
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" and 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 dwellings 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 situated within designated important
6 agricultural lands under section 205-44, Hawaii
7 Revised Statutes; and

8 (3) Contain lots that have a dwelling, which has been in
9 existence prior to January 1, 2000, situated thereon
10 that is not in conformance with the definition of
11 "farm dwelling", as defined in section 205-4.5(a)(4),
12 Hawaii Revised Statutes;

13 to a land use district classification that would otherwise allow
14 the type of dwelling as a permissible use within the land use
15 district.

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

20 (1) Meets the criteria established under subsection (a);
21 and

1 (2) Contains parcels of land that can be clustered within
2 a reasonably bounded geographic area so that the
3 remaining agricultural lands are not fragmented and
4 remain, as reasonably possible, a contiguous tract of
5 land in the agricultural district.

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

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

16 SECTION 4. No lands redistricted pursuant to this Act
17 shall be subject to a subsequent redistricting pursuant to this
18 Act.

19 SECTION 5. This Act shall take effect upon January 1,
20 2009, and shall be repealed on January 1, 2010.

Report Title:

Land Use; Agricultural District

Description:

Authorizes counties to petition land use commission to reclassify agricultural lands to allow certain preexisting residential uses constructed prior to 1/1/00 to be considered a permissible use. (SD1)

