
A BILL FOR AN ACT

RELATING TO LAND USE.

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

1 SECTION 1. Chapter 46, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§46-A Permissible uses, infrastructure standards, and
5 service levels for the state urban, rural, and agricultural land
6 use districts. Each county shall establish by ordinance the
7 permitted uses, standards required for infrastructure systems,
8 and levels of service for county services for lands within the
9 urban, rural, and agricultural districts as classified pursuant
10 to chapter 205. The ordinances shall conform to the policies,
11 uses, standards, and restrictions set forth in chapter 205 for
12 the use, subdivision, or development of land in each district
13 and for land designated as important agricultural land pursuant
14 to chapter 205; provided that the county may adopt ordinances
15 that are more restrictive than the provisions in chapter 205
16 with respect to the maximum density and minimum lot size in the
17 rural or agricultural districts, and the permissible uses in the
18 agricultural district."



1 SECTION 2. 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-A Reclassification of certain agricultural lands.**

5 (a) Any landowner of lands designated as important agricultural
6 lands pursuant to part III may petition the commission for
7 reclassification of agricultural land meeting the standards in
8 section 205-2(a) (2) located in the same county as the important
9 agricultural lands, as rural land. The petition shall be for
10 the reclassification of an area of land not more than five per
11 cent of the area of land designated as important agricultural
12 lands; provided that the important agricultural lands
13 designation of the land shall be for a period of not less than
14 fifty years.

15 Any petition for rural reclassification under this section
16 shall be expedited by the commission.

17 (b) If any portion of land designated as important
18 agricultural lands is reclassified to another land use district
19 classification prior to the expiration of the fifty-year period:

20 (1) The designation of the land reclassified from
21 agricultural to rural shall automatically revert back
22 to agricultural land; and



1 (2) The landowner shall be assessed and ordered to pay a
2 penalty in the amount of \$10,000 for every acre of
3 land designated as important agricultural lands
4 reclassified prior to the expiration of the fifty-year
5 period and all of the land reclassified as rural under
6 subsection (a) for every year the important
7 agricultural lands failed to meet the fifty-year
8 period; provided that the penalty shall apply only to
9 the landowner who reclassified the agricultural land
10 to rural under subsection (a).

11 All penalties assessed and collected under this section
12 shall be deposited with the director of finance to the credit of
13 the general fund.

14 (c) If the commission determines that the land meets the
15 criteria in section 205-2(a)(2), it shall prepare and submit to
16 the county and the office of planning copies of the
17 classification maps showing the boundaries adopted in final
18 form."

19 SECTION 3. Chapter 205, Hawaii Revised Statutes, is
20 amended by adding a new section to part III to be appropriately
21 designated and to read as follows:



1 "§205-A Uses of and subdivision of lands designated as
2 important agricultural lands. (a) All lands designated as
3 important agricultural lands shall be restricted to the
4 following permitted uses:

- 5 (1) Cultivation of crops, including but not limited to
6 flowers, vegetables, foliage, fruits, forage, fiber,
7 and timber;
- 8 (2) Game and fish propagation;
- 9 (3) Raising of livestock, including but not limited to
10 poultry, bees, fish, or other animal or aquatic life
11 that are propagated for commercial or subsistence
12 farming purposes;
- 13 (4) Public institutions and buildings that are necessary
14 for agricultural practices;
- 15 (5) Public, private, and quasi-public utility lines and
16 roadways, transformer stations, communications
17 equipment buildings, solid waste transfer stations,
18 major water storage tanks, and appurtenant small
19 buildings such as booster pumping stations, but not
20 including offices or yards for equipment, material,
21 vehicle storage, repair or maintenance, treatment



