
A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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

1 SECTION 1. Section 205-6, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§205-6 Special permit.** (a) Subject to this section, the
4 county planning commission may permit [~~certain~~]:

5 (1) Certain unusual and reasonable uses within
6 agricultural and rural districts other than those for
7 which the district is classified[-]; and

8 (2) The exemption of agricultural employee housing from
9 all statutes, ordinances, charter provisions, and
10 rules of any governmental agency relating to planning,
11 zoning, construction standards for subdivisions,
12 development and improvement of land, and the
13 construction of buildings thereon; provided that:

14 (A) The commission finds that the agricultural
15 employee housing meets minimum requirements of
16 health and safety;

17 (B) The agricultural employee housing does not
18 contravene any safety standards or tariffs



1 approved by the public utilities commission for
2 public utilities;

3 (C) The agricultural employee housing is located on
4 or appurtenant to a farm that is permitted under
5 section 205-4.5 and that engages in the
6 production or cultivation of food, livestock
7 feed, or culturally and historically significant
8 native Hawaiian plant species; and

9 (D) The agricultural employee housing is not
10 dormitory-style housing for temporary
11 agricultural workers.

12 (b) Any person who [~~desires to use the person's land~~
13 ~~within an agricultural or rural district other than for an~~
14 ~~agricultural or rural use, as the case may be,] seeks a special
15 permit under this section for land within an agricultural or
16 rural district may petition the planning commission of the
17 county within which the person's land is located [~~for permission~~
18 ~~to use the person's land in the manner desired)]. Each county
19 may establish the appropriate fee for processing the special
20 permit petition. Copies of the special permit petition shall be
21 forwarded to the land use commission, the office of planning,
22 and the department of agriculture for their review and comment.~~~~



1 ~~(b)~~ (c) The planning commission, upon consultation with
2 the central coordinating agency, except in counties where the
3 planning commission is advisory only in which case the central
4 coordinating agency, shall establish by rule or regulation, the
5 time within which the hearing and action on petition for special
6 permit shall occur. The county planning commission shall notify
7 the land use commission and such persons and agencies that may
8 have an interest in the subject matter of the time and place of
9 the hearing.

10 ~~(e)~~ (d) The county planning commission may, under such
11 protective restrictions as may be deemed necessary, ~~permit the~~
12 ~~desired use,~~ issue the special permit, but only when the
13 permitted use would promote the effectiveness and objectives of
14 this chapter; provided that a ~~use proposed for~~ special permit
15 issued for designated important agricultural lands shall not
16 conflict with any part of this chapter. A decision in favor of
17 the applicant shall require a majority vote of the total
18 membership of the county planning commission.

19 ~~(d)~~ (e) Special permits for land the area of which is
20 greater than fifteen acres or for lands designated as important
21 agricultural lands shall be subject to approval by the land use
22 commission. The land use commission may impose additional



1 restrictions as may be necessary or appropriate in granting the
2 approval, including the adherence to representations made by the
3 applicant.

4 [~~(e)~~] (f) A copy of the decision, together with the
5 complete record of the proceeding before the county planning
6 commission on all special permit requests involving a land area
7 greater than fifteen acres or for lands designated as important
8 agricultural lands, shall be transmitted to the land use
9 commission within sixty days after the decision is rendered.

10 Within forty-five days after receipt of the complete record
11 from the county planning commission, the land use commission
12 shall act to approve, approve with modification, or deny the
13 petition. A denial either by the county planning commission or
14 by the land use commission, or a modification by the land use
15 commission, as the case may be, of the desired use shall be
16 appealable to the circuit court of the circuit in which the land
17 is situated and shall be made pursuant to the Hawaii rules of
18 civil procedure.

19 [~~(f)~~] (g) Land uses substantially involving or supporting
20 educational ecotourism, related to the preservation of native
21 Hawaiian endangered, threatened, proposed, and candidate
22 species, that are allowed in an approved habitat conservation



1 plan under section 195D-21 or safe harbor agreement under
 2 section 195D-22, which are not identified as permissible uses
 3 within the agricultural district under sections 205-2 and 205-
 4 4.5, may be permitted in the agricultural district by special
 5 permit under this section, on lands with soils classified by the
 6 land study bureau's detailed land classification as overall
 7 (master) productivity rating class C, D, E, or U."

8 SECTION 2. This Act does not affect rights and duties that
 9 matured, penalties that were incurred, and proceedings that were
 10 begun before its effective date.

11 SECTION 3. Statutory material to be repealed is bracketed
 12 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

Jessica Wood
Della A. Beltrami
John M. [unclear]
Myra [unclear]
Tom [unclear]

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H.B. NO. 1915

Report Title:

Agricultural Employee Housing; Exemptions

Description:

Authorizes the exemption of farm-based housing for certain agricultural employees from state and local laws and regulations through a special permit process.

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