

JAN 17 2014

A BILL FOR AN ACT

RELATING TO AGRICULTURAL LAND.

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

1 SECTION 1. In 1978, voters approved article XI, section 3,
2 of the Hawaii Constitution, which sets out the framework for
3 state policies to promote agriculture and the conservation of
4 productive agricultural lands in the State. Article XI, section
5 3, provides that:

6 The State shall conserve and protect agricultural
7 lands, promote diversified agriculture, increase
8 agricultural self-sufficiency and assure the
9 availability of agriculturally suitable lands. The
10 legislature shall provide standards and criteria to
11 accomplish the foregoing.

12 Lands identified by the State as important
13 agricultural lands needed to fulfill the purposes
14 above shall not be reclassified by the State or
15 rezoned by its political subdivisions without meeting
16 the standards and criteria established by the
17 legislature and approved by a two-thirds vote of the



1 body responsible for the reclassification or rezoning
2 action.

3 To further implement the intent and purpose of article XI,
4 section 3, of the Hawaii Constitution, Act 183, Session Laws of
5 Hawaii 2005, established standards, criteria, and mechanisms to
6 identify important agricultural lands and required adoption of
7 incentives and permitting procedures to promote agriculture.
8 Act 183 also recognized that while the supply of lands suitable
9 for agriculture is critical, the long-term viability of
10 agriculture also depends on other factors, including:

- 11 (1) Commodity prices;
- 12 (2) Availability of water for irrigation;
- 13 (3) Agricultural research and outreach;
- 14 (4) Application of production technologies;
- 15 (5) Marketing; and
- 16 (6) Availability and cost of transportation services.

17 Act 233, Session Laws of Hawaii 2008, met the requirements of
18 Act 183 by providing incentives and protections to establish and
19 sustain viable agricultural operations on important agricultural
20 lands. Act 233 also provided for the designation of important
21 agricultural lands on public lands.



1 However, the various counties have yet to identify and map
2 potential important agricultural lands within their
3 jurisdictions. These maps, which are to be transmitted to the
4 land use commission, are necessary for the land use commission
5 to identify and designate important agricultural lands.

6 Moreover, it is uncertain when the counties will complete the
7 mapping process. Therefore, it is necessary for both the State
8 and the counties to monitor large, contiguous parcels of land
9 that are viable for agricultural production until the counties
10 provide to the land use commission the maps required to proceed
11 with the important agricultural lands identification process.

12 The purpose of this Act is to:

13 (1) Prior to approval of subdivisions and condominium
14 projects on any parcel of agricultural land consisting
15 of twenty-five or more acres, require the
16 determination of the number of parcels twenty-five
17 acres or more that are on the same island where the
18 subdivision or condominium project is located and that
19 meet one or more of the criteria for designation as
20 important agricultural lands, as defined by law;



1 (2) Require county council and county planning commission
2 approval of subdivisions of any parcel of agricultural
3 land consisting of twenty-five or more acres;

4 (3) Require county council and county planning commission
5 approval of applications for condominium projects on
6 any parcel of agricultural land consisting of twenty-
7 five or more acres; and

8 (4) Appropriate funds for the various counties to identify
9 and map potential important agricultural lands within
10 their jurisdictions.

11 It is the legislature's intent that the public hearing process
12 utilized by the counties in approving subdivisions pursuant to
13 section 2 of this Act be identical to the public hearing process
14 utilized by the counties in reviewing applications for
15 condominium projects pursuant to section 3 of this Act. This
16 consistency will ensure that approving authorities in all means
17 of dividing ownership of large agricultural parcels are mindful
18 of the total inventory of large, contiguous parcels of land that
19 are viable for agricultural production.

20 SECTION 2. Chapter 484, Hawaii Revised Statutes, is
21 amended by adding a new section to be appropriately designated
22 and to read as follows:



1 "§484- County final subdivision approval for
2 subdivision of twenty-five or more acres of agricultural land.

