
A BILL FOR AN ACT

RELATING TO AGRICULTURAL VILLAGES.

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 unusual and
5 reasonable uses within agricultural and rural districts other
6 than those for which the district is classified. Any person who
7 desires to use the person's land within an agricultural or rural
8 district other than for an agricultural or rural use, as the
9 case may be, may petition the planning commission of the county
10 within which the person's land is located for permission to use
11 the person's land in the manner desired. Each county may
12 establish the appropriate fee for processing the special permit
13 petition. Copies of the special permit petition shall be
14 forwarded to the land use commission, the office of planning,
15 and the department of agriculture for their review and comment.
16 (b) The planning commission, upon consultation with the
17 central coordinating agency, except in counties where the



1 planning commission is advisory only in which case the central
2 coordinating agency, shall establish, by rule or regulation, the
3 time within which the hearing and action on petition for special
4 permit shall occur. The county planning commission shall notify
5 the land use commission and ~~[such]~~ any persons and agencies that
6 may have an interest in the subject matter of the time and place
7 of the hearing.

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

16 (d) ~~[Special]~~ Except for agricultural villages under
17 subsection (g), special permits for land the area of which is
18 greater than fifteen acres or for lands designated as important
19 agricultural lands shall be subject to approval by the land use
20 commission. The land use commission may impose additional
21 restrictions as may be necessary or appropriate in granting the



1 approval, including the adherence to representations made by the
2 applicant.

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

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

18 (f) Land uses substantially involving or supporting
19 educational ecotourism, related to the preservation of native
20 Hawaiian endangered, threatened, proposed, and candidate
21 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 (g) An agricultural village, which is not identified as a
9 permissible use within the agricultural district under sections
10 205-2 and 205-4.5, may be a permissible use in the agricultural
11 district by special permit under this section on lands with soil
12 classified by the land study bureau's detailed land
13 classification as overall (master) productivity rating class C,
14 D, or E in counties with an area greater than four thousand
15 square miles; provided that:

- 16 (1) The agricultural village contains twenty or more acres
17 of land;
- 18 (2) The density of any cluster housing located in the
19 agricultural village shall not exceed one dwelling for
20 every two acres of land;



1 (3) Any cluster housing and appurtenant individual gardens
 2 located in the agricultural village shall not cover
 3 more than twenty-five per cent of the total land area
 4 of the parcel;

5 (4) Any lands not used for cluster housing and appurtenant
 6 individual gardens shall be reserved for a cooperative
 7 farm; and

8 (5) The agricultural village shall be administered by a
 9 community land trust or a similar non-profit entity.

10 As used in this subsection, "agricultural village" means a
 11 cooperative farming community that contains cluster housing."

12 SECTION 2. Statutory material to be repealed is bracketed
 13 and stricken. New statutory material is underscored.

14 SECTION 3. This Act shall take effect upon its approval.

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H.B. NO. 2619

Report Title:

Agricultural Villages; Agricultural Districts; LUC; Special Permits; Counties

Description:

Authorizes applicable county planning commissions to issue special permits for agricultural villages in the agricultural district, without the approval of the LUC.

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