- 1 plants, corporation yards, or other similar
- 2 structures;
- 3 (6) Retention, restoration, rehabilitation, or
- 4 improvements of sites of historic or cultural
- 5 importance;
- 6 (7) Roadside stands for the sale of agricultural products
- 7 grown on the premises and by agricultural producers in
- 8 the region;
- 9 (8) Buildings and uses, including but not limited to
- 10 mills, storage, and processing facilities, maintenance
- 11 facilities, and vehicle and equipment storage areas
- 12 that directly support and are accessory to the
- 13 agricultural operations and activities permitted in
- 14 this section;
- 15 (9) Agricultural parks;
- 16 (10) Agricultural tourism, conducted on a working farm, or
- 17 a farming operation as defined in section 165-2, for
- 18 the enjoyment, education, or involvement of visitors;
- 19 provided that the agricultural tourism activity is
- 20 accessory and secondary to the principal agricultural
- 21 use and does not interfere with surrounding farm
- 22 operations; and provided further that this paragraph



shall apply only to a county that has adopted ordinances regulating agricultural tourism under section 205-5;

(11) Biofuels processing facilities; provided that the majority of the feedstock is grown within the State as determined by the department of agriculture and after an initial and non-renewable three-year period commencing upon final approval to operate such facilities to allow the importation of feedstock and fuels, and alternative energy generating facilities, including the appurtenances associated with the production and transmission of alternative generated energy; and provided further that such facilities and appurtenances are compatible with agricultural uses and cause minimal adverse impact on important agricultural lands;

(12) Agricultural worker housing; provided:

(A) The land used for agricultural worker housing shall not exceed the lesser of two per cent of the total land area of the lot or per cent of the gross lot area;



1 (B) The agricultural worker housing shall be rented
2 solely to the agricultural workers working on the
3 lot and their families;

4 (C) The agricultural worker housing shall be built in
5 cluster fashion; provided that the cluster shall
6 not break up contiguous blocks of land designated
7 as important agricultural lands and
8 infrastructure improvements shall be restricted
9 to the minimum required to meet public health and
10 safety standards; and

11 (D) The agricultural worker housing shall not be
12 counted toward the maximum density of one
13 dwelling unit per fifty acres; or

14 (13) Farm dwellings related to farming and animal
15 husbandry. As used in this paragraph, "farm dwelling"
16 means a single-family dwelling located on and used in
17 connection with a farm where agricultural activity
18 provides income to the family occupying the dwelling;
19 provided that:

20 (A) The maximum density shall be one farm dwelling
21 per fifty acres;



1 (B) Only one farm dwelling on not more than one acre
2 of land area shall be permitted for the sole use
3 of the landowner or child of the landowner or for
4 the use of a lessee on leased land that is used
5 by the lessee as a working farm or a farming
6 operation, as defined in section 165-2; provided
7 that if a lot designated as important
8 agricultural lands is less than fifty acres when
9 designated as important agricultural lands, one
10 farm dwelling shall be permitted on that lot; and

11 (C) Infrastructure improvements shall be restricted
12 to the minimum required to meet public health and
13 safety standards.

14 (b) Uses not expressly permitted in subsection (a) shall
15 be prohibited, except the uses permitted as provided in section
16 205-8, and construction of single-family dwellings on lots
17 existing before June 4, 1976. No other uses shall be allowed by
18 special permit on important agricultural lands.

19 (c) Notwithstanding any other law to the contrary, the
20 subdivision of land designated as important agricultural lands
21 shall conform to the restrictions contained in this section and
22 section 205-4.5. Any deed, lease, agreement of sale, mortgage,



1 agricultural easement, or other instrument of conveyance
2 covering any land within the subdivision of lands designated
3 important agricultural lands shall expressly contain the
4 restrictions on uses and the conditions contained in this
5 section and the restrictions and conditions shall be
6 encumbrances running with the land until such time that the land
7 is no longer designated as important agricultural lands."

