their interest in the proceeding is  
18 clearly distinguishable from that of the general  
19 public shall be admitted as parties upon timely  
20 application for intervention.

21 (4) All other persons may apply to the commission for  
22 leave to intervene as parties. Leave to intervene



1 shall be freely granted, provided that the commission  
2 or its hearing officer if one is appointed may deny an  
3 application to intervene when in the commission's or  
4 hearing officer's sound discretion it appears that:

5 (A) the position of the applicant for intervention  
6 concerning the proposed change is substantially the  
7 same as the position of a party already admitted to  
8 the proceeding; and (B) the admission of additional  
9 parties will render the proceedings inefficient and  
10 unmanageable. A person whose application to intervene  
11 is denied may appeal such denial to the circuit court  
12 pursuant to section 91-14.

13 (5) The commission shall pursuant to chapter 91 adopt  
14 rules governing the intervention of agencies and  
15 persons under this subsection. Such rules shall  
16 without limitation establish: (A) the information to  
17 be set forth in any application for intervention; (B)  
18 time limits within which such applications shall be  
19 filed; and (C) reasonable filing fees to accompany  
20 such applications.

21 (f) Together with other witnesses that the commission may  
22 desire to hear at the hearing, it shall allow a representative



1 of a citizen or a community group to testify who indicates a  
2 desire to express the view of such citizen or community group  
3 concerning the proposed boundary change.

4 (g) Within a period of not more than three hundred sixty-  
5 five days after the proper filing of a petition, unless  
6 otherwise ordered by a court, or unless a time extension, which  
7 shall not exceed ninety days, is established by a two-thirds  
8 vote of the members of the commission, the commission, by filing  
9 findings of fact and conclusions of law, shall act to approve  
10 the petition, deny the petition, or to modify the petition by  
11 imposing conditions necessary to uphold the intent and spirit of  
12 this chapter or the policies and criteria established pursuant  
13 to section 205-17 or to assure substantial compliance with  
14 representations made by the petitioner in seeking a boundary  
15 change. The commission may provide by condition that absent  
16 substantial commencement of use of the land in accordance with  
17 such representations, the commission shall issue and serve upon  
18 the party bound by the condition an order to show cause why the  
19 property should not revert to its former land use classification  
20 or be changed to a more appropriate classification. Such  
21 conditions, if any, shall run with the land and be recorded in  
22 the bureau of conveyances.



1 (h) No amendment of a land use district boundary shall be  
2 approved unless the commission finds upon the clear  
3 preponderance of the evidence that the proposed boundary is  
4 reasonable, not violative of section 205-2 and part III of this  
5 chapter, and consistent with the policies and criteria  
6 established pursuant to sections 205-16 and 205-17. Six  
7 affirmative votes of the commission shall be necessary for any  
8 boundary amendment under this section.

9 (i) Parties to proceedings to amend land use district  
10 boundaries may obtain judicial review thereof in the manner set  
11 forth in section 91-14, provided that the court may also reverse  
12 or modify a finding of the commission if such finding appears to  
13 be contrary to the clear preponderance of the evidence.

14 (j) At the hearing, all parties may enter into appropriate  
15 stipulations as to findings of fact, conclusions of law, and  
16 conditions of reclassification concerning the proposed boundary  
17 change. The commission may but shall not be required to approve  
18 such stipulations based on the evidence adduced.

19 (k) The commission shall not accept any petition for  
20 boundary amendment covering substantially the same request for  
21 substantially the same land as previously denied by the  
22 commission within one year of the date of filing findings of



1 fact and conclusions of law denying the petition unless the  
2 petitioner submits significant new data or additional reasons  
3 that substantially strengthen the petitioner's position;  
4 provided that in no event shall any new petition be accepted  
5 within six months of the date of filing of the findings of fact  
6 and conclusions of law. Additionally, the commission shall not  
7 accept any petition for boundary amendment for the same request  
8 involving the same land that was before the commission and  
9 withdrawn voluntarily by the petitioner within one year of the  
10 date of the withdrawal."

