
A BILL FOR AN ACT

RELATING TO LAND USE.

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

1 SECTION 1. Over the years since the state land use law was
2 adopted, there have been a proliferation of gentlemen farmer
3 estate subdivisions in the agricultural district. In many
4 cases, these subdivisions, disguised as farm dwellings, have
5 been developed on valuable agricultural land.

6 The purpose of this Act is to prohibit all dwellings on
7 lands classified A or B by the Land Study Bureau.

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

10 "(d) Agricultural districts shall include activities or
11 uses as characterized by the cultivation of crops, orchards,
12 forage, and forestry; farming activities or uses related to
13 animal husbandry, aquaculture, and game and fish propagation;
14 aquaculture, which means the production of aquatic plant and
15 animal life for food and fiber within ponds and other bodies of
16 water; wind generated energy production for public, private, and
17 commercial use; bona fide agricultural services and uses that
18 support the agricultural activities of the fee or leasehold



1 owner of the property and accessory to any of the above
2 activities, whether or not conducted on the same premises as the
3 agricultural activities to which they are accessory, including
4 but not limited to farm dwellings [~~as defined in section 205-~~
5 ~~4.5(a)(4)~~], employee housing, farm buildings, mills, storage
6 facilities, processing facilities, vehicle and equipment storage
7 areas, and roadside stands for the sale of products grown on the
8 premises; wind machines and wind farms; small-scale
9 meteorological, air quality, noise, and other scientific and
10 environmental data collection and monitoring facilities
11 occupying less than one-half acre of land, provided that these
12 facilities shall not be used as or equipped for use as living
13 quarters or dwellings; agricultural parks; and open area
14 recreational facilities. For the purposes of this chapter, golf
15 courses and golf driving ranges are prohibited in agricultural
16 districts, except as provided in section 205-4.5(d).

17 These districts may include areas which are not used for,
18 or which are not suited to, agricultural and ancillary
19 activities by reason of topography, soils, and other related
20 characteristics.

21 "Farm dwelling", as used in this section, means a single
22 family dwelling located on and used in connection with a farm,



1 where agricultural activities provide income to the family
2 occupying the dwelling."

3 SECTION 3. Section 205-4.5, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) Within the agricultural district, all lands with soil
6 classified by the land study bureau's detailed land
7 classification as overall (master) productivity rating class A
8 or B shall be restricted to the following permitted uses:

9 (1) Cultivation of crops, including but not limited to
10 flowers, vegetables, foliage, fruits, forage, and
11 timber;

12 (2) Game and fish propagation;

13 (3) Raising of livestock, including but not limited to
14 poultry, bees, fish, or other animal or aquatic life
15 that are propagated for economic or personal use;

16 (4) ~~[Farm dwellings, employee]~~ Employee housing, farm
17 buildings, or activity or uses related to farming and
18 animal husbandry. ~~[Farm dwelling as used in this~~
19 ~~paragraph means a single-family dwelling located on~~
20 ~~and used in connection with a farm, including clusters~~
21 ~~of single-family farm dwellings permitted within~~
22 ~~agricultural parks developed by the State, or where~~



- 1 ~~agricultural activity provides income to the family~~
2 ~~occupying the dwelling];~~
- 3 (5) Public institutions and buildings that are necessary
4 for agricultural practices;
- 5 (6) Public and private open area types of recreational
6 uses, including day camps, picnic grounds, parks, and
7 riding stables, but not including dragstrips,
8 airports, drive-in theaters, golf courses, golf
9 driving ranges, country clubs, and overnight camps;
- 10 (7) Public, private, and quasi-public utility lines and
11 roadways, transformer stations, communications
12 equipment buildings, solid waste transfer stations,
13 major water storage tanks, and appurtenant small
14 buildings such as booster pumping stations, but not
15 including offices or yards for equipment, material,
16 vehicle storage, repair or maintenance, or treatment
17 plants, or corporation yards, or other like
18 structures;
- 19 (8) Retention, restoration, rehabilitation, or improvement
20 of buildings or sites of historic or scenic interest;
- 21 (9) Roadside stands for the sale of agricultural products
22 grown on the premises;



1 (10) Buildings and uses, including but not limited to
 2 mills, storage, and processing facilities, maintenance
 3 facilities, and vehicle and equipment storage areas
 4 that are normally considered directly accessory to the
 5 abovementioned uses and are permitted under section
 6 205-2(d);

7 (11) Agricultural parks; or

8 (12) Wind energy facilities, including the appurtenances
 9 associated with the production and transmission of
 10 wind generated energy; provided that such facilities
 11 and appurtenances are compatible with agriculture uses
 12 and cause minimal adverse impact on agricultural
 13 land."

14 SECTION 4. This Act does not affect rights and duties that
 15 matured, penalties that were incurred, and proceedings that were
 16 begun, before its effective date.

17 SECTION 5. Statutory material to be repealed is bracketed
 18 and stricken. New statutory material is underscored.

19 SECTION 6. This Act shall take effect upon its approval.
 20

INTRODUCED BY: *Myra R. Fajardo* (OR)
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HB 2801

Report Title:

Land Use Commission; Agricultural District

Description:

Prohibits farm dwellings in Land Study Bureau A and B classified lands.

