
HOUSE CONCURRENT RESOLUTION

REQUESTING THE ESTABLISHMENT OF A LAND USE WORKING GROUP UNDER
THE AUSPICES OF THE STATE LEGISLATURE AND THE LAND USE
COMMISSION TO ADDRESS LAND ISSUES RELATING TO NON-
AGRICULTURAL ACTIVITY ON AGRICULTURALLY CLASSIFIED LANDS.

1 WHEREAS, the State of Hawaii consists of approximately four
2 million square miles, divided into four major land
3 classifications as follows: agriculture (1.9 million acres),
4 conservation (1.9 million acres), urban (250,000 acres), and
5 rural (12,000 acres); and
6

7 WHEREAS, Act 183, Session Laws of Hawaii 2005, established
8 policies, procedures, standards, and criteria and a process to
9 identify important agricultural lands that will help assure
10 their conservation and availability for long term agricultural
11 use, as well as conditions for the reclassification and rezoning
12 of agricultural lands, and the development of incentives to
13 promote agricultural viability for both farmers and land owners;
14 and
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16 WHEREAS, Act 205, Session Laws of Hawaii 2005, provided for
17 needed redefining of the State's rural district on the part of
18 the Land Use Commission, together with the Office of Planning
19 and the Planning Directors of each of the four counties, not
20 only to encompass existing residential communities on
21 agriculturally classified lands, including former plantation
22 camps, villages, and towns, but also to envision and plan for
23 acceptable rural developments so as to accommodate future
24 population growth; and
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26 WHEREAS, there has been an ever-increasing number of non-
27 agricultural developments on agriculturally classified lands,
28 including luxury estates, contrary to the original intent of
29 chapter 205, Hawaii Revised Statutes, first enacted in 1963, the
30 result of many reasons, including but not limited to:
31



- 1 (1) The fact that the agricultural district became a
- 2 "catch all" into which all lands not identified as
- 3 urban or conservation (and subsequently rural) were
- 4 placed, whether or not those lands were agriculturally
- 5 viable;
- 6
- 7 (2) Both broad interpretations and misinterpretations of
- 8 statutory language; and
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- 10 (3) Gradual and continuing expansion of such non-
- 11 agricultural uses without intervention by governing
- 12 authorities, establishing precedence and becoming
- 13 accepted practice; and
- 14

15 WHEREAS, primarily for farming convenience, efficiency, and
 16 security purposes, living quarters or dwellings became permitted
 17 uses on agricultural lands, and through a subsequent 1976
 18 amendment, all dwellings on agricultural lands, including those
 19 not involved with agricultural activity, were grandfathered
 20 (with imposed restrictions) as non-conforming uses and "farm
 21 dwelling" was defined, in a effort to prevent abuses; and

22
 23 WHEREAS, in 1991, section 205-2, Hawaii Revised Statutes,
 24 was amended to allow:

- 25
- 26 (1) "Accessory uses", including but not limited to farm
- 27 dwellings on lands without agricultural activity,
- 28 provided that income is derived from agricultural
- 29 activity on an adjacent parcel; and
- 30
- 31 (2) Accessory agricultural uses and services described in
- 32 sections 205-2 and 205-4.5, Hawaii Revised Statutes,
- 33 to be further defined by each county by zoning
- 34 ordinance; and
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36 WHEREAS, the preceding amendments have only served to
 37 expand non-agricultural activity on agriculturally classified
 38 lands to the extent that there are at least one hundred twenty-
 39 four residential subdivisions on agriculturally classified
 40 lands, thirty-five of which were approved during the last ten
 41 years; and

42
 43 WHEREAS, the multitude of issues that must be addressed and
 44 the far reaching impacts on land owners, farmers, and the
 45 thousands who reside on agriculturally designated lands, as well



1 interested groups and citizens, strongly suggests that this
 2 critical matter be subjected to a fact-finding, decision making
 3 process in which all these stakeholders are fully engaged,
 4 rather than attempting to seek resolution in the brief,
 5 remaining period of this legislative session; now, therefore,
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7 BE IT RESOLVED by the House of Representatives of the
 8 Twenty-third Legislature of the State of Hawaii, Regular Session
 9 of 2006, the Senate concurring, that the respective Chairs of
 10 the House of Representatives and Senate committees with
 11 jurisdiction over land and agricultural matters are requested to
 12 convene, in collaboration with the Land Use Commission and the
 13 Office of Planning, a Land Use Working Group to:

- 14
- 15 (1) Identify all the problems and issues involving the use
 16 of agricultural lands, both public and private; and
 - 17
 - 18 (2) Submit any findings and recommendations to the
 19 Legislature, no later than twenty days prior to the
 20 convening of the Regular Session 2007; and
 - 21

22 BE IT FURTHER RESOLVED that certified copies of this
 23 Concurrent Resolution be transmitted to the Executive Officer of
 24 the Land Use Commission and the Director of the Office of
 25 Planning.
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 28

OFFERED BY: *Maga K. Fariho*

MAR 15 2006

