
HOUSE 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
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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) The fact that the agricultural district became a
32 "catch all" into which all lands not identified as
33 urban or conservation (and subsequently rural) were
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placed, whether or not those lands were agriculturally viable;

(2) Both broad interpretations and misinterpretations of statutory language; and

(3) Gradual and continuing expansion of such non-agricultural uses without intervention by governing authorities, establishing precedence and becoming accepted practice; and

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

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

(1) "Accessory uses", including but not limited to farm dwellings on lands without agricultural activity, provided that income is derived from agricultural activity on an adjacent parcel; and

(2) Accessory agricultural uses and services described in sections 205-2 and 205-4.5, Hawaii Revised Statutes, to be further defined by each county by zoning ordinance; and

WHEREAS, the preceding amendments have only served to expand non-agricultural activity on agriculturally classified lands to the extent that there are at least one hundred twenty-four residential subdivisions on agriculturally classified lands, thirty-five of which were approved during the last ten years; and

WHEREAS, the multitude of issues that must be addressed and the far reaching impacts on land owners, farmers, and the thousands who reside on agriculturally designated lands, as well interested groups and citizens, strongly suggests that this critical matter be subjected to a fact-finding, decision making process in which all these stakeholders are fully engaged,



1 rather than attempting to seek resolution in the brief,
2 remaining period of this legislative session; now, therefore,
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4 BE IT RESOLVED by the House of Representatives of the
5 Twenty-third Legislature of the State of Hawaii, Regular Session
6 of 2006, that the respective Chairs of the House of
7 Representatives and Senate committees with jurisdiction over
8 land and agricultural matters are requested to convene, in
9 collaboration with the Land Use Commission and the Office of
10 Planning, a Land Use Working Group to:

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- 12 (1) Identify all the problems and issues involving the use
- 13 of agricultural lands, both public and private; and
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- 15 (2) Submit any findings and recommendations to the
- 16 Legislature, no later than twenty days prior to the
- 17 convening of the Regular Session 2007; and
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19 BE IT FURTHER RESOLVED that certified copies of this
20 Resolution be transmitted to the Executive Officer of the Land
21 Use Commission and the Director of the Office of Planning.
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OFFERED BY: *Myra R. Fano*

MAR 15 2006