8 SECTION 4. Section 46-15, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

10 "(a) The mayor of each county, after holding a public
11 hearing on the matter and receiving the approval of the
12 respective council, shall be empowered to designate areas of
13 land for experimental and demonstration housing projects, the
14 purposes of which are to research and develop ideas that would
15 reduce the cost of housing in the State. Except as hereinafter
16 provided, the experimental and demonstration housing projects
17 shall be exempt from all statutes, ordinances, charter
18 provisions, and rules or regulations of any governmental agency
19 or public utility relating to planning, zoning, construction
20 standards for subdivisions, development and improvement of land,
21 and the construction and sale of homes thereon; provided that
22 the experimental and demonstration housing projects shall not



1 affect the safety standards or tariffs approved by the public
2 [~~utility commissions~~] utilities commission for [~~such~~] that
3 public utility.

4 The mayor of each county with the approval of the
5 respective council may designate a county agency or official who
6 shall have the power to review all plans and specifications for
7 the subdivisions, development and improvement of the land
8 involved, and the construction and sale of homes thereon. The
9 county agency or official shall have the power to approve or
10 disapprove or to make modifications to all or any portion of the
11 plans and specifications.

12 The county agency or official shall submit preliminary
13 plans and specifications to the legislative body of the
14 respective county for its approval or disapproval. The final
15 plans and specifications for the project shall be deemed
16 approved by the legislative body if the final plans and
17 specifications do not substantially deviate from the approved
18 preliminary plans and specifications. The final plans and
19 specifications shall constitute the standards for the particular
20 project.

21 No action shall be prosecuted or maintained against any
22 county, or its officials or employees, on account of actions



1 taken in reviewing, approving, or disapproving such plans and
2 specifications.

3 Any experimental or demonstration housing project for the
4 purposes hereinabove mentioned may be sponsored by any state or
5 county agency or any person as defined in section 1-19.

6 The county agency or official shall apply to the state land
7 use commission for an appropriate land use district
8 classification change, except where a proposed project is
9 located on land within an urban or rural district established by
10 the state land use commission. Notwithstanding any law, rule,
11 or regulation to the contrary, the state land use commission may
12 approve the application at any time after a public hearing held
13 in the county where the land is located upon notice of the time
14 and place of the hearing being published in the same manner as
15 the notice required for a public hearing by the planning
16 commission of the appropriate county."

17 SECTION 5. Section 205-2, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "**§205-2 Districting and classification of lands.** (a)
20 There shall be four major land use districts in which all lands
21 in the State shall be placed: urban, rural, agricultural, and
22 conservation. The land use commission shall group contiguous



1 land areas suitable for inclusion in one of these four major
2 districts. The commission shall set standards for determining
3 the boundaries of each district[7]; provided that:

4 (1) In the establishment of boundaries of urban districts
5 those lands that are now in urban use and a sufficient
6 reserve area for foreseeable urban growth shall be
7 included;

8 (2) In the establishment of boundaries for rural
9 districts, areas of land composed primarily of small
10 farms mixed with very low density residential lots,
11 [~~which~~] that may be shown by a minimum density of not
12 more than one house per one-half acre and a minimum
13 lot size of not less than one-half acre shall be
14 included, except as herein provided; provided further
15 that the land use commission shall give consideration
16 to:

17 (A) Contiguous land areas with soil classified by the
18 land study bureau's detailed land classification
19 as overall (master) productivity rating class E
20 or U, not included in the agricultural district
21 by the land use commission by January 1, 2009;



1 (B) Areas not suited to agricultural and ancillary
2 activities by reason of topography and other
3 related characteristics; and

4 (C) Areas suitable to other uses requiring limited
5 physical infrastructure development and services,
6 including low density residential uses, outdoor
7 recreational uses, and passive open space uses.

