
A BILL FOR AN ACT

RELATING TO IMPORTANT AGRICULTURAL LANDS.

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 and county affordable
5 housing conditions on land in the rural district. (a) In lieu
6 of satisfying state and county affordable housing conditions or
7 assessments, the landowner may satisfy the affordable housing
8 condition or assessment on land in the rural district within the
9 same county of the project in accordance with section 205-2(c),
10 provided that the landowner provides per cent more
11 affordable housing units on such land.

12 (b) No more than per cent of the project's
13 affordable housing condition or assessment may be satisfied on
14 land in the rural district."

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

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



- 1 (1) Activities or uses as characterized by low density
2 residential lots of not more than one dwelling house
3 per one-half acre, except as provided by county
4 ordinance pursuant to section 46-4(c), in areas where
5 "city-like" concentration of people, structures,
6 streets, and urban level of services are absent [~~and~~
7 ~~where small~~];
- 8 (2) Small farms [~~are~~] intermixed with low density
9 residential lots except that within a subdivision, as
10 defined in section 484-1, the commission, for good
11 cause and on petition for a special permit, may allow
12 one lot of less than one-half acre, but not less than
13 18,500 square feet, or an equivalent residential
14 density, within a rural subdivision and permit the
15 construction of one dwelling on such lot, provided
16 that all other dwellings in the subdivision shall have
17 a minimum lot size of one-half acre or 21,780 square
18 feet [~~. Such petition for variance may be processed~~
19 ~~under the special permit procedure. These districts~~
20 ~~may include contiguous~~];
- 21 (3) Contiguous areas [~~which~~] that are not suited to low
22 density residential lots or small farms by reason of



1 topography, soils, and other related characteristics[-
2 ~~Rural districts shall also include golf courses,~~
3 ~~golf] ;~~

4 (4) Golf driving ranges[-] and golf-related facilities[-];

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

9 (6) Farm worker housing; and

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

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

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



- 1 (1) Low density residential uses [✓], with a minimum lot
- 2 size of one-half acre, and one dwelling house per lot,
- 3 except as provided for in section 205-2(c);
- 4 (2) Agricultural uses;
- 5 (3) Golf courses, golf driving ranges, and golf-related
- 6 facilities; [and]
- 7 (4) Public, quasi-public, and public utility
- 8 facilities [✓];
- 9 (5) Agribusiness activities, as provided in section
- 10 205-2(c);
- 11 (6) Farm worker housing; and
- 12 (7) Affordable housing, as provided in section 205-2(c).

13 ~~[In addition, the minimum lot size for any low density~~

14 ~~residential use shall be one half acre and there shall be but~~

15 ~~one dwelling house per one half acre, except as provided for in~~

16 ~~section 205-2.] "~~

17 SECTION 4. Section 205-45, Hawaii Revised Statutes, is

18 amended to read as follows:

19 "[{ } §205-45 [{}]] **Petition by farmer or landowner.** (a) A

20 farmer or landowner with lands qualifying under section 205-44

21 may file a petition for declaratory ruling to designate



1 important agricultural lands with the commission at any time in
2 the designation process.

3 (b) Any law to the contrary notwithstanding, within the
4 same petition for declaratory ruling as described in subsection
5 (a), the petitioner may seek an automatic reclassification of
6 land in the agricultural district to the rural district,
7 provided that such land is within the same county as the land
8 petitioner seeks to designate as important agricultural lands.

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

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

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

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



1 (d) The commission shall adopt rules to implement this
2 section in accordance with chapter 91.

3 ~~[(e)]~~ (e) The commission shall review the petition and the
4 accompanying submissions to evaluate the qualifications of the
5 land for designation as important agricultural lands in
6 accordance with section 205-44. If the commission, after its
7 review and evaluation, finds that the lands qualify for
8 designation as important agricultural lands under this part, the
9 commission shall vote, by a two-thirds majority of the members
10 of the commission, to issue a declaratory order designating the
11 lands as important agricultural lands~~[-]~~ and reclassifying
12 petitioner's identified land in the agricultural district to the
13 rural district, provided that the reclassification is consistent
14 with the relevant county general plan.

15 ~~[(d)]~~ (f) ~~[Designating important agricultural lands by the~~
16 ~~commission]~~ Redesignation of land pursuant to subsections (a)
17 and (b) shall not be considered as an amendment to district
18 boundaries under sections 205-3.1 and 205-4 or become effective
19 prior to legislative enactment of protection and incentive
20 measures for important agricultural land and agricultural
21 viability, as provided in section 9 of Act 183, Session Laws of
22 Hawaii 2005.



1 [~~e~~] (g) Farmers or landowners with lands qualifying
2 under section 205-44 may file petitions for a declaratory ruling
3 to designate lands as important agricultural lands following the
4 legislative enactment of protection and incentive measures for
5 important agricultural lands and agricultural viability, as
6 provided in section 9 of Act 183, Session Laws of Hawaii 2005."

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

9 SECTION 6. This Act shall take effect upon its approval.

10

INTRODUCED BY: *John (B/R)*



Report Title:

Important Agricultural Lands

Description:

Provides certain incentives to landowners who designate important agricultural lands.