11 SECTION 5. Section 205-4.5, Hawaii Revised Statutes, is  
12 amended by amending subsections (a) and (b) to read as follows:

13 "(a) Within the agricultural district, all lands with soil  
14 classified by the land study bureau's detailed land  
15 classification as overall (master) productivity rating class A  
16 or B, including prime farmlands, shall be restricted to the  
17 following permitted uses:

- 18 (1) Cultivation of crops, including crops for bioenergy,  
19 flowers, vegetables, foliage, fruits, forage, and  
20 timber;  
21 (2) Game and fish propagation;



- 1           (3) Raising of livestock, including poultry, bees, fish,  
2                    or other animal or aquatic life that are propagated  
3                    for economic or personal use;
- 4           (4) Farm dwellings, employee housing, farm buildings, or  
5                    activities or uses related to farming and animal  
6                    husbandry. "Farm dwelling", as used in this  
7                    paragraph, means a single-family dwelling located on  
8                    and used in connection with a farm, including clusters  
9                    of single-family farm dwellings permitted within  
10                  agricultural parks developed by the State, or where  
11                  agricultural activity provides income to the family  
12                  occupying the dwelling;
- 13          (5) Public institutions and buildings that are necessary  
14                  for agricultural practices;
- 15          (6) Public and private open area types of recreational  
16                  uses, including day camps, picnic grounds, parks, and  
17                  riding stables, but not including dragstrips,  
18                  airports, drive-in theaters, golf courses, golf  
19                  driving ranges, country clubs, and overnight camps;
- 20          (7) Public, private, and quasi-public utility lines and  
21                  roadways, transformer stations, communications  
22                  equipment buildings, solid waste transfer stations,



1 major water storage tanks, and appurtenant small  
2 buildings such as booster pumping stations, but not  
3 including offices or yards for equipment, material,  
4 vehicle storage, repair or maintenance, treatment  
5 plants, corporation yards, or other similar  
6 structures;

7 (8) Retention, restoration, rehabilitation, or improvement  
8 of buildings or sites of historic or scenic interest;

9 (9) Roadside stands for the sale of agricultural products  
10 grown on the premises;

11 (10) Buildings and uses, including mills, storage, and  
12 processing facilities, maintenance facilities, and  
13 vehicle and equipment storage areas that are normally  
14 considered directly accessory to the above-mentioned  
15 uses and are permitted under section 205-2(d);

16 (11) Agricultural parks;

17 (12) Plantation community subdivisions, which as used in  
18 this chapter means an established subdivision or  
19 cluster of employee housing, community buildings, and  
20 agricultural support buildings on land currently or  
21 formerly owned, leased, or operated by a sugar or  
22 pineapple plantation; provided that the existing





1 structures may be used or rehabilitated for use, and  
2 new employee housing and agricultural support  
3 buildings may be allowed on land within the  
4 subdivision as follows:

5 (A) The employee housing is occupied by employees or  
6 former employees of the plantation who have a  
7 property interest in the land;

8 (B) The employee housing units not owned by their  
9 occupants shall be rented or leased at affordable  
10 rates for agricultural workers; or

11 (C) The agricultural support buildings shall be  
12 rented or leased to agricultural business  
13 operators or agricultural support services;

14 (13) Agricultural tourism conducted on a working farm, or a  
15 farming operation as defined in section 165-2, for the  
16 enjoyment, education, or involvement of visitors;  
17 provided that the agricultural tourism activity is  
18 accessory and secondary to the principal agricultural  
19 use and does not interfere with surrounding farm  
20 operations; and provided further that this paragraph  
21 shall apply only to a county that has adopted



1           ordinances regulating agricultural tourism under  
2           section 205-5;

3       (14) Wind energy facilities, including the appurtenances  
4           associated with the production and transmission of  
5           wind generated energy; provided that the wind energy  
6           facilities and appurtenances are compatible with  
7           agriculture uses and cause minimal adverse impact on  
8           agricultural land;

9       (15) Biofuel processing facilities, including the  
10          appurtenances associated with the production and  
11          refining of biofuels that is normally considered  
12          directly accessory and secondary to the growing of the  
13          energy feedstock; provided that biofuels processing  
14          facilities and appurtenances do not adversely impact  
15          agricultural land and other agricultural uses in the  
16          vicinity.

17               For the purposes of this paragraph:

18               "Appurtenances" means operational infrastructure  
19               of the appropriate type and scale for economic  
20               commercial storage and distribution, and other similar  
21               handling of feedstock, fuels, and other products of  
22               biofuels processing facilities.