8 Rural districts may also include compact, small mixed-
9 use rural towns and service centers;

10 (3) In the establishment of the boundaries of agricultural
11 districts, the greatest possible protection shall be
12 given to those lands with a high capacity for
13 intensive cultivation~~[, and]~~, including:

14 (A) Lands with soils classified by the land study
15 bureau's detailed land classification as overall
16 (master) productivity rating class A, B, C, or D;
17 and

18 (B) Lands in active agricultural production on
19 January 1, 2008, with soil classified by the land
20 study bureau's detailed land classification as
21 overall (master) productivity rating class E or
22 U; and



1 (4) In the establishment of the boundaries of conservation
2 districts, the greatest possible protection shall be
3 given to valuable natural resources, including but not
4 limited to:

- 5 (A) Watersheds and water sources;
- 6 (B) Indigenous or endemic plants, fish, and wildlife,
7 including those that are threatened or
8 endangered;
- 9 (C) Park lands, wilderness, and beach reserves;
- 10 (D) Shoreline and coastal resources;
- 11 (E) Native forests and other forested areas;
- 12 (F) Wetlands, natural streams, and lakes;
- 13 (G) Scenic, historic, archaeological, and cultural
14 areas; and
- 15 (H) Recreational resources, and areas highly
16 susceptible to erosion, landslides, flooding,
17 volcanic hazards, and other conditions that may
18 threaten lives or property.

19 The "forest and water reserve zones" provided in Act
20 234, section 2, Session Laws of Hawaii 1957, are
21 renamed "conservation districts" and, effective as of
22 July 11, 1961, the boundaries of the forest and water

1 reserve zones theretofore established pursuant to Act
2 234, section 2, Session Laws of Hawaii 1957, shall
3 constitute the boundaries of the conservation
4 districts; provided that thereafter the power to
5 determine the boundaries of the conservation districts
6 shall be in the commission.

7 In establishing the boundaries of the districts in each county,
8 the commission shall give consideration to the ~~[master plan or]~~
9 general plan ~~[of]~~ or community and development plans adopted by
10 the county.

11 (b) Urban districts shall include activities or uses as
12 provided by ordinances or regulations of the county within which
13 the urban district is situated.

14 (c) Rural districts shall include ~~[activities or uses as~~
15 ~~characterized by low density residential lots of not more than~~
16 ~~one dwelling house per one-half acre, except as provided by~~
17 ~~county ordinance pursuant to section 46-4(c), in areas where~~
18 ~~"city-like" concentration of people, structures, streets, and~~
19 ~~urban level of services are absent, and where small farms are~~
20 ~~intermixed with low density residential lots except that within~~
21 ~~a subdivision, as defined in section 484-1, the commission for~~
22 ~~good cause may allow one lot of less than one-half acre, but not~~

1 ~~less than 18,500 square feet, or an equivalent residential~~
2 ~~density, within a rural subdivision and permit the construction~~
3 ~~of one dwelling on such lot, provided that all other dwellings~~
4 ~~in the subdivision shall have a minimum lot size of one-half~~
5 ~~acre or 21,780 square feet. Such petition for variance may be~~
6 ~~processed under the special permit procedure. These districts~~
7 ~~may include contiguous areas which are not suited to low density~~
8 ~~residential lots or small farms by reason of topography, soils,~~
9 ~~and other related characteristics. Rural districts shall also~~
10 ~~include golf courses, golf driving ranges, and golf-related~~
11 ~~facilities.]:~~

- 12 (1) Small agricultural or farming operations;
- 13 (2) Public institutions and buildings;
- 14 (3) Public and private open area types of recreational
15 uses, including campgrounds, picnic grounds, overnight
16 camp, parks, riding stables, golf courses, golf
17 driving ranges, golf-related facilities, and country
18 clubs;
- 19 (4) Educational institutions;
- 20 (5) Public utilities;
- 21 (6) Small mixed-use retail and commercial facilities; and



1 (7) Low density residential uses, including cluster
2 housing developments;
3 provided that the permissible uses described in this
4 subsection may be further defined by each county by zoning
5 ordinance.

