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# A BILL FOR AN ACT

RELATING TO LAND USE.

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

1           SECTION 1. The legislature finds that there are certain  
2 existing dwellings within the agricultural district that do not  
3 meet the criteria for "farm dwellings" that are not within prime  
4 or important agricultural lands. The legislature further finds  
5 that allowing these dwellings to become permissible uses may  
6 encourage the promotion of retaining open spaces and provide for  
7 the more efficient and economical development of infrastructure  
8 supporting these certain residences.

9           The purpose of this Act is to allow the counties to  
10 petition the land use commission to reclassify certain lands  
11 containing existing residences in the agricultural district to a  
12 district in which those dwelling are a permissible use.

13           SECTION 2. (a) Notwithstanding the agricultural district  
14 requirements of chapter 205, Hawaii Revised Statutes, to the  
15 contrary, a county may petition the land use commission to  
16 reclassify lands under the respective county's jurisdiction  
17 that:



1 (1) Are situated within an agricultural district with soil  
2 classified by the land study bureau's detailed land  
3 classification as having an overall (master)  
4 productivity rating class of other than A or B;

5 (2) Are not designated important agricultural lands; and

6 (3) Contains lots that have a dwelling situated thereon  
7 that is not in conformance with the definition of  
8 "farm dwelling", as that term is defined in section  
9 205-4.5(a)(4), Hawaii Revised Statutes;

10 to a land use district classification that would otherwise allow  
11 the type of dwelling as a permissible use within the land use  
12 district.

13 (b) When petitioning the land use commission for a land  
14 use reclassification under subsection (a), a county shall only  
15 petition for the reclassification of lands within an  
16 agricultural district that:

17 (1) Meets the criteria established under subsection (a);  
18 and

19 (2) Contains parcels of land that can be clustered within  
20 a reasonably bounded geographic area so that the  
21 remaining agricultural lands are not fragmented and



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1 remain, as reasonably possible, a contiguous tract of  
2 land in the agricultural district.

3 (c) Any lands reclassified pursuant to this Act shall  
4 maintain the minimum lot size and density requirements for the  
5 agricultural use established under chapter 205, Hawaii Revised  
6 Statutes, regardless of whether the lands subject to the  
7 petition are reclassified to a land use district classification  
8 other than agricultural.

9 SECTION 3. The land use commission, upon a finding that  
10 the requirements of this Act have been met with respect to a  
11 county's petition for land use district reclassification, shall  
12 authorize and execute the reclassification.

13 SECTION 4. Any lands redistricted pursuant to this Act  
14 shall not be subject to a subsequent redistricting pursuant to  
15 this Act.

16 SECTION 5. This Act shall take effect upon its approval  
17 and shall be repealed on January 1, 2009.

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INTRODUCED BY:

*Anna Mercedes Kim*  
*[Signature]*  
*Mike Gubbard*

*Russell Koff*  
*Will Eyo*  
*Ronny de Palo*  
*Chunak Mishikawa*  
*Jim*



**Report Title:**

Land Use; Agricultural District

**Description:**

Authorizes counties to petition land use commission to reclassify agricultural lands to allow certain preexisting residential uses to be considered permissible use.

