

---

---

# 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-       Reclassification of land contiguous to an  
5 agricultural district; conditions. (a) If the commission  
6 receives a request to reclassify a land district to an urban or  
7 rural district designation that is contiguous to an existing  
8 designated agricultural district, the commission shall inform  
9 the applicant requesting the reclassification of the presence of  
10 the existing and contiguous agricultural district. As one of  
11 the conditions for the land district reclassification, the  
12 applicant shall:
- 13           (1) Permit the continued operation of any existing farming  
14           operation on the contiguous agricultural district;
- 15           (2) Not declare any farming operation a nuisance for any  
16           reason, in accordance to section 165-4; and
- 17           (3) Comply with chapter 165.



1        (b) For purposes of this section:  
2        "Farming operations" shall have the same meaning as  
3 provided in section 165-2."

4        SECTION 2. This Act does not affect rights and duties that  
5 matured, penalties that were incurred, proceedings that were  
6 begun, improvements completed, or operations begun, before its  
7 effective date.

8        SECTION 3. New statutory material is underscored.

9        SECTION 4. This Act shall take effect upon its approval.



**Report Title:**

Land Use; Agricultural District

**Description:**

Requires the land use commission to include the Right to Farm Act under chapter 165, Hawaii Revised Statutes, as a condition to any reclassification of land to an urban or rural district designation that is contiguous to an agricultural district.

(SD1)