6 (d) Agricultural districts shall include:

7 (1) All lands with soil classified by the land study
8 bureau's detailed land classification as overall
9 (master) productivity rating class A, B, C, or D;

10 (2) Important agricultural lands designated pursuant to
11 part III;

12 (3) Lands classified by the land use commission as
13 agricultural by January 1, 2009, with soil classified
14 by the land study bureau's detailed land
15 classification as overall (master) productivity rating
16 class E or U;

17 [~~1~~] (4) Activities or uses as characterized by the
18 cultivation of crops, crops for bioenergy, orchards,
19 forage, and forestry;

20 [~~2~~] (5) Farming activities or uses related to animal
21 husbandry, and game and fish propagation;



- 1 [~~(3)~~] (6) Aquaculture, which means the production of
2 aquatic plant and animal life within ponds and other
3 bodies of water;
- 4 [~~(4)~~] (7) Wind generated energy production for public,
5 private, and commercial use;
- 6 [~~(5)~~] (8) Biofuel production as described in section
7 205-4.5(a)(15) for public, private, and commercial
8 use;
- 9 [~~(6)~~] (9) Bona fide agricultural services and uses that
10 support the agricultural activities of the fee or
11 leasehold owner of the property and accessory to any
12 of the above activities, whether or not conducted on
13 the same premises as the agricultural activities to
14 which they are accessory, including but not limited to
15 farm dwellings as defined in section 205-4.5(a)(4),
16 employee housing, farm buildings, mills, storage
17 facilities, processing facilities, vehicle and
18 equipment storage areas, roadside stands for the sale
19 of products grown on the premises, and plantation
20 community subdivisions as defined in section
21 205-4.5(a)(12);
- 22 [~~(7)~~] (10) Wind machines and wind farms;



1 ~~[(8)]~~ (11) Small-scale meteorological, air quality, noise,
2 and other scientific and environmental data collection
3 and monitoring facilities occupying less than one-half
4 acre of land; provided that these facilities shall not
5 be used as or equipped for use as living quarters or
6 dwellings;

7 ~~[(9)]~~ (12) Agricultural parks; and

8 ~~[(10)]~~ (13) Agricultural tourism conducted on a working
9 farm, or a farming operation as defined in section
10 165-2, for the enjoyment, education, or involvement of
11 visitors; provided that the agricultural tourism
12 activity is accessory and secondary to the principal
13 agricultural use and does not interfere with
14 surrounding farm operations; and provided further that
15 this paragraph shall apply only to a county that has
16 adopted ordinances regulating agricultural tourism
17 under section 205-5~~[-and~~

18 ~~[(11)]~~ ~~Open area recreational facilities~~].

19 Agricultural districts shall not include golf courses and golf
20 driving ranges, except as provided in section 205-4.5(d).

21 Lands designated as important agricultural lands pursuant
22 to part III shall be used for the permissible uses specified in



1 section 205-B. Agricultural districts may include areas that
2 are not used for, or that are not suited to, agricultural and
3 ancillary activities by reason of topography, soils, and other
4 related characteristics.

5 (e) Conservation districts shall include areas necessary
6 [~~for protecting~~] to:

7 (1) Protect watersheds and water sources; [~~preserving~~]

8 (2) Preserve scenic and historic areas; [~~providing~~]

9 (3) Provide park lands, wilderness, and beach reserves;
10 [~~conserving~~]

11 (4) Conserve indigenous or endemic plants, fish, and
12 wildlife, including those [~~which~~] that are threatened
13 or endangered; [~~preventing~~]

14 (5) Prevent floods and soil erosion;

15 (6) Provide forestry;

16 (7) Retain open space areas whose existing openness,
17 natural condition, or present state of use, if
18 retained, would enhance the present or potential value
19 of abutting or surrounding communities, or would
20 maintain or enhance the conservation of natural or
21 scenic resources; and



1 (8) Provide areas of value for recreational purposes;
2 other related activities; and other permitted uses not
3 detrimental to a multiple use conservation concept."