1 "Biofuel processing facility" means a facility  
2 that produces liquid or gaseous fuels from organic  
3 sources such as biomass crops, agricultural residues,  
4 and oil crops, including palm, canola, soybean, and  
5 waste cooking oils; grease; food wastes; and animal  
6 residues and wastes that can be used to generate  
7 energy;

8 (16) Agricultural-energy facilities, including  
9 appurtenances necessary for an agricultural-energy  
10 enterprise; provided that the primary activity of the  
11 agricultural-energy enterprise is agricultural  
12 activity. To be considered the primary activity of an  
13 agricultural-energy enterprise, the total acreage  
14 devoted to agricultural activity shall be not less  
15 than ninety per cent of the total acreage of the  
16 agricultural-energy enterprise. The agricultural-  
17 energy facility shall be limited to lands owned,  
18 leased, licensed, or operated by the entity conducting  
19 the agricultural activity.

20 As used in this paragraph:

21 "Agricultural activity" means any activity  
22 described in paragraphs (1) to (3) of this subsection.



1 "Agricultural-energy enterprise" means an  
2 enterprise that integrally incorporates an  
3 agricultural activity with an agricultural-energy  
4 facility.

5 "Agricultural-energy facility" means a facility  
6 that generates, stores, or distributes renewable  
7 energy as defined in section 269-91 or renewable fuel  
8 including electrical or thermal energy or liquid or  
9 gaseous fuels from products of agricultural activities  
10 from agricultural lands located in the State.

11 "Appurtenances" means operational infrastructure  
12 of the appropriate type and scale for the economic  
13 commercial generation, storage, distribution, and  
14 other similar handling of energy, including equipment,  
15 feedstock, fuels, and other products of agricultural-  
16 energy facilities;

17 (17) Construction and operation of wireless communication  
18 antennas; provided that, for the purposes of this  
19 paragraph, "wireless communication antenna" means  
20 communications equipment that is either freestanding  
21 or placed upon or attached to an already existing  
22 structure and that transmits and receives



1 electromagnetic radio signals used in the provision of  
2 all types of wireless communications services;  
3 provided further that nothing in this paragraph shall  
4 be construed to permit the construction of any new  
5 structure that is not deemed a permitted use under  
6 this subsection;

7 (18) Agricultural education programs conducted on a farming  
8 operation as defined in section 165-2, for the  
9 education and participation of the general public;  
10 provided that the agricultural education programs are  
11 accessory and secondary to the principal agricultural  
12 use of the parcels or lots on which the agricultural  
13 education programs are to occur and do not interfere  
14 with surrounding farm operations. For the purposes of  
15 this section, "agricultural education programs" means  
16 activities or events designed to promote knowledge and  
17 understanding of agricultural activities and practices  
18 conducted on a farming operation as defined in section  
19 165-2; or

20 (19) Solar energy facilities that do not occupy more than  
21 ten per cent of the acreage of the parcel, or twenty  
22 acres of land, whichever is lesser; provided that this



1 use shall not be permitted on lands with soil  
2 classified by the land study bureau's detailed land  
3 classification as overall (master) productivity rating  
4 class A.

5 (b) Uses not expressly permitted in subsection (a) shall  
6 be prohibited, except the uses permitted as provided in sections  
7 205-6 and 205-8, and construction of single-family dwellings on  
8 lots existing before June 4, 1976. Any other law to the  
9 contrary notwithstanding, no subdivision of land within the  
10 agricultural district with soil classified by the land study  
11 bureau's detailed land classification as overall (master)  
12 productivity rating class A or B, including prime farmlands,  
13 shall be approved by a county unless those A and B lands within  
14 the subdivision are made subject to the restriction on uses as  
15 prescribed in this section and to the condition that the uses  
16 shall be primarily in pursuit of an agricultural activity.

17 Any deed, lease, agreement of sale, mortgage, or other  
18 instrument of conveyance covering any land within the  
19 agricultural subdivision shall expressly contain the restriction  
20 on uses and the condition, as prescribed in this section that  
21 these restrictions and conditions shall be encumbrances running



1 with the land until such time that the land is reclassified to a  
2 land use district other than agricultural district.