3 (a) The appropriate county council and county planning
4 commission shall review and approve any subdivision of
5 agricultural land consisting of twenty-five or more acres prior
6 to the county issuing final subdivision approval pursuant to
7 section 484-8.6.

8 (b) Prior to receiving approval under subsection (a), the
9 subdivider shall submit, to the appropriate county council and
10 county planning commission, a determination of the number of
11 parcels of agricultural land consisting of twenty-five or more
12 acres that are on the island where the land sought to be
13 subdivided is located.

14 (c) In reviewing subdivisions subject to this section, the
15 appropriate county council and county planning commission shall
16 consider:

17 (1) Whether the land would be eligible for designation as
18 important agricultural lands under part III of chapter
19 205; and

20 (2) The number of parcels of agricultural land consisting
21 of twenty-five or more acres that are on the island
22 where the land sought to be subdivided is located and



1 meet one or more criteria for designation as important
2 agricultural lands.

3 The county council or planning commission may reject the
4 subdivision without prejudice based upon their considerations
5 under paragraphs (1) and (2).

6 (d) This section shall not apply to land located on an
7 island for which the appropriate county has submitted important
8 agricultural lands maps to the commission pursuant to section
9 205-47."

10 SECTION 3. Chapter 514B, Hawaii Revised Statutes, is
11 amended by adding a new section to part IV to be appropriately
12 designated and to read as follows:

13 "§514B- Registration of a project on agricultural land
14 consisting of twenty-five or more acres; additional requirements
15 for approval. (a) Any application for registration of a
16 project on a parcel of agricultural land consisting of twenty-
17 five or more acres shall include a determination of the number
18 of parcels of agricultural land consisting of twenty-five or
19 more acres that are on the island where the project is to be
20 located and meet one or more criteria for designation as
21 important agricultural lands.



1 (b) Prior to issuing an effective date for a project
2 subject to this section, the commission shall transmit the
3 application for registration to the appropriate county council
4 and county planning commission for review and approval. In
5 reviewing the application for registration, the appropriate
6 county council and county planning commission shall consider:

7 (1) Whether the land on which the project is to be located
8 would be eligible for designation as important
9 agricultural lands under part III of chapter 205; and

10 (2) The number of parcels of agricultural land consisting
11 of twenty-five or more acres that are on the island
12 where the project is to be located and meet one or
13 more criteria for designation as important
14 agricultural lands.

15 (c) Upon review pursuant to subsection (b), the
16 appropriate county council and county planning commission shall
17 transmit the application for registration back to the commission
18 with recommendations for further action. The commission may
19 reject the application for registration without prejudice based
20 upon the recommendations made by the appropriate county council
21 and county planning commission.



1 (d) This section shall not apply to land located on an
 2 island for which the appropriate county has submitted important
 3 agricultural lands maps to the commission pursuant to section
 4 205-47."

5 SECTION 4. There is appropriated out of the general
 6 revenues of the State of Hawaii the sum of \$ or so
 7 much thereof as may be necessary for fiscal year 2014-2015 for
 8 the various counties to identify and map potential important
 9 agricultural lands within their jurisdictions.

10 The sum appropriated shall be allotted to the various
 11 counties by the department of agriculture and expended by the
 12 various counties for the purposes of this Act.

13 SECTION 5. New statutory material is underscored.

14 SECTION 6. This Act shall take effect on July 1, 2014.

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S.B. NO. 2389

Report Title:

IAL; County Approval; Subdivisions; Condominiums; Appropriation

Description:

Requires an accounting of the number of contiguous agricultural land parcels 25 acres or greater that meet one or more criteria of lands eligible for IAL designation, as defined by law, prior to approval of subdivisions and condominium projects on agricultural land 25 acres or greater. Requires county council and county planning commission approval of subdivisions of agricultural land 25 acres or greater. Requires county council and county planning commission approval of applications for condominium projects on agricultural land 25 acres or greater. Makes an appropriation. Effective 07/01/2014.

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

