
A BILL FOR AN ACT

RELATING TO LAND USE.

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

1 SECTION 1. Chapter 205, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§205- Satisfaction of state or county affordable
5 housing requirements for land in a rural district. (a) In lieu
6 of partially satisfying a state or county affordable housing
7 assessment in a rural district, a project landowner may fulfill
8 section 205-2(c)(7); provided that the project landowner
9 provides per cent more affordable housing units on the land
10 in the rural district than required by the assessment.

11 (b) No more than per cent of the affordable housing
12 assessment under subsection (a) may be satisfied on the land in
13 the rural district."

14 SECTION 2. Section 205-2, Hawaii Revised Statutes, is
15 amended by amending subsection (c) to read as follows:

16 "(c) Rural districts shall include [~~activities~~]:

17 (1) Activities or uses as characterized by low density
18 residential lots of not more than one dwelling house



1 per one-half acre, except as provided by county
2 ordinance pursuant to section 46-4(c), in areas where
3 "city-like" concentration of people, structures,
4 streets, and urban level of services are absent [~~and~~
5 ~~where small~~];

6 (2) Small farms [~~are~~] intermixed with low density
7 residential lots, except that within a subdivision, as
8 defined in section 484-1, the commission, for good
9 cause and on petition for a special permit, may allow
10 one lot of less than one-half acre, but not less than
11 18,500 square feet, or an equivalent residential
12 density, within a rural subdivision and permit the
13 construction of one dwelling on such lot, provided
14 that all other dwellings in the subdivision shall have
15 a minimum lot size of one-half acre or 21,780 square
16 feet [~~. Such petition for variance may be processed~~
17 ~~under the special permit procedure. These districts~~
18 ~~may include contiguous~~];

19 (3) Contiguous areas [~~which~~] that are not suited to low
20 density residential lots or small farms by reason of
21 topography, soils, and other related characteristics [~~-~~
22 ~~Rural districts shall also include golf~~];



1 (4) Golf courses, golf driving ranges, and golf-related
2 facilities[-];

3 (5) Agribusiness activities, including but not limited to
4 horticulture, apiculture, aquaculture, the raising and
5 keeping of livestock, and establishment of plant
6 nurseries;

7 (6) Farm worker housing; and

8 (7) Affordable housing, without regard to any density
9 requirements and without a special permit; provided
10 that the housing is affordable to households with
11 incomes at or below one hundred forty per cent of the
12 median family income as determined by the United
13 States Department of Housing and Urban Development."

14 SECTION 3. Section 205-5, Hawaii Revised Statutes, is
15 amended by amending subsection (c) to read as follows:

16 "(c) Unless authorized by special permit issued pursuant
17 to this chapter, only the following uses shall be permitted
18 within rural districts:

19 (1) Low density residential uses[+], with a minimum lot
20 size of one-half acre and one dwelling unit per lot,
21 except as provided in section 205-2(c);

22 (2) Agricultural uses;



1 (3) Golf courses, golf driving ranges, and golf-related
2 facilities; ~~and~~

3 (4) Public, quasi-public, and public utility
4 facilities~~[-]~~;

5 (5) Agribusiness activities, as provided in section
6 205-2(c);

7 (6) Farm worker housing; and

8 (7) Affordable housing, as provided in section 205-2(c).

9 ~~[In addition, the minimum lot size for any low density~~
10 ~~residential use shall be one-half acre and there shall be but~~
11 ~~one dwelling house per one-half acre, except as provided for in~~
12 ~~section 205-2.]"~~

13 SECTION 4. Section 205-45, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "[~~+~~]**\$205-45**[~~+~~] **Petition by farmer or landowner.** (a) A
16 farmer or landowner with lands qualifying under section 205-44
17 may file a petition for declaratory ruling to designate
18 important agricultural lands with the commission at any time in
19 the designation process.

20 (b) Any law to the contrary notwithstanding, within the
21 same petition for declaratory ruling as described in subsection
22 (a), the petitioner may seek an automatic reclassification of



1 land in an agricultural district to a rural district; provided
2 that the:

3 (1) Land is within the same county as the land the
4 petitioner seeks to designate as important
5 agricultural lands; and

6 (2) Reclassification is consistent with the relevant
7 county general plan.

8 [~~b~~] (c) The petition for declaratory ruling shall be
9 submitted in accordance with subchapter 14 of the commission's
10 rules and shall include:

11 (1) Tax map keys of the land to be designated as important
12 agricultural lands and, if applicable, the land to be
13 reclassified from agricultural district to rural
14 district, along with verification and authorization
15 from the applicable landowners;

16 (2) Proof of qualification for designation as important
17 agricultural lands under section 205-44, respecting a
18 regional perspective; and

19 (3) The current or planned agricultural use of the area to
20 be designated~~[r]~~ as important agricultural lands.

21 [~~e~~] (d) The commission shall review the petition and the
22 accompanying submissions to evaluate the qualifications of the



1 land for designation as important agricultural lands in
2 accordance with section 205-44. If the commission, after its
3 review and evaluation, finds that the lands qualify for
4 designation as important agricultural lands under this part, the
5 commission shall vote, by a two-thirds majority of the members
6 of the commission, to issue a declaratory order designating the
7 lands as important agricultural lands~~[+]~~ and, if applicable,
8 reclassifying petitioner's identified land from agricultural
9 district to rural district.

10 [~~(d)~~ Designating important agricultural lands by the
11 ~~commission]~~ (e) The designation or reclassification of land
12 pursuant to subsections (a) or (b) shall not be considered as an
13 amendment to district boundaries under sections 205-3.1 and 205-
14 4 or become effective prior to legislative enactment of
15 protection and incentive measures for important agricultural
16 land and agricultural viability, as provided in section 9 of Act
17 183, Session Laws of Hawaii 2005.

18 [~~(e)~~] (f) Farmers or landowners with lands qualifying
19 under section 205-44 may file petitions for a declaratory ruling
20 to designate lands as important agricultural lands following the
21 legislative enactment of protection and incentive measures for



1 important agricultural lands and agricultural viability, as
2 provided in section 9 of Act 183, Session Laws of Hawaii 2005.

3 (g) The commission may adopt rules pursuant to chapter 91
4 to effectuate this section."

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

7 SECTION 6. This Act shall take effect upon its approval.
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INTRODUCED BY:

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Report Title:

Land Use; Rural Districts; Important Agricultural Lands

Description:

Provides incentives to landowners who designate their land as important agricultural lands.