3 If the foregoing requirement of encumbrances running with  
4 the land jeopardizes the owner or lessee in obtaining mortgage  
5 financing from any of the mortgage lending agencies set forth in  
6 the following paragraph, and the requirement is the sole reason  
7 for failure to obtain mortgage financing, then the requirement  
8 of encumbrances shall, insofar as such mortgage financing is  
9 jeopardized, be conditionally waived by the appropriate county  
10 enforcement officer; provided that the conditional waiver shall  
11 become effective only in the event that the property is  
12 subjected to foreclosure proceedings by the mortgage lender.

13 The mortgage lending agencies referred to in the preceding  
14 paragraph are the Federal Housing Administration, Federal  
15 National Mortgage Association, Veterans Administration, Small  
16 Business Administration, United States Department of  
17 Agriculture, Federal Land Bank of Berkeley, Federal Intermediate  
18 Credit Bank of Berkeley, Berkeley Bank for Cooperatives, and any  
19 other federal, state, or private mortgage lending agency  
20 qualified to do business in Hawaii, and their respective  
21 successors and assigns."



1 SECTION 6. Section 205-17, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§205-17 Land use commission decision-making criteria.

4 (a) In its review of any petition for reclassification of  
5 district boundaries pursuant to this chapter, the commission  
6 shall specifically consider the following:

7 (1) The extent to which the proposed reclassification  
8 conforms to the applicable goals, objectives, and  
9 policies of the Hawaii state plan and relates to the  
10 applicable priority guidelines of the Hawaii state  
11 plan and the adopted functional plans;

12 (2) The extent to which the proposed reclassification  
13 conforms to the applicable district standards;

14 (3) The impact of the proposed reclassification on the  
15 following areas of state concern:

16 (A) Preservation or maintenance of important natural  
17 systems or habitats;

18 (B) Maintenance of valued cultural, historical, or  
19 natural resources;

20 (C) Maintenance of other natural resources relevant  
21 to Hawaii's economy, including agricultural  
22 resources;





- 1 (D) Commitment of state funds and resources;
- 2 (E) Provision for employment opportunities and
- 3 economic development; [~~and~~]
- 4 (F) Provision for housing opportunities for all
- 5 income groups, particularly the low, low-
- 6 moderate, and gap groups; and
- 7 (G) Preservation of prime farmlands to ensure local
- 8 food security and the availability of
- 9 agriculturally suitable lands pursuant to article
- 10 XI, section 3, of the Hawaii State Constitution;
- 11 (4) The standards and criteria for the reclassification or
- 12 rezoning of important agricultural lands in section
- 13 205-50;
- 14 (5) The county general plan and all community,
- 15 development, or community development plans adopted
- 16 pursuant to the county general plan, as they relate to
- 17 the land that is the subject of the reclassification
- 18 petition; and
- 19 (6) The representations and commitments made by the
- 20 petitioner in securing a boundary change.
- 21 (b) Prime farmlands used for intensive agricultural
- 22 purposes for two years prior to the date of filing the petition



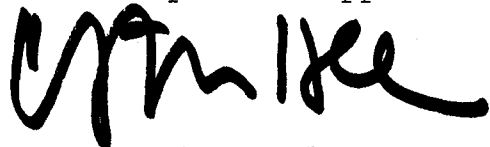
1 or lands with a high capacity for intensive agricultural  
2 purposes shall not be taken out of the agricultural district to  
3 ensure the availability of agriculturally suitable lands  
4 pursuant to article XI, section 3, of the Hawaii State  
5 Constitution."

6 SECTION 7. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 8. This Act shall take effect upon its approval.

9

INTRODUCED BY: \_\_\_\_\_



# S.B. NO. 2926

**Report Title:**

Land Use Commission; District Boundaries; Prime Farmlands

**Description:**

Defines prime farmlands and requires the land use commission to specifically consider prime farmlands as a factor in decisions related to agricultural district boundaries and permissible uses within the agricultural districts. Prohibits the commission from taking prime farmlands out of agricultural districts if the land is used for agricultural purposes for at least two years prior to the boundary amendment petition or has a high capacity for intensive agricultural uses. Prohibits petitions for boundary amendments that cover substantially the same request as previously submitted to and subsequently denied by the commission or voluntarily withdrawn during a certain period of time after the denial or withdrawal, with certain exceptions.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