4 SECTION 6. Section 205-4.5, Hawaii Revised Statutes, is
5 amended by amending subsections (a), (b), and (c) to read as
6 follows:

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

- 12 (1) Cultivation of crops, including but not limited to
13 crops for bioenergy, flowers, vegetables, foliage,
14 fruits, forage, and timber;
- 15 (2) Game and fish propagation;
- 16 (3) Raising of livestock, including but not limited to
17 poultry, bees, fish, or other animal or aquatic life
18 that are propagated for economic or personal use;
- 19 (4) Farm dwellings, employee housing, farm buildings, or
20 activities or uses related to farming and animal
21 husbandry. "Farm dwelling", as used in this
22 paragraph, means a single-family dwelling located on



- 1 and used in connection with a farm, including clusters
2 of single-family farm dwellings permitted within
3 agricultural parks developed by the State, or where
4 agricultural activity provides income to the family
5 occupying the dwelling;
- 6 (5) Public institutions and buildings that are necessary
7 for agricultural practices;
- 8 (6) Public and private open area types of recreational
9 uses, including day camps, picnic grounds, parks, and
10 riding stables, but not including dragstrips,
11 airports, drive-in theaters, golf courses, golf
12 driving ranges, country clubs, and overnight camps;
- 13 (7) Public, private, and quasi-public utility lines and
14 roadways, transformer stations, communications
15 equipment buildings, solid waste transfer stations,
16 major water storage tanks, and appurtenant small
17 buildings such as booster pumping stations, but not
18 including offices or yards for equipment, material,
19 vehicle storage, repair or maintenance, treatment
20 plants, corporation yards, or other similar
21 structures;



- 1 (8) Retention, restoration, rehabilitation, or improvement
- 2 of buildings or sites of historic or scenic interest;
- 3 (9) Roadside stands for the sale of agricultural products
- 4 grown on the premises;
- 5 (10) Buildings and uses, including but not limited to
- 6 mills, storage, and processing facilities, maintenance
- 7 facilities, and vehicle and equipment storage areas
- 8 that are normally considered directly accessory to the
- 9 above mentioned uses and are permitted under section
- 10 205-2(d);
- 11 (11) Agricultural parks;
- 12 (12) Plantation community subdivisions, which as used in
- 13 this paragraph means a subdivision or cluster of
- 14 employee housing, community buildings, and acreage
- 15 established on land currently or formerly owned,
- 16 leased, or operated by a sugar or pineapple plantation
- 17 and in residential use by employees or former
- 18 employees of the plantation; provided that the
- 19 employees or former employees shall have a property
- 20 interest in the land;
- 21 (13) Agricultural tourism conducted on a working farm, or a
- 22 farming operation as defined in section 165-2, for the



1 enjoyment, education, or involvement of visitors;
2 provided that the agricultural tourism activity is
3 accessory and secondary to the principal agricultural
4 use and does not interfere with surrounding farm
5 operations; and provided further that this paragraph
6 shall apply only to a county that has adopted
7 ordinances regulating agricultural tourism under
8 section 205-5;

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

15 (15) Biofuel processing facilities, including the
16 appurtenances associated with the production and
17 refining of biofuels that is normally considered
18 directly accessory and secondary to the growing of the
19 energy feedstock; provided that biofuels processing
20 facilities and appurtenances do not adversely impact
21 agricultural land and other agricultural uses in the
22 vicinity.



1 For the purposes of this paragraph:

2 "Appurtenances" means operational infrastructure
3 of the appropriate type and scale for economic
4 commercial storage and distribution, and other similar
5 handling of feedstock, fuels, and other products of
6 biofuels processing facilities.

