

COUNTY OF HAWAII

PLANNING DEPARTMENT

RULES OF PRACTICE AND PROCEDURE

**RULE 16. AGRICULTURAL PROJECT DISTRICTS**

**16-1 Authority.**

This rule governs Agricultural Project District (APD) before the Director as required by Chapter 25 (Zoning Code), Hawaii County Code.

**16-2 Purpose.**

The Agricultural Project District development is intended to provide a flexible and creative planning approach for developments within the Agricultural zoning districts, in lieu of specific land use designations. It will allow for flexibility in the location of specific types of agricultural uses and variations in lot sizes. Under this planning approach, opportunities will be provided for a mix of small scale agricultural activities and associated residential uses, as well as larger agricultural projects. This district will also provide a vehicle to satisfy the demand for a rural lifestyle on marginal agricultural land, while decreasing the pressure to develop important agricultural land for this purpose. The planning approach would establish a continuity in land uses and designs, while providing for the needed infrastructure facilities and systems to support the various types of agricultural developments. An Agricultural Project District is an amendment to Chapter 25, Hawaii County Code, which changes the district boundaries in accordance with the individual Agricultural Project District.

**16-3 Minimum Land Area Required.**

The minimum land area required for an Agricultural Project District shall be five acres.

**16-4 Permitted Uses; Overall Density.**

Any uses permitted either directly or conditionally in the County Agricultural (A) and Intensive Agricultural (IA) zoning districts shall be permitted in an Agricultural Project District, and the overall density permitted in an Agricultural Project District shall not be greater than one acre per building site. Each of the proposed uses and the overall densities for dwelling uses shall be contained in a master conceptual plan for the Agricultural Project District and in the Agricultural Project District enabling ordinance.

**16-5 Application and Requirements.**

(a) An application for an Agricultural Project District may be filed with the Director by a property owner or any other person with the property owner's consent and shall include:

(1) A non-refundable filing fee of \$100 per acre up to a maximum of \$5,000.

- (2) Original and twenty copies of:
  - (A) Description of the property in sufficient detail to determine its precise location.
  - (B) Master conceptual plan of the property, showing the Agricultural Project District boundaries and the land uses and acreage of land involved.
  - (C) Description of the proposed Agricultural Project District, including land uses, densities, infrastructure requirements, and development standards.
  - (D) Description of each of the open space areas proposed for the Agricultural Project District for cultural and/or environmental purposes, including those open space areas preserved because of natural hazards.
  - (E) County Environmental Report. A County Environmental Report shall not be required for any amendment where either an environmental assessment and negative declaration have been prepared and issued in compliance with Chapter 343, HRS. The environmental impact statement or environmental assessment in compliance with Chapter 343, HRS, shall be submitted with the application.
  - (F) Any other plans or information required by rules adopted by the Director in accordance with Chapter 91, HRS.
- (3) A full-size copy (minimum 2' x 3') of the master conceptual plan noted under section 16-5(a)(2)(B) above, drawn to scale, for presentation purposes.
- (4) Legal description of the property in map and written form by metes and bounds as certified by a surveyor.
- (5) List of names, addresses and tax map keys for those property owners and lessees of record of surrounding properties:
  - (A) Within three hundred feet of any point along the perimeter boundary of the building site affected by the application if the building site is located within the State Land Use Urban or Rural district; or
  - (B) Within five hundred feet of any point along the perimeter boundary of the building site affected by the application if the building site is located within the State Land Use Agricultural district, except that

if the surrounding lots are located within either the State Land Use Urban or Rural district, notice shall be served on the owners and lessees of record of all lots which any portion is within three hundred feet of the building site.

- (b) The Director shall neither accept nor process an application which is incomplete as to form and content.
- (c) Within ten days after filing an application for an Agricultural Project District, the applicant shall service notice of the application on surrounding owners and lessees of record as provided under section 16-5(a)(5) above.
- (d) The Director shall forward the application to the Planning Commission within one hundred twenty days after its acceptance. The Director shall also transmit a recommendation on the proposed Agricultural Project District, together with a proposed ordinance which establishes the Agricultural Project District. The ordinance shall provide Agricultural Project District standards and conditions, including permitted land uses, accessory uses, densities, heights, setbacks, and variances from the requirements of Chapter 25 and Chapter 23 (Subdivision Control), Hawaii County Code, if applicable, as contained in the master conceptual plan for the Agricultural Project District.

**16-6 Review and Approval of Site Plans.**

- (a) After adoption of an Agricultural Project District enabling ordinance, the applicant shall submit to the Director detailed site plans for the Agricultural Project District development. The site plans shall conform to the enabling ordinance and shall include the following:
  - (1) Plans for required infrastructure improvements;
  - (2) All items required for a plan approval application; and
  - (3) Any other information required by rules adopted by the Director in accordance with Chapter 91, HRS.
- (b) Within sixty days after acceptance of the site plans, the Director shall either deny or approve the plans.
- (c) The Director may approve the site plans for the Agricultural Project District only if the applicant has complied with all of the conditions contained in the Agricultural Project District enabling ordinance and the site plans conform to the standards contained in the ordinance. The Director may approve the site plans subject to conditions, or subject to certain changes when, in the Director's opinion, such conditions or changes are necessary to carry out the purposes of the Agricultural Project District and Chapter 25, Hawaii County Code.
- (d) If the Director fails to render a decision on the site plans within the prescribed

period, the site plans shall be considered approved without further certification by the Director.

**16-7 Review Criteria and Conditions of Approval.**

In reviewing site plans for an Agricultural Project District, the Director shall consider the proposed development and uses in relation to the surrounding properties, improvements, streets, traffic, community characteristics, and natural features, and may require conditions or changes to assure:

- (a) Adequate light and air, proper siting and arrangements of all structures and improvements are provided;
- (b) Existing and prospective traffic movements will not be hindered;
- (c) Adequate off-street parking is provided to serve the development or use;
- (d) Access to the parking areas will not create potential accident hazards; and
- (e) Within reasonable limits, any natural and man-made features of community value are preserved.

**16-8 Construction in Conformity with Approved Site Plans.**

Every structure, development and use contained in site plans for an Agricultural Project District approved by the Director shall be constructed and developed in accordance with the terms, specification and conditions of approval for those site plans.

**16-9 Plan Approval Issued by Approval of Site Plans.**

Plan approval shall be considered issued when site plans for an Agricultural Project District are approved by the Director, and no further action is required for the issuance of plan approval.

**16-10 Amendments.**

Any amendment to the conditions and standards contained in an Agricultural Project District enabling ordinance shall be processed in the same manner as the Agricultural Project District enabling ordinance, unless the County Council in the ordinance authorizes the amendments to be made by the Director. A request for any amendment shall be submitted in writing to the Director in lieu of the application required for an Agricultural Project District. The request shall be accompanied by a filing fee of \$250.

**16-11 Appeal of Director's Actions on Project District Site Plans.**

Any person aggrieved by the decision of the Director in the issuance of a decision regarding Agricultural Project District site plans may appeal the Director's action to the Board of Appeals in accordance with its rules, within thirty days after the written decision is issued by the Director.

**Cross-reference:**

Article 6, Division 5, Agricultural Project Districts (APD)., Zoning Code  
Rule 16. AGRICULTURAL PROJECT DISTRICTS, Planning Commission Rules of Practice & Procedure