

ACT 111

S.B. NO. 1711

A Bill for an Act Relating to Agricultural Parks.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 166-4, Hawaii Revised Statutes, is amended to read as follows:

“§[~~166-4~~] Park development. Except as herein provided, the department may develop, on behalf of the State or in partnership with a federal agency, a county, or a private party, agricultural parks which, at the option of the board, shall be exempt from all statutes, ordinances, charter provisions, and rules of any governmental agency relating to [zoning, subdivision, construction, or building standards, provided that:

- (1) The agricultural park is situated within a state land use agricultural district;
- (2) The agricultural park does not contravene any safety standard or tariff approved by the public utilities commission for public utilities;
- (3) The department shall have first presented the plans and specifications for the agricultural park to the legislative body of the county where the agricultural park is proposed, which shall have the right to approve or disapprove the agricultural park within forty-five days after presentment. If no action is taken by the legislative body involved within forty-five days after presentment, the agricultural park shall be deemed approved;
- (4) The final plans and specifications for the agricultural park approved by the legislative body of the county involved shall constitute the zoning, building, construction, and subdivision standards for the agricultural park. No action shall be prosecuted or maintained against any county, or its officials or employees, on account of actions taken by them in reviewing, approving, or disapproving such plans and specifications. For purposes of sections 501-85 and 502-17, the chairperson of the board of agriculture or the responsible county official may certify maps and plans of lands connected with the agricultural park as having complied with applicable laws and ordinances relating to consolidation and subdivision of lands, and such maps and plans shall be accepted for registration or recordation by the land court and the registrar;] planning, zoning, construction standards for subdivisions, development and improvement of land, and the construction of buildings thereon; provided that:
 - (1) The board finds the agricultural park is consistent with the purpose and intent of this chapter, and meets minimum requirements of health and safety;
 - (2) The development of the proposed agricultural park does not contravene any safety standards or tariffs approved by the public utilities commission for public utilities;
 - (3) The legislative body of the county in which the agricultural park is to be situated shall have approved the agricultural park.
 - (A) The legislative body shall approve or disapprove the agricultural park within forty-five days after the department has submitted the preliminary plans and specifications for the agricultural park to the legislative body. If after the forty-fifth day an agricultural park is not disapproved, it shall be deemed approved by the legislative body.
 - (B) No action shall be prosecuted or maintained against any county, its officials, or employees, on account of actions taken by them in reviewing, approving, or disapproving the plans and specifications.
 - (C) The final plans and specifications for the agricultural park shall be deemed approved by the legislative body if the final plans and specifications do not substantially deviate from the preliminary plans and specifications. The final plans and specifications for the project shall constitute the planning, zoning, building, construction, and subdivision standards for that agricultural park. For purposes of sections 501-85 and 502-17, the chairperson of the board of agriculture or the responsible county official may certify

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maps and plans of lands connected with the agricultural park as having complied with applicable laws and ordinances relating to consolidation and subdivision of lands, and such maps and plans shall be accepted for registration or recordation by the land court and registrar; and

- [(5)] (4) The State shall assume the responsibility of maintaining all roads within the agricultural park, using the proceeds of the agricultural park special fund established under section 166-10, if the roads are developed exempt from applicable county ordinances, charter provisions, and rules regarding roads."

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved May 31, 1987.)