
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 part III to be appropriately
3 designated and to read as follows:

4 "§205- Permissible uses on lands designated important

5 agricultural lands. (a) All lands designated important

6 agricultural lands shall be restricted to the following

7 permitted uses:

8 (1) Cultivation of crops, including but not limited to
9 flowers, vegetables, foliage, fruits, forage, fiber,
10 and timber;

11 (2) Game and fish propagation;

12 (3) Raising of livestock, including but not limited to
13 poultry, bees, fish, or other animal or aquatic life
14 that are propagated for economic or personal use;

15 (4) Farm dwellings related to farming and animal
16 husbandry. "Farm dwelling" as used in this paragraph
17 means a single-family dwelling located on and used in
18 connection with agricultural activity or agribusiness,



1 including clusters of single-family farm dwellings
2 permitted within agricultural parks developed by the
3 State; provided that the maximum density on land
4 designated important agricultural land shall be one
5 farm dwelling per fifty acres and only minimal
6 infrastructure shall be allowed; provided further that
7 if a lot designated important agricultural land is
8 less than fifty acres when designated important
9 agricultural land, one farm dwelling shall be
10 permitted on that lot.

11 (5) Agricultural worker housing, provided:

12 (A) The land used for agricultural worker housing
13 shall not exceed two per cent of the total and
14 area of the lot;

15 (B) The agricultural worker housing shall be rented
16 solely to the agricultural workers working on the
17 lot and their families;

18 (C) The agricultural worker housing shall be built in
19 cluster fashion; provided that the cluster shall
20 not break up contiguous blocks of land designated
21 important agricultural land; and



1 (D) Agricultural worker housing will not be counted
2 toward the maximum density of one dwelling unit
3 per fifty acres.

4 (6) Public institutions and buildings that are necessary
5 for agricultural practices;

6 (7) Public, private, and quasi-public utility lines and
7 roadways, transformer stations, communications
8 equipment buildings, solid waste transfer stations,
9 major water storage tanks, and appurtenant small
10 buildings such as booster pumping stations, but not
11 including offices or yards for equipment, material,
12 vehicle storage, repair or maintenance, treatment
13 plants, corporation yards, or other similar
14 structures;

15 (8) Retention, restoration, rehabilitation, or
16 improvements of sites of historic or cultural
17 importance;

18 (9) Roadside stands for the sale of agricultural products
19 grown on the lot;

20 (10) Buildings and uses, including but not limited to
21 mills, storage, and processing facilities, maintenance
22 facilities, and vehicle and equipment storage areas



1 that are normally considered directly accessory to the
2 uses permitted in this section and are permitted under
3 section 205-2(d);

4 (11) Agricultural parks;

5 (12) Agricultural tourism, conducted on a working farm, or
6 a farming operation as defined in section 165-2, for
7 the enjoyment, education, or involvement of visitors;
8 provided that the agricultural tourism activity is
9 accessory and secondary to the principal agricultural
10 use and does not interfere with surrounding farm
11 operations; and provided further that this paragraph
12 shall apply only to a county that has adopted
13 ordinances regulating agricultural tourism under
14 section 205-5; or

15 (13) Bio-fuels processing facilities, provided that the
16 majority of the feedstock is grown within this State,
17 and alternative energy generating facilities,
18 including the appurtenances associated with the
19 production and transmission of bio-fuels and
20 alternative generated energy; provided that such
21 facilities and appurtenances are compatible with



1 agricultural uses and cause minimal adverse impact on
2 important agricultural land.

3 (b) Uses not expressly permitted in subsection (a) shall
4 be prohibited, except the uses permitted as provided in section
5 205-8, and construction of single-family dwellings on lots
6 existing before June 4, 1976. Any other law to the contrary
7 notwithstanding, no subdivision of land designated important
8 agricultural lands shall be approved by a county unless the
9 lands within the subdivision are made subject to the restriction
10 on uses set forth in this section, the condition that the uses
11 shall be an agricultural activity or agribusiness, and the
12 following:

- 13 (1) The minimum size for each lot shall be fifty acres;
14 (2) Notwithstanding paragraph (1), a subdivision resulting
15 in agricultural lots or parcels not less than ten
16 acres in size for the purpose of leasing the resulting
17 ten-acre parcels for agricultural purposes shall be
18 permitted; provided that only one farm dwelling shall
19 be permitted for every fifty acres and only basic
20 infrastructure shall be required or allowed;



1 (3) After land has been designated as important
2 agricultural lands, it may be subdivided one time only
3 and:

4 (A) Any permitted farm dwellings shall be built in
5 cluster fashion; provided that the clustered farm
6 dwellings, together with a fifty-foot buffer
7 between the farm dwellings and the remaining
8 important agricultural lands may not exceed one
9 per cent of the total land area of the land
10 before subdivision;

11 (B) The configuration and placement of the cluster of
12 farm dwellings shall not break up contiguous
13 blocks of important agricultural lands; and

14 (C) The overall density may not exceed one farm
15 dwelling for each fifty acres of important
16 agricultural lands in the subdivision.

