
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 amended
2 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 poultry, bees, fish,
13 or other animal or aquatic life that are propagated
14 for economic or personal use;
- 15 (4) Public institutions and buildings that are necessary
16 for agricultural practices;



- 1 (5) Public, private, and quasi-public utility lines and
2 roadways, transformer stations, communications
3 equipment buildings, solid waste transfer stations,
4 major water storage tanks, and appurtenant small
5 buildings such as booster pumping stations, but not
6 including offices or yards for equipment, material,
7 vehicle storage, repair or maintenance, treatment
8 plants, corporation yards, or other similar
9 structures;
- 10 (6) Retention, restoration, rehabilitation, or
11 improvements of sites of historic or cultural
12 importance;
- 13 (7) Roadside stands for the sale of agricultural products
14 grown on the lot;
- 15 (8) Buildings and uses, including but not limited to
16 mills, storage, and processing facilities, maintenance
17 facilities, and vehicle and equipment storage areas
18 that are normally considered directly accessory to the
19 uses permitted in this section and are permitted under
20 section 205-2(d);
- 21 (9) Agricultural parks;



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

11 (11) Bio-fuels processing facilities; provided that the
12 majority of the feedstock is grown within this state,
13 and alternative energy generating facilities,
14 including the appurtenances associated with the
15 production and transmission of bio-fuels and
16 alternative generated energy; provided further that
17 such facilities and appurtenances are compatible with
18 agricultural uses and cause minimal adverse impact on
19 important agricultural land.

20 (b) Uses not expressly permitted in subsection (a) shall
21 be prohibited, except the uses permitted as provided in section
22 205-8, and construction of single-family dwellings on lots



1 existing before June 4, 1976. A single dwelling on not more
2 than one acre shall be permitted for the sole use of the
3 landowner or child of the landowner, or for the use of a lessee
4 on leased land that is used by the lessee as a working farm or a
5 farming operation, as defined in section 165-2. No other uses
6 shall be allowed by special permit on important agricultural
7 lands.

8 (c) Any other law to the contrary notwithstanding, land
9 designated as important agricultural lands shall only be
10 subdivided as provided in section 205-4.5(e). Any deed, lease,
11 agreement of sale, mortgage, or other instrument of conveyance
12 covering any land within the agricultural subdivision of lands
13 designated important agricultural lands shall expressly contain
14 the restriction on uses and the conditions contained in this
15 section and the restrictions and conditions shall be
16 encumbrances running with the land until such time that the land
17 is no longer designated as important agricultural lands."

18 SECTION 2. Notwithstanding section 205-49 or any provision
19 of part III of chapter 205 to the contrary, a landowner with
20 lands qualifying under section 205-44 may file a petition for
21 designation of important agricultural lands with the commission
22 at any time in the designation process.



1 The petition for designation of important agricultural
2 lands shall include:

- 3 (1) Tax map keys of the land to be designated;
- 4 (2) Proof of qualification for designation under section
5 205-44; and
- 6 (3) The current or planned agricultural use of the area to
7 be designated.

8 The commission shall review the petition and the
9 accompanying submissions to evaluate the qualifications of the
10 land for designation as important agricultural lands in
11 accordance with section 205-44. If the commission, after its
12 review and evaluation, finds that the lands qualify for
13 designation as important agricultural lands using the standards
14 and criteria for identifying important agricultural lands in
15 section 205-44, the commission shall designate the lands as
16 important agricultural lands.

17 SECTION 3. Act 183, Session Laws of Hawaii 2005, is
18 amended by amending section 9(a) to read as follows:

19 "(a) It is the intent of this Act:

- 20 (1) That agricultural incentive programs to promote
21 agricultural viability, sustained growth of the
22 agricultural industry, and the long-term use and



1 protection of important agricultural lands for
2 agricultural use shall be developed concurrently with
3 the process of identifying important agricultural
4 lands as required under section 2 of this Act; and

5 (2) That, except for the designation of important
6 agricultural lands by a landowner pursuant to section
7 2 of Act , Session Laws of Hawaii 2007, the
8 designation of important agricultural lands and
9 adoption of maps by the land use commission pursuant
10 to section 2 of this Act shall take effect only upon
11 the enactment of legislation establishing incentives
12 and protections for important agricultural lands
13 contemplated by section 205-F and shall be satisfied
14 by:

15 (A) Providing a declaration of satisfaction within
16 the Act that establishes incentives for important
17 agricultural lands; or

18 (B) Having the legislature adopt a concurrent
19 resolution declaring the satisfaction of
20 implementing incentives for important
21 agricultural lands by identifying the specific



1 measures or Acts that establish incentives for
2 important agricultural lands."

3 SECTION 4. New statutory material is underscored.

4 SECTION 5. This Act shall take effect on July 1, 2020.



Report Title:

Important Agricultural Lands

Description:

Allows landowner petitions for important agricultural land designation to take effect without the enactment of incentive/protection legislation. Establishes a list of permitted uses for important agricultural lands. (SB1756 HD2)