7 "Biofuel processing facility" means a facility
8 that produces liquid or gaseous fuels from organic
9 sources such as biomass crops, agricultural residues,
10 and oil crops, including palm, canola, soybean, and
11 waste cooking oils; grease; food wastes; and animal
12 residues and wastes that can be used to generate
13 energy[+]; or[+

14 +](16)[+]Construction and operation of wireless communication
15 antennas; provided that, for the purposes of this
16 paragraph, "wireless communication antenna" means
17 communications equipment that is either freestanding
18 or placed upon or attached to an already existing
19 structure and that transmits and receives
20 electromagnetic radio signals used in the provision of
21 all types of wireless communications services;
22 provided further that nothing in this paragraph shall



1 be construed to permit the construction of any new
2 structure that is not deemed a permitted use under
3 this subsection.

4 (b) Uses not expressly permitted in subsection (a) shall
5 be prohibited, except the uses permitted as provided in sections
6 205-6 and 205-8, and construction of single-family dwellings on
7 lots existing before June 4, 1976. Any other law to the
8 contrary notwithstanding, no subdivision of land within the
9 agricultural district with soil classified by the land study
10 bureau's detailed land classification as overall (master)
11 productivity rating class A [~~or~~], B, C, or D shall be approved
12 by a county unless those A [~~and~~], B, C, and D lands within the
13 subdivision are made subject to the restriction on uses as
14 prescribed in this section and to the condition that the uses
15 shall be primarily in pursuit of an agricultural activity.

16 Any deed, lease, agreement of sale, mortgage, or other
17 instrument of conveyance covering any land within the
18 agricultural subdivision shall expressly contain the restriction
19 on uses and the condition, as prescribed in this section that
20 these restrictions and conditions shall be encumbrances running
21 with the land until such time that the land is reclassified to a
22 land use district other than agricultural district.



1 If the foregoing requirement of encumbrances running with
2 the land jeopardizes the owner or lessee in obtaining mortgage
3 financing from any of the mortgage lending agencies set forth in
4 the following paragraph, and the requirement is the sole reason
5 for failure to obtain mortgage financing, then the requirement
6 of encumbrances shall, insofar as such mortgage financing is
7 jeopardized, be conditionally waived by the appropriate county
8 enforcement officer; provided that the conditional waiver shall
9 become effective only in the event that the property is
10 subjected to foreclosure proceedings by the mortgage lender.

11 The mortgage lending agencies referred to in the preceding
12 paragraph are the Federal Housing Administration, Federal
13 National Mortgage Association, Veterans Administration, Small
14 Business Administration, United States Department of
15 Agriculture, Federal Land Bank of Berkeley, Federal Intermediate
16 Credit Bank of Berkeley, Berkeley Bank for Cooperatives, and any
17 other federal, state, or private mortgage lending agency
18 qualified to do business in Hawaii, and their respective
19 successors and assigns.

20 (c) Within the agricultural district, all lands with soil
21 classified by the land study bureau's detailed land
22 classification as overall (master) productivity rating class [G7



1 ~~D~~] E[7] or U shall be restricted to the uses permitted for
2 agricultural districts as set forth in section 205-5(b)."


3 SECTION 7. In codifying the new sections added by sections
4 1, 2, and 3 of this Act, the revisor of statutes shall
5 substitute appropriate section numbers for the letters used in
6 designating the new sections in this Act.

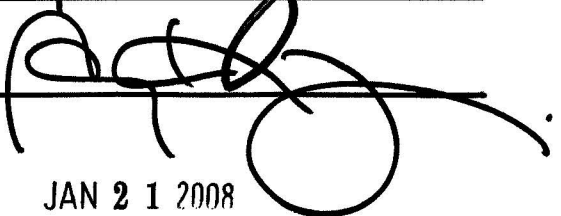
7 SECTION 8. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 9. This Act shall take effect upon its approval.

10

INTRODUCED BY:





JAN 21 2008



Report Title:

Land Use; Agricultural District

Description:

Requires counties to adopt by ordinance permissible uses and infrastructure standards within rural, urban, and agricultural districts. Clarifies permissible uses for agricultural, rural, and conservation lands. Establishes requirements for reclassification of agricultural lands to rural lands.