17 Any deed, lease, agreement of sale, mortgage, or other
18 instrument of conveyance covering any land within the
19 agricultural subdivision of lands designated important
20 agricultural lands shall expressly contain the restriction on
21 uses and the conditions contained in this section and the
22 restrictions and conditions shall be encumbrances running with



1 the land until such time that the land is no longer designated
2 as important agricultural lands.

3 (c) For the purposes of this section the following terms
4 shall be defined as follows:

5 "Agribusiness" means farming and the business associated
6 with farming, including but not limited to processing of farm
7 products or the manufacturing of farm equipment and fertilizers;

8 "Agricultural activity" means any of the permitted uses
9 described in section 205-4.5;

10 "Subdivision" means the division of improved or unimproved
11 land into two or more lots, parcels, sites, or other divisions
12 of land and for the purpose, whether immediate or future, of
13 sale, lease, rental, transfer of title to, or interest in, any
14 or all such lots, parcels, sites, or divisions of land. The
15 term includes a consolidation and resubdivision and, when
16 appropriate to the context, shall relate to the land
17 subdivided."

18 SECTION 2. Section 205-4.5, Hawaii Revised Statutes, is
19 amended by amending subsection (a) to read as follows:

20 "(a) This section and any other law to the contrary
21 notwithstanding, lands designated as important agricultural
22 lands shall be restricted to the uses permitted in section 205-



1 _____. Within the agricultural district, all lands [~~with soil~~
2 ~~classified by the land study bureau's detailed land~~
3 ~~classification as overall (master) productivity rating class A~~
4 ~~or B~~] shall be restricted to the following permitted uses:

- 5 (1) Cultivation of crops, including but not limited to
6 flowers, vegetables, foliage, fruits, forage, fiber,
7 and timber;
- 8 (2) Game and fish propagation;
- 9 (3) Raising of livestock, including but not limited to
10 poultry, bees, fish, or other animal or aquatic life
11 that are propagated for economic or personal use;
- 12 (4) Farm dwellings, employee housing, farm buildings, or
13 activities or uses related to farming and animal
14 husbandry. "Farm dwelling", as used in this
15 paragraph, means a single-family dwelling located on
16 and used in connection with a farm, including clusters
17 of single-family farm dwellings permitted within
18 agricultural parks developed by the State, or where
19 agricultural activity provides income to the family
20 occupying the dwelling;
- 21 (5) Public institutions and buildings that are necessary
22 for agricultural practices;



- 1 (6) Public and private open area types of recreational
2 uses, including day camps, picnic grounds, parks, and
3 riding stables, but not including dragstrips,
4 airports, drive-in theaters, golf courses, golf
5 driving ranges, country clubs, and overnight camps;
- 6 (7) Public, private, and quasi-public utility lines and
7 roadways, transformer stations, communications
8 equipment buildings, solid waste transfer stations,
9 major water storage tanks, and appurtenant small
10 buildings such as booster pumping stations, but not
11 including offices or yards for equipment, material,
12 vehicle storage, repair or maintenance, treatment
13 plants, corporation yards, or other similar
14 structures;
- 15 (8) Retention, restoration, rehabilitation, or improvement
16 of buildings or sites of historic, cultural, or scenic
17 interest;
- 18 (9) Roadside stands for the sale of agricultural products
19 grown on the premises;
- 20 (10) Buildings and uses, including but not limited to
21 mills, storage, and processing facilities, maintenance
22 facilities, and vehicle and equipment storage areas



1 that are normally considered directly accessory to the
2 above mentioned uses and are permitted under section
3 205-2(d);

4 (11) Agricultural parks;

5 (12) Plantation community subdivisions, which as used in
6 this paragraph means a subdivision or cluster of
7 employee housing, community buildings, and acreage
8 established on land currently or formerly owned,
9 leased, or operated by a sugar or pineapple plantation
10 and in residential use by employees or former
11 employees of the plantation; provided that the
12 employees or former employees shall have a property
13 interest in the land;

14 [+(13)+]Agricultural tourism conducted on a working farm, or a
15 farming operation as defined in section 165-2, for the
16 enjoyment, education, or involvement of visitors;
17 provided that the agricultural tourism activity is
18 accessory and secondary to the principal agricultural
19 use and does not interfere with surrounding farm
20 operations; and provided further that this paragraph
21 shall apply only to a county that has adopted



1 ordinances regulating agricultural tourism under
 2 section 205-5; or
 3 [+] (14) [+] [~~Wind energy~~] Bio-fuels processing facilities,
 4 provided that the majority of the feedstock is grown
 5 within the State, and alternative energy generating
 6 facilities, including the appurtenances associated
 7 with the production and transmission of [~~wind~~] bio-
 8 fuels and alternative generated energy; provided that
 9 such facilities and appurtenances are compatible with
 10 agriculture uses and cause minimal adverse impact on
 11 agricultural land."

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

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

15

INTRODUCED BY: _____

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JAN 18 2007

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Report Title:

Land Use; Important Agricultural Lands

Description:

Establishes permitted uses on lands designated as important agricultural lands.

